

most of them at the hands of their ruler. Since this number has appeared in the papers for many months, the actual number must be much higher. The slaughter is unceasing. But the debate about American intervention is increasingly conducted in "realist" terms: the threat to American interests posed by jihadism in Syria, the intrigues of Iran and Hezbollah, the rattling of Israel, the ruination of Jordan and Lebanon and Iraq. Those are all good reasons for the president of the United States to act like the president of the United States. But wouldn't the prevention of ethnic cleansing and genocidal war be reason enough? Is the death of scores and even hundreds of thousands, and the displacement of millions, less significant for American policy, and less quickening? The moral dimension must be restored to our deliberations, the moral sting, or else Obama, for all his talk about conscience, will have presided over a terrible mutilation of American discourse: the severance of conscience from action.

Mr. MCCAIN. I thank my colleagues. I yield.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### WATER RESOURCES DEVELOPMENT ACT OF 2013

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 601, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 601) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, for the interest of all Senators, I wanted to thank everyone for cooperating with us. We have handled a number of amendments, one quite controversial and nongermane, but we dealt with it. It is not on this bill, I am happy to say. We are trying to keep this bill a water infrastructure bill. There may be a few exceptions, but, for the most part, that is what we want because it will increase the chances of passage all the way through to get it to the President's desk.

The bill we are dealing with, the Water Resources Development Act, was last authorized in 2007. It is high time we did a follow-on bill. What we are talking about here is flood protection, projects we need all over the country to protect our people from the ravages of floods.

We need to make sure our ports are operational. I know my friend in the chair certainly deals with all these matters in his great and beautiful State of Hawaii. We need to make sure our ports are deep enough, they have enough funding to stay modernized, and can move that cargo in and out

with ease. We have environmental restoration. We have to take care of all of our water infrastructure.

I know Senator MERKLEY is here to say something about the bill, which I am very pleased about, so I am going to be very brief. I will talk for about 2 more minutes and say we have a great committee, the Environment and Public Works Committee, when it comes to infrastructure. We see eye to eye. We work together. Yes, we have our differences, but we can breach those differences.

This bill is a product of working together. It is a product of collaboration—not only in the committee where we work together, but even here when it got to the Senate. We have worked, Senator VITTER and I, with individual Members to meet all of their needs. There are no earmarks in this bill. Whatever we do is setting policy.

It is an exciting bill. It includes reforms I think are important. Most of all, I think the people at home are going to like it because it puts them in the driver's seat and protects them from delays and other problems as they move forward with projects their people need.

We have some terrific supporters of this legislation—I will close these early remarks—with organizations such as AFL-CIO, the Chamber of Commerce, the American Society of Civil Engineers, we have the Association of Equipment Manufacturers. We have many. I will show you the next chart and name a couple: The Transportation Construction Coalition, the United Brotherhood of Carpenters, storm management agency, surveyors, engineers. I think what you see here is mainstream America is behind this bill.

The bad news is our infrastructure has been rated at a D-plus. You can't be the greatest Nation in the world and have an infrastructure that is rated D-plus.

While we have major problems on other fronts in our committee—and I have to admit today was not a good day for me, the committee, or the American people, when the Republicans boycotted the markup of Gina McCarthy to be the head of the Environmental Protection Agency after she answered more than 1,000 questions. She is the most qualified ever to be nominated, having served, how about this, four Republican Governors.

What more do they want? The fact is 70 percent of the American people want clean air, want clean water, want safety reform. Gina McCarthy deserves a vote, not a boycott. They say they don't like her answers. Well, I am not surprised. She is not Mitt Romney's nominee for the EPA, she is not Rick Perry's nominee for the EPA, she is Barack Obama's nominee for the EPA. It is her position, as it is the President's, that we should enforce the Clean Water Act, the Safe Drinking Water Act, and so on.

When your Republican Presidents put up nominees for the EPA I didn't agree

with, I didn't filibuster them. I said, okay, I will vote no; let them go. It is a sad day for me on the environment side of our committee.

On the public works side of my committee, it is a good day, because we are making progress. We have now about a half dozen amendments that have been cleared on both sides. We are trying to make them pending. We cleared them. We are asking all Senators, please get your amendments in because this can't go on forever. We need to pass this bill, as 550,000 jobs are supported by this legislation. Hundreds and hundreds of businesses are looking forward to our doing this. That is why we have this amazing array of support.

With that, I would say to Senator MERKLEY, the floor is his.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise today to talk about one particular aspect of this bill, which is WIFIA. Before I explain what WIFIA is, I want to thank the Chair for managing this bill in a very bipartisan discussion of the committee. It has come to the floor with full committee examination, thorough debate, and amendment process. Here we are having a very thorough, visible, accountable process for considering this bill on the floor of the Senate. That is a very good example of the Senate working well. Thank you, Madam Chair.

Mrs. BOXER. I thank the Senator.

Mr. MERKLEY. The heart of the WIFIA program is about jobs. It is about infrastructure. Five years after the greatest economic crisis in 80 years, we still face a serious jobs crisis. Too many are out of work and too many are unemployed. A good, living-wage job is the most important pillar of the American dream. There is no public program that can compare to the importance of a living-wage job for the stability and success of a family. We have to do more to create those jobs, a lot more. Wouldn't it be great if we could both create jobs and fill a desperate national need at the same time?

Well, that is exactly what WIFIA—which is short for Water Infrastructure Finance and Innovation Act—does. Low-cost loans for water infrastructure projects create good jobs now while protecting our communities from devastating costs or public health crises in the future. WIFIA does all of this while making taxpayers money over time.

The need for water infrastructure is great. Across Oregon and across America, our infrastructure is aging. That aging infrastructure needs to be replaced. Our communities are growing. The demand for water infrastructure increases, whether it is water treatment on the front end or water treatment on the back end—sending water out to our homes and businesses and then treating it after it comes back. Much of our infrastructure is approaching the end of its lifespan and needs to be replaced.

We should recognize that America is behind much of the world in terms of investing in infrastructure. That is not only not good for our future economy, it is certainly not good for creating jobs. China is investing 10 percent of its gross domestic product in infrastructure. Europe is investing 5 percent. Here in America, which had a phenomenal infrastructure buildup after World War II, we are investing only 2 percent. That is barely enough to repair the aging infrastructure that previous generations so thoughtfully funded, let alone prepare the infrastructure to meet the expanding needs of the Nation.

Infrastructure can be thought of as the bread and butter of success of our Nation. Building and maintaining infrastructure is one of the most effective ways also to create jobs in the short term. Having infrastructure in place is absolutely critical to strong, private sector economic growth over the long term.

It is time to take water infrastructure seriously as a public policy challenge. For too long, we have been putting water infrastructure on the back burner. We are not investing enough in water infrastructure to keep clean, affordable water accessible to all Americans. In fact, we are not even coming close. There is a gap, a significant gap, a growing gap in the area of water infrastructure needs versus actual funding. If we do nothing and stay on the same course, that gap will be \$90 billion per year by 2040. That is a disaster for our communities. That gap would leave municipalities with a terrible decision—allow the infrastructure to continue to degrade, which is obviously not a good idea, or have to raise utility rates astronomically to pay for long-neglected improvements.

Already, we are seeing this kind of lose-lose proposition play out in my State in Oregon. Some communities have to set aside their plans because they can't afford them: to expand their infrastructure, to improve their infrastructure, to replace their infrastructure that is aging. Other communities are proceeding to upgrade their infrastructure but at costs that are doubling or even quadrupling the cost of water to the citizens.

We need a new way to finance critical water projects. That is why the Water Infrastructure Finance and Innovation Act, or WIFIA, that is contained in this bill, fills a key missing link in our system. Currently Federal funding for water infrastructure and sewage through the Environmental Protection Agency Clean Water and Safe Drinking Water State Revolving Funds Program is helpful, but many projects do not qualify, and we need to expand the amount of funding available.

Into that gap comes WIFIA, modeled after the very successful Transportation Infrastructure Finance and Innovation Act, or TIFIA, so we have a proven finance model for infrastructure in transportation. Let's take that prov-

en model and apply it to the challenge of our communities on water.

I hold a meeting with our local officials—our city officials and our county officials—before each of my townhalls, and I hold a townhall in every county every year. There is hardly a meeting with multiple officials that goes by that there aren't two or three or four critical water project needs discussed. And that was the motivation for having this WIFIA Program before us today.

I applaud my colleague from Oklahoma Senator INHOFE, who has come forward and said: Let's not only make this work, but let's lower the minimum threshold for projects so we make sure we can get smaller communities, more rural communities involved. That was previously addressed in the bill by saying that smaller communities could aggregate their projects and submit their application, but this was a very helpful addition to the conversation, and I appreciate that type of bipartisan problem-solving which is evidenced in this bill as it is and as in the amendment proposed by my colleague from Oklahoma and passed yesterday.

The reason that funding in this pilot project—and we are talking about \$50 million a year for 5 years—is effective is because it has a huge leverage it can fund because it is guaranteeing loans that rarely go bad. The historical default on water and sewer bonds is less than 1 percent. In fact, it is less than one-tenth of 1 percent. So that \$50 million to cover defaults can be extraordinarily leveraging. The communities get the funds they need to complete their projects at the lowest interest rates possible, and the American public can sleep soundly at night knowing that the treasury funds being invested are being invested in a manner that is both prudent and productive.

