

come true, is what is going to happen to Kansans—and I know other Senators have this same fear—when the warnings about the four rationers do come true.

We need to protect the all-important relationship between the doctor and the patient, which I believe the four rationers put at risk. In order to do that, we need to repeal—and most important—and replace ObamaCare with real reforms that work for Kansans.

THE FARM BILL

In this atmosphere of uncertainty and new Senate order, I would like to talk about another subject that is related, for the lack of any progress we might have.

This is becoming an all too familiar situation for Kansas farmers and ranchers and all of American agriculture. In some respects we are closer to signing a farm bill into law than 1 year ago, but we still have not yet completed this important task. As 1 of the 41 Members named at the conference committee in October, I was able to give a quick opening statement outlining my biggest priorities for the farm bill, including addressing regulations that protect crop insurance and reforming SNAP; i.e., food stamps.

Unfortunately, that was the one and only time the full conference committee has met to date. With time in short supply, the four principals of the agriculture committee both in the House and the Senate—the ranking member, the chairwoman, the chairman, and the ranking member in the House—are trying to make the majority of decisions as best they can among themselves and behind closed doors.

Sometimes you can get things done behind closed doors without 37 people offering their opinion. I understand that. But with all due respect to those Members, we have real policy differences that deserve to be debated publicly, particularly in the commodity and the nutrition titles. The other 37 of us have been ready and willing to be put to work. Yet the conference committee has only met once with no future meeting scheduled.

I am very disappointed that an agreement on the farm bill may be close and yet some of our ideas and suggestions and concerns will go unheard or unanswered, such as the new environment we live in, in the Senate.

As I said during the agriculture committee markup and our only conference meeting, I have real concerns with the direction of the farm programs in this year's bill. We have what are called target prices—we might as well just say subsidies or countercyclical payments or adverse market payments—which have proven to be trade and market distorting.

For some commodities these prices are set so high that they may cover a producer's cost of production. That is right. We have a government subsidy over the producer's cost of production. That will essentially guarantee that a farmer profits if yields are average or above average.

In this budget environment, and at a time when we are looking to make smart cuts, I simply don't know how to justify this subsidy program that can pay producers more than the cost of production and essentially becomes nothing more than an income transfer program, not a risk management tool.

After the committee markup, I had hopes we could improve the farm bill to more resemble the risk-oriented and the market-based approach the Senate had previously taken, working with the distinguished chairwoman from Michigan and myself as ranking member.

Last year I worked with the Senate leadership from both parties to consider the farm bill through, of all things, regular order. Everybody had a chance to offer an amendment. The first amendment that was offered had nothing to do with the farm bill. That amendment was by Senator PAUL. Regular order gave all Senators the chance to improve the bill or make their concerns known.

However, this year we considered a mere 15 amendments. The last time around it was 73 with 300 offered. Although 250 amendments were offered this time, we only had 15 amendments. All amendments regarding the new target price program were blocked from consideration and votes on the Senate floor—all of them. Senator THUNE had amendments, Senator GRASSLEY had amendments, Senator JOHANNES had amendments, and I had amendments. We all serve on the agriculture committee.

Of course, the real problem with farmers planting for a government program and not for the market is that these programs only serve to extend the period of low prices due to overproduction.

Besides high target prices for all commodities, the House wants to recouple payments with current production for the first time since 1996. The Chamber of Commerce has warned that if we go down this road, we will quickly invite other Nations to initiate dispute settlements against the United States and do so with a good chance of success.

I also have longstanding WTO, World Trade Organization, concerns, and the United States lost—and I mean really lost—in a case to Brazil in part because of the decoupled price program. We are still paying for that.

I am hopeful we will come to some agreement that works without further setting us up for a further trade dispute not ruled in our favor.

Another sticking point seems to be SNAP, the Supplemental Nutrition Assistance Program. I think everybody is aware of that. It is important to note that at least 80 percent of the U.S. Department of Agriculture's budget goes to nutrition programs. SNAP was exempted from across-the-board cuts known as sequestration.

The Senate bill only trims \$4 billion out of a nearly \$800 billion program in a 10-year budget. That is less than 1

percent of a reduction. It doesn't cut anybody's benefits. It looks at eligibility and other problems that are within SNAP.

We have the responsibility to do more to restore integrity to SNAP, eliminate fraud and abuse, while providing benefits to those truly in need.

I offered an amendment during the committee markup and on the floor that would have saved an additional \$31 billion for SNAP. I thought it was a smart and responsible way which would not take away food from needy families.

The House took a similar approach and also included work requirements for food stamps and found a total of \$39 billion in savings. That is about a 5-percent reduction over 10 years.

It has also been mentioned that SNAP has already been cut by \$11 billion this year. However, the end of the American Recovery and Reinvestment Act of 2009 stimulus boost for food stamps was a temporary increase in benefits to assist individuals and families hurt by the recession. The end of this temporary increase is in no way related to the farm bill, and the Congressional Budget Office agrees that no budgetary savings are achieved. Reconciling the difference between \$4 billion and \$40 billion in savings has proven very tough so far, if not impossible. However, unlike the majority of the programs in the farm bill, if we don't have a bill signed into law, the Food Stamp Program or SNAP will go unchanged and there will be no savings or reform to the program.

Last week I spoke with the Kansas Farm Bureau—800 members of the farm bureau and their families—and once again the No. 1 priority for virtually every producer was crop insurance. Even after the devastating drought over the last few years, crop insurance has proven to work. Producers from Kansas to Illinois and all over the country are still in business helping our rural families and our communities.

In 2013, producers across the country insured a record number of acres, covering nearly 295 million acres and over \$123 billion in liabilities. The takeaway message is clear: More farmers are purchasing crop insurance policies to protect their crops than ever before. In both versions of the farm bill, we are able to strengthen and preserve crop insurance. We need to keep that commitment through the final legislation.

The farm bill is the appropriate time and place to also address regulatory overreaches by the Environmental Protection Agency and the rest of the administration that impacts farmers and livestock producers. In that respect, I appreciate the House addressing several burdensome regulations that I worked on in the Senate, including pesticides, farm fuels, tank storage, the lesser prairie chicken—bless their heart—GIPSA, mandatory country-of-origin labeling, also called COOL.

Overall, I am disappointed that it looks as though we will not finish the

farm bill before the end of this year, despite the need for certainty and predictability all throughout farm country, not to mention the Department of Agriculture. Our folks back home have to make business decisions regardless of the status of negotiations.

Just one example. Kansas wheat growers have already planted their 2014 wheat crop and have been required to certify their acres; they just don't know what programs will be available to them. While we all want to provide long-term certainty to farmers, ranchers, their families, and American consumers, we have already let one extension expire in September, and the House may pursue extending the 2008 bill yet again. However, our Senate majority leader, HARRY REID, said yesterday that even if the House passes a short-term extension of the farm bill, the Senate will not pass it.

A year ago in August I went to the floor, upset with the leader for failing to consider a bill the House passed to reinstate the livestock disaster programs from the 2008 farm bill in response to the devastating drought in the Midwest. It went on for 3 years. At the time, I called it shameful and an abdication of our duty to the cattlemen and women who feed the world and warned of the costs of inaction. We were able at that time to finalize a farm bill—still the same farm bill a year later—and our livestock producers are continuing to work to rebuild their herds after multiple years of drought. Yet livestock disaster programs remain on hold. Then the devastating blizzard hit the Dakotas and Nebraska this year, and those producers were left with little Federal support—a problem we could have addressed a year ago.

All of us on the conference committee and every Member throughout Congress should be equally troubled if we leave this year without addressing the farm bill. I am committed to resolving these difficult differences in order to provide certainty and a forward-thinking farm bill that is responsible to Kansans and farmers and ranchers and consumers as well as taxpayers.

