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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we love You. You are our rock, fortress, and deliverer. You have provided protection for our Nation, surrounding it with the shield of Your favor. How worthy You are of our praise.

Strengthen our lawmakers for today's journey. Give them strong hearts, sound minds, and diligent hands. May they do their ethical best to represent You, joining their plans to Your will in order to accomplish Your purposes. Incline their hearts to Your wisdom and love as You keep them on the path of integrity.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today the Senate is continuing to consider S. 1, a bill to approve the Keystone XL Pipeline, and there are six amendments pending, three from each side. We will begin voting on those amendments as soon as Chairman MURKOWSKI and Senator CANTWELL work out an orderly schedule. Senators should expect votes throughout the day in relation to these amendments and any others in the queue.

POSITIVE CHANGES FOR THE MIDDLE CLASS

Mr. MCCONNELL. Mr. President, last night, the American people heard two very different addresses. One was focused on the middle class and how Washington can work together in a serious way for better jobs, higher wages, and more opportunity. It was a call for constructive cooperation. It was a call for new ideas.

I wish to commend Senator ERNST for her thoughtful address. She understands the needs of working people in a way those of a particular mindset in Washington simply don't understand. She knows that the middle class is looking for Washington to function again and that hard-working Americans want DC to focus on their needs instead of the demands of powerful special interests. That is just what they told us in November when they sent this new Republican Congress here on their behalf.

I was hoping for something similar from President Obama—not identical, of course. We don't agree on all the issues; that is clear enough. But there are enough areas of common ground where we should be able to work together. It would have been most constructive if he had put the focus of his address on those areas of potential agreement. The moment of high purpose called for the leader of the free world to show America what could be accomplished through constructive, bipartisan engagement.

The State of the Union can be about more than veto threats or strident partisanship. This kind of partisanship is what we have become accustomed to from the President. We know the President may not be wild about the people's choice of a Congress, but he owes it to the American people to find a serious way to work with the representatives they elected.

On some issues, such as cyber security, he sent a positive sign. He also began what I hope will be a sustained effort to move his own party forward to encourage them to work with us to help create more jobs by breaking down foreign trade barriers and allowing America to sell more of what it makes and grows.

Those were the good signs. But that was only part of the speech. There is not a lot serious lawmakers can do with talking points designed specifically not to pass. Members in both parties would have welcomed serious ideas about how to save and strengthen Medicare, how to protect Social Security for future generations, and how to balance the budget without tired tax hikes.

We listened closely for specific details on how he would work with both parties to achieve comprehensive tax simplification that focuses not on growing the government but on creating jobs.

The President has expressed some support for ideas such as this previously. He should have expanded on it last night. There is still time for him to do it. But whatever he chooses, the new Congress will continue working to send good ideas to his desk.

One of those good ideas is a bipartisan infrastructure project the Senate will resume working on today—the Keystone jobs bill. It is heartening to see a real debate and an amendment process on the floor of the Senate again. It is a result of a new spirit of reform that is being brought to Congress. It aims to give Members of both parties a stake in positive solutions so we can get Washington functioning again on behalf of our people.

We are looking to the President to join us in our positive mission for the middle class. It is what the American people just voted for last November. It

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

is what Senator ERNST articulated so well last night. And if the President is willing to put the veto threats away and the designed-to-fail talking points aside, we can still cooperate to get some smart things done for the people we represent.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The assistant Democratic leader is recognized.

PROGRESS FOR THE MIDDLE CLASS

Mr. DURBIN. Mr. President, last night the President talked about the economy and the progress we have made. The United States grew 2.6 percent last year, and in the third quarter alone our economy grew by 5 percent. Nearly 3 million jobs were created—the best year for the U.S. labor market since the height of the economic boom under President Bill Clinton. Lower gasoline prices are providing relief to many families and consumer confidence is up. The deficit has been cut in half.

Yet we know that while the economy is growing and unemployment is declining, sadly, much of the benefit is going to those at the very top of the ladder. The top 1 percent of American wage earners saw 49 percent of the decline in incomes during the recession, but they have seen 95 percent of the income gained since the recovery started. Let me repeat that. The top 1 percent of wage earners have seen 95 percent of the gains since our economy has recovered.

The gap between wages for low-income and middle-income families and those at the top is staggering. Forty-seven people in America own more than 160 million Americans combined. That has to change.

This isn't just a Democratic observation. Even Republicans have publicly agreed with us that working families are falling behind. Let me quote a few. Former Florida Governor Jeb Bush, a potential candidate for President, said: ''Here's reality: If you're fortunate enough to count yourself among the privileged, much of the rest of the Nation is drowning.'' Jeb Bush said that.

Mitt Romney, a former Republican candidate for President and perhaps a Republican candidate for President again—here is what he said last week as he has rekindled his dream for the Presidency: ''. . . the rich have gotten richer, income inequality has gotten worse, and there are more people in poverty than ever before.''

Even Speaker JOHN BOEHNER said this in an interview:

> The top third of America are doing pretty good. The bottom two-thirds are really being squeezed.

So how do we address these challenges? Our parties look at it differently.

The Republican majority in this Chamber had to pick the first bill they would bring to the floor of the Senate once they reached the majority. There were a lot of initiatives they could have considered. We know what they chose—the Keystone XL Pipeline—a pipeline owned by a Canadian company. That is the No. 1 priority of the Republicans in the Senate, bar none. When they wanted to respond to President Obama's State of the Union Address with Senator ERNST of Iowa, they focused on the Keystone XL Pipeline. What a limited vision of the future—one pipeline.

Then we took two votes yesterday on this pipeline, and it started to become clear what this pipeline is all about. It is moving Canadian tar sands from Canada, through the United States, and to a refinery in Texas. We learned yesterday the Republicans will not even support the proposition that the refined oil products coming out of this refinery will help America.

We had a simple amendment Senator MARKEY of Massachusetts offered which said that at the end of the pipeline, the refinery's oil products will be sold in America. The Republicans defeated that amendment. So all this argument about how this oil out of this pipeline is going to help our economy in the future? Nope, don't expect it to happen. Yesterday's overwhelming Republican vote made it clear.

There was a second part that was considered yesterday. This bill—the No. 1 priority of the Senate Republican majority—is going to build a pipeline, that is for sure. We said, good, if it is going to be built, use American steel in building the pipeline. That is not an outrageous suggestion. If this is such a priority for the Republicans, wouldn't they want to put Americans to work to make the steel to build the pipeline? We offered that as an amendment yesterday. Senator FRANKEN offered that amendment and the Republicans rejected it. The Republicans rejected the premise that the steel that goes into the most important pipeline in the history of America, from their point of view, should actually come from America. That is the second amendment we considered.

This special interest project, the Keystone XL Canadian-owned pipeline, is going to continue to be the No. 1 dominant issue in the Senate for days to come.

