



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, SECOND SESSION

Vol. 160

WASHINGTON, TUESDAY, JANUARY 28, 2014

No. 16

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You are always right, just, and fair. We sing of Your steadfast love and proclaim Your faithfulness to all generations. Today, inspire our lawmakers to walk in the light of Your countenance. Abide with them so that they will not be brought to grief but will avoid the pitfalls that lead to ruin. Lord, empower them to glorify You in all they think, say, and do as they remember that all they have and are is a gift from You. This is the day that You have made. We will rejoice and be glad in You, the source of our hope and joy.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of the motion to proceed to S. 1926, the flood insurance bill, postcloture.

The Senate will recess from 12:30 to 2:15 today to allow for our weekly caucus meetings.

MEASURE PLACED ON THE CALENDAR—S. 1963

Mr. REID. Mr. President, I understand that S. 1963 is at the desk and due for a second reading.

The PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (S. 1963) to repeal Section 403 of the Bipartisan Budget Act of 2013.

Mr. REID. Mr. President, could I ask who the sponsors of this legislation are? Who is sponsoring it?

The PRESIDENT pro tempore. Senators PRYOR, HAGAN, SHAHEEN, and BEGICH.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

TRIBUTE TO DIANE SKVARLA, SENATE CURATOR

Mr. REID. Mr. President, I congratulate Diane Skvarla on her retirement after 20 years of service dedicated service as the Senate Curator.

Every day people from across the country—students on field trips, tourists, dignitaries, staffers and Senators alike—appreciate the historic treasures displayed in the hallways of the Capitol.

These works of fine art and craftsmanship are symbols of our democracy. For two decades Diane has been the steward of these treasures.

I thank Diane for her dedication, and I wish her the best in her future endeavors.

FLOOD INSURANCE

Mr. REID. Mr. President, I am gratified that we were able to get enough votes on the flood insurance bill to get us this far. We have been trying to get

to it for a long time. We are very close to a consent agreement to move forward on the bill with a few relevant amendments.

We are going to move forward with the consent agreement or move forward with the bill. This bill is going to move forward this week. I hope we can work out something today to move forward. Once again, I commend Senators MENENDEZ, LANDRIEU, and ISAKSON for their hard work.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. BOOKER). The Republican leader is recognized.

STATE OF THE UNION

Mr. MCCONNELL. Mr. President, tonight Members of both parties will welcome the President to the Capitol as he lays out his plans for the year. We look forward to hearing what he has to say. We also look forward to hearing what Congresswoman MCMORRIS RODGERS has to say, too. She is a leader in our party with a compelling story, someone who truly understands what it means to overcome adversity, someone who is dedicated to helping every single American realize her greatest potential. The people of Washington's Fifth District are lucky to have her, and so are we.

As for the President's speech, this is a pivotal moment in the Obama Presidency. We are now entering our sixth year with President Obama at the helm of our economy, the sixth year of his economic policies. At this point we have seen just about everything in the President's tool box. We had a years-long clinic on the failures of liberalism: the government stimulus, the taxes, the regulations, the centralization, and the government control. It just has not worked.

So 74 percent of the American people say it still feels as if the country is in

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S493

a recession because to them it still feels like it. As the majority leader likes to say, the rich have gotten richer and the poor have gotten poorer, and ladders into the middle class have been kicked away, sawed off, and literally regulated into oblivion.

This is the legacy of the Obama economy, as we stand here at the start of 2014. But it does not have to be the legacy President Obama leaves behind in January of 2017, and that is why tonight's address is so important—because it will give us the clearest indication yet of whether the President is ready to embrace the future or whether he will, once again, take the easy route, the sort of reflexive liberal route, and just pivot back to the failed policies of the past. The choice the President now confronts is a pretty basic one. Does he want to be a hero to the left or a champion for the middle class? He can't be both. He has to choose.

He could double down on the failed policies that brought us to this point. It would make his base pretty happy, I am sure, but we certainly know where that path leads for the middle class. Folks can try to package it any way they like—say it is a new focus on income stagnation that has gotten so much worse under this President's watch. But it is essentially the same path we have been on since he took office. The point is this. Americans do not need a new message; they need a new direction. The problem is not the packaging. It never has been. It is the policies themselves, and President Obama is the only person who can force that turn in direction. He is the only one who can lead it.

He could reach to the center tonight and embrace change over the broken status quo, embrace hope over stale ideology—ideology that has led not just to stagnant incomes but to lower median incomes, to dramatic increases in the number of folks forced to take part-time work when what they really want is full-time work, to greater long-term unemployment, and to more poverty. He could ask Members of both parties to help him make 2014 a year of real action rather than just a talking point.

If he does, he is going to find he has a lot of support from Republicans because we want to work with him to get things done, and we always have. We will be listening closely to see if he is finally prepared to meet us in the political middle so we can finally get some important work done for the middle class. Let's be honest; there is a lot that can be done.