We have to end this environment here where this so-called nuclear option has really gotten us into a hole that we keep digging, whether we are trying to get a farm bill done, whether we are striving to improve the affordable health care act or repeal it, or whether we have a commission that nobody has heard of in the rules committee that is sitting doing something, but we know not really what or what to do with it.

I see the distinguished Senator from Louisiana, who I think would like to be recognized at this time, so I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

UNANIMOUS CONSENT REQUEST—S. 1610

Ms. LANDRIEU. Madam President, I see my good friend the Senator from North Dakota on the floor today, and I

wish to yield to her to begin this very important discussion on the importance of flood insurance relief for the country. She has been an outstanding spokesperson and a true advocate to help us get this right, this Flood Insurance Program that can help sustain the program itself for the benefit of the taxpayers as well as for the people in North Dakota, Louisiana, Pennsylvania, New York, and New Jersey who depend on it so much. So let me turn to our leader, Senator HEITKAMP.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Madam President, we are here today to talk about something that is critically important to very many middle-class families who enjoy home ownership across the country, and business ownership, and it is the truly bipartisan Homeowner Flood Insurance Affordability Act, which seeks to address the recent flood insurance rate escalations across the country.

This bill is measured, it is reasonable, and it allows for FEMA to complete a study on flood insurance affordability and provides Congress with assurance about FEMA's ability to accurately determine flood risk before implementing pieces of the Biggert-Waters Flood Insurance Reform Act. I think it is true in many cases that the Congress has good intentions. They passed the Biggert-Waters provisions, they passed the act, but implementation has been a nightmare. I don't think we are exaggerating in saying it has been a nightmare for very many of our community members, especially across the coastal areas. I think it is important that I speak as someone from a Plains State who has told people repeatedly that flood insurance is a huge impediment to success and to home ownership in North Dakota, in very many of my communities.

I wish to mention some of the provisions of the bill. The bill would delay a rate increase for the following properties: primary, non-repetitive loss residences that were grandfathered; all properties sold after July 6, 2012; and all property that purchased a new policy after that date. It is important that the folks out there who have already gotten these tremendous flood insurance bills understand that our effort is to make this bill retroactive to October 1 of this year so that those rate increases that were mandated by that date don't take effect.

The basement provision is something we have spent a lot of time educating other Members about. It is a provision that affects very many communities across the country, including 14 in North Dakota, where some of our largest communities have flood-proof basements. They have lived by the rules and they have done all that they should do, so they have been granted an exemption from flood insurance, taking a look at where the foundation is as opposed to where the basement floor is when they determine vulnera-

bility. That basement exemption is in danger of being repealed by FEMA, and we want to make sure that whatever we do recognizes that when those homeowners have played by the rules, have done what is right and flood-proofed their basements, it is recognized in a flood insurance program.

Generally speaking, I came to the Senate to fight for North Dakotans. I have to imagine most of the Senators are here because they want to fight for the people of their States. A major way to do that is to protect American families and their homes and stop putting undue pressure on them. It is a simple idea, but it is proving much harder to implement than I would like.

Flooding is a reality far too often in North Dakota, and there are many other communities across the country that see the same kind of plains flooding. Just in the past few years we have seen communities such as Fargo, Minot, Grafton, and others impacted by severe flooding that has destroyed homes and businesses.

This fall flood insurance rates went up for millions of families. This puts families at risk. So many of them have to struggle to pay for flood insurance or they have to walk away, literally walk away from their investment in their home.

Biggert-Waters is having an immediate impact on homeowners in my State. I will give one example. There is a woman I know from Grafton, ND, named Alison Skari who, with her husband Kyle, purchased a home in that small community about a year ago. At the time, the flood insurance rate was \$901 for \$100,000 worth of coverage. But when the policy recently came up for renewal, their flood insurance skyrocketed to more than \$4,200 a year. Let me repeat those statistics. Their flood insurance cost when they bought their home was at \$901. Today their bill is \$4,200—a 375-percent increase for the same amount of coverage. In an email to me, Allison expressed a desire to raise her children in Grafton, but unfortunately they no longer can afford their home—not with these new rates. She said had she and her husband known about these rates when they bought their home, they would never have purchased their home.

This story reinforces that we need to take a new look. We need to take a new look at this Flood Insurance Program. We need to take a new look at affordability of home ownership.

Everybody knows that in the last—certainly since 2008 we have seen a slow recovery in home ownership. We have tried to make sure people can realize the American dream, and a big part of that is, in fact, the owning of their own home. Yet here we are in the Congress making it virtually impossible for middle-class families to buy and live in and enjoy their homes. That was never the intention of the Biggert-Waters provision. The intention was to bring the Flood Insurance Program to a more reasonable, market-based evaluation.

But I don't think anyone in this body anticipated these dramatic and very devastating increases.

I believe we absolutely need to do something to send a message that we in this body are listening to the middle class. We are listening to the middle class. When every person who runs for office—in their campaign, I bet there isn't one person in this body who didn't say: I am there to help protect the middle class. This is our opportunity, in a bipartisan way, to step up and protect the middle class and to tell people that grasp of home ownership, that piece of the American dream is within their reach, and it is within their reach because we aren't doing devastating things here in Washington, DC.

I thank my great friend from Louisiana. As a new Member, I preside frequently on the floor of the Senate, and I think that if there has been a canary on this issue, that early bellwether whom we look to and who said we are going to have problems, it was Senator MARY LANDRIEU, who alerted this body from the very beginning, who knew these increases were coming and so ably advanced her leadership on this issue. I applaud her for that. I applaud Senator MENENDEZ and Senator SCHUMER and so many people on the other side who have worked with us to try to develop a bill that truly has bipartisan support. I urge this body to send a very important holiday present, a Christmas present to the middle class of America by passing this reform bill, by delaying these increases and making that dream of home ownership possible in the future.

THE PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I thank the Senator from North Dakota for her very kind and very generous comments. She underestimates her own tremendous leadership skills. Arriving here as a new Member, she jumped right into this issue. She didn't need a lot of prep work. She understands her State. She understands basements, which we don't have in Louisiana because if we dig down even a few inches, we will hit water. So I had to become very well educated by my good friends, the Senators from New York, New Jersey, and North Dakota, about true basements. It just goes to show that when we work together, we can come up with good legislation that can really help our people, give them relief, being in partnership with them, helping them to keep and strengthen the equity in their homes and businesses as well as do right by the taxpayer. So I thank the Senator very much for her kind comments.

I wish to through the Chair recognize the Senator from New York, who has been an absolutely outstanding advocate for the people of the east coast—particularly New York but the entire east coast in the aftermath of Sandy. It was so helpful to that region to bring them the relief they needed,

which has worked, and I understand it is still going on and we have to do more. But if we don't fix this flood insurance issue, which, in fact, was a manmade disaster, it is going to make the natural disaster of Sandy that much worse.

I wish to ask Senator SCHUMER if he has any comments to add to what has already been said.

THE PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, first, I wish to assure my colleagues that they don't have to be wearing a blue jacket to be supportive of this legislation, as the Senator from North Dakota, the Senator from Louisiana, and I happen to be wearing this afternoon.

Second, I thank my friend and colleague from Louisiana. What my friend from North Dakota said is exactly right. She has been the Paul Revere of this issue, running up and down the aisles of the Senate, if you will, letting people know—"flood insurance increases are coming; flood insurance increases are coming"—because she saw it in her home State. She has been a great leader, and I hope we will pass the measure she has helped so importantly to craft when it is offered a little later by my colleague from New Jersey.