Republicans plan to do everything they can to help build a pipeline, but they want to deny millions of Americans access to health care. That is what the House Republicans have come up with. They want to come up with a plan that will literally take away the coverage of health care from Americans. Is there anyone in this country who thinks that is the right thing for our future? We are trying to reduce the number of uninsured. The Republican changes to the Affordable Care Act would increase the number of uninsured and increase the number of Americans dependent on government-sponsored health care. It doesn't sound like a Republican idea to me, but it is. That is what is coming from the House of Representatives.

There are pretty clear differences in how we help working families. For the Senate Republicans, it is to build a Canadian pipeline. Don't use American steel, don't keep the oil in America, but build this pipeline—No. 1 priority. The House Republicans take away health insurance coverage for hundreds of thousands of Americans at a time when we know that leaves people in a precarious position.

Here is what the President said last night: We want to make certain we focus on projects and programs and new ideas that can leave our children a better world and our grandchildren as well. Do we want an economy where everyone has an opportunity to climb that economic ladder or do we want a world where those who are born into lives of luxury set the rules and always come out ahead? Do we want an economy that rewards those who work hard and play by the rules or an economy where corporations rig the game so it is tails you lose, heads I win?

We know that an economy with a strong middle class is key to growing America. Yet it is becoming harder and harder for families to even reach the middle class. Working families aren't looking for a handout—not in my State. They just want a chance for a better life for their kids.

There is a way we can do this. It is called the earned-income tax credit. This is an idea supported by Republican Presidents in the past. Historically both parties have supported it. The earned-income tax credit is designed to encourage work by providing a tax credit to working families.

The President's proposal, similar to one that SHERROD BROWN and I have introduced, would expand the credit to help the only group that our Tax Code pushes into poverty: childless workers. What a difference this would make for millions of working families, the difference between paying a heating bill or putting it off, the difference between getting a prescription filled or waiting. A small refundable tax credit for these workers can make a bigger difference than many U.S. Senators would ever realize.

The President also proposed making 2 years of community college free for responsible students and giving motivated students a path to a solid educational foundation without debt. This is not a Democratic idea. The President acknowledged last night that this idea came from a Republican Governor in Tennessee. I might add that a Democratic mayor, Rahm Emanuel of Chicago, has a similar program, but the President went to Tennessee to acknowledge that the Republican legislature and the Republican Governor had come up with a good idea. So to argue this is somehow a partisan idea, it sure isn't in Tennessee. If it is partisan, it is a Republican partisan idea.

The President understands that in the 20th century, maybe K–12 was just enough to make it. In the 21st century it is not enough. K–14, most of us understand, is the ticket to a good-paying job.

I called in to some of the media this morning from Illinois, and they said, oh, this community college free tuition idea—another Federal mandate. Well, let me disabuse you of this idea. This is voluntary. It is original. States decide if they want to be part of it, but I think those States that want to be part of free community college tuition for good, achieving, hard-working students are on the right track, and those who ignore it may fall behind.

The jobs of this century will require more training and education than ever. I think this notion is a good one. Have we ever gone wrong in the history of the United States by investing in education, investing in our students, investing in our future? That is what the President's proposal does. It has been dismissed out of hand by the Republicans, even though it had a Republican origin. That is a mistake. We should count on our community colleges, the affordable alternative for higher education for 40 percent of America's college students. And thank goodness it steers these kids away from these Godforsaken for-profit colleges and universities which too often exploit these young people, these young men and women, sink them deep in debt and, if they are lucky, hand them a worthless diploma at the end of the day. Community colleges are the affordable ticket in Kentucky, in Illinois, and across America.

The President reminded us last night that we live in a great country and our economy is recovering. But while the wealthiest Americans are doing fine, more American families are spending hours at the kitchen table trying to figure out how to make ends meet. Let's help those families. Let's agree to help those families. One Canadian-owned pipeline is not the answer. We need to think about education, we need to think about a Federal transportation bill, and we need to think about investing in America and its future.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. DURBIN. Mr. President, in the aftermath of the recent terror attacks in France, it is tough to know what the House of Representatives is thinking. Last week, the U.S. House of Representatives threatened to shut down the Department of Homeland Security. That is the government agency responsible for protecting America from the threat of terrorism.

Why are we debating full funding for the Department of Homeland Security? Every other government agency, I might add, has been properly funded through the omnibus bill. But the Republicans insisted on not funding the Department of Homeland Security, which fights terrorism in the regular orderly appropriations process. They insisted this Department be funded only through the end of February. Does that mean that America is safe from terrorism? I wish it were true. But we know that we are only one terrorist away from a terrible incident in America.

One of the Departments with the major responsibility of protecting us is the Department of Homeland Security. So why did the Republicans decide they wanted to make the funding of this Department uncertain and contingent?

Well, the reason was they are so angry with President Obama's Executive order on immigration that they are putting America at risk by failing to properly fund the Department of Homeland Security. Then last week, the bill the House passed made the appropriation for this Department contingent on five riders. A rider is an addition. It is language that doesn't relate to a budget or appropriation, and it relates to the Executive orders that were established by the President.

The House bill passed last week would defund President Obama's immigration policies, including the Deferred Action for Childhood Arrivals Program, known as DACA, which has been in place for over 2 years.

What does DACA do? By the President's Executive order, it puts on hold the deportations of immigrant students who grew up in America. It allows these young people to continue to live and work in this country on a temporary basis. They are known, in shorthand, as the DREAMers.

I know a little bit about this because I introduced the first DREAM Act 14 years ago in the U.S. Senate. It has become a very familiar term, but when I first started, no one had ever heard of it. What I found was there were young people brought to the United States by their parents at a very early age who had, obviously, no voice in the decision, raised in America, undocumented, went through our schools, were successful, had no criminal problems, and wanted a future.

They couldn't get a future under American law. The DREAM Act would give them that opportunity to move to legal status. We have already invested in these young people, in their education, so why would we want to give up on their talents by deporting them after they are educated? That is exactly what the U.S. House of Representatives has proposed.

In 2010, I joined with Republican Senator Richard Lugar. We wrote a letter to President Obama. It said: Why would we deport these young DREAMers? They offer so much potential for America.

A year later, 22 Senators joined me in sending a followup letter to the President, and he issued his Executive order called DACA.

Six hundred thousand eligible DREAMers have signed up for DACA, which means for these 600,000, they can live and work in America without the fear of deportation. It makes a big difference. Thirty thousand of them live in Illinois. We estimate there are another 1.5 million eligible.

The Center for American Progress says these young people aren't just taking up space, they are going to add to the economy because of their talents. They estimate that these DREAMers will add $329 billion to our economy and create 1.4 million new jobs by 2030. That is a pretty tall prediction to think that these young people could have that impact on our economy.

