

made it difficult or in some cases impossible for businesses to hire new employees.

CBS reported in December that—and I quote—“Nearly half of U.S. companies said they are reluctant to hire full-time employees because of the [ObamaCare] law.” That is not how you want businesses to feel if you are looking to encourage them to grow and create jobs.

So I am hoping that this evening the President will turn away from the policies that have made nearly half of U.S. companies too worried to hire new full-time employees and turn toward policies that will enable real job creation in our economy.

According to his advisors, the President wants 2014 to be a year of action. Republicans could not agree more, and there are a number of actions we think the President can take, and I hope he will announce them tonight.

One thing Republicans and Democrats agree on, and would like the President to do, is grant immediate approval of the Keystone pipeline. According to the President's own State Department, the Keystone pipeline would support 42,000 jobs that would provide \$2 billion—\$2 billion—in wages and earnings without taxpayers having to spend a dime. All that is required for the creation of these jobs is the President's approval, which he has inexplicably delayed now for 5 years, despite numerous reports testifying to the benefits of the project and its low environmental impact.

The President's staff has spent a lot of time over the last week talking about the President's intention of acting without Congress when Congress disagrees with him. Well, here is something the President can legitimately do unilaterally. He has the authority to open the door to these 42,000 jobs, and I hope this evening he will announce his intention of acting on approval of the Keystone pipeline.

Another thing I hope the President will do tonight is encourage the majority leader to take up dozens of jobs bills that have been passed by the House of Representatives. Many of these bills passed the House with bipartisan support and could pass the Senate the same way. There is no good reason why the majority leader has decided to let them languish. Surely we could take up a few of those bills. The President ought to call on his party to pass these bills to get Americans back to work.

In the same spirit, I hope the President will call on his party in the Senate to approve trade promotion authority legislation, which would help create U.S. jobs by giving farmers, ranchers, entrepreneurs, and job creators in this country access to 1 billion new consumers around the globe.

Republicans hope the President will use that phone of his that he keeps talking about to call the majority leader here in the Senate and encourage him to pass trade promotion authority as soon as possible.

Of course, no discussion of relief for middle-class Americans and job creators is complete without discussing ObamaCare, which is putting an intolerable burden on middle-class families and small businesses.

I am not very hopeful that the President is going to announce his intention tonight of working with Congress to repair some of the worst parts of his signature law, but for all Americans' sake, I hope he does.

Around the country, families are reeling under the impact of ObamaCare: higher insurance premiums, higher out-of-pocket costs, reduced access to doctors and hospitals. Meanwhile, businesses are cutting workers' hours, eliminating health care plans, or declining to expand their businesses to protect themselves from ObamaCare's burdensome taxes and regulations.

There is bipartisan support for more than one change to ObamaCare, and there is particularly strong support for repealing the job-killing medical device tax, which is forcing medical device companies to send American jobs overseas.

In March of last year, the Senate voted 79 to 20—79 to 20—against the tax. More than 30 Democrats voted for repeal. If the President is really serious about putting Americans back to work, he will announce his intention of working with Congress to repeal this job-destroying portion of his legislation.

Last month almost 350,000 Americans gave up looking for jobs and dropped out of the labor force altogether. That is 350,000 Americans in 1 month—1 month—who gave up looking for a job.

The labor force participation rate is at its lowest level in 36 years. More than 10 million Americans are looking for work, and nearly 4 million of them have been unemployed for more than 6 months. In fact, if you had the labor participation rate today that we had when the President took office, the unemployment rate today would be about 11 percent.

It is definitely—it is definitely—time for a year of action. It is time to leave behind the economic band-aids of the past 5 years and focus on policies that will not address just the symptoms but the cause of our weak economic growth.

We need to remove the obstacles facing our Nation's job creators so that struggling Americans can finally get back to work. We need to help create a future where every American has the opportunity for a well-paying, full-time job, with the possibility of advancement. You are not going to see that as long as the policies coming out of Washington, DC, and this administration make it more expensive and more difficult to create jobs for the American people.

And you are not going to do anything about income inequality if you drive people's cost of living higher, which is what ObamaCare's premium increases, higher out-of-pocket increases, energy-

cost increases—there are new regulations coming out today that are going to put new requirements and regulations on existing coal-fired powerplants that are going to drive electricity costs through the roof for people whom I represent in South Dakota.

Fifty percent of the electricity in South Dakota comes from coal-fired power. We are told the administration is coming out with regulations that are going to apply those same things that apply to new plants to existing coal-fired power. So you are going to have not only new plants that are going to be prevented from being constructed but those that are existing that are going to have to modify their plants at enormous cost, in many cases with technologies that do not exist. All that does is put people out of work and makes it more expensive for middle-class Americans to make ends meet.

If you want to do something about income inequality, provide good-paying jobs for middle-class families in this country. Put policies in place that make it less expensive, less difficult to create those jobs, and then drive down the cost for middle-class Americans rather than raising them—rather than having higher energy costs, higher health care costs, higher this, higher that, all because of policies coming out of Washington.

We can do better. The President has not always shown his eagerness to work with Congress in the past. I am told that tonight he is going to talk about all the things he can do unilaterally. I hope that tonight's State of the Union Address will mark a new start. Republicans are ready to get to work. I hope the President is too. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

There upon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT OF 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Tennessee.

SCHOLARSHIPS FOR KIDS ACT

Mr. ALEXANDER. Madam President, this morning the Senator from South Carolina, Mr. SCOTT, and I went to the American Enterprise Institute and outlined two bills that together represent the most ambitious proposals ever to enable States to use Federal dollars to allow parents to find a better school for their child.

I would like to take a few minutes to talk about my proposal, which is called the Scholarships for Kids Act, and the context in which we find ourselves today as we look forward to the President's State of the Union address. I would also like to briefly mention the

proposal of Senator SCOTT from South Carolina. He has already introduced his bill. He will be on the floor at another time to talk about it. But these are big ideas. Together they represent redirecting about 35 billion Federal dollars that are now being spent through a series of programs and instead spend them in a way that better fits the age in which we find ourselves, an age in which the best Federal investments can be made in things that enable Americans to do things for ourselves to make our lives better and happier and safer and longer.

Let me talk first about Scholarships for Kids. I ask unanimous consent that an article describing the bill be printed following my remarks.

The legislation that I am introducing today would allow approximately 11 million new Federal scholarships to follow low-income children to any school their parents choose as long as it is accredited. It is not a Federal mandate. It would enable States to create those choice options. But it would mean about a \$2,100 scholarship of Federal dollars on top of the money that States already spend on elementary and secondary education for each child.

The State of Tennessee, for example, spends nearly \$8,000 per child on public elementary and secondary education. This would be providing a \$2,100 scholarship to the one-fifth of students who are low income and allowing that money to follow them to the school they attend.

Our country is united, not by race, but by a set of principles upon which we agree. One of the most important of these is the principle of equal opportunity. For me, equal opportunity means creating an environment where the largest number of people can begin at the same starting line. I believe this is a real answer to the inequality in America that we hear so much about, giving children more opportunity to attend a better school.

The Scholarships for Kids Act will cost \$24 billion a year. It will be paid for by redirecting about 41 percent of all the dollars we now directly spend on Federal elementary and secondary education programs. About 90 percent of all of the spending on our elementary and secondary schools is State and local spending, and about 10 percent is Federal spending. This is 41 percent of that 10 percent.

It includes all of the money the Federal Government spends on elementary and secondary education except money for children with disabilities—and Senator SCOTT's legislation addresses that. It does not touch the Student School Lunch Program. It does not affect Federal research in education, and it does not affect Impact Aid.

The whole purpose of Federal aid to elementary and secondary education is to help low-income students. But unfortunately, often the Federal dollars are diverted to schools with wealthier students. The left and the right both have noticed this and would like to change it.

Scholarships for Kids would benefit only children that fit the Federal definition of "poverty" which is about one-fifth of all school children. That is because it would pin the \$2,100 scholarship to the blouse or the shirt of the child, and it would follow that child to the school the child attends.

Allowing Federal dollars to follow students to a school has been a successful strategy in American education for more than 70 years. Last year, \$33 billion in Federal Pell Grants and \$106 billion in Federal loans followed students to the public and private colleges of their choice. Since the GI bill began in 1944, these vouchers—that is what they are—have helped to create a marketplace of about 6,000 autonomous institutions and a higher education system that is regarded by almost everyone as the best in the world.

Our elementary and secondary education system is not the best in the world. U.S. 15-year-olds rank 28th in science and 36th in math. I believe one reason for this is that more than 93 percent of the dollars that we spend through the Federal Government for higher education follows students to the colleges of their choice, but Federal dollars do not automatically follow students to the elementary or secondary school of their choice.

Instead, with our elementary schools and our middle schools and our high schools, money is sent directly to the schools. Local government monopolies run most of those schools. They tell most students exactly which school to attend. There is little choice and no K-through-12 marketplace as there is in higher education. Again, in higher education, you have 6,000 autonomous institutions. You have generous amounts of Federal dollars. They can follow you to the college or university of your choice, whether it is public or private or nonprofit or for-profit, as long as it is accredited. So students may go to Harvard, Yeshiva or Notre Dame, or to Nashville's Auto Diesel College or to the University of Tennessee or to the community college nearby. The former Librarian of Congress, Daniel Boorstin, often wrote that American creativity has flourished during "fertile verges," times when Americans became more self-aware and creative.