I wish to say to her that she is exactly right about Sandy. We have families who were devastated by Sandy. They struggled to rebuild their homes. Then, all of a sudden, because of re-mapping and because of changes in the flood insurance law, they are hit with a flood insurance bill of \$800, \$900, \$1,000. Let's make no mistake about it. These are not wealthy people. Lots of people in New York State who live along the water in Long Island and Queens and Brooklyn and Staten Island are working-class and middle-class people. Their homes are modest. Their jobs are modest. They can't afford \$9,000 a year. For those who were told: Yours isn't going to rise, but when you sell your home it will, now they can't sell their homes.

There are some things that make the rest of the Nation scratch their heads in wonderment, saying: What the heck is going on in Washington, DC? There are too many things, and one of them is flood insurance. How can we demand that average, middle-class people pay up to, in some cases, \$25,000 or \$30,000 a year for a policy that is capped at \$250,000? How can we have so many homeowners have to pay \$5,000, \$8,000, \$10,000 when they can ill afford it? We cannot do that. That is why this legislation is so important. It is just wrong.

When we wrote the original Sandy bill, we put in an affordability provision, and there was supposed to be a study about how people could afford the insurance before any increases were put into effect. That did not happen.

I have to say, the people at FEMA are good people, but they do not understand affordability. They are not meas-

uring affordability. They are not paying attention to affordability.

What is the job of Congress? One of our jobs—when an agency does not do what it is supposed to do—is for us to correct it and oversee it, and that is what has happened with FEMA and flood insurance.

So we call for a delay until an affordability study is done, until we can figure out a new way to avoid average folks, middle-class folks, from being forced to either not have flood insurance, abandon their homes, or not sell their homes when they desperately need to do so.

FEMA is saying: If we do not charge these people, the program will not be solvent. I will tell you something. If they continue to charge these rates, no one is going to buy flood insurance. People will drop out of the flood insurance program, and it will be even less solvent. So we have to come to a reasonable, thoughtful, and careful solution.

As the first two of us who have spoken have shown—and my colleagues from Louisiana, New Jersey, Florida, New Hampshire, who are all here to discuss this issue—this affects every part of the Nation. It does not just affect Florida, although they have hurricanes. It does not just affect Louisiana, although they have hurricanes and floods. It affects our great river basins—the Missouri and Mississippi River basins. It affects the west coast, where flash floods can be very, very dangerous. It affects any place that is near water, which is most of America.

We have so many issues. The maps that are drawn are way off base. I have areas in my State that are 5 miles from water and have never been flooded and are included in flood insurance. FEMA actually did not even measure the flood plains in Nassau County and imposed Suffolk County's flood plain. We had to force them to go back and start over.

There is so much wrong with the way the program is now existing that it must be put on hold so we can come up with something better than FEMA is doing.

So I hope my colleagues will support us. We have bipartisan support. The Senator from Georgia has been a great advocate. Others have been great advocates on the other side of the aisle. If you say to yourself: I am going to object because this is not affecting my State, believe me, it will. As FEMA draws maps in State after State across the country, the very same thing that is now afflicting North Dakota, Louisiana, New York, Florida, and New Jersey will afflict your State. You will be coming back to us 2 years from now saying: Hey, let's move that legislation.

Let's avoid that problem. Let's do what we have to do. Put this on hold, go back to the drawing board, and create a FEMA program that both works and is affordable. I believe we can, if this Senate and this House will give us the chance.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Florida is recognized.

Mr. NELSON. Mr. President, before the Senator from New York departs, I want to say this is a real-life example. In Pinellas County, FL, which is the county that houses Saint Petersburg and Clearwater, a current flood insurance premium for a homeowner: \$4,000. A new flood insurance premium—10 times as much—\$44,000.

Do you think that homeowner can afford that? Do you think that homeowner can now sell their house since that is the flood insurance premium that is facing a potential buyer? And, of course, the real estate market dries up.

So it is a question of affordability, and I merely underscore what the Senator has already said and what the great Senator from Louisiana is going to talk about; that is, that you have a pause, you get FEMA to do an affordability study, and then you phase this in over time.

It just so happens that 40 percent of these policies are in my State of Florida. We have more coastline than any other State, save for Alaska, and they are not afflicted by the same things we are, and they do not have a population of 20 million people. Lo and behold, our people are hurting, and we have to give them relief.

So I beg anybody in the Senate: Please, when this unanimous consent request comes up, we have to have this relief for our homeowners and for the real estate market.

The maps are a different question, and eventually we need to address the issue of the maps because they are obviously drawing some areas that are not flood prone. They are well above the flood stage, and somehow these maps have gotten misaligned. We can address that. But right now we have to address the affordability question.

This is no fooling time, and I beg the Senate to let this legislation go by unanimous consent. I am anxious to have my colleagues make their statements.

Mr. President, I am chairing the Aging Committee hearing right now. I look forward to the Senator from Massachusetts joining us after her statement.

So with that, I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, in deference to my colleague, who I understand may object—and although I have a statement—let me first precede it by making this request. As in legislative session, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the banking committee be discharged from further consideration of S. 1610, the Homeowner Flood Insurance Affordability Act of 2013, and the Senate proceed to

its consideration; that an amendment, which is at the desk, making technical changes to the bill, be agreed to; that no other amendments be in order to the bill; that there be up to 2 hours of debate equally divided between proponents and opponents of the bill; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to vote on passage of the bill; finally, the vote on passage be subject to a 60-affirmative-vote threshold.

The PRESIDING OFFICER. Is there objection?

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I object on behalf of the ranking member of the banking committee. This bill has not been through the committee process and would undo the important rate reforms to the National Flood Insurance Program that were put in place in the most recent flood reform bill to address the program's \$25 billion debt to the taxpayer. We must ensure that all Members have the opportunity to understand and weigh in on the changes being made by this action. This unanimous consent request would bypass this important step in the legislative process, and I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I have to say, I am disappointed to hear an objection because this is a bipartisan effort that is being pursued in the Senate and the majority leader has been very gracious to offer us time to debate and vote on an important proposal. I am sure we will be back here again to try to achieve that. This is not a Republican bill or a Democratic bill. It is not a Republican or Democratic priority. It is a commonsense measure that has broad bipartisan support—exactly the type of support and cooperation the American people are yearning to see from their elected officials. More importantly, this legislation is critical to the lives of hundreds of thousands of homeowners, and we should not simply let Senate procedure get in the way of finding solutions.

Let me just briefly speak in support of S. 1610, which is the Homeowners Flood Insurance Affordability Act that we just asked consent to bring to the floor. It is a bipartisan, bicameral piece of legislation that would help people afford flood insurance so they can stay in their homes and businesses can stay open—all the while preventing property values from plummeting.

At a time when there is far too little bipartisan cooperation, this bill stands as a notable exception. It currently is cosponsored by 23 of my colleagues, including 7 Republicans, representing States from all corners of the country.

It is supported by the National Association of Realtors, the National Association of Homebuilders, the American Bankers Association, and the Independent Community Bankers Association.

You have heard from several of my colleagues who have spoken to this issue—and there are others, such as Senator WARREN and my fellow colleague from New Jersey, Senator BOOKER, who I am proud to say has chosen this bill as the first piece of legislation to cosponsor in what I am sure will be a long and illustrious career in the Senate.

The reason for that broad support is because flood insurance is not just a coastal or Northeast issue, it is an issue that affects the entire country. Every State in the Nation has properties covered by the National Flood Insurance Program, and every State in the Nation will see premiums on some of these properties increase as a result of Biggert-Waters.

Some of these increases will be modest. Others are going to be prohibitively expensive and act as a de facto eviction notice for homeowners who have lived in their homes and played by the rules their entire lives. We certainly know this because we are already hearing from our constituents, and many more of our colleagues are hearing the same desperate cries from across the country, and many more will hear them as flood insurance maps get outlined by FEMA under the legislation, as renewals come up, and all of a sudden they are going to hear an outcry from their homeowners, who are going to say: This ultimately creates a set of circumstances for me where I am going to lose my home.