Let me tell you the story of one of the DREAMers whom the House Republicans would deport, and you may understand why this estimate of the profound, important impact of these DREAMers on our economy is realistic.

As I mentioned, I introduced the DREAM Act 14 years ago. I have come to the floor over 50 times to tell stories of these DREAMers who, frankly, make the case for passing the DREAM Act and for defeating this hate-filled provision that was passed by the U.S. House. I am going to continue to update these stories about these DREAMers so you can understand why giving up on these DREAMers is giving up on the future of this country.

I want to tell you the story about Carlos Martinez. Here is a picture of him. Carlos is holding his DACA card under the President's Executive order. Carlos and his brother were brought to the United States in 1991. Carlos was 9 years old. He came to this country and didn't speak one word of English, and his father told him, ''Estudien para que no batallen en la vida como yo.'' What it means in English is: Study so you don't have to struggle in life like I have.

Carlos took his father's advice to heart. At high school in Tucson, AZ, Carlos graduated ninth in his class. Then he enrolled at the University of Arizona. He was undocumented at the time. He had never owned a computer, but he loved math and he dreamed about being a computer engineer.

Four years later, in 2003, Carlos Martinez graduated with a bachelor of science degree in computer engineering and a minor in computer science, electrical engineering, and math. He was named the top Hispanic graduate in his class.

For the record, Carlos Martinez did not qualify for 1 penny of Federal assistance to go to college, and you can imagine in Arizona probably not 1 penny of State assistance. But he made it through, graduating as the top Hispanic in his class from the University of Arizona. But after he graduated, reality set in. He received job offers from Intel, IBM, and a host of tech companies, but then they found out he was undocumented. He couldn't be hired.

He didn't give up. He enrolled in the master's program for software systems engineering at the University of Arizona. He completed a 2½ year program in a year and a half.

Carlos Martinez was also nominated for the University of Arizona Graduate School Centennial Award, given to the school's top graduate student.

Carlos Martinez submitted his application for DACA when President Obama created this opportunity in August of 2012. The first day the forms were available, he was in line. He was one of the first to be approved. As soon as he received the notification he had been approved under this Executive order, Carlos Martinez went to a career fair at the University of Arizona and handed out his resumes to IBM, Intel, and other high-tech companies. Today Carlos Martinez is working for IBM. Out of more than 10,000 applicants for the job he filled, he was one of only 75 who were hired.

Is America a better place to have that kind of educated individual working with good ideas, creating new products, expanding employment opportunities? Of course it is.

So now the U.S. House of Representatives has decided the best thing for the future of America is to deport Carlos Martinez and deport those other young students who hold such potential for this country. That is the House Republican approach to immigration—deport Carlos Martinez.

There are so many other DREAMers around this country with the same talents as Carlos. I want the American people to understand the human cost of the proposal that has been sent to us by the House of Representatives under Republican control. The House Republicans want to end DACA. Hundreds of thousands of people such as Carlos Martinez, protected by DACA, would be deported, and 1.5 million eligible to apply for DACA would never have that chance. It is shameless, shameless to play politics with the lives of nice young people who grew up in America and want to be part of our future, and it is so shortsighted.

Will America be stronger if Carlos Martinez is gone? The House Republicans say yes, he should leave. After all of this investment, K–12, bachelor's degree at the University of Arizona, the top graduate student in his master's program at that same university, the House Republicans say, ''Deport Carlos Martinez.'' They feel so strongly about this they are willing to hold up the appropriation for the Department of Homeland Security, the agency responsible for protecting our Nation.

Let me be clear. Democrats are not going to be swayed by this blackmail. We will insist the Department of Homeland Security be properly funded to protect America and to do it now. This President made it clear he is ready to sign that bill, the sooner the better. Let's not assume that America has somehow been immunized or inoculated and never can be threatened again by terrorists. Let us properly fund the Department of Homeland of Security, and let us not pursue that shameless agenda sent to us by the House Republicans. Let's remove these riders and give Carlos Martinez and thousands of others just like him a chance to be part of America's future.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. COTTON). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first half and the Democrats controlling the final half.

The PRESIDING OFFICER. The Senator from Wyoming.

STATE OF THE UNION ADDRESS

Mr. BARRASSO. Mr. President, last night the President delivered the State of the Union Address. So it was interesting to hear the acting minority leader talking about homeland security, budgeting for homeland security. I know the Presiding Officer, through his service to our Nation overseas, wearing a uniform, keeping us safe, keeping us free—the Presiding Officer has concerns, as do I, about what we heard last night.

It was interesting to hear some of the commentary after the President's speech as we talk about securing the homeland and what it means for the American public. Andrea Mitchell, MSNBC, ''I think that on foreign policy his''—meaning President Obama's—''projection of success against terrorism and against ISIS, in particular, is not close to reality.'' The President of the United States, ''not close to reality.''

I have just come back from a trip to the Middle East, been to Saudi Arabia, Qatar, Israel. I concur with Andrea Mitchell; that on the specifics of the President's assessment of success against terrorism and against ISIS, this President ''is not close to reality.'' So Republicans are going to continue to bring forth the issues to the American people of what reality is like in the world, in spite of the way the President may address it, because of the specific failures of this President and his foreign policy.

It is interesting. Last night in the State of the Union Address, the President started by saying that ''the state of the Union is strong.'' The state of our Union is strong. But President Obama mistakenly took credit for that strength. He implied it was because of his policies, because of his actions. On that point this President could not have gotten it more wrong. The state of our Union is strong because of the strength of the American people.

Americans are resilient. Americans are hardworking. In the November elections, the American people showed they can act decisively. It is interesting, this morning's headline, New York Times: ''Staunchly Liberal Wish List Brushes Off G.O.P.'s Gains.'' Headline, New York Times, bright, bold, above the fold. ''Staunchly Liberal Wish List Brushes off G.O.P.'s Gains.''

So we are a resilient nation. People know what they believe. They know how they feel. They voted those beliefs. When the American people chose Republicans to lead both Houses of Congress, they said clearly they wanted change, a change from Barack Obama, a change from the direction he has been taking this country. People want Democrats to start working with Republicans to get things done.

The American people said in the November elections they are tired of the gridlock, they are tired of the dysfunction, tired of Democrats running the Senate to protect their own jobs and not caring about the jobs of middle-class Americans.

President Obama had a great opportunity last night, an opportunity to show that he understands what Americans have been telling him. Instead he went out and he gave the same speech he always gives. It was a partisan attack on Republicans and the Americans who voted to put the Republicans in charge in the House and in the Senate.

It is interesting listening to the commentary after the speech. Wolf Blitzer, CNN, said, ''I don't remember a State of the Union address where I heard a President issue so many veto threats to the opposite party in the Congress.''

