

insurance and have to have flood insurance in Louisiana—in part because the mortgage company requires it—are going to see their rates go up.

The likely average full-risk premium for a home in Louisiana under this new secret sauce is \$1,700. Under the old system, it was \$766. That is a 122-percent increase because of this algorithm, this secret sauce, which FEMA will not let us see.

My people can't afford this. And the reality is, people are already dropping flood insurance. They are saying: We just can't pay for it. Something has to give. We have inflation at 8 percent or my rent has gone up. Food has gone up. Gas has gone up. We just can't afford it.

The number of flood insurance policies in eight of my parishes—we call our counties parishes—in eight of my parishes or counties, the number of policies has dropped from 290,000 in October 2021 to 267,000 in November of 2022, and it has fallen.

So that is 22,000 people—almost 23,000—out of only 8 parishes or counties who have had to give up their flood insurance.

Now, it is not just Louisiana, Mr. President. You may be having the problem in California.

The Associated Press estimates that 1 million fewer Americans will be able to afford to buy flood insurance by the end of the decade because of Risk Rating 2.0, their algorithm, their secret sauce. And E&E News has identified 425,000 policyholders across the country who have already discontinued coverage.

What does that mean for each State? Well, for example, cancellations of flood insurance because they can't afford it. Eleven percent of the people of California who were buying flood insurance can't afford it anymore, they have dropped it; 11 percent of the policyholders in Texas; 9.6 percent in Florida; in Virginia, North Carolina, Georgia, and South Carolina, 8 percent.

Now, this is a disaster waiting to happen. And I am all for a fair system, but I will tell you what I am not for. I am not for having a Federal Agency, without consulting the U.S. Congress, without talking to you, Mr. President, about your policyholders in California or me in Louisiana, without explaining to us how they are doing it, just unilaterally raising prices with an algorithm or their secret sauce, as I call it.

Now, Senators CASSIDY and GILLIBRAND and I have introduced a bill. It is called the Flood Insurance Pricing Transparency Act. It is a bipartisan bill. All we are asking that FEMA do is talk to us and tell us how they are coming up with these rate increases.

The American people pay the salary of the people at FEMA, and my people and your people, Mr. President, deserve to know how their policies are being priced.

And, Mr. President—Mr. President Biden, if you are listening—I hope you will pick up the phone and you will call

your FEMA Director, for whom I have great respect—I don't hate anybody—but I hope the President will call the FEMA Director here and ask him what planet he just parachuted in from and what is he thinking, raising these kinds of prices without telling the American people why.

NOMINATION OF DANA M. DOUGLAS

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Judge Dana Douglas to the U.S. Court of Appeals for the Fifth Circuit.

Born and raised in New Orleans, Judge Douglas' passion for the law and public service was inspired by her family's background in law enforcement. In particular, her mother, Ms. Ida Woodfork, served in the Orleans Parish Sheriff's Office for 30 years, and her uncle, Mr. Warren Woodfork, Sr., was the first Black superintendent of the New Orleans Police Department.

Judge Douglas earned her B.A. in social work and Black world studies at Miami University and received her J.D. from Loyola University School of Law. From there, she clerked for Judge Ivan L.R. Lemelle on the U.S. District Court for the Eastern District of Louisiana.

Judge Douglas then spent 18 years litigating, trying four cases to verdict or judgment and handling several administrative matters before State agencies. Although she worked in private practice, she also served the community for 9 years as a commissioner and then vice president of the New Orleans Civil Service Commission, a quasi-judicial body regulating the city's civil service.

Since 2019, Judge Douglas has served as a magistrate judge for the Eastern District of Louisiana. In that time, she has authored 111 reports and recommendations, all of which have been adopted in whole or in part by the district court.

Judge Douglas enjoys the strong support of Senators KENNEDY and CASSIDY, and the American Bar Association unanimously rated her as "qualified" to serve on the Fifth Circuit.