The value of their homes will be dramatically reduced. Their ability to sell it will be dramatically altered, and they will, in essence, have taken what they have worked a lifetime to achieve and have it become a human catastrophe—made by the Congress.

This is going to drive property values down. The housing market is still struggling to recover, and we all know that declining property values have a domino effect, causing neighborhood properties to decline in value, which, in turn, hurts the broader economy.

We need to understand the impact that these dramatic changes in Biggert-Waters will have on the housing market before it is too late. We need to understand the impact these rate reforms will have on program participation, which is already dismally low. In fact, recent reports suggest that only about 18 percent of properties in flood zones participate in the program. If rates are raised too high and too quickly, people will simply opt to drop their insurance, decreasing participation, and the risk pool in the National Flood Insurance Program will ultimately feel the consequences.

One study has shown that for every 10-percent increase in premiums, program participation decreases by approximately 2.6 percent; and the sharper the increases, the higher the proportion of dropouts.

As with any flood insurance fund, the smaller the risk pool, the greater the risk. So increasing rates could have the

unintended consequences of actually making the program less solvent.

Reduced program participation would also increase the amount taxpayers are on the hook for in disaster assistance payments. Since FEMA grants, SBA loans, and other disaster assistance are reserved for unmet needs, more uninsured homeowners mean more disaster assistance payouts.

We should be incentivizing people to purchase insurance so they have skin in the game and they will be motivated to take proactive mitigation measures—not pricing them out of insurance so they are forced to rely on taxpayer-funded disaster assistance.

There is no question that we need to reform the National Flood Insurance Program in order to put it on a long-term path towards solvency and sustainability. But, unfortunately, Biggert-Waters forces changes that are far too large and far too fast. It requires FEMA to increase rates dramatically, even before FEMA knows the scope of these changes or how they will impact program participation.

Think about that for a second. We are making dramatic changes in policy which could impact more than 5.5 million policyholders and have ripple effects throughout the housing market in our entire economy before we even know the extent of these changes or their impact.

I have heard from countless New Jerseyans, many who have come to me in tears, who are facing this predicament. These are hardworking middle-class families who played by the rules, purchased flood insurance responsibly, and are now being priced out of their home.

That is why we collectively introduced the Homeowners Flood Insurance Affordability Act that would impose a moratorium on the phaseout of subsidies and grandfathered included in Biggert-Waters for most primary residences until FEMA completes the study—that I offered as an amendment that was included in the legislation—completes the affordability study that was mandated in the law and proposes a regulatory framework to address the issues found in the study.

So we are going ahead with all of these actions and all of these increases without—without—knowing the consequences of that study.

It would also require FEMA to certify in writing that it has implemented a flood mapping approach that utilizes sound scientific and engineering methodologies before certain rate reforms are implemented. We saw this in New Jersey where, in fact, large swaths of communities were put in what we call the V zone, which is the most consequential zone in the opening maps. But when we pressed FEMA and brought information to them, those universes were dramatically reduced.

The difference between being in that V zone and not can mean the difference between being able to continue to own your home or not. So we believe that this legislation is critical.

Why do we come and ask unanimous consent? Why do we ask unanimous consent? Why did we ask unanimous consent? Why will we continue to ask unanimous consent? Because there is an urgency of “now.” If we do not act, and we go out of session and we come back next year, unless we get to this early on and make it retroactive, we are going to see the consequences of this take place across the landscape of this country. That is why we have Members from coast to coast; that is why we have Members from the South; that is why we have Members from the Midwest who all understand the consequences of not acting. That is why we have taken the unusual step, on a bipartisan basis, to ask for that unanimous consent request.

For any property sales that occur during this period, the homebuyer would continue to receive the same treatment as the previous owner of the property unless they trigger another provision in Biggert-Waters not covered by my bill.

For prospective homebuyers, the certainty that they will not see their rate dramatically increase simply because they purchased a home is critically important to maintaining property values.

Also, this new legislation would give FEMA more flexibility to complete the affordability study.

It would reimburse qualifying homeowners for successful appeals of erroneous flood map determinations.

It would give communities fair credit for locally funded flood protection systems.

It would continue the fair treatment afforded to communities with floodproof basement exemptions.

It would provide for a FEMA ombudsman to advocate for and provide information to policyholders.

Just as important as what this bill would do, it is also important to note what this bill would not do.

This legislation would not stop the phase out of taxpayer funded subsidies for vacation homes and properties that have been repetitively flooded. It would not encourage new construction in environmentally sensitive or flood-prone areas. And it would not stop most of the important reforms included in Biggert-Waters.

This legislation simply provides temporary relief to a targeted group of property owners who played by the rules and are now poised to see their most valuable asset become worthless, all through no fault of their own.

This bill does not include everything I wanted and I know there were many other ideas that other cosponsors wanted to include. But in order to reach a true consensus, we limited the provisions in this bill to those that had broad, bipartisan support. That is why we are here today—Democrats and Republicans—calling for debate and a vote on this vital piece of legislation.

I must say I am very disappointed to hear objection from the other side of the aisle.

My friend the majority leader has been very gracious to offer us time to debate and vote on this important proposal and we will be back here day after day to try to do that.

Because as I said before, this is not a Republican bill or a Democrat bill—it is not a Republican priority or a Democrat priority. It is a commonsense measure that has broad bipartisan support, exactly the type of support and cooperation the American people are yearning to see from their elected officials.

More importantly, this legislation is critical to the lives of hundreds of thousands of homeowners. We should not let arguments about Senate procedure get in the way of finding solutions to their problems.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, there are several other Members. Senator MENENDEZ is the leader of our efforts. He and Senator ISAKSON have joined and have put together an extraordinary coalition. I would like to read the names into the RECORD because it is a testimony. In a place that cannot get three Members to agree on anything, we have over 20 Members who agree to change the Biggert-Waters law. I want to read this into the RECORD and then ask through the Chair for the Senator from Massachusetts—both Senators are here—the senior Senator to be recognized for just a moment and then the junior Senator to speak on this issue.

But Senator MENENDEZ and Senator ISAKSON are our leads—again, New Jersey and Georgia. They are two very different States but have very similar challenges. They have people—middle-class families, small business owners—who have poured their life savings into homes and businesses, only to be destroyed by a piece of legislation that had great intentions but disastrous results. We do not have a lot of time to fix this. We need to do this before this body leaves, which is next week.

Myself, Senator COCHRAN, Senator MERKLEY, Senator VITTER, Senator HOEVEN, Senator SCOTT from South Carolina, Senator WICKER, Senator HEITKAMP from North Dakota, Senator SCHUMER, Senator GILLIBRAND, Senator MARKEY, Senator WARREN, Senator NELSON from Florida, Senator BEGICH from Alaska, Senator MANCHIN from West Virginia.

There is no ocean anywhere near West Virginia, but they have many middle-class families who are getting caught up in a quagmire here. This bill is the only bill that can release them and save taxpayers money. Senator CASEY from Pennsylvania, Senator KLOBUCHAR, Senator BOOKER, Senator GRAHAM—who is also on the floor—and our newest cosponsor today, Senator LISA MURKOWSKI from Alaska.

This is a very unusual coalition. I have been here a long time now. I have hardly seen a coalition this broad and diverse. So clearly we have something meaningful to say that needs change.

Please let us not let procedures and pride, bad tempers, keep us from doing what we know we need to do for our people.

