

Congress also has a solemn constitutional duty to conduct strong oversight to ensure that the executive branch executes the laws as Congress has intended. You learn that in eighth grade civics class, called checks and balances of government. I call it oversight. But it is a constitutional responsibility.

We can't legislate effectively unless we in Congress know what is going on behind the scenes, and most of that behind-the-scenes is in the executive branch of government. That is why whistleblowers are so very important and why I rely on whistleblowers to give me a lot of information I would not have other access to. So I consider them a very important part of doing my role, my constitutional responsibility of oversight to see that a President does what the Constitution says, and his oath says to faithfully execute the laws.

These whistleblowers are patriots and our most powerful tool in rooting out waste, fraud, abuse, and misconduct. Despite their vital contribution to good government, they are often targeted for retaliation and harassment. That should stop. In so many speeches, I have come to the floor of the U.S. Senate to point out specific examples of where these patriotic people we call whistleblowers are retaliated against and retaliated in a way that—the law says that retaliation is not lawful.

There is a growing trend among Federal Agencies to place a blanket of silence over whistleblowers. The Agencies do this by violating whistleblower disclosure laws, including withholding notice of what we call anti-gag provisions. In other words, if you are the head of an Agency and you have a whistleblower, you can't tell them they can't talk to Congress.

The law requires all Federal Agencies to include an anti-gag provision in their nondisclosure policies and forms. This provision notifies employees of their rights to report misconduct to Congress, to inspectors general, and to the Office of Special Counsel.

Without knowing of the anti-gag provision's protections, employees who see government wrongdoing often stay in the shadows. If people are notified that they can talk to Congress and the law protects them, we are more apt to get information on wrongdoing, the misexpenditure of money, or laws not being carried out as we intended that Congress wouldn't even know about.

The reason they don't speak is they fear the retaliation if they do speak out, and this is what I have spoken about so many times on the floor of the U.S. Senate. The fact that they are retaliated against is something that I say over and over again is unacceptable. That is why this week I wrote to all of our inspectors general of the executive branch of government, requesting they ensure this provision is included, as required by law, which will make it harder for Federal Agencies to conceal their wrongdoing.

This year, whistleblowers have helped to let the sunshine in where it matters most. They are helping me track down vulnerable migrant children the Biden Department of Health and Human Services has failed to protect against potential trafficking. As we speak, law enforcement is working through information I provided to hopefully bring their own special kind of sunshine to the criminals taking advantage of these young kids.

I have also sought information from government contractors who receive billions of taxpayer dollars to care for unaccompanied children but whose practices and failures are largely shielded from public knowledge and scrutiny. We need a full accounting of how contractors spend the taxpayers' hard-earned money.

That is why last year I also launched an investigation into one of the Environmental Protection Agency's grant programs. That exposed significant waste. It turns out that the EPA doesn't even require the program's grantees to submit financial documents during the grant that show how taxpayer money is being spent by those various organizations.

You would think Agencies would be very grateful when these failures are exposed. Instead, you know what—I was met with delay and obstruction by this administration's EPA. Accountability can be uncomfortable, and bureaucrats don't like it. After I reported that obstruction to the EPA Office of Inspector General, it agreed to audit the program and look into how EPA influenced grantees to obstruct my oversight.

Then we get to the Justice Department and the FBI. Recently, the Justice Department indicted an FBI confidential human source who served as the basis for what is commonly known as the document 1023. That is the FBI-generated document that Chairman COMER in the House and I made public alleging criminal bribery schemes between the Biden family and a foreign national. Embarrassingly, for 3 years, the 1023 collected dust—until Congress and Justice Department whistleblowers forced the FBI and U.S. Attorney Weiss to interview that FBI source.