So we have Andrea Mitchell, MSNBC, saying that in terms of foreign policy the President's views ''are not close to reality.'' CNN, Wolf Blitzer, ''I do not remember a State of the Union address where I heard a President issue so many veto threats to the opposite party in the United States Congress,'' especially when it is at a time, as the New York Times point out, of GOP gains in the elections, the President specifically ignoring what has happened across this country in the November elections. President Obama seems to have missed the November elections entirely.

Republicans know we have an obligation to the American people to deliver effective, efficient, and accountable government. We have an opportunity and an obligation to put Americans first. Last night President Obama showed he still wants to put Washington first. Republicans are not willing to help this President continue down the same wrong road that the American people have rejected. Let's be honest. This past election was a rejection election, rejecting the policies of this President, this administration.

We are charting a new course and a better direction. We are already making progress. The Senate is working like it has not worked in years. We are debating actual legislation, laying on the floor the Keystone Pipeline jobs

bill. We are allowing Senators to offer amendments. We actually had votes on three amendments yesterday. We are going to pass this bill. We are going to send it to the President's desk.

Then we are going to turn to more jobs bills and the important issues the American people care about. We are going to work on reforming our health care system. In his speech last night President Obama offered no solutions on the major issues facing this country. Instead, he offered the same old tired policies of higher taxes, more Washington spending, more bureaucracy, more obstruction of bipartisan solutions coming out of the new Congress.

The President said Congress should focus on areas where we agree. That is exactly what Republicans have been doing. We are moving bipartisan bills, bills that overwhelming majorities of Americans support. The President continues to threaten to veto them, things such as the Keystone XL Pipeline bill that supports 42,000 American jobs. That is not my number. That is what the State Department—the President's own State Department—said, it would support 42,000 American jobs.

In a poll last week, 65 percent of Americans said the President should sign that into law. We will pass bills to allow for more exports of American energy and to give the President trade promotion authority that he has asked for and that America needs. We will pass commonsense reforms to America's health care system, to end many of the outrageous and expensive mandates for coverage that people do not want, do not need, cannot afford.

We will pass bipartisan education reform to give all of America's 50 million students a better chance to succeed. We will push for tax simplification, to make taxes less fair, less complicated. That is what Americans need to compete in the 21st century. We do not need higher taxes, more debt to pay for spending and more IRS agents, things the American people do not believe we need.

Republicans are going to send the President bills that will help expand our economy by growing the private sector, not by growing the Washington bureaucracy. We are going to pass bills that increase how much families earn and how much of that they actually get to keep, not just how much Washington gets to take and the President gets to spend.

So the state of our Union is strong. It is also in greater agreement than it has been in years about the direction this country should take. President Obama could have taken the opportunity last night to actually talk about this. He could have offered a positive plan to work with Republicans and Democrats in Congress instead of the defiant tone he placed upon the country.

He made threats to veto bipartisan legislation. He chose to double down on more obstruction, more unaccountable Washington bureaucracy, more wasted tax dollars. The American people have rejected this course. The American people want a better path, not the same old tired speech from a President now in the final quarter of his time as President.

The speech is over. Now the President needs to decide what he is actually going to do. Is he ready to get on board with bipartisan ideas or does he want to spend the next 2 years as a lameduck. There are Democrats in this body who agree it is actually time for the Senate to get back to work. They are ready to listen to ideas, good ideas, work with Republicans to help America, to help the American people thrive.

This President should work with all of us. That is what Americans want. They want us to work together. They want us to change the direction our country has been headed for the first 6 years of President Obama's time in office. This Republican Congress is listening to the American people. The President continues to ignore them.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, similar to the rest of the country, I listened with close attention to the President's State of the Union Address last night. I had a pretty good seat down front. I got to listen to the President very closely. Of course I was interested because this presented a great opportunity for the President, following a very eventful election on November 4, to state his vision for the country and most particularly to talk about his plans for working with the new Congress that was elected in November.

It was a big election for a lot of reasons but one was that we got nine new Republican Members of the Senate. I have been in the Senate in the minority and I have been in the Senate in the majority. I can tell you I like it a lot better in the majority. But the fact is that notwithstanding a very good election, from my perspective, on November 4, one that sent a real clear message, I was left to wonder whether the President got that message.

While I believe this was a referendum on Washington's dysfunction in dealing with so many of the issues that face hard-working American families, what the President seemed to promise was more dysfunction. But I for one am here to say we are not going to follow the President down this low road. We will try to find areas where we can work with the President. He did mention a few: things such as trade, things such as criminal justice reform. There are a few things the President seemed to indicate were not partisan issues. We look forward to working with him on those issues.

But the biggest problem we have and which still faces our country is the fact that notwithstanding one pretty good quarter of economic growth, our economy and our recovery are still pretty fragile. We know the number of people, the percentage of Americans in the workforce is at about a 30-year low. Some of that is because they have looked for work and they cannot find work, Americans who are seeking full-time work and have to settle for part-time work. Part of it is because of the President's own policies, things such as the Affordable Care Act—ObamaCare—which incentivizes employers to put people on part-time work in order to avoid some of the penalties.

But notwithstanding my optimism after this important election we had in November and the potential we have working together—the President and Congress—to try to address the challenges that face our country, my optimism was quickly tempered. Why only tempered optimism? I heard, as the Senator from Wyoming, my friend Mr. BARRASSO, mentioned, the President has issued seven veto threats since the election—seven veto threats; this from a President who in the first 6 years of his term of office has only vetoed one bill.

But the first thing he does after this election, where it should have been a wake-up call to him and others—should have been a wake-up call to all of us—he is issuing seven veto threats to bills that have not even been voted out of the Senate, that have not even made their way to his desk. To me that sends a very disturbing message that the President, instead of just being Commander in Chief, wants to be the obstructionist in chief. I do not know how else to interpret that.

Then there is the President's disquieting tendency to take credit for things other people have done, and for his own failures, to blame them on someone else. It is truly disturbing. Since this new Congress has convened, it seems to me it has been a tale of two branches of government.

While the Congress has shown a commitment to working together—and in my private conversations with my colleagues on the other side of the aisle, many of them are eager to work with us to try to find solutions to these challenges on a bipartisan basis.

This is one reason why the majority leader, Senator MCCONNELL, chose the Keystone XL Pipeline legislation, because it enjoys broad, bipartisan support. We thought it was important to demonstrate, right out of the starting gates, that we actually listened to what the American people told us on November 4—that they want us to work together and they are tired of the dysfunction. But it appears the President hasn't noticed or, perhaps more accurately, he doesn't really care what the American people said on November 4.

If the President isn't going to listen to the American people and the voters who voted in a referendum on his policies—those are not my words; those are his—I wish he would at least listen to what he himself has said. He has said time and again that elections have consequences.