I thank Senator WARREN who has been a tremendous help to us in putting this bill together, and might I add that it costs nothing. There is no score on this bill. So to anyone that could object because it costs the taxpayers: Nada. It does not cost anything. It is a zero score. We have done it that way to be respectful of all of the different opinions. But it will help to give us relief.

Through the Chair I would like to ask Senator WARREN to add her terrific voice and perspective on how it is affecting Massachusetts, one of our most important States.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized.

Ms. WARREN. Mr. President, I rise to join my colleagues in urging support for S. 1610, the Homeowner Flood Insurance Affordability Act of 2013. This is a bipartisan bill that will help homeowners across our country who are getting hit with the newly revised flood maps and increased flood insurance premiums.

I am very pleased to join colleagues on both sides of the aisle to call for this commonsense delay which gives FEMA time to get this right. I thank Senator MENENDEZ who has been a tremendous leader, Senator ISAKSON, Senator LANDRIEU, who has gotten in there and gotten us all mobilized, Senator COCHRAN, many others of the cosponsors of this bill for their leadership and their commitment to work on this important issue.

I also thank my partner in all things, Senator MARKEY, for the work he has done on this bill and for giving me the chance to speak first here so we could get going. Families purchase flood insurance to prevent the loss of their homes. But now many families fear that the price of flood insurance could be just as devastating as any storm. You cannot protect someone's home by pricing them out of it. Yet that is exactly what is taking place around the country. Congress changed the National Flood Insurance Program to move toward a more market-based system that more accurately reflected the true cost and risks of flood damage.

This is a well-intentioned bill, but, unfortunately, homeowners are being blindsided by high rate increases and new flood zone maps. Many families are learning for the first time from news reports and letters that their mortgage companies are sending that they must purchase flood insurance. This is simply not an acceptable way of informing the public that flood insurance bills are skyrocketing.

When FEMA released these flood maps this year and last, they knew they were placing hundreds of thousands of homeowners into a flood zone for the very first time. It is critical that these maps be spot on and correct.

But many people do not trust many of the new changes, and their concerns are growing by the day. In fact, a recent independent review conducted by coastal scientists at the behest of my colleague, Congressman BILL KEATING, concluded that FEMA used outdated wave methodology better suited for the Pacific coast when they drafted new flood maps for Massachusetts.

They believe this resulted in FEMA overpredicting the flooding that could occur from once-in-a-century storms for much of our State. We need to pass this bill to give the government the time it needs to make sure that the maps are accurate, reliable, and reflect the best available scientific data.

We also need to make sure that hard-working families who play by the rules can afford these policies. The Homeowners Flood Insurance Affordability Act that I have proudly cosponsored will provide relief to homeowners who built to code and were later remapped into a higher risk area.

Furthermore, this critical bill will delay rate increases until FEMA completes the affordability study that was mandated by the Biggert-Waters Flood Insurance Reform Act, and until subsequent affordability guidelines are enacted.

Homeowners are facing flood insurance premium increases that can cost \$500, \$1,000, even more per month. Most hard-working families and seniors do not have that kind of extra money on hand to spend on flood insurance premiums they never knew they were going to need.

FEMA has a lot of work to do.

In the meantime, these families should not be hit with high costs when they challenge the flood map and win their appeal. Our bill will help address this injustice and will allow FEMA to utilize the National Flood Insurance Fund to reimburse people who successfully appeal a map determination. It also gives FEMA the added financial incentive to get those maps right the first time.

I am pleased to join colleagues on both sides of the aisle in this call for a commonsense delay which will give FEMA time to get this right. I urge my Senate colleagues to support this much needed relief for homeowners. I thank Senator MARKEY for his leadership. I thank Senator LANDRIEU for her amazing leadership, and I thank all of my colleagues who are ready to move on something that is common sense and very much needed by families across this country.

I yield for my colleague from Massachusetts, Senator MARKEY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. I thank the Senator for her leadership. She and I have met with people all across the State of Massachusetts who are fearful of the impact that this can have upon their ability to live in their own homes, to sell their homes, to continue to operate their businesses, to sell their businesses.

This is a fundamental issue for our State. Senator WARREN and I bring this concern to the floor even as we know that it is a concern that is felt all across the country. It is Louisiana. It is New Jersey. It is South Carolina. It is West Virginia. It is the coastlines of our country. Yes, it is.

The warmer the climate becomes, the warmer the oceans become; the warmer the oceans, the higher the tides; the more devastating the storms, the more changes that take place in terms of the impact on the homes, the businesses, all along the coastline.

But climate change does not only affect the coastal areas. It is affecting our whole country—the whole planet. There is a huge change which is taking place. That is why we are out here. We are out here because of climate change. The storm that hit New Jersey, Hurricane Sandy, was devastating. We saw the courage of the people of New Jersey and New York in responding to that storm. But just with a couple of changes in the direction of that storm, it could have wiped out everywhere from Cape Cod up to Newburyport, Maine, and New Hampshire.

But for a small change in that storm, it could have been down in Delaware, Virginia, wiping out that coastline. But for the grace of God go the States that we represent. The same thing is true all across the country.

We know that the pollution we pump into the sky heats the water and the air. It gives storms more power. We know this scientifically. With more powerful and more frequent storms, we realize that this tragedy is lapping right at the doors of every citizen. We have to do something to prevent it from becoming worse.

But at the same time, we also have to realize that these families are innocent victims. They did not have anything to do with the policies that did not deal with climate change for a generation, that ignored the science. They are now dealing with the consequences of a failure to deal with that issue. We cannot allow the failure to act to be borne by those who are the least able to afford it.

That is what is happening. It is going to be innocent Americans who now have to suffer because we did not have the political will to deal with this issue of climate change.

I have heard, along with Senator WARREN, from people all over my State. I have one business that relocated several years ago thinking that was going to satisfy the need to protect against climate change, against the change in the flood plain. Now, under the new plan, they will have to move the business again.

It is unsustainable long term for any businesses, any family to think about living in these kinds of areas unless we begin to think through how we are going to adjust to this law that is on the books which will have an almost immediate impact upon families all over our country.

We need to fix the flood insurance provisions that would have devastating economic impacts on our coastal communities. That is why I am proud to support the legislation of the Senator from Louisiana, the Senator from Georgia, Senator ISAKSON, Senator MENENDEZ, Senator MERKLEY, and everyone who has worked on this issue.

We have to ensure that we address the issue of affordability for these homeowners, affordability for these businesses in terms of the increase of the flood insurance rate caused by the new flood maps and ensure that we put that before any crippling flood insurance rate increases.

We have to deal with affordability first. If affordability is not going to be dealt with, then there is going to be a devastation that is felt by millions of homeowners and businesses across this country.

Climate change is real. It is here. It is dangerous, but the fear of rising floodwaters should not be compounded by the fear of an unaffordable spike in insurance premiums for homeowners and businesses across this country.

I thank my colleagues for all their work on this issue. It is an indispensable part of the business of this Congress this year to pass this legislation. We must find a way to work together before we leave in order to pass this legislation.

I call upon all of my colleagues to work together with us. This is as bipartisan as it gets in the Senate. We have to find a way.

I congratulate the Senator from Louisiana for all of her great work.

I yield back.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I see the Senator from South Carolina on the floor to speak, but I wish to give some concluding remarks in this very important hour about this very important issue. We are down to the wire, and we do not have any time left to provide relief to homeowners and business owners all over this country.

About 1 hour ago there was an objection registered from the Republican ranking member of the banking committee. I have a great deal of respect for that particular Member. I hope he will consider the tragic ramifications of his objection for millions of homeowners and businesses around the country and work with us over the next few days to mitigate any of his objections so we can move this bill to the floor and provide 2 hours of debate. We will accept, those of us in our coalition, a 60-vote threshold.