In his book, "Breakout," Newt Gingrich argues that society is on the edge of such an era, the Internet age, an age where everything will change, like everything changed at the time of the new internal combustion engine.

Newt Gingrich in his book cites computer handbook writer Tim O'Reilly for his suggestion about how the Internet could transform government. Here is how Tim O'Reilly says we ought to do our job as we try to help use the government to help Americans during this period of time:

The best way for government to operate is to figure out what kinds of things are enablers of society and make investments in those things. The same way that Apple figured out, "If we turn the iPhone into a plat-

form, outside developers will bring hundreds of thousands of applications to the table."

Already 16 States have begun a variety of innovative programs supporting private school choice. Private organizations in many parts of our country supplement these efforts. Scholarships For Kids, allowing \$2,100 Federal scholarships to follow 11 million children, would enable other school choice innovations in the same way that developers rushed to provide applications for the iPhone platform.

Senator TIM SCOTT has proposed what he calls the CHOICE Act. It would allow 11 billion other Federal dollars that the Federal Government now spends through programs for children with disabilities to follow these 6 million children to the schools their parents believe provide the best services.

So there might be a child in Tennessee or Wisconsin or South Carolina who is eligible for both—the Scholarship For Kids, because he or she comes from a family that fits the Federal poverty definition. So there is \$2,100. Then, if that child is also disabled, the child might be eligible for a scholarship under the CHOICE Act of several thousand dollars. That would then be in addition to the amount of money that South Carolina, let's say, spends on education per child, which is in the neighborhood of \$9,000.

So to take the case of Tennessee again, \$8,000 or so for the State, \$2,100 more Federal dollars through Scholarship For Kids, a few more thousand dollars, depending upon circumstances, for the scholarship under Senator SCOTT's proposal, and you have a significant amount of money that a parent could use to follow a child to the school that helps that child succeed.

Especially in the case of children with disabilities, that seems to make so much good sense to me. Senator SCOTT tells a poignant story of a young girl in South Carolina who was in a kindergarten. She has Down syndrome. She was in a kindergarten that helped her succeed. But then her parents moved. They had to fight for a year to get her new school to treat her in a mainstream way. Then they realized that the school they had been fighting for a year was the one they were counting on.

Why not let that family take the \$13,000, \$14,000, \$15,000 or \$16,000 for that child with Down syndrome, pick a school that treasures that child, and let the money follow the child to the school the child attends.

So a student with a disability and from a low-income family would benefit under both programs. As I said when I began my remarks, taken together with Senator SCOTT's proposal, Scholarship For Kids constitutes the most ambitious proposal ever to use existing Federal dollars to enable States to expand school choice.

Importantly, this is not a Federal mandate. Washington is full of politicians who fly an hour or an hour and a half from their home town, and they

get here and think they have suddenly gotten smarter. They have a good idea and they say: Oh, let's apply that in Wisconsin and in Tennessee and in South Carolina. I try not to do that. I am a very strong believer, for example, in teacher evaluations. I led the fight for teacher evaluations as Governor of Tennessee 30 years ago. We were the first State to do it. When I came to Washington people said: Well then, you will want to make everybody do that? My answer was no, I will not. States have the opportunity to be right, and they have the opportunity to be wrong.

The last thing Tennessee needs is the Federal Government peering over the shoulders of communities and school districts and legislators and governors and school boards who are trying to work out the very difficult problem of teacher evaluations. It is the holy grail of education reform as far as I am concerned, but it should not be mandated from Washington. I very much believe in school choice, but it should not be mandated from Washington. So under Scholarships For Kids, States still would govern pupil assignments, deciding, for example, whether parents could choose private schools.

When I was Secretary of Education years ago, Milwaukee was in the midst of a major program to try to give low-income parents more choice of schools, including private schools. So along with President George H. W. Bush, we proposed what we called a GI bill for kids to allow Milwaukee and Wisconsin to do it if it wished to do it. But it did not impose what we thought was a good idea from Washington. Under Scholarship For Kids, schools that parents chose for their child with their \$2,100 scholarship would have to be accredited. Federal civil rights rules would apply. My proposal does not affect school lunches. There also is an independent evaluation after 5 years so that Congress can assess the effectiveness of the new tool for innovation.

In remarks that Senator SCOTT and I made this morning, the issue of private schools came up, which always does when we talk about expanding school choice. But in this case, we are not necessarily talking about private schools. Most schools are public schools. I would assume that most of these \$2,100 scholarships would follow students to the school they attend, which would be a public school.

So if a State chose to create a program whereby its low-income citizens could choose a private school, as long as it was accredited, that would be appropriate under the law. Why shouldn't a low-income family have the same opportunities for a better school for its child that a wealthier family, who may move to a different part of town or may be able to afford a private school, does?

The idea of allowing dollars to follow students to the school of their choice has not exclusively been an idea of the left or of the right in our country. In the late 1960s, the most conspicuous

proposal for school choice was from Ted Sizer, then Harvard University's education dean. He suggested a \$5,000 scholarship in his poor children's bill of rights. That \$5,000 scholarship would be worth two or three times as much today.

In 1992, when I was the U.S. Secretary of Education, President George H. W. Bush proposed a GI bill for kids, a \$½ billion Federal pilot program for States creating school choice opportunities. Yet despite its success in higher education, and despite the fact that it has had powerful advocates on both the left and the right, the word "voucher" remains a bad word among most of the kindergarten-through-12th-grade education establishment, and the idea has not spread widely. Equal opportunity in America should mean that everyone, as much as possible, has the same starting line.

During this week celebrating school choice, there would be no better way to help children move up from the back of the line than by allowing States to use Federal dollars to create 11 million opportunities to choose a better school.

STATE OF THE NATION

If I may conclude with a word about the context in which we find ourselves today, Senator SCOTT and I made our remarks today at American Enterprise Institute. I am speaking on the floor of the Senate on a very important day in our country's history. It is not only National School Choice Week, but it is the day the President of the United States makes his annual state of the Union address. Every President has done that except two—as the Senate historian told us today—and those two died before it was time to make the address, so it is a tradition that goes back to the beginning of the country. We will all go over to the House of Representatives, listen carefully, and the country will watch to listen to what the President has to say.

We are told the issue the President will address is the one of income inequality. If that is what he does, that is certainly an appropriate issue for any American President. Because if equal opportunity is central to the American character, so is the idea of the American dream, the idea that anything is possible, that anyone can go from the back to the front of the line with hard work; and equal opportunity, therefore, helps to create a starting line from which we move.

If the President makes that proposal, I think we know the kind of agenda we are likely to hear. It will have to do with a higher minimum wage that would actually cost jobs. It will have to do with more compensation for perpetual unemployment. It will have to do with canceling more health insurance policies, which is what ObamaCare will be doing in 2014—much more so than it did in 2013.

There is another agenda, another picture, another vision of how we can help the largest number of Americans realize the American dream; that is, more

jobs, more job training, and more choices for low-income parents of better schools for their children so they can get a better job.

Instead of a higher minimum wage, which actually reduces the number of jobs, we would liberate the free enterprise system of the wet blanket of ObamaCare, other Obama rules and regulations, and create many more jobs with good wages. Instead of more compensation for long-term unemployment, we would say let's have more job training so they can take one of these good new jobs we propose to create.

Then, instead of directing the money to a model that hasn't worked as well over the last 70 years, let us take the Federal dollars we are now spending on elementary and secondary education and let them follow low-income children and disabled children to the schools of their parents' choice. So they have an opportunity to go to a better school, just as children who aren't disabled and with parents who have more money do.

We will be arguing that a better agenda for income equality to realize the American dream, to help Americans move from the back to the front of the line, is more jobs, more job opportunities, and more choices of better schools for low-income children. That agenda is especially right for the age we are in.

I mentioned the discussion Daniel Boorstin had about America's fertile verges, Newt Gingrich's new book, and the suggestion by the computer programmer that the best way for government to operate is not with Washington mandates or Washington programs but to spend money on things that enable each of us as Americans to do things for ourselves—to live a happier life, to live a better life, to live a wealthier life, to live a safer life.

I hope in the remarks I have made today that I have done that, because we have 70 years of experience with such programs in education. I would argue there may be no more successful social program in American history than the GI bill for veterans. It began 70 years ago in 1944. It did not send money to the University of Chicago, Tennessee, Michigan, and Harvard. It followed the soldier, the airman, and the Navy veteran to the college of his or her choice. We began that practice in 1944. We continue it with the Pell grants today. We continue it with the student loans today. Why should we not follow it with the Federal dollars we spend for elementary and secondary education?

If Federal dollars following students to the colleges of their choice helped to produce the finest higher education system in the world, why should we not allow States to try to create the best schools in the world for our children—especially our low-income children?

I hope my colleagues on both sides of the aisle will recognize this isn't the proposal of the left or the right. I don't know many Democrats who want to get

rid of Pell grants or student loans. They are vouchers, pure and simple, that have lasted for 70 years and may be the most successful social program we have. Why not allow States in this Internet age to take the Federal dollars we are already spending for low-income children and make sure the money gets directly to them—and for disabled children, and make sure it goes to directly to them—and give their parents an opportunity to exercise the same kinds of decisions wealthier parents do? They would say: What school would be the best school for my child.