Well, I agree with that. Who wouldn't. But this is the same President who 22 times said he did not have the authority to issue an Executive action on immigration and then turned around and did it. Twenty-two times he said he didn't have the authority, and then he did it.

What I have learned in Washington is we can't just listen to what people say. We have to watch what they do. We have a track record of the past 6 years of what this President has done and not just what he has said.

As I say, the intransigence and the tone deafness was pretty shocking last night. Notwithstanding, the President gave a good speech. What I think the President really hadn't cracked the code on—as anybody in elected office has to understand—is that there is a difference between running for office and actually governing once the election is over. But this President seems to be in a perpetual campaign mode, making promises that sound like campaign promises rather than recognizing the reality of divided government and looking for opportunities to work together to actually solve problems.

So he is back on the campaign trail again. I think he is going to Idaho and other places around the country touting his new agenda—hundreds of billions of dollars in new taxes. Of course, somebody has to pay the bills, but the President mainly talked about free stuff last night. Free stuff is always pretty popular. I am surprised he didn't offer Americans free beer and pizza while he was at it. It is very popular.

But the American people are not dumb. They understand somebody is going to have to pay the bill, and the President ignored that entirely. He also ignored that for the past 6 years this President has added $7 trillion to the national debt. It is now over $18 trillion.

Now, I know that it is impossible for the human mind to wrap itself around a figure that big. That is so big that it is incomprehensible in many ways. But we didn't hear a thing about the President adding $7 trillion to the national debt.

What he did take credit for—this is interesting because I have mentioned he takes credit for things he had nothing to do with and he blames other people for his own failures. But here is where he was half right. He did say that the deficit—the difference between the money we bring in and the money we spend—actually had gone down a little bit.

That is true, but the fact remains that we are still adding to the national debt for every dollar of deficit spending. But what the President also did not say is the main reason why the annual deficit had gone down was because he advocated one of the largest tax increases in recent history—perhaps in all of American history—during the fiscal cliff debate. Then, of course, there was the sequester, which are the caps put on discretionary spending, which the President railed against even though he was the one who thought this up during the so-called supercommittee deliberations.

I couldn't help but think, as the President kept talking about raising taxes, increasing spending, and not dealing with problems such as the looming debt, that he was turning us more into Europe, a welfare state, where everybody would look to the government to take care of them, not a country that we were left by our parents and grandparents, where we could exercise our individual freedom and seek opportunities to rise above what we had been left by previous generations.

To me that is the most important difference in what the President said last night and what he might have said, because our children do deserve more opportunities. The truth is that for most of us who are people my age, we are going to be OK. But the fact is the next generation, my children and beyond, have been bequeathed more debt.

Now the President wants to add on to that debt—more taxes, more spending, bigger government.

If there was one thing that was rejected in this last election, it was what we have had for the past 6 years. What we have had for the past 6 years was a grand experiment in government. We have always had this debate about the size and the role of the Federal Government, but we have never had such an aggressive attempt to grow the size of the government in recent memory, certainly since the New Deal, as under the past 6 years. What the American people, I believe, rejected was this experiment in big government.

Perhaps that would be understandable if there weren't examples of what actually does work, what does grow the economy, what does put more money in hard-working taxpayers' pockets, and what does provide more jobs and opportunity. One reason why it seems somewhat obvious to me is because I see what has been done in places such as my home State of Texas, and it has been done in other States where they put their trust in people and not in bigger government that somebody has to pay for.

The formula is not all that unique. Governor Perry, who just left office after 14 years, when people talked about the ''Texas miracle,'' said: No, it is not a miracle; a miracle is a supernatural event. This is the Texas model. It is a conscious effort to choose policies that actually work, that grow the economy and create jobs, lower taxes, and result in less red tape and a balanced budget.

Wouldn't that be nice? We haven't had a balanced budget in Washington since 2009. It is really malpractice.

There are other policies that would foster a better business environment and encourage businesses to invest and grow because that creates jobs, that creates rising wages and a successful middle class. So the fact is that if it works in the States, it can work here too.

Now, measures such as reforming the Tax Code to provide tax relief in a way that incentivizes people to work harder and produce more are pro-growth tax policies—not regressive policies such as the President has proposed, which would make it harder.

Improving infrastructure projects—the President talked about infrastructure last night, but he has also issued a veto threat on the Keystone XL Pipeline. We are—I agree with the Senator from Wyoming—going to approve it, put it on his desk, and then it is up to him. Then, of course, there is putting Americans back to work and repealing oppressive government overreach—such as ObamaCare.

There is a difference between governing and campaigning. The President—there is no doubt about it—is a world class campaigner. He is right that he won two elections by running very successful campaigns, but he seems absolutely disinterested, detached, and, indeed, actually an obstacle to governing, which is the job in front of us.

In closing, I would say the state of the Union is always a work in progress, but it should always be improving. It is my sincere hope the President will realize the hand he has been dealt, which is one of divided government, and that rather than campaigning perpetually, making promises for free stuff, higher taxes, and bigger government, that he would work with us to solve some of the very clear challenges that confront us, primarily ones that will help grow our economy and put Americans back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent to be allowed to speak for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

KEYSTONE XL PIPELINE

Mr. BLUNT. Mr. President, I thought last night, as the majority whip just mentioned, that the President once again showed his sense of why the majority in the Congress and the majority of people in the country support the Keystone XL Pipeline. It is not just about the pipeline, even though he doesn't quite seem ever to get that. It is about whether we are going to truly take advantage of more American energy.

Clearly, the President suggested that was one of the great accomplishments of his administration. I think we could make the argument—and make it effectively—that his administration hasn't done much to implement the great steps we have made forward. In fact, on public lands and other measures that we were in the process of considering when he became President,

they have backed away from that rather than stepped forward.

We seem to be unwilling to step forward and embrace this great opportunity that is so much more than the jobs for just the pipeline itself.

I filed two amendments today on the pipeline bill—the topic we are talking about, the topic my good friend from North Dakota has done so much to bring attention to since the day he arrived in the Senate.

It was 4 years ago, when the Keystone XL Pipeline application was only 2 years old at the time. Now 6 years later, we are continuing to miss an opportunity. It seems that on this topic, as once was said about seeking a solution to the Middle East, we can't seem to miss an opportunity to miss an opportunity.

But the two amendments I have filed deal with a couple of critical issues that relate to our energy future and our infrastructure future. One would be a community affordability amendment where we would have to have a study to look at the impact that all of these EPA regulations have on communities. These are EPA's unfunded mandates on communities, where they tell communities they have to do things but really don't give the community any idea how to pay for it.

The Presiding Officer and I are from two States that have many small communities. Those small communities often have a water system, a sewer system, and a storm water system, and the EPA comes in and says: Here is what we want you to do—maybe not with one of those, maybe with all of those—the air quality, the water quality.