Let me remind colleagues that a hearing was held in the banking committee by Senator MERKLEY, who chairs the subcommittee. This bill has been discussed for hours and hours in committee, in public. There are hundreds of stakeholder groups led by, I am very proud to say, GNO, Inc., Greater New Orleans, Inc., a very broad coalition of business owners and parish

residents. They reached out across the country, down the coast, the gulf coast, to the east coast, to the west coast, North Carolina, to the good Senator on the floor from South Carolina, reaching out in areas in the Midwest and up in the Northwest.

The reason they did that is because there are new flood maps going into effect in all of these places. I call attention to the diagram of flood maps in the United States. In purple, these were the flood maps that were in effect as of July 2012. In the green, these are proposed flood maps that have been introduced. We can see how many green designations there are.

In the gold color, there are new flood maps possible. There is no State that is going to escape these new flood maps. As Senator ELIZABETH WARREN said, they are inaccurate. They don't have the capability, the finances, the resources to produce—or the technology, in some cases—accurate flood maps. There have been a record number of mistakes made that we have provided for from the public testimony.

In addition, I wish to show a map of where levees are. There are many levees. I was surprised, myself, having become an expert on levees, I thought. No, I am not the expert I thought I was because I did not realize how many levees there were in other States. I have been so focused on mine that broke in 52 places and almost destroyed a great international American city, New Orleans. We are on the mouth of the Mississippi River, and I am well aware of the levee system that was one of the great engineering feats ever in the world, on the planet. It keeps the Mississippi River in its channel so we can have the great commerce we have had that helped build this great Nation. I am well aware of the great story about that.

I was not aware of the tremendous flooding risk in California, in Arizona, in New Mexico, and in Montana, of all places. I knew about Arkansas, Illinois, and St. Louis because of the Mississippi River up to Minneapolis.

Look at Pennsylvania. I was shocked to see so many flooding areas in the State of Pennsylvania.

I wish to say it is not only a coastal issue, it is a national issue. We are the national Congress. These rates are going up now and it needs to be fixed now.

I hope the Republican opposition will think clearly about their objection, the ramifications it will have, and find a way to say yes—find a way to say yes.

The bill that Senator MENENDEZ and Senator ISAKSON are offering costs zero. It helps millions of people and ultimately will make the program fiscally sound.

As the Senator from New York said so eloquently and so accurately: If you price people out of the program, there will be no one to support the program. The program will default, taxpayers will still have to pick up the debt associated with that program, and then we

will also have millions of people losing their homes and their businesses. It makes no sense. It makes no financial sense.

I am not going to speak too much longer, but I do wish to state I am very happy, as an American, there are many newspapers we can read. There are many blogs, a lot of radio shows, and all sorts of different opinions. We have to read a lot, think a lot, and get different views to find the truth.

I am going to read the first paragraph of the Wall Street Journal because they need to listen to a couple of other bloggers or writers because they are way off base. The Wall Street Journal said last week: "Federal flood insurance is a classic example of powerful government aiding the powerful, encouraging the affluent to build mansions near the shore."

That statement is so inaccurate it is laughable.

The people I represent in Louisiana—we hardly have a beach. I don't know if anyone has visited Louisiana. We don't have beaches. We have marshes. No one I know who lives in New Orleans or Baton Rouge is anywhere near a beach. I am going to read a letter from a very affluent and powerful person:

I am a 66-year-old woman and have lived in the same house in Broadmoor since 1974.

I knew this neighborhood when the letter arrived at my desk because that is the neighborhood where I grew up and still reside. There is not a beach within miles of Broadmoor.

She continues:

I lived there with my family, raised a son who also lives and owns a house in Broadmoor—

It is a very middle-class neighborhood where we come from.

Continuing:

—and plan to stay in my home for the remainder of my life. I live on a very strict budget and have just this month received my first Social Security payment. If something is not done to change the law that will potentially raise my flood insurance by the thousands, it will not be possible for me to keep my home nor sell it.

I wish to have the Wall Street Journal editorial board hear this. This is not a millionaire mansion on a beach. This is a 66-year-old woman who just received her first Social Security check. If this law is not changed by the 100 Members of this body in the next few days, she can either stay in her house or sell her house.

Please do not lecture to us from some high place in some big corporate office about Senators on the floor of the Senate trying to fight for powerful interests for people in mansions who live on fancy beaches. That is not what this bill is about.

I have hundreds of pictures. If the Wall Street Journal or any newspaper wants to editorialize about this, please check my Web site, "My Home Story." I have hundreds of pictures and other Senators have hundreds of pictures. I don't see a mansion.

All I see are cries of people who say: Wait a minute. My house has never

flooded. I live in a simple neighborhood. I am a simple person. I am an American who works hard, and you are running me out of my home.

The bill that passed, Biggert-Waters, was well intentioned but drafted inappropriately and has some very pernicious guidelines or rules in it that can only be changed by Congress. Some people wish to think that FEMA can wave a magic wand and make it work. FEMA cannot wave a magic wand. We have to do our job as Senators. I hope the Senate will do its job.

We cannot agree on everything that needs to be fixed, I understand. There are many arguments about other things that some people think need to be fixed and others don't. But I don't know of anyone nor have I heard anyone on the floor give us one good, solid reason that the Menendez bill shouldn't pass, such as: I don't like section 1, I don't like section 2, I don't like section 10, maybe section 5—not one. It is all posturing.

Please let us get over the posturing and help people who live nowhere near a beach, who are going to lose their homes and need us to act. I believe we can do it. As I said, we have great Republican leadership and great Democratic leadership.

In closing, the Senator on the floor has my great respect. Also, Senator ISAKSON, who is the lead Republican Senator, is known in this body as an expert on real estate and finance. He is very clear in his appreciation and understanding that the real estate market is going to be shaken to its core, as well as homebuilders and community bankers who are holding mortgages on these 5 million properties.

We have come too far. We have come too far in restoring this housing market. This bill was well intentioned but poorly drafted, stuck into a conference committee report at the last minute, not with as much oversight as we should have given. We can fix it. Let's do this.

I thank the Senator for being so generous. It is a very important issue. I am prepared to stay here for as long as it takes before Christmas—even, I hate to say, up to Christmas Eve, as I wish to get home for a little bit of time, but this needs to be fixed before we leave for Christmas.

The House can come back in January, take up this bill, and we can send it to the President's desk early in February, make it retroactive, and give people relief. This is not about helping out powerful interests and millionaires on the beach. This is about helping many Americans who have done nothing wrong and everything right. They have been in their homes since the 1960s, 1950s, in some cases from the 1800s, and are going to be priced out of their home. Their equity will be stolen from them by a poorly drafted piece of legislation.

We can do better and we should.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I rise today to address the nomination of Cornelia Pillard for the DC Circuit.

My colleagues, I have enjoyed my time in the Senate very much, although we live in a very difficult time. Politically, there are a lot of influences on individual Senators and parties and the body as a whole, so these are very difficult times. I can only imagine writing the Constitution today. I always thought that would be a good "Saturday Night Live" skit: Go back to Philadelphia hall and have all the satellite trucks parked outside and the bloggers and talk radio, moveon.org—fill in the blank—all putting pressure on our Founding Fathers not to do this or that. We live in different times.

It is absolutely good that people have a voice and influence and create organizations to advocate their cause. There seems to be an organization for almost every aspect of the economy. So lobbying the government, having a say about legislation, trying to push your representatives to do something you think is good for the country is very much a part of democracy, but eventually we have to govern.

Democracy is a journey, sort of like when you are on vacation or you are driving to a place with your kids and they always ask: Are we there yet? But democracy is not an end state, it is a process. Democracy is really about protecting losers, not so much winners. Winners tend to do well in any system. Democracy protects the loser by having a rule of law, a process that says: If you lose the election or you are in the minority in a body, there will be rules there to give you a voice.