Would that not be a way to help a young American get a leg up on moving to the same starting line that children from wealthier families have—and maybe even a chance to move to the head of the line?

I hope my colleagues and American people will take a good look at the Scholarships for Kids Act, and Senator SCOTT's CHOICE Act. Together they constitute the most ambitious proposal ever to use existing Federal dollars to enable States, and to allow parents—especially low-income parents—to choose a better school for their child. There is no better way to create opportunity in America.

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

11 MILLION \$2,100 "SCHOLARSHIPS FOR KIDS":
A REAL ANSWER TO INEQUALITY

Today I am introducing legislation that would allow \$2,100 federal scholarships to follow 11 million low-income children to any public or private accredited school of their parents' choice.

This is a real answer to inequality in America: giving more children more opportunity to attend a better school.

The "Scholarships for Kids Act" will cost \$24 billion a year—paid for by redirecting 41 percent of the dollars now directly spent on federal K-12 education programs. Often these dollars are diverted to wealthier schools. "Scholarships for Kids" would benefit only children of families that fit the federal definition of poverty, which is about one-fifth of all school children.

Allowing federal dollars to follow students has been a successful strategy in American education for 70 years. Last year, \$33 billion in federal Pell grants and \$106 billion in loans followed students to public and private colleges. Since the GI Bill began in 1944, these vouchers have helped create a marketplace of 6,000 autonomous higher education institutions—the best in the world.

Our elementary and secondary education system is not the best in the world. U.S. 15-year olds rank 28th in science and 36th in math. I believe one reason for this is that while more than 93 percent of federal dollars spent for higher education follow students to colleges of their choice, federal dollars do not automatically follow K-12 students to schools of their choice.

Instead, money is sent directly to schools. Local government monopolies run most schools and tell most students which school to attend. There is little choice and no K-12 marketplace as there is in higher education.

Former Librarian of Congress Daniel Boorstin often wrote that American creativity has flourished during "fertile verges," times when citizens became more self-aware and creative. In his book Break-

out, Newt Gingrich argues that society is on the edge of such an era and cites computer handbook writer Tim O'Reilly's suggestion for how the Internet could transform government.

"The best way for government to operate," O'Reilly says, "is to figure out what kinds of things are enablers of society and make investments in those things. The same way that Apple figured out, 'If we turn the iPhone into a platform, outside developers will bring hundreds of thousands of applications to the table.'"

Already 16 states have begun a variety of innovative programs supporting private school choice. Private organizations supplement these efforts. Allowing \$2,100 federal scholarships to follow 11 million children would enable other school choice innovations, in the same way that developers rushed to provide applications for the iPhone platform.

Sen. Tim Scott (R-S.C.) has proposed the CHOICE Act, allowing 11 billion other dollars the federal government now spends through the program for children with disabilities to follow those 6 million children to the schools their parents believe provide the best services.

A student who is both low income and has a disability would benefit under both programs. Especially when taken together with Sen. Scott's proposal, "Scholarships for Kids" constitutes the most ambitious proposal ever to use existing federal dollars to enable states to expand school choice.

Under "Scholarships for Kids," states still would govern pupil assignment, deciding, for example, whether parents could choose private schools. Schools chosen would have to be accredited. Federal civil rights rules would apply. The proposal does not affect school lunches. So that Congress can assess the effectiveness of this new tool for innovation, there is an independent evaluation after five years.

In the late 1960s, Ted Sizer, then Harvard University's education dean, suggested a \$5,000 scholarship in his "Poor Children's Bill of Rights." In 1992, when I was U.S. education secretary, President George H.W. Bush proposed a "GI Bill for Kids," a half-billion-federal-dollar pilot program for states creating school choice opportunities. Yet, despite its success in higher education, voucher remains a bad word among most of the K-12 educational establishment and the idea has not spread widely.

Equal opportunity in America should mean that everyone has the same starting line. During this week celebrating school choice, there would be no better way to help children move up from the back of the line than by allowing states to use federal dollars to create 11 million new opportunities to choose a better school.

Mr. ALEXANDER. I yield the floor.

HEALTH CARE REFORM

Mr. MURPHY. Madam President, it has been 1,406 days since the President signed into law the Affordable Care Act. Since that time, about 10 million Americans who have not had access to affordable insurance have gotten it and patients have been reempowered, along with their doctors, to take control of their own health care, taking power away from the insurance company which had run our medical lives for too long.

The Presiding Officer and I lived through dozens of votes in the House of Representatives to repeal the bill, as the Senate saw as well, but absolutely no genuine effort to replace the health

care bill. I was sitting in the Chair yesterday when one of our colleagues, Senator HATCH, came to the floor to talk about a new proposal—I would probably argue the first proposal from Republicans in 1,406 days to actually talk about what their vision—what Republicans' vision—for health care reform would be. This is just a framework, not a bill, that has been suggested by our colleagues, Senator HATCH and Senator COBURN and Senator BURR. So I wanted to come to the floor to talk about the implications of this framework for affordability and patient protections all across this country.

First of all, I give some credit to our colleagues because it has been 1,406 days of complaints, of politics, of obfuscation, of obstruction. So for the first time we are at least beginning to see what the Republican vision is for the future of health care in this country. Although we don't have a bill—all we have at this point is a framework—it is a pretty scary future because the proposal from our Republican colleagues would dramatically increase the cost of health care for millions of Americans and would put the insurance companies back in charge of our health care.

So for a few minutes I wish to talk in real terms about what this proposal will actually do for health care in this country. I only have a few minutes, so it is hard to go through the litany of backward steps we would take were we to adopt the proposal that has been laid out by a couple of our very brave Republican colleagues.

But the first thing it would do is it would reinstate the fact that being a woman for decades in this country was considered to be a preexisting condition. The health care reform bill says very simply there can be no difference in the amount of money one pays for health care based on gender. The facts are plain: Women have historically paid 50 percent more in terms of health care costs than men have across this country; \$1 billion more is the total amount of money women have paid more than men simply because insurance companies believe that being a woman is a preexisting condition. That is no longer the law of the land. Women pay the same rate as men. There is no difference based on gender. But that would be eliminated by this plan. Once again, being a woman could be considered a preexisting condition.

Second, annual limits on the ability to recoup the cost of your health care from your insurance company would be reimposed. The health care bill says: Listen. It isn't fair that you buy an insurance policy, and when you get very sick, you are told at some point midway through the year your insurance is up. That is not real insurance. The idea of insurance is that we all pool our risks together, and then if one of us, through no fault of our own, gets sick, we actually get those insurance bills paid.

The Affordable Care Act says there can't be any more of those annual limits, but the proposal from our Republican friends says that annual limits can come back from insurance companies. To someone such as Debra Gauvin from Connecticut, who had a \$20,000 limit and who was diagnosed with stage II breast cancer and hit her limit about halfway through the year and then incurred about \$18,000 of additional costs, causing her to basically forgo treatment, that was a painful reality of an insurance plan not delivering on insurance simply because she got so sick she had big costs. That would once again be the reality. The Republican plan would once again allow for annual limits.

Our friends talk about the fact that they address the issue of preexisting conditions, but they don't. They truly don't. Because all their plan says is that if you switch plans and you have no gap, the new plan has to cover whatever illness you may have. But that is not how life works. There are 89 million Americans, in an average year, who have at least a 1-month gap in coverage. That 1-month gap in coverage under the Republican plan—the one shown to us in a basic framework—would allow for preexisting condition discrimination to once again be the law.

Betty Berger, one of my constituents, had insurance her entire life except for basically about a 1- or 2-month period of time where her husband was switching jobs. During that time, their son was diagnosed with cancer. The new insurance company at her husband's new employer wouldn't cover the preexisting condition, and the Bergers lost everything. They lost their home, they lost their savings, and their lives were financially ruined.

The Affordable Care Act ends that nightmare for families. Fifty percent of bankruptcies in this country are caused by medical debt. The Republican plan does not fix the preexisting condition discrimination. All it says is, if you don't have any change, any gap in your coverage, then the new insurance company has to cover your preexisting condition. But for millions of families that is not how life works.

Lastly, although the Republican plan does acknowledge the basic underlying wisdom of the Affordable Care Act is right, in that the best way to get coverage to people is to give them a tax credit with which to go buy private insurance—that is the foundation of the Affordable Care Act, and the Republican alternative that our colleagues introduced basically adopts that as their framework for expanding coverage as well—it is at a much lesser subsidy rate, with much greater tax consequences to Americans than the Affordable Care Act has in it.

For instance, the Republican alternative says, if you hit 300 percent of the poverty level, that is it, no more subsidy. Well, 300 percent sounds like a lot. Three hundred is a big number. But

the poverty level is pretty measly in this country. If someone is making 300 percent of the poverty level, they are making \$34,000 a year. I don't know about the State of the Presiding Officer, but in Connecticut it is hard to put food on the table on a consistent basis at \$34,000 a year. Then to have no help from the government to buy insurance essentially means we will have a huge class of people making \$30,000 to \$40,000 a year who under the Affordable Care Act are getting helped by insurance but whom under this alternative plan will get no help.

