

fine." Not surprisingly, employers have done their own math. AT&T reported that its \$2.4 billion cost of coverage would drop to \$600 million for the penalties. Estimates reveal Caterpillar could save 70 percent on health care costs by eliminating coverage and paying the penalties. And the list goes on.

Prior to its passage, the Congressional Budget Office predicted 7 percent of employers would drop insurance coverage due to the health care law. Now studies and business logic are challenging that estimate. This may mean the CBO's projected cost of the health care law may be significantly too low.

That is right—the \$2.6 trillion cost estimate for the health care law could be surprisingly too low. The President promised that this bill would lift the burden off the middle class. Not only will they see their premiums continue to increase due to out-of-control health care costs, but they will foot the cost of the new exchanges.

Unfortunately, time is confirming what we have been predicting all along. The case for repeal of the health care law grows stronger every day. I will work to overturn these negative consequences. I believe Americans deserve better. They deserve promises that we can keep.

The PRESIDING OFFICER. The Senator from Montana.

MONTANA FLOODS

Mr. TESTER. Madam President, I wish to talk a little bit about the flooding that is going on in Montana and has been going on for basically better than the last month. The picture I have is that of the Musselshell River east of Roundup. The river channel is not in this area. In fact, it is on the far side of this river.

My guess is—I have not seen this—this picture was taken about 10 days ago. But my guess is, it is still flowing like this and for a number of reasons I want to address in my speech today.

Over the past few months, we have seen severe flooding in Montana that has impacted our homes and businesses. It has devastated farmland and ranch land. It has displaced families across our State.

The flooding has tested thousands of Montanans and the basic services and infrastructure they rely on every day. But when disaster hits Montana, we rise to the occasion. When I meet the families and the community leaders affected by flooding and when I tour their towns, I do not see resignation or hopelessness. I see resilience. I see our traditions of hard work and working together. I see communities that are rebuilding and moving forward, ordinary people and local officials working diligently with local, State, and Federal partners to address urgent and on-going needs they are unable to address alone.

Thanks to that spirit of working together, neighbor to neighbor, Montana

communities are rebuilding and businesses are reopening. We are looking to account for the severe crop damage and livestock loss suffered by Montana's farmers and ranchers, and we are looking for resources to make up for the \$8.6 million in damages to our State's infrastructure. Sadly, that number is only getting bigger.

Montana's resiliency is going to be tested because we are not out of it yet—not even close. Given the unusually significant snowpack in the Rocky Mountains that has yet to melt, our rivers and streams will continue to swell. The cost to Montana communities and families will continue to mount, and more and more of them will look to emergency assistance to provide timely services and assistance to those most in need, to help them get back on their feet.

That is why I am particularly alarmed by the looming shortfall in FEMA's Disaster Relief Fund, which the House left dangerously unfunded, even amid a string of weather-related disasters across this country that have led us to 45 declared disasters. We are now looking at estimates of a \$2 to nearly \$5 billion shortfall for fiscal year 2012 alone.

The total need is estimated to be as much as \$6.6 billion. Montana is still tallying the damage. The risk of further damage is still very high. Yet we do not know right now if there will be enough money left over to meet the needs this disaster has already created in our State of Montana.

The House thinks we should pay for past disasters with funding allocated for current and future disasters and by cutting assistance to firefighters and other first responders. In Roundup, Billings, and elsewhere in Montana, the folks who are rescuing stranded residents in boats to take them to get urgent medical care are not from FEMA; they are the same men and women who fight to protect our communities every day—the cops and firefighters who are part of these communities.

Taking away the resources they need will not fly. It is irresponsible and unacceptable. I want all my colleagues to understand the importance of what we are facing, not just in Montana but across this country. There are 45 declared disasters around the country. It is time to do our part for communities all across this country that are facing unprecedented disasters from floods, tornadoes, to wildfires.

Let's make sure this Nation's emergency responders have what they need to do their jobs. They are doing their part for all of us. Tough economic times have forced us all into some very difficult decisions. There is no doubt about that. But it is critical that we do everything we can on behalf of the communities and families across our Nation who are simply looking to pick up the pieces, to rebuild their homes, their schools and businesses, and to get back on their feet.

When small businesses cannot get back on their feet and when our No. 1

industry, agriculture, gets a punch during the growing season, our entire economy will be impacted in a negative way. Montanans will continue to be resilient, and they will continue looking out for one another. But there are some burdens that are simply too big for them to bear alone. It is time for Congress to stand, do its part, and the sooner the better.

I look forward to working with Chairman LANDRIEU and Ranking Member COATS on the Homeland Security Appropriations Subcommittee to make sure that no community from Montana or anywhere else in the country is left wondering if the government will make good on a commitment to help them rebuild.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I ask unanimous consent that the time during the quorum call be equally divided.

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

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF MICHAEL H. SIMON TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Michael H. Simon, of Oregon, to be United States District Judge for the District of Oregon.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate on the nomination, equally divided in the usual form.

Mr. LEAHY. Mr. President, today the Senate will finally consider the nomination of Michael Simon to fill a judicial emergency vacancy on the District