One of the problems in the Mideast and throughout the world is that people are afraid to lose. In the Mideast it is a winner-take-all environment. The reason there are so many militias is that people don't trust the police or the government to be fair to their sect or their tribe, so they arm themselves, believing that if they don't take care of themselves, nobody else will. But that just leads to an endless state of conflict.

So democracy is really a process, and it is designed to ensure that losers in a democratic process will still have basic rights. You can lose the election and not get fired. It is illegal to fire somebody because they are in the opposite party, unless it is a political job where one expects that to happen. You don't lose your right to speak up because you lost the election.

When you find yourself in the minority in politics, it is important that you have a say. It is also important that the majority has the ability, having won the election, to do certain things—to run the place, for lack of better words.

The Senate is an unusual body in traditional democracy. Parliamentary

systems are different from what we have set up. You have two houses in most places, such as the House of Lords. I don't know what power it has, but it is not too great. The parliamentary system is where you have to form coalitions. At the end of the day it is a completely different setup than we have here, where the party in charge, if they can form a big enough coalition, can basically just run the place.

The House is a winner-take-all body. If you are in the majority in the House, you can decide what bills to bring to the floor, what amendments will be allowed on those bills, and how long to debate those bills. You have an almost absolute dictatorial ability to run the House. You determine everything. The minority has some say but not a whole lot. The House is sort of gang warfare. I have been there and love the institution. You will find that majorities will be fighting among themselves a lot in the House because that is where the action is in the House.

I have been in the House, and I have been in the Senate. I loved being in the House, and I understood the way the rules worked—that if you were in the minority, what came to the floor was determined by the majority, what amendments were in order was determined by the majority, and that is just the way it was.

When I was in the House, we would pass one measure after another that would go to the Senate and never be heard from again, and that was frustrating. But the older you get, you sort of realize maybe some of the things you wanted were not in the best interest of the country as a whole. And the fact that you knew that if it went to the Senate there would be a filtering process, unlike in the House, became somewhat reassuring over time.

House majorities are more partisan, generally speaking. They are influenced by 2-year election cycles. It is a more passionate body because you are always up for election and the winner takes all. And when you win in the House, the people who got you there expect you to do things consistent with your party's agenda. Nothing wrong with that.

In the Senate there has been a conscious effort to put some brakes on that kind of governing. When you send a bill to the Senate, you still, to this day, have to get 60 votes to bring the legislation to the floor and to get cloture, and the minority has the ability to say not only whether they want the bill to come to the floor, with a certain amount of amendments, but then they can negotiate with our friends in the majority to get the amendments we want and to allow the legislation to come forward. There are probably a lot of times when Republicans in the House voted understanding that this idea wouldn't make it through the Senate and that was probably OK.

Here is what I feel. A lot of my colleagues have talked about Ms. Pillard, the nominee, being a radical judge and

being out of the mainstream. I don't want to get into that. All I can say is that my view of a Presidential appointment is for the Senate to provide advice and consent—constitutionally required—but to recognize that the President won the election and the Senate has the advise and consent powers, not the House.

I have found myself in all kinds of judge fights since I have been here. I was a lawyer before I was a politician. I love the law. What I love about the law is that, in theory, it is a place where the poorest guy, the most unpopular person can still get a fair shake. Of course, that wouldn't happen in a political environment. It is a place where the richest guy or gal in town doesn't have to pay because they can afford to, only because they have a legal responsibility to. I love the idea of an independent judiciary, a jury of one's peers, protecting people's interests in a way politics never could.

I would argue that the strength of the rule of law in this country has been our great saving grace. Elections happen all over the Mideast. Saddam Hussein got 90-some percent. We haven't been able to get there yet. I would argue that electing Saddam Hussein was a joke, that it is the institutions of government that really do provide freedom for people. An independent judiciary has been a Godsend to our country. It is not perfect by any means, but it was the courts that basically broke the stronghold of segregation because politically it would have taken far longer to get there.

At the end of the day, in *Bush v. Gore*, maybe one of Vice President Gore's finest moments contributing to democracy was his acceptance of the ruling of the court. He fought like crazy, he lost a national election by a few hundred votes, all of his supporters are telling him they did this here and they did that there, and the next thing you know the Supreme Court rules 5 to 4, and he graciously accepted the decision.

What has happened here is that the rules of the Senate have been changed in a very dramatic way for the first time really in 200-some years. Our colleagues on the other side decided that we would no longer require 60 votes to get a nomination to the floor or to approve a judge. Now it is majority rule—majority rule on judicial nominations, except Supreme Court and executive appointments.

A lot of average people might say: Well, they won the election; why isn't 51 enough? My response is this: I think we all understand the benefits of being able to slow things down that come out of the House. And having to pick up some votes from the other side to get the 60 to pass legislation has probably saved the country a lot of heartache in terms of emotional legislation coming through the House to the Senate that would never make it into law. A lot of things I wanted have been killed in the Senate, and a lot of things I hoped

never would see the light of day have died in the Senate. So it kind of works out.

When it comes to judges, I have tried very hard to make sure that Republican and Democratic Presidents are treated fairly. I do not believe it is my job as a Senator from South Carolina to vote or block an appointment because I wouldn't have chosen that judge.

I remember during the Bush Presidency there was a wholesale filibuster of Bush's judicial nominations, and we were thinking about doing the nuclear option. But seven Democrats and seven Republicans said: Wait a minute. Unless there is an extraordinary circumstance, we shouldn't filibuster judges. An extraordinary circumstance really is about qualifications or something unusual.

I can say to my Democratic colleagues that we have denied two judicial picks by not allowing cloture. If advise and consent means anything, it means that, on occasion, you can say no. So there have been only two.

As to the DC Circuit Court, this dispute about how many judges there should be on the DC Circuit Court has been going on at least for a decade—ever since I have been here. The Bush administration wanted to add judges to the DC Circuit because that is the circuit all appeals go to when government regulation is challenged by somebody in the private sector, an individual or a business. If you want to sue about ObamaCare regulations or the detention policy or the NSA's programs, it goes to the DC Circuit. So every President, quite frankly, would like to have an advantage there because it protects their administration's policies.

I guess what I would say is that changing the rules because we have said no to two picks—outside of the DC Circuit—was, quite frankly, irresponsible, and it is going to change the Senate forever.

As to the DC Circuit, no one can say this debate hasn't been going on before we all got here. Senator GRASSLEY has been the most consistent guy in the world about the DC Circuit, even when Republicans were in charge. There are more needs out there. These judges are fine people. They could be put in the other spots where the need is greater.

But we are where we are. So our colleagues decided, after two—I don't know how many have been approved, but two have been denied—enough is enough on the judge side, along with the attempt to grow the court in the DC Circuit.

We have had disputes about executive nominations. I remember Ambassador Bolton. And MEL WATT—really, honest to God, I like Mel. He is a great guy. I just don't think he is the right choice for Fannie Mae and Freddie Mac. And to my colleagues here, you are all wonderful people, but there is not one person in the Senate whom I would pick for that job because it has a very technical requirement to it.

So here we are.

Very quickly—and then I will turn it over to Senator GRASSLEY—what does this matter in the long term? I think the first casualty of this rules change is going to be the judiciary itself, and here is what I mean by that. Now that we don't have to cross the aisle to pick up a few votes to get to 60 when there is a disagreement—and these are very rare; we don't filibuster everybody; they are fairly rare—we are going to have more ideological-driven picks on judicial nominations because once the filtering device of having to at least talk to the other side is removed, once that no longer exists, the pressure in the conference to pick the most ideologically pure, hardnosed, fire-breathing liberal or conservative is going to be immense.