The Federal indictment doesn't explain the full set of facts and leaves many questions unanswered. Those questions include how the Justice Department and the FBI could use this confidential human source for approximately 13 years, pay him hundreds of thousands of dollars, use his information in investigations and prosecutions, and then ultimately determine after 13 or 14 years that this guy is a liar. According to government documents in the court case, the FBI source was reporting information to the FBI as late as December 2023.

This is a matter that requires extensive sunlight.

If not for whistleblowers, my securing the document 1023 and releasing that document, do you know what? The

FBI would still be believing the lies of their confidential human source, and they would still be paying taxpayer dollars to this confidential source for the lies he was giving to the FBI. Now, they have arrested him because of my oversight work. So what is the government doing to get all the money back that they paid him?

In addition to my investigative efforts, I have worked with a bipartisan set of colleagues to strengthen attorney misconduct oversight at the Justice Department. For example, I co-sponsored bipartisan legislation to close a loophole that prevents the inspector general at the Department of Justice from investigating alleged Justice Department attorney misconduct. Now, understand, in the Department of Justice, the inspector general, who is supposed to sort out wrongdoing, can't even investigate the lawyers of that Department when they do misconduct.

My consistent efforts to let in sunshine continue across our government, whether it is asking the FBI to explain a memo targeting Catholics based on biased sources, ensuring our immigration officials follow the law and collect DNA from illegal migrants they encounter at the border, or even exposing flaws at the Veterans' Administration that endangered the privacy of our veterans.

So we all ought to be thankful for Sunshine Week, which is an opportunity for us doing our constitutional duty of oversight to highlight these efforts and to remind us that shining a consistent light is essential to make government accountable to "we the people."

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. BUTLER). Without objection, it is so ordered.

The Senator from Louisiana.

#### FLOOD INSURANCE

Mr. CASSIDY. Madam President, I am here to talk about flood insurance, an issue facing Louisiana, and, I am sorry to say, an issue now facing the Presiding Officer's State.

Floods can occur anywhere—for example, on the top of a mountaintop. People don't realize that, but you have this gully going down from the top to the bottom, and if it gets a big rain—boom—going down from the top of that mountain, you will have a flood.

And that has occurred, unfortunately, in California. I spent several years in Southern California, and I can relate to that.

But it happens regularly in my State. Now, why in my State? Well, folks think of hurricanes as wind, rain, and lightning, but one of the greatest threats is actually the risk of flooding.

And these floods can destroy homes, businesses and leave them—if they don't destroy them right away, they can leave them moist. And when it is moist, it begins to rot from the inside. And homes that families have lived in for over 50 years that have never flooded before can become unlivable.

So if you come down to Louisiana or California or Pennsylvania or West Virginia or other things, and you ask folks in the bottom of a riverbed, for example, if a flood can upend their life, they will say emphatically yes.

So if we know the answer is an emphatic yes, then what can Congress do about it, if anything? Well, we have a mechanism to address it, the National Flood Insurance Program which currently ensures 4.7 million American families. It is a Federal program, and we are the ones that can change it to make it more reliable, more affordable, more sustainable.

But the challenge is that it is a tough topic. A lot of folks in Congress just don't understand the issue. And so we need to have the understanding, but then we also need the political will.

Now, this has just kind of—boom—up, up, up in urgency. The Federal Emergency Management Agency recently implemented a new risk assessment called Risk Rating 2.0. Now Risk Rating 2.0 affects Louisiana, the Gulf Coast—frankly, all coasts and anyplace where there is a river or stream that can overflow, and it particularly affects folks who are lower income.

Sometimes people say that the flood insurance program is a program for rich people. Not true; 62 percent of all NFIP policies are in parishes or counties where the median household income is below the national average of \$54,000. And truth be told that, as we again just saw in California—what you think of as a desert State—flooding can occur in any State.

So if we look here, here are NFIP claims by cost: 44 out of 50 States have had over \$50 million of National Flood Insurance Program claims from 1978 to 2021. And there are only 6 States that have less than \$50 million in claims; 13 States have had over a billion in damage, and they are all over the map. It is Virginia—and not just the coastal states—it is Missouri; it is the States on the gulf; it is California; it is going up the northeast. This is geographically distributed.