This source of financing will allow communities to take on three types of projects necessary for safe and reliable water systems: repairing the aging infrastructure, upgrading the old systems to modern standards, and expanding the projects to meet growth needs.

Another advantage of this structure of financing is that under WIFIA, projects would be selected by a competitive process rather than by State-by-State allocations, so we get funds to the greatest need across this Nation. We have communities all across Oregon, in every corner of our State, that are facing these infrastructure challenges. I know from talking with my colleagues that the same is true in States across our Nation. And communities that are in good shape now in 5 or 10 years may see the challenge of meeting new standards or meeting the growth in their communities.

I would like to talk about another key aspect of our recovery; that is, manufacturing. If we don't make things in America, we will not have a middle class in America. Our manufacturing sector lost 5 million jobs over the last 14 to 15 years. It is starting to

make a comeback, but we should do more to help create good manufacturing jobs.

One very simple thing we can do is support "Buy American" provisions in legislation such as this. We recognize the principle. We are using taxpayer dollars to complete a public infrastructure project in America, so it only makes sense for American businesses and workers to do as much of the work as possible. For that reason I will be filing an amendment to this bill to expand the "Buy American" provisions for our water infrastructure. These two are very much connected. Yes, we need to be building infrastructure, but we need to make sure those tax dollars build our American economy when the work is being done.

In closing, let's pass this bill, which has a tremendous amount of good in it, and one of those very good points is this water infrastructure act—WIFIA—which does support good jobs and good infrastructure across America.

I also wish to mention the great work my science associate Mirvat Abdelhaq has done on this bill. We are fortunate as Senators to have folks come to work for us for a year or so, bringing their tremendous expertise in trying to develop a very important piece of legislation. She has been very involved, and I thank her, and I thank the program for making this kind of expertise available to our offices.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to call up as pending amendment No. 802.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. If there is objection, I can talk about the amendment now. I will talk about the amendment now and then attempt to call up the amendment later in the day. I thank the Chair.

Mr. President, the amendment I am trying to get pending for the WRDA bill would delay the increase in flood insurance rates for people in this country who are going to be suffering in unbelievable ways. And I am not just speaking of homeowners or business owners but communities across America. This isn't a Louisiana issue. It is not a Louisiana-Texas issue. It is a national issue, as this chart will show.

These are all the States in the country that have flood insurance policies. Starting with Florida, which has the most, there are over 2 million flood insurance policies in the State of Florida. Texas is second with 645,000. Louisiana has 486,000 policies. California, the fourth State, has 256,000. New Jersey has 240,000. South Carolina has

205,000. New York has 178,000. North Carolina has 138,000. Virginia has over 100,000. Georgia has close to 100,000. Mississippi has 75,000.

Time and time again, I have been on this floor, warning about affordability problems in the National Flood Insurance Program and offering proposals to address this. Despite my advice and objections, last summer Congress made a mistake and passed the Biggert-Waters bill which contained huge rate flood insurance rate increases for many homeowners and businesses.

Our families and entrepreneurs across the Nation are beginning to see the disastrous consequences of that vote now. Some already see their premiums rising by 25 percent a year and many more will see these changes over the next 2 years. These rates must be stopped until an affordability study can be conducted and Congress can react to those results.

FEMA has never done an affordability study—it cannot even quantify how strong an impact these exorbitant rates will have on our citizens. In the bill last summer, Congress required FEMA to conduct an affordability study. Don't you think we should wait for that and know if these rate increases are affordable before we start such rapid increases? Congress can't possibly have asked FEMA to conduct this study and not want to use those results to make an informed decision on how best to structure rate changes.

I can tell you that the 480,000 policy holders in Louisiana are already telling me the rates are not affordable. Families and businesses in Louisiana are already paying exorbitant rates for flood insurance and some could see those rates go up dramatically under these proposals. Eliminating grandfathered rates, as the Biggert-Waters bill did, means their property values will plummet.

If people cannot afford flood insurance policies, they will drop out of the program. When future disasters hit, they will be entirely dependent on federal aid to help them rebuild.

I agree that the National Flood Insurance Program needs to be self-sustaining, but not on the backs of Louisiana families and businesses and not on the backs of all 5.5 million policies holders in the National Flood Insurance Program. This is not the right way.

Flood insurance is not just about business and commerce; it is about culture; it is about a way of life; it is about preserving coastal communities; it is about being resilient in storms. We must make the flood insurance program resilient without endangering the financial future of our coastal residents.

This is a very serious issue, and I thank the chair, Senator BOXER, who has worked so hard on the underlying WRDA bill, which is so important. I also thank those Members who came to the floor last night. I understand Senator MENENDEZ gave a very fiery and

passionate speech about the problem he faces in New Jersey. I thank Senators SCHUMER, GILLIBRAND, and LAUTENBERG for cosponsoring this important amendment.

We want to work with the chairman and the ranking member to pass a WRDA bill. There is no State that benefits more from the WRDA bill than Louisiana, and I am extremely grateful for her leadership not just on this bill but on the RESTORE Act, which she helped shepherd through, which has helped the gulf coast in immeasurable ways, and her support of the FAIR Act on revenue-sharing, which will help the gulf coast get the revenues we need—just as interior States have—to build our own levees and not have to be such a drain on the Federal Treasury.

We can and are willing to do our own work. But the flood insurance bill, known as Biggert-Waters, never passed the Senate, and I wish to call that fact to Senators' attention. The bill was never brought to the Senate floor. The flood insurance bill that is called Biggert-Waters came out of the Banking Committee with a bipartisan vote—a similar bill. That was a House bill, and so a similar bill came out of the Senate, but it never came to the Senate floor for a vote. None of us ever got to debate it on the floor.

If you are not on the Banking Committee, wake up because this bill is going to affect your State, and if you are not on the Banking Committee, please listen to what I am about to say.

The bill never came to the Senate floor although some of us protested that at the time. There are statements in the RECORD that show the protests any number of us made at the time. The bill then sort of went dark. The next time it appeared, it was tucked into the Transportation bill, which had the RESTORE Act in it and the Biggert-Waters flood insurance, which might have passed the House of Representatives—I am not sure. Maybe it just came out of the House committee. I am trying to get clarification on whether this bill ever was passed by either body, and I will get that clarification in a few minutes. But it most certainly never came to the Senate floor, so no one here, except members of the Banking Committee—which Senator VITTER is a member of, and so he knows this issue very well—voted on this.

So while it is not a surprise to me, it may be a surprise to others to find out that flood insurance rates based on the reform bill that was tucked into the Transportation bill and into the RESTORE Act bill are now going to raise rates by 25, 50, or 100 percent on home owners. And when the grandfather clause expires—which was put in the bill to grandfather many property owners—my constituents tell me their properties will become worthless.

One can understand that a property worth even \$1 million or \$½ million or \$250,000 has a flood insurance premium attached to it of a reasonable amount

of money—\$500, \$600, \$700. And that is still a lot of money, but people who live along the coast understand that we have to pay a little higher flood insurance rates and we have to build smarter and better, which we are doing as fast as we possibly can with the monies we have. There is not a coastal community in America that is not fully awake after Katrina, Rita, Gustav, Ike, and Sandy. Trust me, from the east coast, to North Carolina, to the entire gulf coast region, we are awake. We are understanding what is happening, and we are trying as hard as we can to make our communities as resilient as possible.

We are not completely to blame for the increased frequency of the storms or the rising sea levels. We all have a share of that, and it is happening, and we are on the frontline. Our communities have been devastated. Our people are literally drowning. We lost 1,800 people in Katrina—2,400 between Louisiana and Mississippi—from drowning and literally dying through these storms. We lost several hundred people in Sandy. So we understand what is happening, and we are doing everything we can.

This flood insurance bill that never passed this Senate—and I am not sure it passed the House, but it did come out of both committees, different versions of it—is now known as Biggert-Waters. I understand Mrs. Biggert is no longer a Member of Congress, but Congresswoman WATERS is here. So the bill was pushed as a way of getting the Flood Insurance Program on a financially sound footing. I understand that.

We most certainly don't expect all the people of America to subsidize coastal communities, some of which may be second homes, et cetera. But in my communities, we are not talking about second homes; we are not talking about vacation properties, in large measure. We are talking about primary homes of fishermen, of dock workers, of people who work on the river, of boat captains, of industries such as the oil and gas industry, the roughnecks, the engineers who have to work, by the nature of their work, near the coast, which is where the trade and commerce of this Nation comes from.

If we could operate our trade and commerce only on railroads and highways, maybe we could all go live in Oklahoma or in Nevada. But, Mr. President, you are from Hawaii. You understand we have coastal communities all the way from Oregon to California to Texas to Louisiana to Mississippi; and, yes, there are some lovely vacation spots along the coasts. But there are also communities like those I represent, such as in Terrebonne Parish and Lafourche Parish and Jefferson Parish, where people wake up before the Sun and do not come home until it is dark. They are working at coastal businesses that are very important to the entire economic strength of this Nation.

This bill, Biggert-Waters, puts the entire burden of supporting coastal communities on the people who live on the coast, while some people who have a lot of money and can afford a mountaintop view go on the top of the mountains in other States. I am not picking on Colorado and Utah, but those come to mind—multimillion-dollar homes with beautiful views that look out across lots of land. Maybe they are not mindful of the work that is done on our coasts.