But here is how it is even worse. The Republican alternative we have seen this framework on says that one of the ways we are going to pay for this is by taxing people for the health care they are getting. Right now, if someone gets health care coverage through their employer, which 150 million Americans do, they get to essentially exclude that money from taxation. They get those benefits in pretax dollars. The Republicans have said: Well, we are going to allow that to happen but only for about 65 percent of your benefit. So just under half of your health care is now going to be taxable. That is a massive tax increase on the people of this country.

We can debate whether there is policy wisdom in limiting the tax exclusion of health care, but let us just admit that if you are going to fund your proposal based on eliminating the tax exclusion of employer-sponsored benefits to employees, then you are dramatically raising taxes on middle-class Americans all across this country.

So while I give a lot of credit to the Senators who have put this framework out there, because it is the first time we have seen any alternative, it is a pretty miserable alternative for consumers all across this country who have finally for the first time, because of the Affordable Care Act, gotten access to affordable insurance and for countless more Americans who have been insured and who finally feel as though all of the tricks and the gimmicks they have seen from insurance companies, such as excluding people from coverage because of a preexisting condition or putting an annual limit on their coverage, that those days are over.

So as we go into the debate about the effective implementation of the Affordable Care Act and as we talk about these alternatives that are now being promoted, it is important we do that with eyes wide open. Nobody on our side of the aisle who supported the health care bill is going to tell you it is perfect. No one on our side of the aisle is going to defend every step of the implementation, but it is changing the lives of millions of Americans. It is reducing the overall health care expenditure of this government, and it is putting Americans back in charge of their health care.

Now is not the time to be discussing going back to the good old days when

millions of Americans were left out of the rolls and the ranks of those who are insured and insurance companies dictated the day-to-day, week-to-week, and month-to-month health care that is so critical to the lives of middle-class families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

THE ECONOMY

Mr. BARRASSO. Madam President, tonight President Obama is going to deliver his State of the Union Address. It will be in front of Congress and the TV cameras, and he will be talking to the American people as well. He and his advisers are probably working right now on some last-minute sound bites and applause lines. But I would say, instead of that, they should be working on an agenda that actually helps unemployed Americans, an agenda that will get our economy back on track.

The President doesn't have very many big opportunities left to do this. He is quickly becoming a lameduck President. The President is going to become a lameduck even faster if he comes to the Capitol tonight and delivers a lengthy speech that just attacks Republicans.

The economic recession ended 4½ years ago. Many Americans have still not seen their careers or their finances or their quality of life improve. That is what Americans are looking for. Unfortunately, they haven't found it because of the Obama economy. That is what the Obama economy has done to Americans.

Millions of Americans have actually, regrettably, given up looking for work. They are falling further and further behind, further and further away from achieving the dreams they have had. Is the President going to tell those people he has no new ideas about how to actually help them?

President Obama is failing. He is failing to make it easier for the American economy to recover and he is failing to help Americans who desperately want to work. He is failing because he is focused on things such as extending emergency unemployment benefits and raising the minimum wage. While an unemployment check can be a vital safety net for families, it is not a long-term solution for what is becoming a part-time economy under President Obama.

Tonight the President can deliver yet another partisan political speech—he may get a standing ovation here and there from the most liberal side of the aisle—or he can do what he should do as President: focus on solutions with proven bipartisan support.

The President has made a point of saying lately that 2014 will be, as he calls it, a year of action. He said he intends to act on his own, without waiting for Congress. I believe that would be the wrong course. President Obama has had trouble getting some of his policies through Congress, and the main reason is the American people do

not support his policies. He should use this speech tonight to move to the center, to show he is willing to work with others. He shouldn't give a speech that shows he is moving further to the left. We have had too much of the President's politics of division.

The politics of division is hurting the economy and it is hurting the country. Democrats and Republicans on Capitol Hill already agree on ideas to get America and Americans back to work.

There are many policies that President Obama can talk about in his speech tonight that will not require him to go around Congress but, rather, to come to Congress. I would like to suggest three of them that he should announce tonight.

First is the Keystone XL Pipeline. The President should say he will stop blocking construction of the Keystone XL Pipeline. His own State Department says that the pipeline construction could support over 42,000 jobs across the country, and a bipartisan group of 62 Senators, 62 Members of this body, backs the project. Early in 2013 President Obama met with Senate Republicans. He told us we would have an answer about the pipeline by the end of the year. That was 2013. The year has come, gone, and the Keystone XL Pipeline approval is still sitting on the President's desk. The American people deserve an answer, and the answer should be yes.

Second, the President really should address his reckless Environmental Protection Agency—the EPA—and how its regulations are putting Americans out of work. Recently the EPA released new requirements for powerplants. The requirements are unachievable and they are unnecessary. Ironically, the EPA did this on the exact same day as the 50th anniversary of the start of the war on poverty declared by LBJ. These harsh new regulations are going to cause energy costs to go up, and they are going to cause people to lose their jobs as coal plants are forced to close. The job losses and higher prices are going to fall most heavily on people struggling in Appalachia and across coal country. Higher energy costs clearly hurt our economy. The President must sensibly rein in his EPA before it does even more economic damage.

Third, the President should support bipartisan efforts to repeal his medical device tax. This is a destructive tax, and it was part of the health care law. It has been estimated by some that the tax puts thousands of American jobs at risk because it helps to push manufacturing overseas. An amendment to repeal that medical device tax passed right here in the Senate last year with a bipartisan vote of 79 to 20. With all the changes President Obama has made to his health care law, it is barely recognizable. Repealing this tax would be a change that actually helps Americans and not just the President's poll numbers.

There are many things the President can talk about tonight that have this

sort of bipartisan support. These are just three, but they would be a good place to start.

When the President leaves here after the State of the Union, he is going to go visit four States: Maryland, Pennsylvania, Wisconsin, and then Tennessee—four States, eight U.S. Senators. When we take a look at who they are, four are Republicans, four are Democrats. All 8 of them—4 Democrats and 4 Republicans—were part of the 79 Members of this body who voted to repeal the medical device tax.

When the President's spokesman the other day on Sunday's TV shows said the President is going to use his phone and his pen, I would say he ought to use the phone to call the eight Senators to say: I am going to use my pen, after you vote to repeal the medical device tax, to sign that into law. That is something which would show bipartisanship on the part of the President as well as really help with our economy.

Nearly 21 million Americans are out of work or they are trapped in part-time jobs. It is time for President Obama to talk less about divisive ways to redistribute Americans' prosperity and more about helping all Americans increase their own prosperity. America is a strong and resilient nation. We can overcome the Obama economy, and we will. We can overcome—and we will—the bad policies of this administration. The President should come tonight to the Capitol and say he is willing to help Americans return to prosperity.

If the President announces these three policies tonight, the country and the economy will benefit and a bipartisan group of Republicans and Democrats will all be able to stand and applaud.

I yield the floor.

THE PRESIDING OFFICER (Mr. MANCHIN.) The Republican whip.

Mr. CORNYN. Mr. President, I would also like to address the matter of the President's State of the Union speech tonight. I am sure that, as has been the rule, President Obama will make an eloquent speech. He is very good at that. There is just one problem: The President's credibility has been shattered. Indeed, on issue after issue we see a massive gap between his rhetoric and the reality. You might say that the two biggest challenges the President faces tonight are those two challenges. One is to his credibility, and the other is to his competence and the competence of the Federal Government, actually, to be able to deliver on the promises it makes.

The most obvious example is the health care law, which we have heard a lot about and will continue to hear a lot about in this ensuing year. I was visiting with one health insurance company executive who told me that basically the bad news is going to continue to unroll and unravel over the coming months. There will be nowhere to hide.

Perhaps what people want most from Washington, DC, is accountability. I

hear it all the time. People say what does it take to get fired? Do people promise the Sun and the Moon and deliver nothing without any consequences? How about people who were charged with implementing the policies of the administration, whether it is the Web site contractor or whomever. The Web site contractor finally did get fired and a new one hired, so I assume that sooner or later the Web site will actually work as advertised. But that still leaves us with the flaws in the underlying policy, which will not work. The American people understand that and they are looking to Washington for help, saying please deliver us from this epic failure which is not what we were promised. In the event there is not a response to that that they deem credible, I promise there will be an accounting come November 2014.

The President said repeatedly that under his signature health care law, if you liked the coverage you had you could keep it. Public opinion polls then showed that roughly 90 percent of the American people liked their health care coverage. Why in the world did we undermine or did ObamaCare undermine the existing coverage people liked just in order to cover more people, which in fact it did not do. We know ObamaCare has forced millions of Americans to lose their preferred coverage, the coverage they said they liked back in 2009. The President repeatedly said ObamaCare will reduce your premiums, make them lower—for a family of 4, about \$2,500. The stories we see, day after day, of American citizens signing up on the health care exchanges is just the opposite. They are experiencing premium shock, and the fact is it is going to continue to get nothing but worse as people realize that the ones who are signing up for ObamaCare are older, sicker Americans and that young healthy Americans are simply taking a pass, saying I cannot afford it and if I have a problem I will take care of it later.

Premiums are going to continue to skyrocket, and Americans who are looking for more affordable health care coverage will find out that indeed it has been priced beyond their ability to pay.