If confirmed, Judge Douglas will be the first woman of color to serve on the Fifth Circuit.

Judge Douglas' experience, qualifications, and temperament will be assets on the Fifth Circuit, and I urge my colleagues to join me in supporting her nomination.

VOTE ON DOUGLAS NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Douglas nomination?

Ms. SMITH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator

from Texas (Mr. CRUZ), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alaska (Mr. SULLIVAN).

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 388 Ex.]

YEAS—65

Baldwin	Grassley	Romney
Bennet	Hassan	Rosen
Blumenthal	Heinrich	Rounds
Blunt	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Burr	Kennedy	Shaheen
Cantwell	King	Sinema
Capito	Klobuchar	Smith
Cardin	Leahy	Stabenow
Carper	Lujan	Tester
Casey	Manchin	Tillis
Cassidy	Markey	Toomey
Collins	Menendez	Van Hollen
Coons	Merkley	Warner
Cornyn	Murphy	Warnock
Cortez Masto	Murray	Warren
Duckworth	Ossoff	Whitehouse
Durbin	Padilla	Wicker
Feinstein	Peters	Wyden
Gillibrand	Portman	Young
Graham	Reed	

NAYS—31

Barrasso	Hawley	Paul
Blackburn	Hoeben	Risch
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sasse
Cotton	Johnson	Scott (FL)
Cramer	Lankford	Scott (SC)
Crapo	Lee	Shelby
Daines	Lummis	Thune
Ernst	Marshall	Tuberville
Fischer	McConnell	
Hagerty	Moran	

NOT VOTING—4

Cruz	Murkowski
Hickenlooper	Sullivan

The nomination was confirmed.

The PRESIDING OFFICER (Ms. SINEMA). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

RECESS

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

Thereupon, the Senate, at 12:58 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. MURPHY).

EXECUTIVE CALENDAR—Continued

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

The senior assistant legislative clerk read the nomination of Jay Curtis Shambaugh, of Maryland, to be an Under Secretary of the Treasury.

VOTE ON SHAMBAUGH NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Shambaugh nomination?

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 389 Ex.]

YEAS—70

Baldwin	Graham	Risch
Bennet	Grassley	Romney
Blackburn	Hassan	Rosen
Blumenthal	Heinrich	Rounds
Blunt	Hirono	Sanders
Booker	Kaine	Sasse
Boozman	Kelly	Schatz
Brown	King	Schumer
Burr	Klobuchar	Sinema
Cantwell	Leahy	Smith
Capito	Lujan	Stabenow
Cardin	Manchin	Tester
Carper	Markey	Thune
Casey	McConnell	Tillis
Collins	Menendez	Van Hollen
Coons	Merkley	Warner
Cornyn	Murkowski	Warnock
Cortez Masto	Murphy	Warren
Cramer	Murray	Whitehouse
Crapo	Ossoff	Wicker
Duckworth	Padilla	Wyden
Durbin	Peters	Young
Feinstein	Portman	
Gillibrand	Reed	

NAYS—27

Barrasso	Hoehn	Moran
Braun	Hyde-Smith	Paul
Cassidy	Inhofe	Rubio
Cotton	Johnson	Scott (FL)
Daines	Kennedy	Scott (SC)
Ernst	Lankford	Shelby
Fischer	Lee	Sullivan
Hagerty	Lummis	Toomey
Hawley	Marshall	Tuberville

NOT VOTING—3

Cruz	Hickenlooper	Shaheen
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT of South Carolina. I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT

Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent to modify the previous order so that the Senate remains in executive session until 5 p.m., with all provisions under the previous order remaining in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CHARTER SCHOOLS

Mr. SCOTT of South Carolina. Mr. President, tomorrow, we will have an

opportunity to vote for students. Tomorrow, we will have an opportunity to vote for parents. Tomorrow, we will have the opportunity to vote for common sense in the U.S. Senate. Tomorrow, we will have an opportunity to vote for my resolution to stop the Biden Department of Education from destroying educational opportunities for millions of students and their parents.