This is an issue that is important for the whole Nation. To have this bill pass—and I knew it when it happened. MARK PRYOR, I understand, put something in the RECORD at the time, but now we are on the water resources bill, a very important bill for coastal communities. It is an opportunity for us to fix this bill or to get a reprieve for a short period of time until we can find a better approach for thousands of properties along the coast—whether it is in Texas or California or Florida or New York or New Jersey that was battered badly by Sandy—rather than to put additional stress on these communities.

While I do not have the specific answer as to how to fix it in the long term, my amendment would simply hold off these rate increases for a year. It does not repeal the bill. It will just hold off these rate increases for a year, giving these Members in Congress time and an opportunity to fix what is terribly broken and to try to find a better, more affordable way to do so.

There are 480,000 policy holders in Louisiana who are already complaining about the flood insurance rates as they are today. When I go home now—and I go home often, very frequently—this is all people are talking about. There are other important issues that are going on, but I do not blame them, and I certainly understand it as a homeowner in Louisiana. Our delegation understands this. People are saying they are getting notices from their company that their insurance is going to go up hundreds if not thousands of dollars. What happens with respect to the grandfather clause, which is about to happen in October of 2014?

This flood insurance issue is a very important issue for the people in Louisiana, as I said, in Texas, in Mississippi, and in Florida, and that is what my amendment will address. My amendment is not pending, but I filed an amendment. We are waiting for a CBO score. We most certainly want to offset this if we can find the revenue it will take to offset this temporary reprieve.

I ask both the Republican and Democratic leaders to work with me and work with the other Senators who are interested in finding a solution to send a signal to these coastal areas that Congress understands the pressures of flood insurance in our low-lying areas—that would be in Maryland or Virginia or New York or New Jersey—that we hear them. We understand what is about to happen, and we would

like a chance to try to adjust it, to fix it, et cetera, et cetera.

I am going to be working with the leadership. I know there are other Members who have amendments important to the WRDA bill. It is not my intention to stop this WRDA bill. It is a bill I certainly support. Louisiana can be greatly benefited. I thank Senator VITTER for his strong work as the ranking member of the EPW Committee on WRDA. We have some very important authorizations.

Let me also say something about this WRDA bill in relation to actual dollars. I sit on the Appropriations Committee for energy and water. I appreciate serving on that committee. Our job is to actually find money and direct funding to build some of these water resource projects.

Just yesterday, Senator FEINSTEIN held a hearing—she chairs our committee; Senator LAMAR ALEXANDER is our ranking member—on the budget for the Corps of Engineers. I see my good friend BEN CARDIN here and others who are very interested in projects on the WRDA bill, but they will be shocked to know when we asked—I asked—Jo-Ellen Darcy, the leader of the Corps of Engineers, the civilian leader of the corps, what was the number of backlogged projects, new construction projects that were backlogged and how much money was in the bill to build them this year, the first number was \$1.6 billion. That is how much is in the appropriations bill roughly to build new water projects in the country, \$1.6 billion. It sounds like a lot of money until you hear the second answer.

Then I asked her how many projects are in the queue for funding, ready to go, meritorious projects, urgently needed new construction. She said \$60 billion worth. We have \$1.6 billion in the budget to spend, and we have \$60 billion worth of projects. We follow these numbers pretty closely because many of those projects are in Louisiana. So while it is important to get the WRDA bill passed, which is authorizing not only new projects, but it is also putting in some very important corps reforms to expedite the way some of these projects are built, the real problem and the real dilemma is closing the gap between what we have authorized and what we can actually afford to build.

Again, there is only \$1.6 billion in the corps budget for new construction, and pending, even without this WRDA bill, is \$60 billion worth in backlogged, authorized, important programs in all of our districts. With this WRDA bill there are an additional \$23 billion in authorizations. So, yes, I support new authorizations. Yes, I support the WRDA bill. Yes, I most certainly support the reforms to the Corps of Engineers that are embedded in the language of this WRDA bill, but I cannot allow this to move forward, at least without raising a red flag and asking for some reprieve on the flood insurance issue.

I want to be flexible. I want to be open. I want to be a team player. This is not the time for my way or the high-way. I have tried as much as I can to avoid that kind of politics because it is very difficult for all of us to move forward together. I have so much respect for Senator BOXER and a good bit of respect for Senator VITTER who is the ranking member. But this is the only way I know right now to raise this issue and to say we cannot, in Louisiana, with 480,000 flood insurance policies, manage to build our communities, to recover. We are doing beautifully. We would like to go faster, but you have not heard a lot of complaints coming from us. Our people are working hard, rolling up our sleeves. Our communities are coming back. We are using the insurance money. We are using the community development block grant money to build as smart and quickly as we can.

We have created the Water Institute. Every single one of our parishes has gone through what we call charrettes and community meetings to see how we can elevate our homes and build them more resiliently.

This is a huge and very tough burden to lay on the shoulders of the people in our coastal communities, not just in Louisiana but in Terrebonne and Lafourche, in Cameron, Calcasieu, Saint Mary Parish, and the river parishes, Saint John, Saint James, Saint Charles and Jefferson Parish. It is hurting north Louisiana as well.

We have flood insurance policies all the way up in our State. We would have flood insurance. Why would we have flooding? Because we have the Mississippi River. We are happy to have the Mississippi River, but the Mississippi River does not belong only to us. May I remind everyone that the Mississippi River, the Missouri River, the Ohio River are the spine, the backbone of our commerce for the whole Nation? Why should the people of Louisiana, who drain the entire continent—the mouth of the river runs right through New Orleans—why is it the people who live in south Louisiana have to pick up 100 percent of that risk? That is the way this bill is structured, to put on us the burden, 100 percent, instead of spreading it to everyone, to the whole country, in a reasonable and responsible way.

The way this bill is structured is to say we have to be self-sustaining in our flood insurance policies. We are sorry, but the people who live at the mouth of the Mississippi River, which provides commerce and wealth and creates huge amounts of wealth and jobs for all of us, have to take the water and pay for it ourselves. That is not going to work for us. It is not working for us. That is why I am standing on this floor. I want to work this out.

I am open to a number of suggestions. I hope the Senators who have lots of flood insurance issues, such as the Senators in Missouri and Illinois and the Senators in other States, will

give us some suggestions about how to move forward.

If this bill had passed the Senate and it was the will of the Senate and I had been on the losing side of that, I would not be standing here today. This bill never came before the Senate. It never came before the Senate. It was tucked into a bill that we had no chance to amend—none. You cannot amend a bill coming out of conference. There was no chance to amend this, no chance to fix it, which is why I hope my colleagues will understand and be patient with me. This is not about losing an issue last year and coming back and crying about it. This is about we never got a chance to even talk about this on the Senate floor.

This is a water bill. It has everything to do with the subject matter. It is not “not germane” to the subject matter of this bill. I would like to have a vote on my amendment or a vote in some way to declare that we are acknowledging this problem; that we might not have a solution today, but we most certainly are willing to work on it because this is devastating for coastal communities all over the country.

It is not fair for our working coast—whether it is fisheries or oil and gas or wind or manufacturing—for our coastal communities, our commerce and trade, to pick up the entire burden of this Flood Insurance Program. Let's try to be reasonable. I am going to be as patient as I can. I understand how important this bill is to everyone. I am most mindful of how important it is to my State. We have been trying to get a WRDA bill out here on the floor for several years, and we finally have one.

I am going to leave my amendment as it is. It is not pending. It has been filed. I am going to ask for this vote to be worked out, and until then I will object to any other amendments coming up for a vote until we get some way forward.

Again, I want to be flexible, I want to be open, and I would like eventually to see the WRDA bill passed.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Maryland.

Mr. CARDIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Reserving the right to object for just a moment, and I, of course, will not object, I just want to make it clear that at noon the two leaders are coming to do a back-and-forth. So up until the time they arrive—I just wanted to let my friend know. Then after the leaders, Senator VITTER should be recognized to speak about the issue Senator LANDRIEU just raised, to be followed by me, if that is OK, if I can do that in the UC? It would be Senator CARDIN, the two leaders, Senator VITTER, and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Maryland.

(The remarks of Mr. CARDIN pertaining to the introduction of S.J. Res. 15 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. CARDIN. Madam President, I ask unanimous consent that I be allowed to continue to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CARDIN are printed in today's RECORD under “Morning Business.”)

The PRESIDING OFFICER. The majority leader is recognized.

#### THE BUDGET

Mr. REID. Madam President, it has been 47 days since the Senate passed its sensible progrowth budget. As my friend the minority leader has said many times, after the Senate passed a budget, the next logical step would be to go to conference and try to find common ground. This is what Senator MCCONNELL said earlier this year:

We ought not to ignore the law any longer. And I think it's a good step in the direction of getting back to regular order, which we ought to follow.

After years of calling for regular order, Republicans ought to be eager to go to conference. Senator MCCONNELL and the Republican caucus pulled a 180—a flip-flop. They were for regular order before they were against regular order.

For weeks Republicans have refused to go to conference, and they have refused to explain why. The only excuse Republicans offered came not from the minority leader but from the junior Senator from Texas. Senator CRUZ objected to the budget conference on the grounds that Democrats must concede basically everything before Republicans will negotiate anything.

As one news reporter put it, the Republicans' offer is: “First surrender, then we will fight.” Republicans know as well as Democrats that is not any way to negotiate. Unilateral disarmament in the legislative process is not the same thing as compromise.