Here is the rub. The President said—and I think this was the implicit, underlying promise of ObamaCare: If you pass ObamaCare, Congress, everybody will have coverage. We will have universal coverage. The Congressional Budget Office has projected that ObamaCare, even if it were implemented to perfection, exactly as the proponents and the President had expected, it would still leave 30 million people uninsured—30 million people uninsured.

The President said this new law would bring a greater sense of certainty to the U.S. health care system. Instead, we see one of the credit rating agencies actually slashing the credit rating of America's health insurers,

citing the uncertainty generated by the implementation of ObamaCare—the opposite, again, of what was promised.

The President also said the Web site, when you plug in your personal information—your Social Security number, your health information that is protected already by Federal law—if you plug it into the ObamaCare Web site it is going to be safe and secure. Cyber experts have testified, particularly in the House of Representatives, that the security of the Web site is worse today than it was several months ago. There is no guarantee that if you put your personal information, your private information, your confidential information into the Web site, it is going to be protected.

Here is the real surprise: I remember when Secretary Sebelius appeared before the Senate Finance Committee just a couple of months ago. I asked her about the navigator program. You remember, the navigator program was supposed to get people to help you sign up for ObamaCare. I said: There is no background check, is there, to be a navigator.

She said no.

I asked: So is it possible that a convicted felon could be a navigator, somebody you are giving your personal information to, to help you sign up for ObamaCare?

To her credit she said, in all candor: Yes; that is possible.

I nearly fell out of my chair.

ObamaCare's broken promises have caused enormous pain and anxiety in millions of Americans in Texas and all around the country. We see from the Wall Street Journal poll that came out this morning, which had to be a wake-up call to the administration and its allies, the American people are anxious, they are dissatisfied, they are wondering what has gone so terribly wrong in Washington, DC, and ObamaCare is exhibit 1. That is why we are committed on this side of the aisle to working with our colleagues, when they are ready to talk to us, and to replacing ObamaCare with patient-centered alternatives that will actually bring down the cost and make it more affordable.

What better way to get more people covered than to make it more affordable and to make sure government does not make these private decisions for us and our family when it comes to health care but that we, families, get to make that decision in consultation with their family doctor.

When you begin to scrape the surface, the President's problem of credibility and competence—those are the two crises he confronts tonight as he addresses the Nation—all we have to do, beyond ObamaCare, is look at what is happening in the economy. After raising taxes \$1.7 trillion, that was about 1 year ago, during the time President Obama has been President of the United States, the national debt has gone up \$6.6 trillion. But my

friends across the aisle, many of them—I would exclude the present occupant of the Chair who I know is concerned about this—my friends across the aisle think nothing of bringing legislation to the floor that is unpaid for that would add to the national deficit and national debt. That is the reason we now have a national debt in excess of \$17 trillion.

That is more than any of us can possibly conceive. When President Obama became President, the national debt was about \$10 trillion. That is bad enough. But in the last 5 years it has gone up \$6.6 trillion—or more than \$6.6 trillion. It is no coincidence that he has presided over the weakest recovery and highest unemployment since the Great Depression back in the 1930s.

President Obama has this very strange idea that the best way to get the economy going is to raise taxes and spend more money. It is just not working. As a matter of fact, we have great debates in Congress about the role and the size of the Federal Government. But perhaps the best example of why big government does not work has been the lousy economy, the slow economic growth, the high unemployment, and the number of people who have actually dropped out of the workforce.

The Bureau of Labor Statistics has this figure that it calculates. It is called the labor participation rate. You can Google Bureau of Labor Statistics or labor participation rate. That will show you that the percentage of people between the ages of 25 and 54 who are actively engaged and looking for work is lower today than it was at the height of the recession in 2008. Another 347,000 people dropped out of the workforce in December alone.

I know when we look at the unemployment rates that are released from time to time, we see the rate coming down a little bit, and we say: That is great. The unemployment rate is coming down. The problem is that in December alone almost 350,000 people quit looking for work. They gave up. We know that nearly 4 million people who are still looking for work have been out of a job for more than 6 months. That is not an economy to be proud of.

Let me just contrast that with what happened in the 1980s during the Reagan recovery. Typically, what economists will tell you is that when we have a recession, it is sort of a V shape. So when it hits bottom, it actually bounces up pretty quickly because there is nothing but the upside left to go. Yet this recession has been more of a U shape. In other words, we hit bottom, and we are still bouncing along the bottom. We haven't seen the kind of economic growth that we need to get people back to work, to grow our economy, and to get our budget balanced. I think the reason for that is some of the very policies I talked about a moment ago. It is due to the same misguided policies that the President has advocated and will no doubt talk about again tonight in his State of the Union Address.

I heard my colleague Senator BARRASSO from Wyoming talk about the Keystone XL Pipeline. The President likes to say: I have a pen, I have a phone, and I'm going to go it alone. Of course he can't do that under our Constitution. We all learned in high school about the checks and balances of the three coequal branches of government. The President can't spend a penny without Congress appropriating the money.

If we take him at his word, and he really wants to do something about the economy and reduce our dependence on imported oil from dangerous sources abroad, he could use that pen he talked about to authorize the Canadian-American connection of the Keystone XL Pipeline. You would then see a lot of the oil and energy produced in Canada, which is combined with the energy added to that pipeline, make its way down to southeast Texas where the refineries will turn it into gasoline and jet fuel, and in the process create thousands of new jobs.

Rather than using that pen to put people back to work and make sure that we have safe sources of energy, his administration is working behind the scenes to kill the Keystone XL Pipeline. Politics is the only explanation.

The President should not be surprised at what this Wall Street Journal poll showed this morning—that most of the voters disapprove of how he handled the economy. Likewise, he should not be surprised that trust in the Federal Government has also fallen to historic lows; that is the credibility problem. You can't promise the Sun and the Moon and deliver squat and expect people to trust you next time when you make another promise.

Then there is this. The Obama administration has repeatedly ignored or waived laws that prove inconvenient—from ObamaCare to immigration to welfare reform to education, energy, and drug policy.

One of the most frequent questions my constituents ask me back home in Texas is: How can the President do that? I thought we were a Nation that believed in the rule of law, that the law applied to everybody in America no matter how humble your station in life or how exalted—whether you are the commander in chief. I guess we have to revisit that when the President picks and chooses which laws he wants to enforce. Of course, Congress can pass laws. That is what Congress does.

The executive branch is the one that is supposed to enforce the law. So unless someone files a lawsuit—not Eric Holder in the Department of Justice, one of the most politicized Departments of Justice I can even remember. When some private organization or individual—such as the one who recently challenged the contraception mandate in ObamaCare that was recently stayed by the Supreme Court of the United States—or some association or business files a lawsuit that culminates in a judgment of a court years later, but

for that, there really isn't much of a check on President Obama. But that can change, and the voters know how to do it: By changing who is in charge in the Senate in November.

Here is another place where the President overreached and recently had his hands slapped by the courts. This had to do with his claimed authority to do another end run around Congress to make recessed appointments. We all know that under the Constitution the advise and consent function of the Senate is to act on the President's nominees and to vote to confirm them or not. Again, in a case of the President trying to go it alone, the court of appeals slapped down his attempt to do this end run around the Constitution and the advise and consent rule of the Senate. But that didn't stop him. Now he is threatening to take even more unilateral action: I have my phone, I have a pen—he is ready to do it again. That is not how the Federal Government is supposed to operate.

For example, after the President made these unconstitutional recess appointments, the DC Circuit of Appeals ruled on them and said: If the President's claim to make that appointment would be upheld, it would "eviscerate the Constitution's separation of powers"—the three coequal branches of government, checks and balances. What could be more fundamental to our form of government? The court of appeals said that if they upheld the President's claimed power to make those appointments, it would "eviscerate the Constitution's separation of powers."

We know how important the role of checks and balances is in our form of government and in our democracy. Indeed, our democracy would not be able to survive without them. The people who founded this great country knew that the greatest threat to their freedom and their individual liberties and their most basic rights was the concentration of power, so that is why they separated power at the Federal and State level in the Tenth Amendment, but they also separated the power at the Federal level between the judicial, executive, and the legislative branches. Yet this President and his administration have shown repeated contempt for the checks and balances that are so essential to our form of government.

I have said many times that no President has the authority to disregard or selectively enforce the law based on political expediency. If he or she can, then we are nothing better than a banana republic. We are no longer a Nation that believes in the rule of law, which has really been the competitive edge that this country has had over other countries. People know if you come and do business in the United States, you are going to have access to the courts, your contracts are going to be enforced, and the laws that are written will actually be enforced by an impartial judiciary. That gives us a com-

petitive advantage economically, morally, and otherwise, but it is being undermined.

Republicans are not the only ones that are worried about the President's willingness to bypass the normal legislative process. Yesterday my colleague from Maine, a Democratic caucus member, urged the White House not to treat Congress as—what he called—an afterthought.

In that spirit, I would like to remind the President of something he said just a few months ago. He said:

We've got this Constitution; we've got this whole thing about separation of powers. So there is no shortcut to politics, and there's no shortcut to democracy.