I know the EPA has one regulation on water where the solution can't cost more than 2 percent of the median income over a specific period of time.

Now, 2 percent of your income, if you haven't been paying it for your water bill, your sewer bill or your whatever bill—2 percent of your income is taken right off the top of your income. It makes a difference to most families, but at least there is a cap there. But you can have that 2 percent on increasing the cost of the water system and another 2 or 4 or 5 percent on increasing the storm water system, and somebody has to pay those bills.

What this amendment does is suggest that we figure out who is paying those bills, what is a reasonable way to pay those bills, and how those bills can be paid. We know on the Senate floor, and the President knows, and the EAP knows who pays those bills and the people who have access to those services. There is no mythical payee here. The person who pays your utility bill is you, and if there is increased cost to the utility system, that comes to you. The person who pays your water bill is you.

So I believe we need to have a coordinated effort to see how those projects impact communities, impact families, and understand how this works.

So this amendment that I filed today directs the EPA to collaborate with the National Academy of Public Administration to review existing studies of costs associated with major EPA regulations. The amendment also directs the administration to determine how different localities can effectively fund these projects. The end result would be to come up with a working definition of a phrase they use a lot—individual and community affordability—but I can't find any evidence that this phrase—individual and community affordability—really means anything.

The amendment I filed today has already been endorsed by the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, and the chamber of commerce in my hometown, Springfield, MO.

The other amendment I am filing, submitted as a sense of the Senate, is that the President's U.S.-China greenhouse gas amendment would be looked at in a different way. This amendment is cosponsored by my colleague from Oklahoma, Senator INHOFE. It talks about the agreement negotiated between the President and the People's Republic of China and, in fact, says this agreement really has no force and effect because frankly, Mr. President, it already has no force and effect in China. Of the two parties the President says have agreed to this, we are the only one who would have to do anything. We think this is a bad idea—Senator INHOFE and I—and I think others will join us. It is a bad deal for our country, it is economically unfair, it is environmentally irresponsible, and once again it produces exactly the opposite result of what we would want.

First of all, I think the Constitution is pretty clear on agreements negotiated between countries. There is a Senate role to be played. It requires the advice and consent of the Senate. The Senate should insist we do that job. Whether it is here or on any other agreements with other countries, those agreements need to be consented to by the Senate. It happens to say that in the Constitution.

These agreements, under this amendment, also would have to be accompanied by actions that may be necessary to implement the agreement, including what it costs to implement. The amendment says the United States should not sign bilateral or other international agreements on greenhouse gases that will cause serious economic harm to the United States. It also says the United States should not agree to any bilateral or international agreement imposing unequal greenhouse gas commitments on the United States.

The reason I filed this amendment is simple. The agreement the President unilaterally negotiated with China and announced last November is a bad deal for workers and a bad deal for families, whether those workers are in Missouri or Arkansas or anywhere else in the country today. The agreement requires the United States to reduce greenhouse gas emissions from 26 to 28 percent below the 2005 levels by 2025. It allows the Chinese to increase their emissions until 2030.

So last night the President said in his State of the Union Address that the United States will double the pace at which we cut carbon pollution and China committed for the first time to limiting their emissions. Well, let's be very frank about that. The President is actually right. He has agreed that we would double the pace, somewhere around 26 to 28 percent below the 2005 levels in the near term, but the Chinese have agreed actually to be allowed to increase their emissions for another 15 years and then they would consider—they would consider—reducing emissions after that. What this does is drive jobs and opportunity to China and other countries that care a lot less about what comes out of the smokestack than we do. We lose the jobs we otherwise would have had. We try to solve a global problem on our own even though we have made great strides already, some of which were cost-effective, but they get less cost-effective all the time.

I am grateful my colleagues allowed me to have a few extra minutes. I have filed these amendments, and we will be talking more about them and the Keystone XL Pipeline issue over the next few days. I look forward to having a vote on these amendments and the vote on the Keystone XL Pipeline.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, it is my understanding that we are in morning business and the minority is now entitled to 30 minutes.

The PRESIDING OFFICER. The Senator is correct.

KEYSTONE XL PIPELINE

Mr. DURBIN. Mr. President, I wish to speak in morning business on the pending issue on the floor, and I am glad my friend and colleague from North Dakota, Senator HOEVEN, is on the floor as well. Perhaps we can do something unprecedented and actually have a dialogue on the issue, if the Senator is open to that suggestion. After I make some opening remarks, I will try to request that through the Chair but only if the Senator is interested.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I certainly would welcome that opportunity and look forward to joining the Senator from Illinois in that dialogue.

Mr. DURBIN. I thank the Senator from North Dakota and warn him that we are getting perilously close to a Senate debate, which almost never happens. So we want to alert all the news bureaus that this might even turn into a debate on the floor of the Senate.

This is Senate bill 1. It is the highest priority of the Senate Republican majority. It is their first bill in the majority. They decided their first bill would be the Keystone XL Pipeline bill. The Keystone XL Pipeline is not owned by an American company; it is owned by a Canadian company, is my understanding, TransCanada. What they are doing is shipping tar sands from Canada—at least it is proposed here—into the United States, across the Midwest, to be refined in Texas and then turned into refined oil products, which could include, of course, gasoline, diesel fuel, jet fuel, and other things.

Yesterday we had two votes on the floor of the Senate about this pipeline and what it is going to produce, and they were interesting votes.

In the first vote we said: Well, if we are going to have this pipeline come into the United States of America and bring Canadian tar sands to be refined, then whatever oil it produces, the products it produces, should be used in America to help Americans reduce the cost of gasoline, to make it cheaper for manufacturing concerns to use their products.

The Republicans rejected that notion that the oil and products produced by the Keystone XL Pipeline would be used in America. They rejected that. I think the vote was 57 to 42. Three or four Democrats joined them, but all of the Republicans, if I am not mistaken, voted to say the products coming out of this pipeline wouldn't be used in America.

Then we offered a second amendment. The second amendment said: Well, if we are going to build this pipeline—and a lot has been said about this being the Keystone jobs bill—shouldn't we use American steel, use American products to build it so that it truly does create jobs in the steel industry and demand for steel products?

The Republicans rejected that amendment as well. So their idea of a Keystone jobs pipeline is a pipeline that produces a product that won't be sold in America and a pipeline that is built with foreign steel. That is their idea of an American jobs bill?

There is also another aspect of this, on which I have introduced an amendment. There is a dirty little secret about this Keystone XL Pipeline which we will get to vote on today. This is what it comes down to. For the longest time nobody looked at Canadian tar sands as a viable source of a product that could be refined into gasoline or diesel fuel. The reason it was never considered viable was the price of a barrel of oil was too low. They knew that in these tar sands up in Canada, there was the potential of drawing oil after they went through a lengthy and expensive process, and they couldn't afford it until the price of oil started knocking on the door of $80, $90 and $100, and then Canadian tar sands became viable. They could afford to refine the product and make some money. And that is what happened.