Democrats—along with the media and the American people—are left to wonder and guess the real reason the Republicans are so determined to avoid a budget conference. Are Republicans afraid to defend or debate their extreme budget in full public view? Probably. It cannot be easy to defend a budget that will end Medicare as we know it. It cannot be easy to stand strong for a plan that asks the middle class to foot the bill for more tax breaks for the rich—a politically unsustainable position already rejected by the voters. It cannot be easy to stick up for the arbitrary meat-ax cuts of the sequester, which guts the safety net protecting the elderly, the poor, the middle class, veterans, and sometimes the helpless.

Is it possible that Republicans are simply hoping to delay compromise long enough to create another manufactured crisis as the Nation once

again approaches a default on its bills? Americans are tired of the type of knockdown, drag-out debt ceiling battles that caused our credit downgrade and cost our economy billions of dollars last year. Middle-class families have been through enough economic turmoil. It is unbelievable that Republicans would once again hold the full faith and credit of our government hostage.

I hope my Republican colleagues will come to their senses. The way to put our Nation on sound fiscal footing is to set aside this obstruction and set sensible policy through regular order in the legislative process, not to extort concessions through dangerous hostage taking.

Passing the budget in each Chamber was a first good step toward restoring regular order. The next move is to go to conference and set our minds on reaching a reasonable compromise that reverses the painful cuts of sequestration.

Right now the Republicans are the only thing standing between the Congress and compromise. I am optimistic that they will not continue to put American families through more financial pain for their own short-term political gain.

I yield to my friend from Washington for a unanimous consent request.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that the amendment, which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to, the motion to reconsider be considered made and laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees of the Senate, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I ask consent that the Senator modify her request so it not be in order for the Senate to consider a conference report that includes tax increases or reconciliation instructions to increase taxes or raise the debt limit.

The PRESIDING OFFICER. Is there objection to the modified request?

Mrs. MURRAY. Madam President, reserving the right to object, what the Senator is asking is that we go back to what we had votes on throughout the entire budget debate way into the morning hours on the issues of reconciliation, on the issues of revenue that were all debated and voted on—some passed, some were defeated. We are not going to take those up again. We are going to go to conference with

the budget that was passed by the majority in the Senate and by the majority in the House, and those views will be represented in conference. We cannot get to that debate and that discussion without moving to conference, so I object to his unanimous consent and ask for consent on my request again.

The PRESIDING OFFICER. Objection is heard to the modified request.

Is there objection to the original request?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Madam President, this is so challenging. It has now been 47 days since we passed our budget. Senate Democrats have now requested unanimous consent to move to conference—the next step—five times. We want to take the next step in this process. We want to move forward under regular order and continue this debate in an open and public way, but every time we try to take it to the next step, Senate Republicans stand and they say: No. I think this comes as a surprise to the American people. I think they are disappointed. I know I am. I think a lot of people, myself included, expected that after calling for regular order so consistently for so long, Republicans would be eager now to take the next step in the process. Some Republicans say they want to negotiate a framework behind closed doors before they agree on going to conference, but that is what a budget is. It is a framework that lays out our values and our priorities and helps us plan for our country's future. Why can't we discuss that framework in a formal, public conference, which is what we call regular order?

I am sure Republicans are not excited about the prospect of defending their extreme budget all over again in a public conference committee. We all know Americans are not interested in more tax breaks for the wealthiest, they are not interested in Medicare vouchers, but Republicans wrote that budget, they voted for it, they passed it, and they ought to be happy to defend it. I know Senate Democrats are happy to stand and talk about ours.

The American people now deserve to see those two visions. They need to see our visions side by side, contrasted with each other, and they need to see who is willing to compromise and who is not.

We have heard the House Republican leadership doesn't want the Senate to appoint conferees because they don't want to go to conference because they might have to take a lot of difficult votes in the House. I am sure my colleagues remember the vote-arama we had before we passed our budget. We considered over 100 amendments. We were here until 5 in the morning, the entire time voting on amendments, until every Senator who wanted to be heard to offer an amendment did and we had a very thorough and open de-

bate and we voted a lot. So I don't think the American people are going to be very sympathetic to the argument that the Republicans don't want to go to conference because they are afraid the House has to take a few votes.

This is deeply disappointing to me. The Republicans are now running away from regular order. In fact, they are running right toward another crisis, and they are willing to take our American families and our economy along for the ride.

It should be noted the House Republicans have announced a new conference, but it is not a conference on a budget deal; it is a conference of their Republican Members to decide what they are going to demand in exchange for taking our economy over the debt ceiling. It is absurd, and it is not going to happen. We know because we went through this same thing the last time we approached the debt limit. Just a few months ago, Republicans realized how dangerous it would be to play games with the debt limit and how politically damaging it would be to play politics with potential economic calamity for our country, and they finally dropped their demands. The so-called Boehner rule died, and no amount of wishing by the tea party is going to bring that back.

The Republican strategy now of holding our economy hostage and trying to push us to another crisis is absolutely the wrong approach, and holding our budget conference hostage so they can get to that point is not going to be considered well by the American people.

Getting a deal is not going to be easy. Any one of us knows that. It is going to take compromise. But this constant lurching from crisis to crisis that the House is demanding and is strategizing around is not what the American public wants or deserves.

I am here to say Democrats are ready to take the next step. We need a negotiating party on the other side. They can bring all of their bills to conference and we can talk about it. We can come to a compromise. Compromise is not a dirty word. Oftentimes we don't hear it a lot around here. But I believe many of our colleagues on both sides of the aisle, frankly, want to return to regular order. They want to move away from these constant crises. I know that is what the American public wants. They want to see we can govern.

I urge those who are coming here time and time again, blocking us from getting to a point to debate our two different budgets and from getting to a compromise, to allow us to get the work of the American people done and allow us to go to conference.

I thank the Chair. I yield the floor.

Mr. REID. Madam President, before my friend leaves the floor, I want the record spread with this. The admiration the Democratic caucus has for the Senator from Washington is significant. She is an elected leader. She was the person chosen to be the chair of the

supercommittee to come up with a plan to solve the Nation's crisis we have economically, and she did yeoman's work. It was all done until a letter was received from virtually every Republican Senator saying, fine, great deal that Chairman MURRAY has done, but we are not going to agree to any revenue. To work through the contentious problems we have had on the floor and come up with a budget is remarkable, and it is a budget we are very proud of.

I would say to my friend, I think we are making some progress because just within the past hour the Speaker has said this: "We can't cut our way to prosperity." That is a significant step forward. The Speaker of the House of Representatives, for the first time in some time, has spoken reality, the truth, the facts. I quote directly: "We can't cut our way to prosperity." That is right.

That is why we have to get to regular order. We have to do what this body has been doing for 200 years or more: go to conference when there is a difference between what the House wants and what the Senate wants. That is all the chairman of the Budget Committee Senator MURRAY is asking—that we get together with our Republican colleagues and work out our differences.

I think our budget—and we were led by Chairman MURRAY—is a very good budget. Is it perfect? Of course not. We would be willing to sit down and talk to our Republican colleagues in conference the way we have done for centuries and try to work out our differences. For them just to stonewall us and say, as the junior Senator from Texas said, fine, we will go to conference, but you have to agree to what we want before we go, what in the world is that all about?

I admire Senator MURRAY, as does the entire Democratic caucus, and I am confident the people of Washington are very proud of this stalwart Senator who has done so much for this country. I want to make sure the Republicans understand she will be the chair. She is going to represent us. I am not going to be negotiating this. Senator McCONNELL is not going to be negotiating this. It is going to be done by the senior Senator from the State of Washington, and she is willing to deal with whomever the Republicans decide she should deal with.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I wonder if the Senator from Washington would enter into a colloquy with me at this time, through the Chair.

I wish to join with Senator REID in thanking Senator MURRAY for her amazing leadership. I was on the Budget Committee for several years, and I know that as a result of the Senator from Washington becoming chairman and, of course, being the most senior member next to Kent Conrad for so long, she knows this budget inside and out. It is filled with complexities—the mandatories, the discretionaries, the



defense and nondefense—all the things she knows in her head. She knows how to get us to balance not only in terms of the numbers she will move toward balance in her budget but also in terms of our priorities.

I wish to make sure my people at home understand this. What the Senator from Washington is telling us is that for several years now—2 or 3—the Republicans have been chastising the Democrats for not passing a budget in the Senate; am I right on that?

Mrs. MURRAY. That is correct.

Mrs. BOXER. The reason we didn't do it is we had another law that actually set our caps; am I right on that? So we didn't go through the budget.

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. All right. So the Senator from Washington decided, with Senator REID and the leadership team, to bring a budget to the floor. Then—I will never forget it—we stayed here until 5 o'clock in the morning handling over 100 amendments; is that right?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. We passed a budget; the Senate passed its version of a budget. The regular order, as I understand it, having asked the Historian to go back and look, is that we then take the House budget and the Senate budget and we go to conference and the conferees resolve the differences. All my friend is asking—and she has asked it or someone has asked it in her stead five times—we are asking our Republican colleagues to allow our leader to name the conferees—of course Senator MCCONNELL will name his—and walk into that conference committee to finish the budget. The budget is unfinished; am I right? We have two versions. We need one version. What the Senator from Washington is telling us, in no uncertain terms, is that the Republicans are stopping this country from having a budget; am I stating it correctly?

Mrs. MURRAY. The Senator is stating it correctly.