That is what the President of the United States said just a few months ago. Yet now he is claiming: I have a phone, I have a pen, and I'm going to go it alone. I would like to remind him of something he also said back in 2006, which is very similar. He said:

The Founders designed this system, as frustrating as it is, to make sure that there's a broad consensus before the country moves forward.

I couldn't agree more with the Barack Obama of 2006 or the Barack Obama of a few months ago, but I couldn't disagree more with President Barack Obama of today who somehow has this fantasy—it is nothing better than a fantasy—that somehow he can rise above Congress and the Constitution and the separation of powers and don the robe of a virtual dictator, force new laws down our throat or force the country in a direction that it doesn't want to go. It is a fantasy. It ain't gonna happen.

Yet on issue after issue the President still likes to tell the American people that he can move forward without any regard to consensus or constitutional checks and balances. It is a terrible mistake, and I wish he would reconsider.

In addition to its assault on the separation of powers, this administration has targeted other enemies, such as its intrusive monitoring of journalists' phone records. It has attempted to shake down private companies to get them to fund ObamaCare. It has fostered a culture of intimidation and punished whistleblowers. There have been scandals from Benghazi to Fast and Furious and those responsible for the attempt to intimidate the American people—or some part of the American people—from participating in the political process through the IRS scandal.

We know this administration has repeatedly obstructed the investigations and refused to cooperate with the inquiries that would bring the facts out into the light of day so we can all know what happened, make sure that those responsible are held accountable and, more importantly, make sure it never happens again.

I am confident that this is not the record President Obama will talk about tonight. Although this is his record, it

is not too late to change. His own record is what has destroyed his credibility, as well as caused people to question his competence and the Federal Government's ability to actually deliver on the extravagant promises he has made time and time again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

Mr. DURBIN. Mr. President, I grew up in East Saint Louis, IL, on the banks of the Mississippi River. As a child, it was a dominant feature in my life—crossing that river, watching that river. It didn't take long as I grew up to realize that that river has a mind of its own.

Last year, because of drought conditions in the Midwest, the Mississippi River was so low in January and February of 2013 that the Army Corps of Engineers had to come out on an emergency basis and literally scour the bottom of the river of rock formation so that navigation could continue. We were worried that we would have to shut down this major economic artery in the Midwest because the river was so low. The Army did a great job. The navigation continued with only slight delays and no major interruptions. Within 60 to 90 days, that same river was at flood stage. That is what those of us who grew up in the Midwest come to expect and understand—the unpredictability of that river. As we grew up and started to look around, we realized there were bluffs behind us that at one point were the banks of this great river and that we were living in the flood plain, if you will—that area close to the river that once was totally under water, way back when.

So there were flooding episodes, as most communities went through, and efforts made to deal with that flooding, including the building of levees. Those levees, for the most part, on the Illinois side of the river have been reliable. Some have questioned whether they can meet 500-year standards or these epic floods, and I think the question is well worth asking. But the fact is that the efforts made on the Illinois side—I can't speak for others, but at least in that region—have really been up to the task and we have not had serious flooding in a long time in that part of the world.

Because of concerns raised by the Army Corps of Engineers about whether these levees that protect the towns and businesses and families were up to the job, something remarkable occurred. Leaders who lived in the counties—and I will be more specific in a moment—closest to that area got together and said, We are not going to

wait on the Federal Government. We are going to impose a tax on ourselves and raise tens of millions of dollars to start fortifying these levees to protect our towns and businesses. I don't know if that has ever happened anywhere else. We have to salute them. They weren't waiting for Uncle Sam to show up and ride to the rescue; they took it into their own hands. Well, I salute them because they did raise the money and they are prepared and they are fortifying those levees.

I love the Army Corps of Engineers. They came to our rescue last year. But the locals have asked the Army Corps of Engineers to come in and certify these levees, that they are stronger now than they ever were, and the Army Corps has been slow to do it. It is frustrating. The locals are doing everything we could ask of them and they aren't getting at least a timely response from the Army Corps of Engineers. So, as a consequence, we are living in this uncertain world.

All of these businesses, all of these towns, all of these families in this so-called flood plain believe they are protected by the levees, the levees have not been certified by the Corps, and now comes the new National Flood Insurance Program which says to the people living there that they are going to have to pay higher premiums for flood protection in the future. The people rightly said, Wait a minute. We are paying higher sales taxes; we voted to pay higher sales taxes to protect ourselves, and now we are being told we still have to pay higher premiums. That gets to the heart of why we are on the floor discussing the National Flood Insurance Program.

Now I wish to say a few words about my position on this issue because it is one I have struggled with, to try to find the right answer in light of what I think is an extraordinary, if not heroic, effort by local people to address their problem and not wait for the Federal Government, their frustration of not having at least a timely cooperation by the Army Corps of Engineers, and now the prospect that the premiums for their flood insurance are going to go up despite their best efforts to protect themselves. If they were doing nothing, standing back and saying, This isn't our worry; if something bad happens, Washington will ride to the rescue, that is one thing. But they are doing something specific that costs them money and they are trying to protect themselves.

Rapid increases in flood insurance premiums, which are on the horizon, are hard for many people in my State. For the people in Metro East, which is the area I just described which is on the eastern side of the Mississippi River across from St. Louis—the southwestern part of Illinois—for many of them this increase in these premiums would be impossible for them to pay. Forty percent of the Metro East I have just described is mapped as flood plain, and most of the National Flood Insur-

ance Program policyholders there have their premiums subsidized. This meant that instead of paying \$500 a year, they were paying about \$150. It made it more affordable to them. However, the new increases that are anticipated could be as much as 400 percent.

In Granite City, IL, policyholders paid \$585 last year for flood insurance, but with the new increases, the premiums are expected to rise to \$1,500 or even \$2,000 a year. For some people, \$2,000 a year may not sound like a sacrifice. But for hard-working families in small homes they have worked hard to buy and build, another \$2,000 a year can make some real impact on their lives.

Additionally, 30,000 new structures in Metro East could be newly mapped into a flood plain when FEMA finally finalizes its flood maps. These homeowners could end up paying \$500 to \$2,000 a year for flood insurance. Allowing their premiums to rise so high so quickly is unacceptable, especially given how the people in Metro East have worked together over the last 7 years at significant expense to themselves to improve the 74-mile levee system.

In 2007, the Army Corps notified Metro East locals that their levees needed improvement. The next year FEMA notified them that much of the area would be mapped into a flood plain, triggering mandatory flood insurance purchase requirements unless the levee was improved. In response, the three Metro East counties I mentioned earlier—Madison, Monroe, and St. Clair, where I grew up—taxed themselves to pay for the improvements to their levees. They raised \$150 million. I believe this type of local commitment is unprecedented. I don't know if anyone else is doing this. They did it.

There have been a number of setbacks, but when they occurred, I have tried to work with the Army Corps and with my colleagues in Congress to get these projects back on track. I commend the people in Metro East for working together to honestly address the threat of flooding. No community wants to go through the pain and loss of damaging flooding. The Presiding Officer has been through it in West Virginia. I have been through it. Twenty years ago, in 1993, there was horrific flooding on the Mississippi River and there have been several instances since. I was out there piling up the sandbags with a lot of folks trying to protect homes and businesses.

These communities in Metro East are actively doing something to prevent the recurrence of that kind of a disaster. So while the locals continue to work with the Army Corps to achieve the highest level of levee protection as quickly as possible, I am going to continue to make their work a priority in my efforts. Because the residents of Metro East have taken on a significant financial commitment to protect homes and businesses, I will work to ensure that flood insurance premiums are affordable.

I wanted to draw attention to the way the residents of Metro East have

taken the initiative to help protect themselves from the risk of flooding, because not every community is engaged as directly with this threat as they have been. My constituents in this part of the country, for the most part, cannot afford to buy flood insurance at the new levels and the new rates.

I agree with the effort underway by Senators MENENDEZ, ISAKSON, LANDRIEU, and others to slow down these increases, and that is why I am supporting their effort. But we need to do this with our eyes wide open. The National Flood Insurance Program is not going to keep up with the costs of recovery from severe weather events that we see on the horizon.

The National Flood Insurance Program provides nearly 6 million business owners, homeowners, and renters \$1.2 trillion in coverage. The problem is the program simply doesn't collect enough money to cover the costs of rebuilding communities from floods, hurricanes, and other disasters.

The flood insurance program will be more than \$20 billion in debt after making payments for Superstorm Sandy. If we in Congress continue to ignore the structural weakness in the flood insurance program, that deficit, that debt, that shortfall is going to grow in the future. We can and should, sadly, expect more intense extreme weather events. According to computer models, the changing climate means the storms we are seeing will become stronger and more extreme in the future, causing even greater amounts of damage. Nationwide, the financial consequences of weather-related disasters and climate change hit an historic high in 2012, causing over \$55 billion in damages.

I had a hearing on this issue, and I thought: If I bring in environmentalists, a lot of folks will discount it completely when they start talking about climate change. They may not attend. They may walk out of the room. So instead I brought in people from the property and casualty industry, the insurance industry. What do they do for a living? They watch the weather. They watch it more closely than any politician ever did, and they decide adequate premiums to cover the reserves needed to protect from these weather disasters.