The Canadian tar sands were developed in Alberta, and they were shipped to the United States and other places to be refined. In fact, the first Keystone pipeline, I would argue—although it went by a different name—actually went to Illinois. It went to Wood River, IL, to the Conoco refinery, and I have seen it. I have seen the refinery since it has been receiving these tar sands.

The reason why it is more expensive to use Canadian tar sands to produce oil products is you have to take out the tar sands. That is a viscous, nasty product that has to be dealt with with extraordinary refining capacity, which they developed at Wood River, what is now the Phillips refinery. I have seen it.

The dirty little secret about this process is that after they have taken off the worst parts of it—the parts that are not really economically valuable to most—they have to do something with it, and it turns out that in this process they generate huge amounts of what is known as petcoke. Petcoke is the by-product of Canadian tar sands. Petcoke is what is left over after they take what is valuable out of Canadian tar sands. And there is a lot of it.

Proponents of the bill would like to tell you the pipeline won't have any harmful environmental impact, but a lot of communities across America know better—Detroit, Chicago, and Long Beach, CA, for three. These communities have seen what happens when big refineries near their homes start processing large amounts of Canadian tar sands.

Let me show an illustration. This is from the city of Chicago—the city of Chicago. This is a Chicago neighborhood. If you didn't know better, you would assume it is someplace in a remote area. It is not. This Chicago neighborhood looks an awful lot like Little Rock, AR; Fargo, North Dakota, except take a look at what is next door to these little bungalows and homes. This is a petcoke dumpsite.

The British Petroleum refinery receives Canadian tar sands in Whiting, IN, refines them, and the leftover product—this petcoke sludge—is shipped over to the city of Chicago, where it is deposited in piles that are three- and four-stories high. I have seen them.

The residents started noticing these mountain-like piles of petcoke appearing right over the train tracks from their homes and at a local baseball field after the Whiting refinery began processing tar sands. You might imagine that on windy days, giant clouds of petcoke dust swirl above these storage piles and cover the neighborhoods. I have seen them. I have visited them. So these working families, when the wind is blowing in their direction, end up with this petcoke blowing into their homes, into the lungs of their children.

Often, the dust from these petcoke piles means that people living in the southeastern part of Chicago are forced to breathe dirty air that one organization—National Nurses United—says causes severe health threats. You see, petcoke—this product from Canadian tar sands—contains heavy metals such as nickel, vanadium, and selenium. Nickel causes cancer. Chronic exposure to nickel can cause neurological and developmental defects among children. You can see this nasty petcoke on the windowsills and buildings around this neighborhood, but you can't see it in the lungs of the children until it is too late.

The National Institute For Occupational Safety and Health warns that inhaling nickel-laced dust increases your risk for lung cancer and fibrosis.

Petcoke dust also contains polycyclic aromatic hydrocarbons, which have been linked to cancer as well. And it is not just because the chemical composition of petcoke is toxic; the dust particles themselves are extremely dangerous. When you inhale petcoke, that dust can get trapped in your lungs, causing respiratory problems. Once in the lungs, these tiny particles can aggravate asthma, leading to premature death in people with heart or lung disease, and cause heart attacks.

Yesterday I made the point that when I visit schools across my State to ask how many students in the classroom know someone who has asthma, without fail, rural or urban schools, half the hands go up. I invite my colleagues to do the same. So anything we do to aggravate this asthma threat we face is something we ought to think about very carefully. Some safety documents even note that long-term exposure to petcoke might cause damage to the lung, liver, and kidney.

Because of petcoke dust, the city of Chicago has advised residents in this neighborhood and around it to limit the time they are outdoors. In addition, Mayor Emanuel and the city are working with residents and local environmental organizations to limit the amount of petcoke that can be stored in the city and to require that it be enclosed in facilities that would protect it from blowing around.

This isn't the first city in America to face this danger from Canadian tar sands, which will be transported, if built, by the Keystone XL Pipeline. The city of Detroit, shipping ports near Los Angeles, they have dealt with petcoke piles too. We need to do more.

Many of these cities have had to act because for years petcoke has been exempt from regulation under many Federal environmental laws, and it has not been forced to comply with Federal cleanup standards.

The Federal Government's views on the official side of the ledger—the regulatory side of the ledger is that these petcoke piles are benign, not to be worried about. The health information tells us they are wrong.

That is why I proposed an amendment to end petcoke's exemptions and require the EPA and Department of Transportation to promulgate rules on how to store and transport petcoke to protect public and ecological health. It

closes the environmental loophole for petcoke.

My amendment would require we make these changes before construction is allowed to begin on this pipeline. It is important because tar sands transported by the Keystone XL Pipeline—this Canadian company—will dramatically increase the amount of petcoke produced in this country.

In the year 2013 the United States produced a record amount of 57.5 million metric tons of petcoke.

According to the environmental impact statement for the Keystone XL Pipeline, the No. 1 priority of the Senate Republican majority, this pipeline will produce over 15,400 metric tons of petcoke every day.

Under current law all of this new petcoke would continue to be shipped to local communities for storage and disposal in the same large open piles we see in this photograph in Chicago. That isn't right. We in Congress should deal with the acres of petcoke piles that are already out there before we build a pipeline that will create 15,400 metric tons of it a day. Incidentally, the BP refinery that has created this mess is generating 6,000 tons a day. More than twice as much will come out of the Keystone XL Pipeline, the No. 1 Republican Senate majority issue, S. 1, Keystone XL Pipeline, Canadian company, 35 permanent jobs but 15,400 metric tons of petcoke every single day somewhere in America.

I hope my colleagues will support this amendment to treat petcoke for what it is. It is a dangerous byproduct that shouldn't be stored in open-air piles near neighborhoods, ballparks, children, and elderly people.

End the regulatory loophole for petcoke and establish reasonable guidelines for handling this dangerous material. This would help ensure that clean air and clean water is something everyone can enjoy—even if you happen to have the bad luck of living in a neighborhood near a petcoke dump site such as this one near the city of Chicago.

I see the Senator from Minnesota is seeking recognition. I ask unanimous consent for the Senator from North Dakota and myself to enter into a 3-minute dialogue so we don't hold up my friend from Minnesota.

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

Mr. DURBIN. I know the Senator is a reasonable man and has been Governor of a State and understands responsibility.

Is it too much to ask that we regulate petcoke so it is not a public health hazard to the people who happen to live next door to these dumps?

Mr. HOEVEN. Mr. President, I appreciate the opportunity to respond to my esteemed colleague from the State of Illinois.

