

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. I move to proceed to executive session to consider Calendar No. 1153.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Bernard L. McNamee, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2020.

## CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Bernard L. McNamee, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2020.

Mitch McConnell, Johnny Isakson, Mike Rounds, Thom Tillis, Mike Crapo, Pat Roberts, John Hoeven, David Perdue, Tim Scott, John Cornyn, Roy Blunt, Cory Gardner, Tom Cotton, Jerry Moran, John Barrasso, Roger F. Wicker, John Boozman.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call for the cloture motion be waived.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CAPITO). Without objection, it is so ordered.

## MICHIGAN VETERANS

Ms. STABENOW. Madam President, representing Michigan in the U.S. Senate is such an honor, and one of the best parts of this job is the work I am able to do on behalf of Michigan's over 600,000 veterans.

Our veterans have always been first in line to defend our democracy. That is why they should never be at the back of any line—for a job, for healthcare, for housing, or for education.

Our government has made our veterans promises—important promises—and those promises must be kept. That is true of the Trump administration, as well as every other administration. Unfortunately, many of our veterans are now finding that promises the govern-

ment made to them regarding their education are being broken.

For weeks now, student veterans have spoken out about their GI bill benefits being delayed or incorrect. One of those veterans is Brendan. He serves his country in the Michigan National Guard, and he is a student at Lake Superior State University in the beautiful Upper Peninsula of Michigan.

A few months ago, Brendan's GI bill benefits didn't go through even though he had done everything he was supposed to do. Brendan told his local station, WWTV:

I got emails saying, you need to pay your tuition. It stresses you out because you are wondering if you are going to get paid, and if I can't pay tuition, then I can't enroll in the next semester.

Bill, another student at Lake Superior State University, is a veteran of the U.S. Marine Corps. His housing stipend was 36 days late. "It upsets me," he told WWTV. He added: "When I was active duty, you are expected to be anywhere in the world within 24 hours, boots on the ground, ready to complete a mission. . . . When it comes time to pay veterans back for their service, it takes me 35 days to get a check in the mail."

That is simply outrageous.

What is even more outrageous is that this week, the Department of Veterans Affairs said it does not intend to reimburse veterans who were paid less than they were owed. That is after the Trump administration promised a House committee earlier this month that it would make sure veterans are reimbursed. The Department blames computer issues and says that going back to fix the mistakes would only delay further claims. That is completely unacceptable. You can bet that if Brendan or Bill or any other veteran tried to blame computer glitches for not paying their phone bill or failing to complete an assignment, it wouldn't work.

These veterans have done everything—everything—we have asked of them. It is our government's responsibility to provide them with everything they have been promised, and I am committed to doing everything in my power to make sure that happens. That is why earlier this month I called on the Secretary of Veterans Affairs to address this issue with the urgency it deserves—in other words, now. This isn't the first time the VA has faced backlogs, either, but it should be the last time—the very last time—our veterans are affected by them.

I heard about some of these issues during a series of 13 veterans roundtables I held around Michigan this year. I do this on a periodic basis to find out how things are going and what more I can do to help—as well as, of course, working with individual veterans who call our office every week.

In response to these roundtables, which I very much appreciate people from around the State participating in, I introduced the Student Veterans

Housing Act, which would help ensure that student veterans have a place to live as they are pursuing their education.

Currently, the end of the semester can mean the loss of housing benefits—when you are in between semesters and not in school—because the VA can't pay for housing in between semesters. My legislation would help ensure that student veterans don't have to reach into their own pockets to pay for a benefit they have already earned and would make sure they are not losing their housing between semesters. Our veterans should be able to focus on their studies, not worry about keeping a roof over their heads.

These veterans need to know their tuition payments will be there on time, just as they were promised. It is not enough to praise our veterans. We do that all the time, but praise doesn't pay the tuition bills or housing costs for student veterans. Instead, we must uphold each and every promise our country has made to them, including their GI bill benefits.

I was very pleased when we were able to strengthen the GI bill and was excited about the opportunities for new support for our veterans. Now we are hearing about technical issues and glitches that make no sense and undermine the ability of our veterans to fully benefit from the improved GI bill.

The Trump administration must address these technical issues immediately. The Senate must pass legislation, including my Student Veterans Housing Act, which will ensure that veterans are receiving all of the benefits they have earned. The VA must repay each and every dollar our veterans are owed, period. Veterans like Brendan and Bill and so many others have always been first in line to defend us. It is time for us to stand up for them and get this issue fixed.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

## NATIONAL FLOOD INSURANCE PROGRAM

Mr. WHITEHOUSE. Madam President, this evening, the leader or someone standing in for the leader is going to come and close out the floor with a number of unanimous consents. One of them will be a unanimous consent to push consideration of the National Flood Insurance Program—to reauthorize it—a week down the road.