The story they told us was: Get ready. The weather is going to get more extreme, and the costs and damages are going to grow dramatically. Some insurance companies—major insurance companies—have walked away from States, saying: There is just too much exposure there. We cannot charge premiums and collect enough to create a reserve in the instance of a natural disaster.

Now, that is the reality of the private sector analysis of this issue. This is not some—pejorative term—tree-hugging environmentalist musing about possibilities. These are hard-hearted actuaries and accountants taking a hard look at what the future

holds. The private insurance industry has looked at the scientific data, and they have made changes in the way they do business. They are adjusting their operations to prepare for worse weather and bigger losses. They have begun raising premiums for wind, earthquake, and flood insurance in areas where disasters are likely, ensuring the rates accurately reflect the risk of damage. The industry has also begun to refuse insuring properties in states where there is just too much risk. In contrast, the Federal Government has not adequately prepared to handle the growing number of severe weather events.

Well, Senator DURBIN, where does this leave you? You do not think your people can afford to pay the higher premiums, and yet you do not think the reserves set aside for the flood insurance program are adequate.

I think that is the reality of what this political vote is likely to show.

Yesterday the vote on the floor was an overwhelming bipartisan vote to go forward on this measure. We know the Flood Insurance Program will not be able to keep up with the damage inflicted on our communities. The cost—asking homeowners and businesses to pay dramatically more in flood insurance premiums—is too high to make the National Flood Insurance Program viable in the near future.

We need to recognize that losses from future floods will likely cost more than the National Flood Insurance Program can cover. And then—and that is why I think we need a dose of reality in this Chamber and on Capitol Hill—Congress has to step up. That is a reality. We know these disasters are likely to occur, and we cannot—will not—collect the premiums necessary to create the reserves to cover them. It will be our responsibility to ensure that help is there. Whether that disaster is in Kansas, Illinois, West Virginia, or anywhere across the United States, Congress cannot deny that help.

It is time that we seriously address the effects of climate change and rethink how we protect and provide disaster assistance to communities on a regular basis. Those who choose to ignore the overwhelming scientific evidence of climate change cannot ignore the overwhelming accounting evidence that the National Flood Insurance Program will not be able to meet the increasing expense of natural flooding disasters.

Our votes—if we pass this measure before us—may spare families from an unacceptable financial burden if flood premiums skyrocket, but they do not spare us from the reality that the damages from future flooding disasters will be nationalized, as the damages of Katrina and Sandy were.

Those who vote for this Menendez-Isakson-Landrieu measure—as I will—are voting at the same time to nationalize the cost and damages of future disasters, to say that this is going to be something we will respond to as need-

ed. I have done that throughout my congressional career in the House and Senate, stood up to help those regions of the country in trouble, from California all the way to the east coast, and I will do it again because I think it is an American family responsibility. There is a limitation to what this National Flood Insurance Program can achieve. There is certainly a limit to how much working families can pay for these premiums. And we have to accept the reality that when these flooding events occur, when these disasters occur, we have to accept that responsibility.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kansas.

FARM BILL

Mr. ROBERTS. Mr. President, I rise today to discuss the Agriculture Act of 2014. That is the new name of the farm bill.

After over 3 years of hard work by the House and Senate Agriculture Committees and other interested Members, we are finally nearing the finish line for this version of the Nation's farm and food policy.

As all Kansans and all farmers and ranchers from every State know, the farm bill impacts not only our farmers and ranchers but also businesses up and down Main Street, as well as families in our rural towns and urban cities.

Everyone in Kansas, people who work in agriculture or are impacted by its success—which, by the way, is every single American—and my colleagues in the Congress deserve to know why I was the only Senator on the conference committee not to sign the conference report as of last night. I am here today to fully explain my reasoning and why I cannot and will not vote for this legislation.

It all comes down to this simple question: Does the new farm bill improve agriculture in America? I believe the answer is, unfortunately, no.

While we all want to provide long-overdue certainty to producers—something lacking for over 400 days, for 2 years; a record—the conference missed an opportunity for greater and necessary reforms to our Nation's farm programs, Federal nutrition programs, and burdensome regulations.

We should not march backward and pass a farm bill with more government subsidies, more regulations, and more waste.

How on Earth did we get to this point today?

Back in 2011 Chairperson STABENOW and I started the process of writing a new farm bill with a field hearing in her home State of Michigan. Later that year we held another successful hearing in Wichita, KS. After more formal hearings in the Senate and conversations with Kansas producers, Michigan producers, producers all over this country, it was clear to me that this farm bill would have to be reform-oriented, reduce the deficit, and be responsible—not only to farmers and ranchers but

also to consumers and taxpayers. Unfortunately, as I stand here today, this farm bill does not meet those standards, and, taken as a whole, the conference report fails to move both Federal farm and food programs forward.

I previously voted against the Senate bill, which looked too much in the rearview mirror for outdated programs, but this report is even worse. Just listen to this: Last year's House bill was officially called the Federal Agriculture Reform and Risk Management Act—"reform," "risk management"—and here in the Senate we passed the Agriculture Reform, Food, and Jobs Act. The final report now is reduced to the Agriculture Act, the farm bill.

Today I will focus my comments on my three biggest concerns: commodity subsidy programs, nutrition program spending, and the lack of regulatory reforms so sorely needed.

Considering we all commonly refer to the legislation as the farm bill, my first concern and criticism is the new price loss coverage program. The acronym for that is PLC. It is a subsidy program.

Back in 2012, 2 years ago, I was pleased that the Senate Agriculture Committee and the full Senate passed a bipartisan commodity title that contained real reform. We ended the current countercyclical commodity subsidy program and got the government out of the business of sending signals to producers essentially telling them which crops to plant by setting target price guarantees for producers—farming for the government, not farming for the market. Unfortunately, that reform was replaced in the latest Senate bill with a new target price subsidy program, doubled down in the House version with even higher target prices, and manipulated even more in the conference report to suit the desire of specific crops over the objections of others in different regions.

The new Price Loss Coverage Program repeats a classic government subsidy mistake: setting high fixed target prices or subsidies, which only guarantees overproduction, with long periods of low crop prices, leading to more expensive farm programs funded directly by taxpayers.

Why do we have to go down that road again? I have yet to hear one legitimate explanation for why Congress is about to tell all producers across this country that the Federal Government will guarantee the price of your wheat at \$5.50 per bushel—by the way, it is a little over \$6 right now at the country elevator in Dodge City—and rice at \$14 per hundredweight for the next 5 years regardless of what happens in the market. We have done this before, and we know it creates planting and marketing distortions instead of letting our producers respond to market conditions.

After the World Trade Organization—the WTO—ruled against the United States for our cotton programs, I thought we had learned a lesson. I have

said it before and will say it again: The WTO stove is hot. Why would we reach out and touch it again? Remember that we are still required to pay Brazil millions of dollars a year under that decision.

The Amber Box subsidy programs in this bill will open American agriculture to global trade disputes—which we have already lost and will likely lose again if challenged.

To date, objections and solutions from me and my colleagues—ranging from South Dakota, Senator THUNE; Nebraska, Senator JOHANNES; Iowa, Senator GRASSLEY; and even Ohio, Representative BOB GIBBS—have all fallen on deaf and stubborn ears. Our efforts to add market orientation to the price loss coverage subsidy program, as well as attempts to end it outright, have all been blocked and are certainly not reflected in the final report.

I am equally unhappy with the final outcome of the nutrition title of the farm bill.

Partisan politics has unnecessarily infiltrated this debate, with many Members on the other side of the aisle drawing a line in the sand at zero savings or real reform to the expensive and unrestricted Supplemental Nutrition Assistance Program. That is called SNAP. It is really the food stamp program. Facts are stubborn things. Despite good intentions, SNAP—food stamps—now makes up more than 80 percent of the Department of Agriculture's budget and was previously exempted from across-the-board sequestration cuts.

What we have here today is a ballooning and expensive set of Federal nutrition programs, with a patchwork of eligibility standards, loopholes, and, frankly, unneeded bonuses to State governments for simply administering the program. If you administer the program right, you get a bonus.

I understand and sympathize with the need for nutrition assistance for hard-working families. I have championed their efforts. However, we cannot and simply should not box off SNAP from unnecessary and timely reforms.

While the Senate version of the bill in 2012 and 2013 did tighten the Low Income Home Energy Assistance Program—LIHEAP—loophole to save roughly \$4 billion over 10 years, there have always been additional needed reforms to the program.

At the end of the 2012 Senate bill, I included my personal views in the report. I identified eight additional ways to rein in the out-of-control spending and reinstitute program integrity for the SNAP program.

Last year, in 2013, I introduced a stand-alone piece of legislation that would have saved a total of \$36 billion in SNAP without ever touching individual monthly benefits, and it failed on a party-line vote.

Eventually, the House of Representatives passed nearly \$40 billion in savings—after intense debate over there—

within the SNAP program. That is a 5-percent reduction over a 10-year period. I do not see how the final legislation, amounting to a 1-percent reduction in SNAP spending, is a fair compromise between both versions of the legislation. This just does not add up.

In every single one of my townhall meetings in Kansas—and I know the Presiding Officer from West Virginia finds the same thing true in his home State—the first question fed-up producers and business owners ask is, How can we stop or even slow down the onslaught—the onslaught—of regulations?