And, by the way, these are the States hit hardest, but they are not the only States. Every State has had at least an NFIP claim somewhere, sometime, because every State is affected by flooding.

Now, the way the program is currently being conducted, however, is putting it into what is called an actuarial death spiral. Rising premiums mean fewer can afford the insurance. So let's set this up. Right now, you have people at high risk; and the way insurance works is it spreads it over plans over homes that have a lower risk. But if you raise everybody's pre-

miums dramatically, the people who are at lowest risk will drop their coverage. And so you have the same amount of risk, but now it is concentrated upon a smaller pool of homes. That concentration raises the rates even more. And those who are the lowest risk in that pool drop their insurance, which further concentrates. That is called an actuarial death spiral.

I hate to put it this way, but it is visual. Think of when you flush the toilet and it begins to spin, and then that spin goes down. Well, that spinning is that death spiral, and the water in the pool gets smaller and smaller and smaller until it is gone and there is no one left who can afford the cost for the insurance, and it ceases to exist.

Now, by the way, this is true of every insurance program. I am describing the National Flood Insurance Program, but this actuarial death spiral is actually known to be just an insurance—that is just how insurance works. If your pool gets too small, risk too concentrated, the whole thing goes away.

But the problem is, what is happening to the National Flood Insurance Program ignores the fact that the program is actually a bargain. And this is the real problem: When I have telephone townhalls and meeting with constituents, they tell me that their property—their property insurance, their casualty insurance—if you add that to their flood insurance, it is now more than their mortgage. So they are making the tough decision: Do I either leave my home, or do I drop my coverage?

So let's just talk a little bit more about Risk Rating 2.0. First, recognize that this rate hike that we are currently going under could have been stopped with the stroke of a President's pen. Either President Biden or President Trump could have told FEMA to delay or cancel the implementation.

In 2019, my staff worked with and my office worked with the Trump administration to successfully delay the implementation because of concerns about how FEMA was calculating costs. The concern remains, but the Biden administration has decided to go forward, ignoring the concerns of people in Louisiana and elsewhere.

The results are that about 900,000 people have dropped their insurance because they cannot afford it—900,000. That is the beginning of this death spiral we spoke of.

Now, there is some promising news. The Banking Committee recently had a hearing on the National Flood Insurance Program that I put forward, and we got excellent input. There is a consensus that no family in America should be forced to move because of unaffordable flood insurance premiums, that flood insurance premiums should remain affordable, accessible, and accountable to the taxpayer and sustainable to the future.

So my challenge to my colleagues: Designate somebody on your staff. This

is a complicated topic. But whether a Californian, a Virginian, a Missourian, you name a State that is in yellow of some tint, ask somebody on your staff to become familiar with the flood insurance program. Then let's come together and move the legislation that will reform it.

The first issue is to gain understanding, then the second issue is to have the political will. If we do this, we can maintain a program which has meant so much to Americans in every State—but certainly in 43 out of 50 States—to enable them to maintain the coverage to protect them should their home flood, that they would be able to build back.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The Senator from Illinois.

Ms. DUCKWORTH. I ask that the scheduled vote begin immediately.

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

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative 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 Executive Calendar No. 543, Jasmine Hyejung Yoon, of Virginia, to be United States District Judge for the Western District of Virginia.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tina Smith, Elizabeth Warren, Raphael G. Warnock, Gary C. Peters, Tim Kaine, Richard Blumenthal, Jack Reed, Sheldon Whitehouse, Peter Welch, Mark R. Warner, Christopher A. Coons, Tammy Duckworth, Benjamin L. Cardin, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Jasmine Hyejung Yoon, of Virginia, to be United States District Judge for the Western District of Virginia, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Ms. HASSAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Arizona (Ms. SINEMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.