Mrs. BOXER. Let me say to my friend, I hope she plans to be here as often as she can, and those of us who can help her will be here to continue to ask for conferees so we can get to the next stage.

When Senator MCCONNELL said he would amend the request of the Senator from Washington, was he not prejudging what would happen in the conference? He said no reconciliation, and he said something else. I don't remember the other condition.

Mrs. MURRAY. And no revenue.

Mrs. BOXER. And no revenue. That is akin to the Senator from Washington saying, I will go to conference except I don't want to see any more cuts in afterschool programs or senior citizen programs or veterans programs. In other words, we don't take our priorities as individual Senators into the conference. It is a team approach where we will have to compromise.

So isn't Senator MCCONNELL, by laying out his conditions, completely sidestepping regular order?

Mrs. MURRAY. The Senator would be correct, and I would add one other thought. What he is now asking us to do is to go back and vote on votes we already took when we went through the budget process and amendments did not pass. So he is saying, my amendments didn't pass, but I am not going to let a conference happen unless I get my way.

We have a majority. We have a minority. We went through hundreds of amendments. Some of them passed and some of them did not. It is the process we go through.

Then we take what we passed—the House, by the way, passed a very different budget—we go to conference and resolve the differences. That is what a conference is. But if every Senator came out here and said on every bill we ever did we are not going to go to conference unless I get the amendment I lost on the floor, we would never do anything in this country. That is not how a democracy works.

Mrs. BOXER. I thank my friend. I got into this a little bit with Senator CRUZ the other day. He doesn't want to go to conference because he is afraid we could pass the Buffett rule. We could come out of there with the Buffett rule, which says the billionaire executive should have to pay the same effective tax rate as a secretary. God forbid. He is afraid of that. So I just say, they are afraid of the process. What are they afraid of? They control the House. We control the Senate. Obviously, in conference we are going to have to meet somewhere in the middle.

It seems to me they have a fear of democracy, and it seems to me—and I don't like to use this word but I will; it rhymes with democracy and it is called hypocrisy. They said they want to do a budget and now they are stopping the budget.

I thank my friend. I want to make sure America understands this. They ran around the country running against our candidates saying our candidates wouldn't do a budget and now they will not allow us to do a budget. It seems to me ridiculous. I am so happy our leader and the Senator from Washington are here to bring this issue the attention it deserves.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that at 1:30 today, the Senate proceed to executive session to consider Calendar Nos. 39 and 41 under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. With this consent, there will be up to two rollcall votes at about 2 p.m. today—there may be only one but up to two—on the nominations of Shelly Deckert Dick to be a district

judge for the Middle District of Louisiana and Nelson Stephen Roman to be a district judge for the Southern District of New York.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Madam President, I rise today to speak about the bill we are considering, but also to speak, in particular, about one aspect of the bill. We know the legislation as the so-called WRDA bill, the Water Resources Development Act, and I want to express strong support for the legislation.

This bill is, in fact, bipartisan, which is something we need more of around here. It provides for, among other things, flood protection, safe drinking water, wastewater infrastructure, and protects the flow of commerce along our Nation's rivers and waterways.

I am grateful for Chairman BOXER's efforts, Ranking Member VITTER, and all the Members and staff of the Environment and Public Works Committee for their dedication to writing a bill that addresses the challenges facing our country's water systems.

I want to speak in particular about inland waterways.

Our Nation has—for many years now, many generations—a system of locks and dams that play a vital role in creating and sustaining jobs and supporting economic growth throughout the country.

I know in my home State of Pennsylvania, even though I had been a State official for a number of years, I did not have a full appreciation of what this meant until about July of—I guess it was the first week of July 2007, when I was able to tour and actually see these major barges up close out in southwestern Pennsylvania and to be able to see the movement of coal or other commodities or energy resources across our waterways and what that meant to the economy of southwestern Pennsylvania but, indeed, the economy of our Commonwealth and our country.

So when we hear the phrase “locks and dams” in Pennsylvania, especially in southwestern Pennsylvania, we do not think of some far off concept; we think of commerce and the movement of commerce and the jobs and the economic growth that comes from that.

Unfortunately, this system, this inland waterways system, is facing major challenges—challenges that threaten in ways that some of us could not imagine even a few years ago.

The inland waterways system offers the most cost-competitive way to transport our commodities. It moves some 20 percent of the coal that is used to power our Nation's electricity, much of it from Pennsylvania; also 22 percent of our petroleum products; and more

than 60 percent of export grain, which is moved because of this system.

The shippers who produce or manufacture these commodities are in danger of losing their competitive edge unless we focus on proper funding for the lock-and-dam infrastructure.

Unfortunately, the locks and dams of our Nation have far outlived their design life. There has not been sufficient investment to make headway in replacing these locks and dams. But I am hopeful provisions I and others have worked on in the Water Resources Development Act, which we are considering now, will address the challenges facing this system.

Provisions from my bill—which, by the way, goes by the acronym RIVER; the RIVER Act—that are included in the bill we are considering will institute a number of project management reforms that will make sure future lock-and-dam projects are built in the most cost-effective way possible.

We cannot ask for a greater commitment to the system or a greater investment without making sure we are also providing reforms.

These reforms include risk-based cost estimates and an external peer review process for Army Corps projects across the Nation. This will help ensure that locks and dams in the projects that are undertaken are constructed in the way that is most efficient. We also want to make sure we have cost estimates that are realistic and, of course, avoid cost overruns.

One of the provisions of the bill will also adjust the current cost-sharing system by increasing the threshold for the industry to contribute to major rehabilitation projects to \$20 million. This will allow for more funding for lock-and-dam projects, which is badly needed right now.

These provisions in the overall water resources bill are common sense. They also happen to be fiscally responsible proposals that will significantly improve our Nation's inland waterways system and help to ensure our Nation's waterways can continue to be an effective method to ship commodities.

Well, how do we pay for that? Well, a rather interesting development for Washington, which I am about to describe for you: I am grateful so many of the provisions in my bill have been included, but we also need to have an important conversation about how to finance this system and to keep the inland trust fund sustainable in the long term.

I filed an amendment, amendment No. 854, that will raise the barge user fee from 20 cents per gallon to 29 cents per gallon. This fee has not been raised since 1986 and, as a result, is not keeping up with inflation and project costs.

We have great bipartisan support for this amendment. Senator ALEXANDER is leading this effort with me, and the amendment is cosponsored by the following Senators: Mr. BLUNT, Mrs. MCCASKILL, Mr. DURBIN, Ms. STABENOW, Ms. KLOBUCHAR, Ms. LANDRIEU,

Mr. FRANKEN, and Mr. HARKIN—indicating the wide reach of the inland waterways system and its impact on so many industries in so many States across the country.

The current rate—the barge user fee of 20 cents per gallon—right now is not raising sufficient funding to keep up with operations and maintenance needs along the reach of the system. If we do not make this investment now, it could have dire consequences to multibillion-dollar industries that rely on the use of locks and dams to move their goods. Just consider coal being one of those examples.

All 300 users of the inland waterways system support this increase. Let me say that again because this does not happen very much in Washington: All 300 users of the inland waterways system support this barge user fee increase from 20 cents per gallon to 29 cents per gallon.

Here we have an example of an industry that is forward looking in asking Congress to allow them to pay more in order to make critical investments in their own infrastructure.

In addition to the support of industry, the user fee increase is backed by a diverse array of organizations across the country, including the U.S. Chamber of Commerce, the National Farmers Union, the National Association of Manufacturers, the American Farm Bureau, the AFL-CIO, and over 250 national and local organizations, including barge operators, agriculture, energy and civics and conservation groups.

In southwestern Pennsylvania alone over 200,000 jobs rely on the proper functioning of locks and dams on the lower Monongahela River. For those who do not know, it is a river on the western end of our State that flows into the city of Pittsburgh—one of the three rivers we describe as part of our landscape in Pittsburgh.

If one of these locks were to fail, it would endanger all 200,000 jobs and have a negative impact of over \$1 billion just in that region, not to mention the adverse impact beyond the region. Raising the user fee now will help prevent a catastrophe in the near future.

I understand there are objections to addressing important concerns about including a funding fix for locks and dams in this bill due to the so-called blue-slip concerns that involve the House of Representatives.

I will work to look for other vehicles so we do not continue to kick this can down the road, and I will talk to Members of the House to include this fix in their version.

If we cannot raise revenue on an industry that is asking to pay more so they can invest in their infrastructure, I am afraid the future of our waterways system is in great jeopardy.

Many of my colleagues in the Senate on both sides of the aisle recognize the importance of providing a way to pay for investments we need in our locks-and-dams system, and I urge the House

to follow suit. I have no doubt they want to do the same.

We cannot squander critical foundations that have made America what it is. Reinvesting in our Nation's waterways will allow us to seize economic opportunities to remain competitive in the world and protect and create jobs for generations to come.

I will note one citation of history, from a major volume in Pennsylvania history. This goes back to the 1800s when we developed a canal system to move commodities and commerce across our waterways. I will read one sentence from page 180 of a book entitled "Pennsylvania: A History of the Commonwealth." Here is what they said all those years ago in the 1800s, talking about coal:

Through those routes, anthracite coal left Pennsylvania for England, Russia, Central Europe and Asia.

But the reason that coal was able to get to those places is because we had a system in place to move it.