I will not object to that unanimous consent request, but I do want to speak to the predicament of the National Flood Insurance Program. For coastal States, this is a very big deal, and this is a program that is now completely out of step with the conditions that coastal States see before them, so we have to get this fixed.

The liability of the National Flood Insurance Program ran up to \$30 billion after Hurricane Harvey. It borrowed \$30 billion from the U.S. Treasury. That is its borrowing limit. It basically maxed itself out. In October, Congress forgave \$16 billion. We moved that from a liability of the National Flood Insurance Program to a liability of the United States, in effect putting it on our national credit card. That allowed NFIP to pay out claims for Harvey, Irma, and Maria. At this point, that leaves the program \$20 billion in debt. We are not sure, completely, because claims are still being processed from the 2018 hurricane season, but CRS says as of September, the NFIP has only \$9.9 billion of remaining borrowing authority.

CRS also points out that repetitive loss and severe repetitive loss properties over the history of NFIP have totaled about 30 percent of all claims—a grand total of around \$17 billion—which is almost a perfect match with the \$16 billion we had to forgive.

If you look at the properties NFIP now insures, the repetitive loss and severe repetitive loss properties are about 2 percent by number, but they account for about 16 percent of all claims. So it is a pretty big piece of our National Flood Insurance Program liability. It is about \$9 billion.

We can keep going forward and funding these repetitive losses time after time after time after time, but there are some real problems with doing that. One is that back in the old days, before sea levels were rising, when you expected the weather on the coast to revert to status quo after a big storm, they made then what seemed a sensible rule that you had to rebuild just what was there. We weren't going to fund improvements and modifications with Uncle Sam's dollars on a flooded house. You had to rebuild what was there. The problem is, maps are changing, sea levels are rising, storm vulnerabilities are pushing inland, and to rebuild in place now no longer makes sense. You have to at least be able to rebuild higher and out of the way of storm surge or you have to be able to relocate. To rebuild every couple of years and get wiped out by a new storm really makes no sense, but the NFIP encouraged people to do just that because it is hard to get paid out to relocate.

The relocation rules of the National Flood Insurance Program has to be triggered by a State or municipality doing its own buyout. If you are, let's say, a small Rhode Island municipality, you have a pretty strong interest in not doing a major buyout of flooded properties because as soon as that happens, they are torn down—it takes a long time to get there just for one thing, these are slow processes—but the property gets torn down, the property goes to public space, and the town loses tax revenue from the ownership of that property. So it is a shot to the municipal budget to go down that road, and it is not a decision made by the homeowner. The homeowner is

stuck waiting for the municipality in the State to make that decision.

So the NFIP program—we have to get it stood up again, we have to get it reauthorized, and we have to allow flexibility consistent with rising seas so homes can be lifted if necessary. If it makes no sense to rebuild in that place because it is just going to be washed out again, we have to help make sure this program allows homeowners the choice to simply take their final payout and go elsewhere rather than in order to stay in the program we have to rebuild and rebuild and rebuild a house the taxpayers continue to have to pay for.

For anybody who complains that there is a subsidy in here for coastal homeowners, let me say, the \$16 billion in forgiveness—this big, one-time forgiveness that we did—must be compared to \$44 billion in crop subsidies from the years 2015 through 2017. If we are going to help inland Midwestern and other farmers with \$44 billion in crop subsidies, there is no reason to deny coastal homeowners some protection as well. We can help a lot if we can change these rules in a sensible way.

The States that are being hit are getting hit pretty hard. Florida, it has been estimated by the Union of Concerned Scientists, has the most homes and property values at risk from sea level rise—64,000 homes may see flooding every other week by 2045. Those are going to be a lot of claims on national flood insurance. Half of those claims are in South Florida, so those counties and municipalities are going to take a heck of a hit.

In Georgia, king tide flooding regularly floods St. Mary's, Brunswick, and lower portions of Savannah, according to an article in Atlanta magazine. The road out to Tybee Island flooded a record 23 times in 2015, and it is expected that with just 1 foot of sea level rise, it will be underwater 100 times annually—again creating enormous risk.

(Mr. KENNEDY assumed the Chair.)

It is terrific to see the Senator from Louisiana taking the President's chair right now because the fourth National Climate Assessment highlights Louisiana as facing some of the highest land loss rates in the world.

“Between 1932 and 2016, Louisiana lost more than 2,000 square miles of land.”

I am not even going to talk about what 2,000 square miles means in my small State of Rhode Island, but it is a big deal, and it is due in part to high rates of relative sea level rise.