For instance, he could call on Senate Democrats to stop blocking all the job-creation bills the House of Representatives has already passed. He could call for revenue-neutral tax reform that would abolish loopholes, lower tax rates for everyone, and jump-start job creation where it counts—in the private sector. He could push his party to join Republicans supporting bipartisan

trade promotion legislation, something the President has said is a priority, and work aggressively to clinch the kind of job-creating trade agreements our allies in places such as Canada and Europe and Australia have already been seeking.

He could work with us to reduce the debt and deficit to ensure the programs Americans count on will be there when they retire, to make government smarter and leaner, and to unshackle the growth potential of small businesses and entrepreneurs to address the massive dissatisfaction out there with the size and the scope of government.

If President Obama wants to score an easy win for the middle class, he could simply put the politics aside and approve the Keystone pipeline. The Keystone pipeline is thousands of American jobs very soon. With regard to the Keystone pipeline, he will not even need to use the phone—just the pen. One stroke and the Keystone pipeline is approved.

I know the Keystone issue is difficult for him because it involves a choice between pleasing the left and helping the middle class, but that is exactly the type of decision he needs to make. He needs to make it now. It is emblematic of the larger choices he will need to make about the direction of our country too, because for all of his talk of going around Congress, he would not have to if he actually tried to work with the people's elected representatives every now and then. I am saying don't talk about using the phone, just use the phone and please be serious when you call.

Take the income inequality issue we hear he will address tonight. Is this going to be all rhetoric or is he actually serious, because he is correct to point out that the past few years have been very tough on the middle class. As I indicated, median household income has dropped by thousands since he took office. Republicans want to work with him on this issue but only if he is serious about it. He could show us he is by calling for more choices for underprivileged children trapped in failing schools or he could agree to work with Senator RAND and me to implement Economic Freedom Zones in our poorest communities.

Here is something else: He could work with us to relieve the pain ObamaCare is causing for so many Americans across the country, across all income brackets. I asked him last year to prepare Americans for the consequences of this law. He did not do it. Today those consequences are plain for anyone to see.

Just last night I hosted a tele-town-hall meeting where Kentuckians shared their stories about the stress that ObamaCare is causing them and their families: restricted access to doctors and hospitals, lost jobs, lower wages, fewer choices, and higher costs. I assure you these folks will not be applauding when the President is trying to spin this law as a success tonight.

More than a quarter million Kentuckians lost the plans that they had and presumably wanted to keep, despite the President's promises to the contrary. This is a law that caused premiums to increase an average of 47 percent in Kentucky and in some cases more than 100 percent. This is a law that in some parts of my State is limiting choices to health care coverage to just two companies in the individual exchange market.

At what cost to the taxpayer for all of this? It is \$253 million. That is how much Washington has spent so far for these results in my State—a quarter of a billion dollars to essentially limit care, cancel plans, and increase costs.

Kentucky has gotten more money to set up its exchange than every State except for California, New York, Oregon, and Washington—that is a lot of money—and they still only enrolled 30 percent of the people they were supposed to at this point. How in the world could that be considered a success?

So President Obama and Governor Beshear can keep telling Americans to “get over it” if they don't like this law, but sooner or later they are going to have to come to terms with reality. They are going to have to accept that ObamaCare hasn't worked as the administration promised in Kentucky and across America, and it is time to start over with real reform.

That is why tonight I hope the President will make change. I hope he will announce his willingness to work with both parties to start over with real bipartisan reform that can actually lower costs and improve quality of care. That is the kind of reform Kentuckians and Americans want, and that is the way President Obama can show he is serious about having a year of action. This time next year we will be able to judge if he was serious.

If the President is still talking about unemployment benefits next January rather than how to manage new growth, if he is still forced to address the pain of ObamaCare rather than touting the benefits of bipartisan health care reform, if we are trapped in these endless cul de sacs of Keystone and trade and tax reform, then we will know what choice the President made. We will know the special interests won and the middle class lost.

I hope we won't get there. I hope he will reach out tonight. I hope he will be serious. I hope he will help us chart a new path for the American people both parties can support. That may sound like a fantasy to some on the hard left who think tonight is all about them, but the fact is there have always been good ideas the two parties can agree on in Washington—ideas that would make life easier, not harder, for working Americans. Until now the President has mostly chosen to ignore them. Here is hoping for something different tonight.

TRIBUTE TO DIANE SKVARLA

Mr. MCCONNELL. Mr. President, I wish to say a fond farewell to the Senate's long-term curator Diane Skvarla, who has been such a tremendous asset to the institution over the years and a very good friend to our office as well. All of our dealings with Diane over the years have been marked by her great professionalism and her deep knowledge of and respect for the Senate and its history.

Diane and her staff have been invaluable in the multiyear restoration of the Strom Thurmond room and keeping up the rest of our historic suite. My staff has always enjoyed working with Diane and her staff, and I hope we have been as gracious in return.

For a lot of young people who wring their hands or wander around for a while after college, Diane started working full time in the Senate the Monday after she graduated and has been here off and on ever since.

She witnessed a lot of changes in the curator's office over the years. When Diane started here full time in 1979, there were only three staffers in the office, but in the years leading up to and after the Nation's bicentennial when preservation came back into vogue, there was no shortage of new work.