What we do not want to have today in our time is a system that breaks down because we are not willing to make the investment. As I said before, this investment is supported by all of those organizations but especially the 300 users who are willing to invest more so that tomorrow will be bright and we can move commerce across the Commonwealth of Pennsylvania and across our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, before the Senator from Pennsylvania leaves the floor, I would like to thank him for his forthright and courageous statement on the situation in Syria. I thank him for his involvement and his commitment to the freedom of the people of Syria.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 912 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I rise today to speak in favor of amendment No. 802 to the WRDA bill offered by my friend, great legislator, chairman of the Subcommittee on Homeland Security, Senator MARY LANDRIEU. I am proud to cosponsor this amendment.

The amendment would delay flood insurance premium increases until FEMA has completed a study on the impacts on the affordability of planned premium increases. Nobody in this body knows better than Senator LANDRIEU the challenges faced by communities in the wake of natural disasters, and she has been beyond generous in sharing her time and expertise and lending her vocal support to the States, such as mine, so greatly impacted by Superstorm Sandy.

Last year Congress passed a flood insurance reauthorization and reform



bill, the Biggert-Waters Act. We passed the Biggert-Waters Act because if the program expired, flood insurance would become unavailable or unaffordable for people who needed it.

Congress also needed to reform the program going forward because it is billions of dollars in debt and needs to be put on a better financial footing.

In my home State, one of the counties received a very poor and unfair map, which was undone in the bill.

In the aftermath of Superstorm Sandy, many middle-class families in New York are struggling to get back on their feet. Many lost everything. They have had to drain their savings to rebuild. They have been out of their homes for months. The kids get on a schoolbus and have to go 20, 30 miles to school.

Imagine losing everything in your home as so many have. It is an awful feeling, not just the chair you were comfortable sitting in, all of your appliances and all of that, but that picture of great-grandma and great-grandpa which was priceless is gone. It is a horrible thing.

Adding another layer of difficulty to this situation, the flood insurance reforms enacted by Congress last summer result, in many cases, in huge insurance premiums. Our families in New York are caught in limbo.

Families in Breezy Point, the Rockaways, Broad Channel, Staten Island, Brooklyn, on the south shore of Long Island, from Long Beach all the way out to Mastic and Shirley, are still trying to make decisions, are repairing their homes and investing tens of thousands of dollars to do so. Many of these homes are very middle-class homes. These are not rich people. They have worked hard. Some of them are teachers, policemen, firemen, construction workers or small business owners. Many of them are being told their insurance rates could be \$10,000 a year or more. What kind of insurance is flood insurance if it is \$10,000 a year? It puts homeowners in the worst possible position. They either have to come up with an additional \$10,000—worse in Sandy because they have already paid money to redo their homes, but even for a normal homeowner \$10,000 a year and you don't get a mortgage. Ten thousand dollars a year, this is absurd.

I don't know what is wrong with the flood insurance program, but any program that has to charge an average homeowner on Long Island, Brooklyn, Queens or Staten Island \$10,000 ought to be reexamined by this Congress. It is confounding. People are upset and they should be.

Recognizing the burden these changes could put on families, FEMA was required to conduct a study on the affordability of flood insurance, the effects of increased premiums on low-income homeowners and middle-income homeowners, and ways to increase affordability. The study was originally supposed to be completed within 270 days. That was 9 months after the bill was passed.

That deadline has come and gone. FEMA hasn't even begun to collect the necessary data. We know FEMA has been busy responding to Sandy and other natural disasters.

At the same time it is unfair to hit homeowners with massive new flood insurance premiums without any plan of how to address the needs for those who can't afford these skyrocketing, out-of-control, and out-of-reach premiums. The amendment is a recognition of that fundamental fairness.

Large parts of New York City are having their flood maps revised. As a result, New Yorkers, many, could face the prospect of crushing increases in premiums. Right now, far too many Sandy victims are still in the process of rebuilding their homes. They simply cannot afford a whopping increase in flood insurance premiums.

Common sense and a sense of fairness dictate that we should delay any unnecessary increases until we know exactly how hard they hit our communities and until we can come up with a solution that makes flood insurance reasonable and affordable—particularly if it is mandated, as it often is—in effect or by law.

That is what the amendment does. I urge my colleagues to vote in favor of the amendment.

I also wish to mention an amendment offered by my good friend from across the Hudson River, Senator MENENDEZ of New Jersey, a State also suffering from Superstorm Sandy, that seems to address many of the same concerns.

His amendment would delay flood insurance premium increases until FEMA's Hazard Mitigation Grant Program funds have been expended. This commonsense amendment would give homeowners a chance to use the Hazard Mitigation Grant Program for its intended purpose, to rebuild stronger and safer, resulting in lower flood risks.

This amendment simply says: Let's wait until people have taken this opportunity to reduce their future flood risks before we increase their flood premiums. It makes abundant sense. I hope my colleagues would pass both Senator LANDRIEU's and Senator MENENDEZ's fine amendments.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Maine.

Ms. COLLINS. I ask unanimous consent that I be permitted to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Ms. COLLINS. Mr. President, all over America concern has been growing that the implementation of ObamaCare will cause serious damage to our economy and to our health care system. Lost wages, soaring insurance rates, more bureaucracy, and less access to care are just some of the adverse consequences we are beginning to see. There are as many reasons for concern as there are flaws in this ill-advised law.

Today, I wish to focus on just one of these flaws; that is, the Affordable Care Act's definition of a full-time employee. I also will comment on legislation I have introduced to fix this one flaw.

My preference, of course, would be for us to repeal ObamaCare and start all over, taking some good features of the law, such as the feature that allows young people to stay on their parents' health care policy until age 26, some of the provisions having to do with preventive care, and some of the provisions having to do with preexisting conditions.

We should have crafted a bill that focused on lowering health care costs because it is the high cost of health care that is the reason we have millions of Americans who are uninsured. Here we are with a deeply flawed law that is having very serious adverse consequences for the people of our country.

Let me talk further about the issue of the definition of a full-time employee. Under ObamaCare, an employee working just 30 hours a week is defined as full time. That is a definition that is completely out of step with standard employment practices in the United States today.

According to a survey published by the Bureau of Labor Statistics, the average American works 8.8 hours per day, which equates to 44 hours per week. The ObamaCare definition is nearly one-third lower than actual practice; likewise, the ObamaCare definition of full-time employee is one-quarter lower than the 40 hours per week used by the GAO in its study of the budget and staffing required by the IRS to implement this new law.

In that report the GAO described a full-time equivalent employee as the measure of staff hours equal to those of an employee who works the equivalent of 40 hours per week for 52 weeks.

We also know, generally speaking, that employers are required to pay overtime to workers after 40 hours a week. That is another indication that 40 hours a week is the standard definition of a full-time employee. Yet, inconceivably, ObamaCare defines a full-time worker as one who works only 30 hours a week.

The effect of using such a low hourly threshold is to artificially drive up the number of full-time workers for purposes of calculating the Draconian penalties to which employers can be exposed by ObamaCare. These penalties begin at \$40,000 for businesses with 50 employees, plus \$2,000 for each additional full-time equivalent employee.

Needless to say, these penalties will discourage businesses from growing or adding jobs, particularly for employers who are close to that 50-job trigger. In addition, these penalties create a powerful incentive for employers to cut the hours their employees are allowed to work so they are no longer considered full-time for the purposes of this law.

This is not some hypothetical concern. I have heard from employers in

Maine who feel they are going to be forced to stay under the 50-employee threshold, and they are even considering, very reluctantly, cutting the number of hours per week their employees are working. Similar accounts have appeared in the media. For example, last week the Los Angeles Times reported that the city of Long Beach, CA, is limiting most of its 1,600 part-time workers to just 27 hours a week to make sure they do not work over the 30-hour threshold. This is a municipality that is cutting the hours and thus the wages of its workers simply because of the requirements of ObamaCare.

According to this news story, the parent company for the Red Lobster and Olive Garden restaurant chains is limiting the hours of some of their employees for the same reason.

I would ask unanimous consent that the Los Angeles Times article entitled "Part-timers to lose pay amid health act's new math" be printed in the RECORD immediately following my remarks.

Bringing it closer to home, one Maine business I know has 47 employees. It is doing pretty well and would like to create more jobs and hire more employees, but it simply will not because of the onerous penalties it would incur once it gets to 50 employees. If more businesses follow suit, millions of American workers could find their hours and their earnings cut back, with jobs lost to them at a time when our country is still struggling with an unacceptably high rate of unemployment.

A study just published by the Labor Center at the University of California, Berkeley, underscores the danger. That study, which examined the hours worked in businesses with 100 or more employees, found that 6.4 million workers in these firms worked between 30 and 36 hours per week and another 3.6 million workers have variable work schedules that make them vulnerable to having their hours cut as a direct result of ObamaCare.

The study identified 2.3 million workers as being at the greatest risk. Not surprisingly, these are workers who are employed in the retail trade, nursing homes, restaurants, and hotels. These are some of the most vulnerable workers.

Mr. President, I ask unanimous consent to have printed in the RECORD the study I just referred to immediately following my remarks.

Let me cite an actual example from my State of Maine.

Peter Daigle, who runs Lafayette Hotels, the largest hotel chain in the State of Maine, has told me that many of his 800 employees work between 30 and 40 hours a week, and that, from a financial standpoint, it would make sense for his company to limit their hours to ensure they do not go over the 30-hour threshold. This is an artificial limit that is driven solely by ObamaCare. As Peter puts it:

It concerns us that employers are being put in a position that they would have to cut associates' hours just to meet a Federal regulation.