Getting the National Flood Insurance Program right—getting it reauthorized and adapting it for people who are going to be swept off of their lands by sea level rise—is very important. I do want to commend Senator KENNEDY for his persistence and leadership in trying to solve this problem.

North Carolina—according to an article published by the Weather Channel, one beach near East Seagull Drive in Nags Head “has been eroding at about

six feet [back] per year.” If a beach is eroding at 6 feet per year, a lot of homes are going to be wiped out. We have to get the Flood Insurance Program adapted to that.

North Carolina itself has predicted a rise of 1 meter of sea level rise by 2100. Data compiled and analyzed by NOAA shows the worst-case potential twice that at 2 meters.

According to the Fourth National Climate Assessment, flood events in Charleston, SC, have been increasing, and by 2045, Charleston, SC, is projected to face nearly 180 tidal floods per year—there are going to be a lot of properties making claims against this program—180 tidal floods per year compared to 11 in 2014. This is getting worse, and it is getting worse fast.

In Texas, Rice University and Texas A&M compared flood damage from the storms that hit Houston between 1999 to 2009, and they found that FEMA's flood risk maps only captured about 25 percent of the actual damage. So if you are a municipality, in addition to the problems that you have trying to deal with protecting your tax base and of having people flee valuable coastal property as sea levels rise, you also have the problem that when you look to the Federal Government to figure out what your risk is and which are the problem areas, the FEMA maps are wrong. The FEMA maps are misleading.

We saw this firsthand in Rhode Island as well. We had to do a lot of State-level work to get correct mapping so that our coastal municipalities could have a true assessment of their risk. Those homeowners need to know those facts. Homeowners who are now relying on FEMA maps are being misled. We have to fix that problem as we fix the NFIP problem.

More than half of the homes damaged by Hurricane Harvey were not listed in any flood risk areas, so they didn't have flood insurance. That is another problem. Not only is there going to be a big load of new claims on the National Flood Insurance Program because of sea level rise, not only are we going to have to adapt the way claimants can make their claim so they can raise their homes to survive the next storm or clear out because they can't survive the next storm, but we are also going to have to deal with this problem of homes that aren't covered by flood insurance because FEMA's maps are wrong, and homeowners are then left stuck without insurance.

For a lot of reasons, my patience is wearing out with this continued kicking down the road of the NFIP program. I have been working on this—I hope in a constructive way—and I intend to continue working on it—I hope in a constructive way—but, again, my patience is wearing out with our inability to agree and make these changes.

I yield the floor with, again, my compliments to the Senator from Louisiana, who has been a very constructive and very ardent proponent of finding a solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

CHEMICAL FACILITY ANTI-TERRORISM  
STANDARDS PROGRAM

Mr. JOHNSON. Mr. President, I am here today to ask my colleagues to approve a bill to reform and reauthorize the Chemical Facility Anti-Terrorism Standards Program, commonly known as CFATS.

This CFATS Program regulates chemical facilities to help prevent terrorists from carrying out an attack with dangerous chemicals—a worthy goal. However, since 2006, watchdogs have identified significant problems with the program. In 2013, the Government Accountability Office found that CFATS had a 7- to 9-year backlog to review more than 3,000 security plans and a flawed methodology to assess security.

The inspector general and Congress have questioned whether the program successfully reduces risk, enhances security, and warned of serious management problems. That is why each time Congress has reauthorized the program, it has done so only for a limited duration. Coming from a manufacturing background, I agree with that approach. That is exactly how you help ensure continuous improvement.

In 2014, when the program was last set to expire, the Committee on Homeland Security and Governmental Affairs—under the chairmanship of Senator CARPER—and Congress did their job. They did oversight. They made reforms and extended the program for another 4 years, until January 2019.

Under my chairmanship, our committee also took its oversight and reauthorization responsibilities seriously. Over the last 2 years, we have conducted extensive oversight on CFATS to evaluate the program's effectiveness and develop a plan to make it better. We enlisted the help of GAO to conduct a nonpartisan review of the CFATS Program to help inform our work. We held a roundtable with DHS, GAO, a CFATS chemical inspector, and multiple companies and industry groups. We had an important, frank discussion about the program's strengths and weaknesses. The committee also held numerous briefings with chemical facility owners, trade groups, DHS, and other relevant agencies.

After gathering information and talking directly with stakeholders, here is what we have learned: DHS has made significant progress under the 2014 reforms by eliminating the backlog and improving management of the program, but more work is necessary.