Diane went on to earn a master's degree in museum studies from George Washington University in 1987, and it paid off when she helped put together a major exhibit for the Senate's own bicentennial in 1989. Diane collaborated on the exhibit with Don Ritchie, and together they set a new high standard for projects of this kind. At the time Diane was the associate curator and Don was the associate historian. They both rose through the ranks of their respective offices, so it has been a fruitful collaboration for many years.

Diane spent most of her early childhood in England where she first learned the sport of dressage. She gave up horses during college at Colgate University in upstate New York and went back to England in 1991 to become certified in teaching the sport. She kept up her riding after she returned to the States and came back to the Senate as head curator in late 1994, replacing the widely admired Jim Ketchum.

With Jim's support and encouragement, Diane learned the ropes and has doggedly pursued the legislative mandate of the Senate curator's office ever since, and that mandate is to protect, preserve, and educate.

Some of the biggest challenges Diane has faced have involved dealing with disasters. In 1983, a bomb planted near the Senate Chamber destroyed portions of the corridor—including a portrait of Daniel Webster. Under Diane's supervision, a conservator put the pieces back together and restored it.

Other projects Diane has been particularly proud of over the years include the publication of the U.S. Senate Catalogue of Fine Art, a 481-page book that took years to complete, and the restoration of a giant portrait of

Henry Clay, from my State, that was given to the Senate after being discovered in the basement of a historical society. This magnificent painting of Clay now hangs in the stairway off the Brumidi corridor. The restoration of the Old Senate Chamber was also a proud achievement.

The entire Senate family is grateful to Diane for her many years of devoted service to this institution. Through her work, she has helped preserve and bring to life the shared objects of our collective history as a people—precious objects that belong to all Americans and to our posterity. Her legacy is literally all around us.

We thank her for her work and wish her and her husband Chris all the very best in the years ahead.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT OF 2014—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1926, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of Calendar No. 294, S. 1926, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 and to reform the National Association of Registered Agents and Brokers, and for other purposes.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wish to speak for up to 10 minutes. I think we are in morning business.

The PRESIDING OFFICER. The Senate is moving to proceed to consider S. 1926.

Ms. LANDRIEU. Wonderful. I thank the Presiding Officer. I will then speak on the bill that is before us.

I appreciate the cooperation of so many Members who voted last night to move forward on the debate of the fix to Biggert-Waters. We had a very strong and very impressive vote. I think 83 Members, Republicans and Democrats, came together from all parts of the country, from all different areas and districts and backgrounds to vote to move forward on the debate on flood insurance. I am grateful.

We have been working on this for about a year and a half. It has been a tough slog because 2 years ago a bill called Biggert-Waters was passed, named after the two cosponsors in the House, Congresswoman Biggert and Congresswoman WATERS. They passed a bill with very good intentions. They were thinking they were going to strengthen the flood insurance program. The bill had wonderful intentions, but unfortunately, the way it

was drafted in the conference committee has resulted in disastrous results.

Some of us knew that 2 years ago and started working literally the moment the conference bill was passed to begin changing it. So we have worked diligently and together and built a great coalition. I thank the 200 organizations that quickly came together over the last year and a half—as quickly as any of these things can happen in a practical sense—to understand what went wrong in the first bill and how we could fix it so we could accomplish two important goals for the National Flood Insurance Program: first, that the program could be self-sustaining. In other words, it could pay for itself with limited or minimal taxpayer burden.

The other equally important goal—and the Presiding Officer, who represents New Jersey, knows, as I do, how important this is—is that the program would be affordable to middle-class families. If it is not affordable to middle-class families, they will not participate in it and the program will go bankrupt due to lack of participation.

The idea of insurance is to have a large pool to spread the risk, and that is how an insurance system works. If we don't fix it, it is going to make that pool get smaller and smaller and smaller. Because people will not be able to afford it, the program will collapse and the taxpayers will be saddled with debt.

The goal of our coalition—led by Senator MENENDEZ, the senior Senator from New Jersey who is on the Banking Committee and has been one of the great spokesmen and leaders for this bill, and Senator ISAKSON from Georgia, who is literally the most respected Member in this whole body on issues related to real estate because he had one of the largest real estate companies in Atlanta and knows the issue well. He is very respected on both sides of the aisle. These two gentlemen have led this effort and have built a bipartisan coalition.

So we are now ready this week, of all weeks. It is the State of the Union week. We would have probably preferred another week, but that is how this worked out. We are ready to debate the bill on the floor of the Senate. At last count, when we left, there were about six or seven relevant amendments. We are only going to accept relevant amendments to this bill. We are not going to accept amendments on other subjects by Members who are attempting to derail the Senate, get us off topic, et cetera, et cetera. We will only accept relevant amendments to this bill.

The happy thing is we think we only have about seven or eight amendments. Some amendments are Republican, some amendments are Democratic.

We just received an amendment from one of the opponents of our bill, the good Senator from Pennsylvania, who has not been supportive of our bill and