Believe me, the owners of the Lafayette chain of hotels are civic-minded, good employers, who care deeply about the well-being of their employees.

During the consideration of the budget resolution, the Senate adopted my amendment calling for legislation setting a more sensible definition of "full-time" employee for purposes of ObamaCare penalties. Last month, I introduced a bill to protect Americans who may otherwise find their hours are curtailed and their earnings cut as a result of the unrealistic definition of a full-time employee that is included in ObamaCare. Under my bill, a full-time employee would be an individual who works a 40-hour workweek. That only makes sense. This is a sensible, commonsense definition in keeping with actual practice.

I urge my colleagues to support my legislation, S. 701. It will not solve all of the problems—the many problems—of ObamaCare, but it will help to ensure millions of American workers do

not have their hours reduced because of an artificially low, unrealistic definition in the law that is completely inconsistent with actual practice in this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the UC Berkeley Labor Center]

WHICH WORKERS ARE MOST AT RISK OF REDUCED WORK HOURS UNDER THE AFFORDABLE CARE ACT?

The Affordable Care Act (ACA) requires employers to provide coverage or pay a penalty based on the number of employees working 30 or more hours per week. This data brief looks at which industries have a high percentage of employees working fewer than or slightly above 30 hours, placing them at risk for reduced hours by an employer wishing to avoid penalties. We also look at the distribution of hours worked by type of health coverage. While the penalty only applies to firms with more than 50 full-time equivalent employees, due to data limitations we show all results for workers in firms with more than 100 total employees. Thus, the tables may slightly understate the number of potentially affected workers.

Table 1 below shows the distribution of hours worked by industry in the United States. From this we see that 6.4 million U.S. workers, 8.9 percent of the workers in firms of 100 or more, work 30 to 36 hours a week. An additional 3.6 million workers report that their "work hours vary" and may also be vulnerable to a reduction in work hours. The industries with the highest percentage of employees working slightly over 30 hours are Restaurants, Nursing Homes, Accommodation, Healthcare, Retail Trade, Education and Building Services. The right most columns show the number of workers who are most vulnerable to work reduction, namely, those working 30 to 36 hours, with incomes below 400% of the Federal Poverty Level and not covered by their own employer. The industries with the highest concentration of such workers are Restaurants, Accommodation, Building Services, Nursing Homes and Retail Trade. Retail and Restaurants account for 47 percent of the most vulnerable group. While Healthcare has a higher than average share of employees working between 30 and 36 hours, most in that hours category are in higher income families and/or receive health coverage through their employer.

TABLE 1—HOURS WORKED BY INDUSTRY, WORKERS IN FIRMS OF 100 OR MORE EMPLOYEES, U.S.

	Number of workers (thousands)					Percent of workers				
	Hours vary	Below 30 hrs	30 to 36 hrs	37 + hrs	Most vulnerable to work reduction*	Hours vary (percent)	Below 30 hrs (percent)	30 to 36 hrs (percent)	37 + hrs (percent)	Most vulnerable to work reduction* (percent)
Agriculture, Forestry, Mining .....	53	15	19	661	10	6.0	5.0	3.4	85.5	1.5
Construction .....	103	41	63	1,801	20	6.8	2.3	4.8	86.0	1.0
Manufacturing .....	361	157	276	8,227	88	2.9	2.4	4.2	90.5	1.0
Utilities, Transp, Communication .....	353	298	242	4,478	77	8.3	5.0	4.9	81.8	1.4
Wholesale .....	81	51	46	1,652	19	3.4	3.7	7.7	85.2	1.0
Retail Trade .....	572	1,589	1,217	5,319	570	3.8	13.0	10.6	72.5	6.5
Financial .....	170	215	213	4,850	59	3.5	5.1	4.4	86.9	1.1
Education .....	438	1,495	1,040	7,331	237	4.3	14.5	10.1	71.1	2.3
Accommodation .....	55	72	119	574	68	6.7	8.8	14.5	70.0	8.3
Other Services .....	723	1,092	966	13,912	324	4.3	6.5	5.8	83.3	1.9
Restaurants .....	314	815	719	1,328	515	11.3	23.8	20.7	44.2	16.2
Bldg. Services .....	11	48	38	232	25	6.4	14.9	9.9	68.8	7.6
Healthcare .....	359	872	1,280	6,094	194	5.5	12.0	13.7	68.7	2.3
Nursing Homes .....	53	118	194	723	82	5.0	9.6	18.8	66.6	7.6
Total .....	3,647	6,876	6,431	57,182	2,288	5.3	9.2	8.9	76.6	3.1

Source: Current Population Survey month of March for 2010–2012; ages 19–64, hours worked at main job

\* Those in the industry working 30–36 hours, below 400% FPL and do not have insurance through their own employer.

Table 2 shows the distribution of worker health coverage by the number of hours worked. While 68.8 percent have insurance

through their employer, this only holds for 23.5 percent of employees working fewer than 30 hours a week. For this part-time group,

33.5 percent have insurance through a family member, 10.7 percent have public coverage, 10.3 percent purchase coverage through the

individual market and 21.9 percent are uninsured. Slightly more than 50 percent of those working between 30 and 36 hours do not have

coverage through their own employer, though only slightly more than one quarter are uninsured or purchase coverage in the in-

dividual market. These workers are the most likely to receive subsidized coverage through the Exchanges.

TABLE 2—HOURS WORKED BY HEALTH COVERAGE, WORKERS IN FIRMS OF 100 OR MORE EMPLOYEES, U.S.

Coverage type:	Hours vary (percent)	Below 30 hrs (percent)	30 to 36 hrs (percent)	37+ hrs (percent)	Total (percent)
Employer-sponsored insurance thru employer .....	52.1	23.5	49.4	77.5	68.8
Employer-sponsored insurance thru family member .....	17.1	33.5	17.4	9.8	13.0
Public .....	6.5	10.7	7.4	2.3	3.7
Individual Market/Other .....	5.3	10.3	4.8	2.0	3.2
Uninsured .....	19.1	21.9	20.9	8.5	11.3
Total .....	100.0	100.0	100.0	100.0	100.0

Source: Current Population Survey month of March for 2010–2012; ages 19–64, hours worked at main job.

The 2.3 million workers identified as at greatest risk for work hour reduction represent 1.8 percent of the United States workforce. This is consistent with the research on the impact of Hawaii's health care law on work hours. Hawaii requires firms to provide health insurance to employees working 20 hours a week or more, so the cost to employers for full-time workers are much greater in Hawaii than under the ACA, while the hour threshold is lower. Buchmueller, DiNardo and Valetta (2011) found a 1.4 percentage point increase in the share of employees working less than 20 hours a week as a result of the law. In Massachusetts, where the employer penalty is smaller than in the ACA (\$295 per year), there was no evidence of a disproportionate shift towards part-time work compared to the rest of the nation.

[From the Los Angeles Times, May 2, 2013]

PART-TIMERS TO LOSE PAY AMID HEALTH  
ACT'S NEW MATH  
(By Chad Terhune)

Some workers are having their hours cut so employers won't have to cover them under Obamacare. But many will benefit from the healthcare law's premium subsidies and Medicaid expansion.

Many part-timers are facing a double whammy from President Obama's Affordable Care Act. The law requires large employers offering health insurance to include part-time employees working 30 hours a week or more. But rather than provide healthcare to more workers, a growing number of employers are cutting back employee hours instead.

The result: Not only will these workers earn less money, but they'll also miss out on health insurance at work.

Consider the city of Long Beach. It is limiting most of its 1,600 part-time employees to fewer than 27 hours a week, on average. City officials say that without cutting payroll hours, new health benefits would cost up to \$2 million more next year, and that extra expense would trigger layoffs and cutbacks in city services.

Part-timer Tara Sievers, 43, understands why, but she still thinks it's wrong.

"I understand there are costs to healthcare reform, but it is surely not the intent of the law for employees to lose hours," said the outreach coordinator at the El Dorado Nature Center in Long Beach. "It's ridiculous the city is skirting the law."

Across the nation, hundreds of thousands of other hourly workers may also see smaller paychecks in the coming year because of this response to the federal healthcare law. The law exempts businesses with fewer than 50 full-time workers from this requirement to provide benefits.

But big restaurant chains, retailers and movie theaters are starting to trim employee hours. Even colleges are reducing courses for part-time professors to keep their hours down and avoid paying for their health premiums.

Overall, an estimated 2.3 million workers nationwide, including 240,000 in California, are at risk of losing hours as employers adjust to the new math of workplace benefits, according to research by UC Berkeley. All this comes at a time when part-timers are being hired in greater numbers as U.S. employers look to keep payrolls lean.

One consolation for part-timers is that many of them stand to benefit the most from the healthcare law's federal premium subsidies or an expansion of Medicaid, both starting in January.

The law will require most Americans to buy health insurance or pay a penalty. Yet many lower-income people will qualify for government insurance or be eligible for discounted premiums on private policies.

QUIZ: TEST YOUR HEALTHCARE KNOWLEDGE

"For people losing a few hours each week, that's lost income and it has a real impact," said Ken Jacobs, chairman of the UC Berkeley Center for Labor Research and Education. "But many low-wage, part-time workers will also have some affordable options under the federal law."

Employers say these cutbacks are necessary given the high cost of providing benefits. The average annual premium for employee-only coverage was \$6,540 in California last year. Family coverage topped \$16,000 a year. Those premiums have shot up 170% in the past decade, more than five times the rate of inflation in the state.