It is still far from clear that CFATS actually reduces the risk of terrorist attack, and DHS does not measure whether it actually does so. The program forces some explosive material companies to spend hundreds of thousands of dollars complying with CFATS regulations that are duplicative of Justice Department regulations and sub-

ject companies to frequent, unnecessary site inspections. These practices are extremely costly and neither reduce risk nor enhance security.

The program fails to give credit to companies that already comply with other private sector-specific programs that require high standards of care. Recognizing these exceptional programs would significantly reduce the regulatory burden on companies without reducing security.

DHS needs to do more to make this expedited approval process available to reduce unnecessary costs on both the companies and the American taxpayers, and it needs to be more transparent about how it classifies facilities to help companies understand what rules to even follow.

After conducting this oversight, I introduced a bill to address these issues and reauthorize the program for 5 years. Representatives KATKO, MOOLENAAR, and CUELLAR introduced a similar, bipartisan bill in the House.

Our legislation brings much needed regulatory relief to U.S. businesses by exempting explosive materials that are also regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, reducing the frequency of audits and inspections, and reducing the burden of compliance for companies that participate in CFATS' recognition program, all while ensuring safety and security. It improves transparency by requiring DHS to provide information to companies on why their regulatory tier changed. It requires more DHS and independent assessments of how successful the program is at reducing risk and enhancing security. It also reauthorizes the program for 5 years.

After going through a thorough process of discussion and compromise, our committee approved the bill unanimously by voice vote in September.

The bill is supported by a wide range of private sector stakeholders, including the U.S. Chamber of Commerce, the American Chemical Council, the National Association of Manufacturers, and numerous others.

Mr. President, I ask unanimous consent that their letters of support be printed in the RECORD.

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

SEPTEMBER 25, 2018.

Hon. RON JOHNSON.

*Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN JOHNSON: The Chemical Facility Anti-Terrorism Standards (CFATS) Coalition comprises a diverse group of trade associations and companies impacted by CFATS regulations. Coalition members represent major sectors of the American economy, including chemical production, chemical distribution and storage, manufacturing, oil and gas refining, utilities, mining, and agricultural goods and services. The businesses we represent are an integral part of the American economy, making our modern society possible. Our members have no higher priority than ensuring the safety and security of our products, our people, and our communities.

We applaud your leadership on this important security issue by introducing the "Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2018" (S. 3405). This legislation is an important marker in the reauthorization process, and we look forward to working with you and your colleagues to develop legislation that will provide additional improvements and efficiencies to the CFATS program. By reauthorizing the program for five years, S. 3405 would provide needed certainty to the regulated community and enhance the security of our nation.

Since the inception of the CFATS program in 2007, our industries have invested millions of dollars and instituted thousands of new security measures at our facilities. The "Protecting and Securing Chemical Facilities from Terrorist Attacks Act" of 2014 (P.L. 113-254), which for the first time provided CFATS a multi-year authorization, further enhanced these efforts by establishing regulatory certainty to both industry and the Department of Homeland Security (DHS). This stability allowed DHS to increase efficiencies in the program while streamlining the information submission process for regulated facilities.

On January 19, 2019, the current authorization will expire. The CFATS Coalition wants to ensure the continued viability of the CFATS program without interruption and the introduction of S. 3405 is a significant first step in this process. Thank you for your leadership on this issue and we look forward to working with you towards a successful CFATS reauthorization.

Sincerely,

Agricultural Retailers Association, American Fuel & Petrochemical Manufacturers, American Petroleum Institute, Institute of Makers of Explosives, International Warehouse Logistics Association, National Association of Chemical Distributors, Society of Chemical Manufacturers & Affiliates, U S Chamber of Commerce, American Chemistry Council, American Gas Association, Edison Electric Institute, International Liquid Terminals Association, Interstate Natural Gas Association of America, National Association of Manufacturers, National Mining Association, The Fertilizer Institute.

SEPTEMBER 21, 2018.

Re ARA and TFI Support for Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2018 (S. 3405).

Hon. RON JOHNSON,

*Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

Hon. CLAIRE McCASKILL,

*Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN JOHNSON AND RANKING MEMBER McCASKILL: The Agricultural Retailers Association (ARA) and The Fertilizer Institute (TFI) strongly support the "Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2018" (S. 3405).

Thousands of ARA and TFI member facilities are subject to the Chemical Facility Anti-Terrorism Standards (CFATS) program administered by the Department of Homeland Security (DHS) because they store, handle, and sell certain CFATS chemicals of interest (COI), such as anhydrous ammonia and ammonium nitrate.

Safety and security of facilities—to protect workers and the surrounding communities—is paramount to ARA and TFI members. That is why ARA, TFI, and our members created the ResponsibleAg stewardship program. ResponsibleAg is a voluntary, industry-led initiative committed to helping