This farm bill had great potential to help producers and ranchers and all of agriculture with reducing the crushing regulatory burden from the government's rules and requirements. They just want relief.

Despite years of work in both committees and strong provisions in the House-passed farm bill, the final legislation lacks key, commonsense, and sound science regulatory reforms.

I am more than disappointed that a WTO-compliant resolution to mandatory country-of-origin labeling—it is called COOL—was not reached. As a result, our livestock producers who were already facing drought and high feed prices, now are going to have to worry about retaliatory actions by the Governments of Canada and Mexico.

Our ranchers are equally troubled that provisions in the House bill directing the USDA to refocus their efforts on the Grain Inspection Packers and Stockyards Act, the acronym for that is GIPSA, they were excluded. Another regulatory relief provision was already cleared by the full House and the Senate ag committee would have ended the duplicative National Pollutant Discharge Elimination System. I will not try the acronym for that.

These are pesticide permits required by the Environmental Protection Agency. We had an opportunity to protect human health and eliminate duplicative, unnecessary regulatory actions, and instead, despite all of our commitments to work together to resolve the issue, we were all blocked from including the simple and necessary regulatory relief.

Each of these regulatory reforms had bipartisan support. But now producers across the country are left without an explanation and, much worse, no needed relief. I am shocked at how far some Members will go to protect this administration's regulatory agenda instead of protecting real hard-working Americans.

After all of that, let me point out that with any large piece of legislation one can usually find some positives to point to and today's farm bill is no different. While I support many of the programs in the less talked about titles of the farm bill, I am especially appreciative of the inclusion of strong crop insurance provisions and livestock disaster programs. The No. 1 issue we heard over and over again from our

producers across the country and in every corner of Kansas was that crop insurance was their No. 1 one priority for the farm bill; secondly, they said get the regulations off our backs.

The policies in the final bill protect the commitment to producers by strengthening crop insurance as the cornerstone of our farm safety net, regardless of the size of their farm or the commodity they grow. As this bill moves forward, the Risk Management Agency, RMA, will be busy offering expanded coverage for commodities such as cotton that have not traditionally participated in the program as much as other crops.

However, I am concerned that the conservation compliance requirement included in the legislation on crop insurance, not on cropping operations, not on being a farmer but on crop insurance, will unnecessarily burden producers who are already good stewards of their land and already subjected to conservation requirements in the commodity programs. This is a duplication—more paperwork.

As the western half of Kansas continues to linger in a historic drought, the lack of livestock disaster programs that expired in 2011 is truly upsetting. We should have never let the programs expire in the first place. We had an opportunity in 2012 to reauthorize them, but the Senate failed to act, over my calls of action.

All of the livestock disaster programs are finally retroactively authorized. But the assistance will be too little and too late in many parts of cattle country. Some have lost part of their herds and even strains of cattle genetics.

Unfortunately, as a Kansan, as well as a member of the Senate Agriculture Committee and the farm bill conference committee, I am disappointed to say that the final policies of this farm bill do not outweigh the positives. While we all want to provide certainty to producers, the conference has missed an opportunity for greater and necessary reforms to our Nation's farm programs, Federal nutrition programs, and burdensome regulations.

After over 3 years of debate, the challenges that agriculture faces at home and across the world have only continued to grow. We need 21st century policies and innovative solutions. Instead, this bill misses the mark and goes backward to protectionist programs.

The issues I raise deserve to be debated fully and publicly. I know time is of the essence. Yet the full conference committee met only once for opening statements last October. With all of the ramifications of the farm bill, we met once last October—for 3 minutes apiece.

In truth, the majority of this bill was negotiated behind closed doors without the opportunity for votes, amendments or discussion. There is too much of that around here. Producers, consumers, and our global trading partners expected more. Unfortunately, the

U.S. taxpayers deserve better than this conference report. I did not sign this conference report last night and cannot in good conscience vote for this legislation.

But I will promise this to all of the Members who worked so hard to at least get a bill. I will continue to work and advocate on behalf of advancing agriculture.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

NATIONAL SCHOOL CHOICE WEEK

Mr. McCONNELL. Mr. President, in America, education is one of the keys to success—but too many Kentucky children are trapped in failing schools. This week is National School Choice Week, an ideal time to remember that school choice can be an important option for children living in poverty.

Over 10,000 young Kentuckians a year drop out of school, with little likelihood to return and reduced prospects for the future. Dropping out before graduating high school very often subjects kids to added hardship. Studies by the U.S. Census Bureau show that the average high school dropout earns 42 percent less than a high school graduate without a college degree. And these failures of our school system fall hardest on minority and low-income children.

But the big government-educational complex too often cares more about the bricks and mortar of a failing school than the children attending it. Special interests, like those of unions, can outweigh the interests of individual students.

We need to provide increased opportunities for families to choose the education environment that best meets the needs of their children. School choice programs do just that—they empower parents.

There are two types of school choice programs. One program provides financial assistance for disadvantaged students to enroll in private schools. The second charter schools—are public schools that are entrepreneurial and free from many of the constraints of school district bureaucracies. Rather than focusing on red tape, they are sin-

gularly focused on academic achievement, and give parents the opportunity to choose the best school for their child.

Both types of programs offer families the opportunity to send their child to safer schools with a proven track record of success. They allow public education dollars to follow the student to the school of their parents' choosing and improve student performance. Surely parents, not bureaucrats, are the best judges of what school is right for their child.

In Washington, DC, studies have shown that the city's private school scholarship program has increased graduation rates by 21 percent. In Indiana, enrollment in the State's private school scholarship program has more than doubled this year, to nearly 20,000 students. Clearly parents in Indiana are pleased with the availability of this option.

Indiana charter school students also saw improvements in learning for math and reading compared to their traditional public school counterparts. If Indiana and Washington, DC, can offer their children better choices, why can't Kentucky do the same?

A recent poll shows that 72 percent of Kentuckians favor charter schools, and yet Kentucky is one of only seven States that does not allow them. I agree with the vast majority of Kentuckians who favor charter schools and have supported Federal incentives for States that permit them, and will continue to do so.

For these reasons, I am a proud sponsor of legislation in the Senate that would expand school choice and allow 11 million low-income students to take Federal funding to the public or private school they choose. This would give parents, not Washington or bloated school bureaucracies, the power to decide how to best use the education money allocated for their children. It would also ensure that students trapped in failing schools don't have to wait for those schools to get better to get a quality education.

While I was encouraged to see Kentucky's ranking among States has improved, more is still needed. Last year, 18 of Kentucky's 22 failing schools were in Jefferson County. Students trapped in failing schools, such as those in the Louisville area, need options before they fall too far behind.

School choice is a way out. For low-income families, it can break the cycle of poverty. Thanks to school choice, many young men and women who would otherwise not have had the opportunity to excel can grow up to become leaders in their communities and their country.

The current one-size-fits-all education system is not the best approach. Our Commonwealth needs to make fundamental changes so that that every child has the opportunity to leave a failing school. I'm grateful for the organizations across the Bluegrass State which are fighting to make that hap-

pen. Kentucky's school children are capable of great things; let's make sure we empower their parents to help their children succeed.

TRIBUTE TO DR. LOUIS ARNOLD

Mr. McCONNELL. Mr. President, I come to the floor today in celebration of the anniversary of Dr. Louis Arnold's birth. Dr. Arnold, or "the Flying Evangelist" as he is known by many in our home State, was born 100 years ago on January 19, 1914, in Buckeye, KY, and has spent his life in service to the Baptist church. He is the founding pastor of Clays Mill Road Baptist Church.

Dr. Arnold felt the call to preach early in life. At age 11, he began preaching to his classmates while they walked to and from school. Then, at 19, he publicly announced his call to preach and held his first sermon in the Mitchellsburg Baptist Church. Following that first sermon—the story goes—he gazed up into the stars with a Bible in hand and said, "Lord, I'd rather be a preacher than to be President of the United States."

Dr. Arnold got the nickname "the Flying Evangelist" during the second World War. Already the pastor of a church in Lexington, KY, he was called to pastor another church in Cincinnati, OH. The churches were separated by 85 miles of country road—too far of a drive to be able to preach at both Sunday services. Undeterred, Dr. Arnold bought an interest in a small plane and learned to fly. Now, not only could he easily commute between the two churches, but he could also fly to revivals and churches across the region. He even equipped his plane with a loudspeaker so he could preach from the sky over cities and towns.

Although Dr. Arnold was born in the Commonwealth of Kentucky, his message has spread far and wide. He has his own radio broadcast, "Preaching at Your Church," and his paper, "The Arnold Report," is mailed to all 50 States. He's organized churches and revivals in his home State of Kentucky as well as travelled abroad to places such as Mexico, Central America, Europe, and the Bahamas. He's written numerous books of sermon and Bible study, and dozens of inspirational novels which have sold in all 50 States and several foreign countries.

Dr. Arnold celebrated his 100th birthday by preaching at the Clays Mill Road Baptist Church; a remarkable testament to his conviction and faith that have not wavered in the more than 80 years since his first sermon. I ask my Senate colleagues to join me in recognizing Dr. Louis Arnold, an upstanding Kentucky citizen, on the occasion of his 100 years of life and his unwavering devotion to his faith.