Bill Dombrowski, chief executive of the California Retailers Assn., said employers are reducing hours because "it's the only way to survive economically."

The full effect of these changes in the workplace isn't known yet because many employers are still considering what to do. Many companies waited to see whether the landmark legislation would survive a Supreme Court challenge and the outcome of last fall's presidential election.

Now many employers are scrambling to understand the latest federal rules on implementation and are analyzing what makes the most sense for their workforce and for running their business.

There has been widespread speculation that many businesses would drop health coverage entirely in favor of paying a federal penalty of \$2,000 per worker. Benefit consultants and insurance brokers say many companies examined that scenario. But they say most rejected it because of the disruption it would cause for employees and the potential for putting an employer at a competitive disadvantage in luring talented workers.

Instead, pruning the hours of part-timers has attracted far more interest.

"That will be a widespread strategy," said Dede Kennedy-Simington, vice president at Polenzani Benefits in Pasadena. "Employers will be making sure their payroll system can flag when part-time workers are getting close to the cap they set."

Long Beach officials said they studied the various budget options and opted for a plan

that should affect only a small portion of its workforce. The city estimates about 200 part-time workers will be among the most affected by a reduction in hours, representing about 13% of its overall part-time staff. The city calculated that the federal penalty for dropping coverage completely for its 4,100 full-time employees would have been about \$8 million.

"We're in the same boat as many employers," said Tom Modica, the city's director of government affairs. "We need to maintain the programs and service levels we have now."

Sievers, the outreach coordinator, has worked on and off for the city since 1994. She agreed that the city has experienced tough fiscal times as many municipalities have since the recession. But the city expects a budget surplus of \$3.6 million for the coming year.

"Many part-timers are already struggling to get by in these jobs," Sievers said.

Virginia's Republican governor, Bob McDonnell, announced this year that all part-time state employees should work 29 hours or less to avert the 30-hour threshold. Darden Restaurants Inc., which owns the Olive Garden and Red Lobster chains, began shifting to more part-time workers last fall in a much-publicized test to keep a lid on healthcare costs. Then Darden dropped the plan after being roundly criticized.

Some California lawmakers worry that the federal penalties for not providing health coverage aren't enough of a deterrent. They have proposed additional state fines to prevent major retailers, restaurant chains and other employers from restricting hours and dumping more of their workers onto public programs such as Medi-Cal. Opponents say the proposal is unnecessary and could deter companies from adding workers.

Some supporters of the Affordable Care Act say they welcome a gradual shift away from employer-sponsored coverage if new government-run exchanges give consumers a choice of competitively priced health plans. Some low- and middle-income workers who qualify for federal subsidies may end up paying less by buying their own policy next year compared with their contribution toward employer coverage.

"If the exchanges work," said Nelson Lichtenstein, a professor of history at UC Santa Barbara and a labor expert, "then I'd be in favor of more people getting covered that way rather than through employers."

Ms. COLLINS. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

NOMINATION OF SHELLY DECKERT  
DICK TO BE UNITED STATES DIS-  
TRICT JUDGE FOR THE MIDDLE  
DISTRICT OF LOUISIANA

NOMINATION OF NELSON STEPHEN  
ROMAN TO BE UNITED STATES  
DISTRICT JUDGE FOR THE  
SOUTHERN DISTRICT OF NEW  
YORK

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Shelly Deckert Dick, of Louisiana, to be United States District Judge for the Middle District of Louisiana, and Nelson Stephen Roman, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, over the last month, Senate Republicans have failed to refute the facts of what they have done to President Obama's judicial nominations. The Senate's work on judicial nominations should not be about partisan point-scoring; it should be about ensuring the American people have access to justice. I rejected that partisan tit-for-tat approach while moving to confirm 100 of President Bush's judicial nominees in just 17 months in 2001 and 2002.

The question for the Senate is, Are we doing enough to ensure that hard working Americans have access to justice so that they can have their rights protected? At a time when 10 percent of the Federal bench remains vacant, I do not think that we are. The standard we set during the Bush administration for quickly moving to confirm non-controversial nominees is not being met.

Senate Republicans who take such pride in the number of nominees being confirmed this year ignore how many were needlessly delayed from confirmation last year and what they have done during the last 4 years. That is why after the 14 confirmations this year, we remain more than 20 confirmations behind the pace we set for President Bush's circuit and district nominees, and vacancies remain nearly twice as high as they were at this point during President Bush's second term. For all their self-congratulatory statements, they cannot refute the following: We are not even keeping up with attrition. Vacancies have increased, not decreased, since the start of this year. President Obama's judicial nominees have faced unprecedented delays and obstruction by Senate Republicans. We have yet to finish the work that could and should have been completed last

year. There are still a dozen judicial nominees with bipartisan support being denied confirmation.

A recent report by the nonpartisan Congressional Research Service compares the whole of President Obama's first term to the whole of President Bush's first term, and the contrast could not be more clear. The median Senate floor wait time for President Obama's district nominees was five times longer than for President Bush's. President Obama's circuit nominees faced even longer delays, and their median wait time was 7.3 times longer than for President Bush's circuit nominees. The comparison is even worse if we look just at nominees who were reported and confirmed unanimously. President Bush's unanimously confirmed circuit nominees had a median wait time of just 14 days. Compare that to the 130.5 days for President Obama's unanimous nominees. That is more than nine times longer. Even the non-partisan CRS calls this a "notable change." There is no good reason for such unprecedented delays, but those are the facts.

The confirmations in the last few months does not change the reality of what has happened over the last 4 years. If a baseball player goes 0-for-9, and then gets a hit, we do not say he is an all-star because he is batting 1.000 in his last at bat. We recognize that he is just 1-for-10 and not a very good hitter.

So while I welcome the confirmations this year, I note both that 10 of the 14 could and should have been confirmed last year and that there are another dozen nominees pending before the Senate, including four who also could have been confirmed last year. We can and must do more for Americans who look to our courts for justice. They deserve better than long delays and empty courtrooms. With 10 percent of our Federal bench vacant and a backlog of nominees on the Senate Executive Calendar, it is clear that the Senate is not working up to its full capacity on nominations.

It is true that some vacancies do not have nominees. I wish Republican home State Senators would work with President Obama to fill these vacancies. Nor do those vacancies excuse their unwillingness to complete action on the consensus judicial nominees who are ready to be confirmed but whose confirmations are being delayed. Mark Barnett, Claire Kelly, Shelly Dick, William Orrick, Nelson Román, Sheri Chappell, Michael McShane, Nitza Quinones Alejandro, Luis Restrepo, Jeffrey Schmehl, Kenneth Gonzales, and Gregory Phillips are awaiting confirmation and Sri Srinivasan, Ray Chen, and Jennifer Dorsey can be reported to the Senate today, without further delay. So long as there is a backlog of nominees before the Senate, the fault for failing to confirm these nominees lies solely with Senate Republicans.

The Judicial Conference recently released their judgeship recommenda-

tions. Based upon the caseloads of our Federal courts, the conference recommended the creation of 91 new judgeships. That is in addition to the 86 judgeships that are currently vacant. This means that the effective vacancy rate on the Federal bench is over 18 percent. A vacancy rate this high is harmful to the individuals and businesses that depend on our courts for speedy justice. The damage is even more acute in the busiest district courts, such as those in border States that have heavy immigration-related caseloads. In a Washington Post article about the CRS report, Jonathan Bernstein wrote: "Ordinary people who just want to get their legal matters taken care of promptly have suffered because of all the vacancies on federal courts." I ask unanimous consent to have the article entitled "New report confirms GOP obstructionism is unprecedented" printed in the RECORD at the conclusion of my statement.

Unnecessarily prolonged vacancies are not the only way that partisanship in Washington is hurting our courts. Sequestration continues to affect our justice system. The chief judge of the Fourth Circuit, William B. Traxler, Jr., has written: "The impact of sequestration on the Judiciary is particularly harsh because the courts have no control over their workload. They must respond to all cases that are filed . . . ." He went on to say:

[A] significant problem arises when budget cuts impact our responsibilities under the Constitution. This happens when we cannot afford to fulfill the Sixth Amendment right to representation for indigents charged with crimes. The predictable result is that criminal prosecutions will slow and our legal system will not operate as efficiently. This will cost us all in many different ways.

I share Chief Judge Traxler's concern, and I ask unanimous consent to have his statement printed in the RECORD at the conclusion of my remarks.

Our Federal judiciary provides justice to 310 million Americans and gives full effect to the laws that we pass here in the Senate. We have a constitutional responsibility to those 310 million Americans to make sure that they can count on our Federal courts to provide justice. Federal courts should not be held hostage to partisan obstruction, and we need to keep our courts fully funded so that they can continue to meet the promise of timely justice that is embedded in our Constitution.

Shelly Dick is nominated to fill a vacancy on the U.S. District Court for the Middle District of Louisiana. Since 1994, she has been in private practice at the Law Offices of Shelly D. Dick, LLC, in Baton Rouge and was previously an associate with the law firm of Gary Field Landry and Dornier. Additionally, since 2008, she has served as an ad hoc hearing officer for the Louisiana Workforce Commission. Shelly Dick has the bipartisan support of her home State Senators, Ms. LANDRIEU and Mr. VITTER, and was reported unanimously by the Judiciary Committee over 2