So what my colleagues have done is they have changed the face of the judiciary probably forever. And shame on you. I think that is going to be your legacy that will stand out long after all of us have gone because I don't see how you go back and put this genie in the bottle.

I think we are going to find that judicial selections in the future are going to be those whom the most rabid partisans are going to pick—the most faithful to the cause, not the most faithful to the law.

I don't know what it is like on the Democratic side, but I can tell you what it will be like on the Republican side.

There are a lot of people out there who have a list of judges they want to see on the court—yesterday. Some of these people are going to be tough for you to swallow, and I am sure you will do the same to us.

What you are doing is making the majority self-regulated. There is no longer the excuse, for lack of a better word: I can't "push" this person through because I have to get somebody in. Those who want to make sure they are picking the best person who is not an ideologue, you are going to have a hard time of it.

I think the judiciary is the biggest casualty over time, only equal to the Senate itself. It will not be long—and I don't know how long it will be—before the rules change for Supreme Court picks, because there will be replacements of several members of the Supreme Court in the next decade. That is just the way the life is. There will be opposition from the party out of power. There will be frustration. Somebody will be blocked that makes the party in power mad and they are going to change the rules. That is just going to happen. We are now about outcomes. We are not about process.

The Senate is slowly but surely becoming the House, where winner takes all and ends justify the means: Anything you can do over there, we will do over here. That is just the way it is going to be.

It will not be much longer until we have a Senate and a House and a White

House in one party—as happens every now and then—and there is going to be a centerpiece of legislation that has been the Holy Grail to that party that is an absolute nightmare to the other side; it is going to pass the House on a party-line vote, it is going to come to the Senate, and somebody is going to get frustrated and say: I have 51-plus votes. I may have 57 votes. I don't have 60. And they are going to change the rule on legislation because the pressure to do it, now that we have gone down this road, is going to be immense. I am by no means perfect. But when this happened on our watch, I tried to find a way to avoid it. But we are where we are.

Finally, about ObamaCare. Let me tell you from a Member of Congress point of view something you should consider. All of us are Federal employees and we get a subsidy for our health care premiums similar to every other fellow employee. It is not a unique deal to Congress. If you are a member of the Federal Government, you get up to 72 percent of your premium subsidized. Other employers do that, but it is a darned good deal that is available to all Federal employees.

Again, I compliment Senator GRASSLEY. He said: If we are going to have ObamaCare, we ought to be in it. We, the Congress, and our staffs. Under the law that was passed—I think Senator GRASSLEY was the originator of this idea—Members of Congress and our staffs have to go into the exchanges. But we have the ability to go into the District of Columbia exchange, and the law is written such—and every Member of Congress who takes this subsidy is entitled to do it. I don't blame them one bit. You have to go into the exchange, and your premiums are going to go up, but the subsidy will continue.

Senator VITTER believes, and so do I, that because we are leaders we should take the road less traveled and experience more pain than those who follow. So I have been of the opinion that if you are going to change this law, the Congress should not only go into the exchange, we shouldn't get a subsidy any longer. Why? Because most Americans are going to lose their employer-sponsored health care as it exists today—maybe not in total but their premiums are going to go up dramatically because employers cannot afford to pay the increased premium under the old system. So they will either lose employer-sponsored health care and become an individual or they are going to have to pay more because their employer is in a bind and they can't afford the subsidies that once existed—because premiums for employers, similar to individuals, are going to go through the roof.

I wish to give an example about what I have chosen to do. I have chosen not to go into the DC exchange but to enroll in South Carolina because that is where I live. Enrolling in the South Carolina exchange, I will not get a subsidy. That was my choice. I accept that

choice. Why am I doing this? To try to lead by example what I think is coming to a lot of Americans in some form or another.

So here is what happens with me: Under the old system, I was paying \$186 a month. If I went into the DC exchange, my premiums would go up but not a huge amount. But now that I am enrolling as a 58-year-old short White guy in South Carolina, my premiums are based on the county I live in and my age, with no subsidy, because I make too much money to get a subsidy. People at my income level don't deserve a subsidy because it would bankrupt the Nation more than we are already doing if we did that.

Under ObamaCare in South Carolina, I chose the Bronze plan. Why? It is the cheapest one I could find. I am not independently wealthy. I make a very good living as a Member of the Senate, almost \$180,000, but at the end of the day here is what is coming my way:

My premium goes up to \$572 a month from \$186. That is \$400 a month, almost, a 200-percent increase.

Under my old health plan if I went to the doctor, I paid a \$20 copay. Under the new Bronze plan, I pay \$50.

Under the old plan if I saw a specialist, it was \$30. Under the new plan, it is \$100.

My old deductible was \$350 a year. My new deductible is \$6,350—a \$6,000 increase.

My old plan had a \$5,000 out-of-pocket limit. The new one is \$6,350.

You also get rated not just on your age but where you live. I am paying \$70 a month more than a county that is 40 miles away.

The bottom line is that what I am experiencing a lot of other people are going to experience. I am paying a lot more for a lot less. How can that be?

When you are told that you get more and you pay less and a politician tells you that, you ought to be very leery. That hasn't worked out in my life: You are going to get a lot more, but you are going to pay less.

The reason these premiums are going up is that all the uninsured—and I want to provide coverage to the uninsured as much as anybody else—get insurance coverage with a subsidy. Who is paying those subsidies? The rest of us.

So we are going to see next year employers having to back out of employer-sponsored health care either in total or in part. What we are going to find throughout this country is that people who had employer-sponsored health care, just like the individual markets, their premiums are going to skyrocket—maybe not as much as mine, maybe not 200 percent. The deductibles are going to go up—maybe not as much as mine at \$6,000, but everybody in the country doesn't make \$176,000.

So every Member of Congress should look at what would your life be like if you didn't have a Federal Government subsidy, if you didn't enroll in the DC

exchange, if you went back home and had to pick a plan similar to everybody else in your State? You ought to sit down and look at what your individual life would be like. If you just look, you will be shocked. I sure was.

This is not about me, even though I am giving you an example about myself. It is about an idea called ObamaCare that is going to destroy health care as we know it in the name of saving it and making it better.

I think we all agree we need to reform health care. But I think most Americans believe their old health care system was working pretty good for them, but it could always be made better.

So I would ask every Member of Congress, whether you go into your State exchange, if one exists, or not, do the math. You are going to be shocked at how it would affect you. Let me tell you, it is going to affect people you represent in similar fashion.

So what do you do? Why don't we just try to sit down and start over and see if we can do better before it is too late?

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

UNEMPLOYMENT

Mr. SANDERS. Mr. President, there is a reason why the favorability rating of the Congress is somewhere, on a good day, around 10 percent. The reason I think is pretty simple: The American people are hurting. They look to their elected officials to try to do something to address the problems they have and the crises facing our country. Time after time, they see the Congress not only not responding to the needs they face but in many cases doing exactly the opposite. In poll after poll, the American people tell us the most pressing issue they face deals with the economy and high unemployment.

When we look in the newspapers, we are told the official unemployment rate is 7 percent. By the way, that is a rate which has in recent months gone down, and that is a good thing. But the truth is, if you include people who have given up looking for work and people who are working part time when they want to work full time, real unemployment in this country is 13.2 percent. That is enormously high.

The unemployment rate for our young people is close to 20 percent, and there are parts of the country where it is higher than that. African-American youth unemployment is close to 40 percent.

So what we are looking at all over this country are millions and millions of people who want jobs, who want to work, and who can't find those jobs. We are looking at a younger generation of workers who cannot get into the economy. If you are a young person and you leave high school, for example, and you can't get a job in your first year out there or your second year, if you think