During the pandemic, we saw the devastating impact of prolonged school closures on America's kids, especially kids living in low-income communities.

Big labor unions orchestrated these shutdowns, and blue city politicians fell in lockstep. They sided with union bosses over parents, over kids, and over plain old common sense.

Now we see the tragic consequences. The 2022 NAEP scorecard shows the largest drop in reading scores for 9-year-olds in more than 30 years and the first-ever—the first-ever—drop in math scores, a 7-percent decrease.

We warned them that this would happen. We said stop, stop letting labor bosses make decisions. Parents—parents—are the ones who know what is best for their kids. They need flexibility. They deserve choice.

One of those options should always be high-quality public charter schools. These charter schools continue to outkick their coverage. This year, charter schools only represent 12 percent—12 percent—of all public high schools, but they make up 22 percent of the top 100 public high schools in our amazing country. That is nearly one out of four amazing public schools is a charter school, even though only 12 percent of all schools, all high schools, are charter schools.

Think about this. In Colorado, 85 percent of charter school students met performance standards compared to only 66 percent of students in district-managed schools.

Despite their proven track record of success for students, for parents, and, of course, for common sense, the Biden administration continues to attack charter schools. He campaigned against them. And then as soon as he got in office, he directed the bureaucrats at the DOE—the Department of Education—to put new restrictions on charter schools desperately, desperately looking for funding. These restrictions are a slap in the face to parents who are turning to charter schools as a better alternative for their children.

Since the pandemic, charter schools have gained 7 percent—7 percent; that is, 240,000 more students have chosen charter schools because their parents are able to access common sense for their kids' education path. That means hundreds of thousand of students are better off today than they were before they had this option.

These are kids growing up in some of America's most devastated communities, some of America's poorest communities, some of America's most disadvantaged communities.

This is a game changer, not just for the students while they are enrolled in these schools, but this is a game changer for the rest of their lives. This is a game changer for them economically. This is the fastest path to the American dream, what we all hope to achieve one day. This is the game changer that we so often talk about.

We have seen the success of providing parents with more options right here in Washington, DC, since the creation of the bipartisan—and let me say that word one more time because sometimes here in Washington, we don't think anything happens in a bipartisan fashion. But the DC Opportunity Scholarship is a bipartisan coalition of Senators and Congress members who came together to make sure that DC kids, since 2004, have had opportunity for quality education through charter schools. Yes, 11,000 students, by the way—not 500, not 2,000, 11,000 students—from low-income families here in DC were able to receive scholarships to attend the school of their choice, scholarships that were provided by Republicans and Democrats in Congresses since 2004.

There is good news, by the way. The good news is that these students attending these remarkable public charter schools graduate 91 percent of the time—91 percent of the time. Compare that to students in the DC area who do not attend a public charter school who are in the public school system; they graduate only two out of three times, 66 percent. Wow.

I can't imagine a world where my friends across the aisle who stood with me to protect DC Opportunity Scholarships would not stand with us today to protect more education options for kids all across America.

By voting for the administration's restrictions, my friends across the aisle are telling these hard-working parents that labor union bosses and bureaucrats know what is best for their kids better than the parents themselves. That is plain wrong.

Here is what I know: The greatest difference between the haves and the have-nots, it is not the color of your skin, it is not the neighborhood you live in, it is not the income of your parents, the biggest difference between the haves and the have-nots in our country will not be solved by playing politics and putting labor unions in front of your kids. The way that we close that gap, the biggest difference between the two sides—the haves and have-nots—my friend from Indiana, is education, quality education. It changes lives. It sets poor kids on the right path.

I want to do for the kids today what was done for me when I was a kid. I want to make sure that everybody understands that education is the closest thing to magic in America, and I do mean a good education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.