Of course the answer to the question is that in fact it is a regulated substance, and it is primarily regulated at the State and local level.

In the State of Illinois, for example, petcoke would be regulated by the State of Illinois. What I understand the Senator from Illinois to be saying is that he is dissatisfied with the way the State of Illinois has chosen to regulate petcoke.

But in fact the EPA has found that petcoke has a low hazard potential. According to the Congressional Research Service, most toxicity analysis of petcoke, as referenced by EPA, finds it has low health hazard potential in humans, has no observed carcinogenic, reproductive or developmental effects. In fact, it is a byproduct of not just oil from the oil sands but also some of the oils from California, Venezuela, and other places.

So it is a byproduct that in fact is recycled. It is used in products such as aluminum, steel, paint. It is used to produce electricity.

Here is a case of a product that actually can be and is in fact recycled. I would argue that what we want to do as we produce energy is continue to invest in these new technologies that will help us produce more energy but also do it with better environmental stewardship, which means we not only work on CCS, carbon capture and storage—which is a major undertaking in the oil sands right now; and I would be willing to engage in that discussion as well—but then also work to find uses for these byproducts in things such as steel and aluminum.

For example, the President last night talked about how the auto industry is making a resurgence, and he talked about the CAFE standards. One of the things they are doing in Detroit with new automobiles is they are using more aluminum in the construction of the cars to reduce the weight to try to meet those CAFE standards.

So here is a product from the oil sands oil that is actually used in aluminum to make those vehicles lighter to achieve one of the things the President talked about in the State of the Union Address last night as a byproduct from the oil sands oil.

So I appreciate the question and look forward to further dialogue.

Mr. DURBIN. Reclaiming for a brief followup. I want to make sure I understand the Senator's position.

The Senator's position is we should not establish any Federal standards on the safety of petcoke and leave it up to the States.

He also argues it is not a danger, it is not carcinogenic, and it is low hazard, in his words. I don't know if the Senator has seen petcoke neighborhoods that have this blowing into them.

I would just say to the Senator, this notion that somehow petcoke is going to be some fabulous discovery for new inventions—maybe it will, but at this point it is being sold to China and they are burning it to generate electricity. I would just try to imagine for a moment what is coming out of those smokestacks in China, where sadly the air pollution is awful at the moment.

I yield the floor, but I don't think it is adequate to say that the city of Chicago should be regulating this substance. We have a nation which will be affected by a national pipeline from this Canadian company. We ought to have a national standard to protect Americans from the dangers of petcoke. Whether we are talking about Fargo, Little Rock or Juneau, I wouldn't want to live this close to these petcoke piles.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I ask unanimous consent for 30 seconds for a simple point of clarification.

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

Mr. HOEVEN. Mr. President, the characterizations of petcoke are from the EPA and from the Congressional Research Service.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

STATE OF THE UNION ADDRESS

Ms. KLOBUCHAR. Mr. President, I am here today to talk about the President's speech from last night. I think it was very important. It was a major event. All Members of Congress were there. To me, it was a call to action. It wasn't just ideas, it was about how to turn ideas into action. It was a strong speech focused on the middle-class economy and how we can strengthen our economy. I thought there was a lot of energy.

I know some of my colleagues in the last few months have predicted that the President was somehow going to slide down because of the actions he took on immigration or the actions he took on Cuba, and I think what we are seeing around the country is quite the opposite. I think people are excited that there is an energy, and they are certainly pleased we have seen some major improvements in the economy.

I would say to my colleagues across the aisle, whom I take at their word when they say they want to work with us to govern this country, that I think we know—if we didn't know it before, after last night—that the President is not going to be spending his next year-and-a-half slouched in an armchair planning his Presidential library. I think what we saw last night is a President who wants to get things done in his remaining time in office, and I think we see an energized country that also wants to get through the gridlock and move forward.

First of all, I think the President did a very good job of laying out the status of the economy, and I think it is very important, when there are so many numbers out there and information and people throwing things out, that we

step back and look at that. Because when we look at where we are going to move forward, we need to understand from where we came and how we ended up where we were a few years back in the midst of a recession.

So as I look at these young pages—thinking about how difficult it was for so many years for young people to find employment and that we are now finally seeing hope for young people out in the job market and how we can build what we have got.

So what do we know? We have had 58 straight months of private sector job growth. Our national unemployment is below 6 percent. In fact, in my State it is down to 3.7 percent. Our unemployment rate last year went down faster than in any other year we have seen since 1984. We are now No. 1 in oil. This fall we surpassed Saudi Arabia as the No. 1 oil and gas producer in the world. That is what our country has done because of the work in North Dakota—I see my friend Senator HOEVEN over there—because of the work going on all over this country.

As the President also pointed out last night, we also are increasing our renewable energy in wind. I would add, from the State of Minnesota, that the renewable fuel standard and the fact that we have better gas mileage standards—all of these things have helped to bring down our consumption and to raise our production, bringing these prices down in our country.

I thought one of the most interesting statistics last night was a fact I had never heard before. Since 2010, America has put more people back to work than the combined countries of all of Europe, Japan, and all advanced economies across the world. That shows that our workers are so good—something we know. It shows that our businesses are so good. I think this is an opportunity we now have to finally in this Chamber govern from opportunity, not just be governing from a state of crisis. That is what we need to do.

One of my favorite parts, of course, was Rebekah and Ben Erler from Minnesota, who were mentioned right near the beginning of his speech, sitting right up in the First Lady's gallery in the House, a woman who had gone through some hard times. Her husband had lost his job in the construction industry, but because of the strength of our State and the strength of her family, her personal strength to want to go back to work and go to a community college, her family is now stabilized. As the President pointed out, maybe their big treat is getting together for a pizza on Friday, but the point is that they have gotten through some very hard times, as have so many resilient people in this country.

So the question we now have is this: How do we get ahead? How do we keep going? I am going to go through a few of the ideas that the President discussed last night that are near and dear to my heart.

The first is community college. I would not be standing in the Senate right now if it wasn't for community college. My grandpa worked 1,500 feet underground in the mines in Ely, MN. He never even graduated from high school. At age 15 he had to quit school. Even though he was getting A's in math, he had to quit school to go and help support his family. Within a few years he was down in those mines. That is where he worked his whole life. He had dreamed of a life at sea. He had dreamed of a life in the Navy. He had dreamed of a life where he could use his education, but he worked in that mine because he believed, more than anything, in the American dream—in his two young boys, in his wife, in his family, in the nine brothers and sisters he raised because both of his parents died. That is why, at ages 15 and 16, he and his brother went to work. They went to work to help their family. When the youngest kid, Hannah, had to go to an orphanage for a year and a half, my grandpa borrowed a car a year and a half after that and went and got her back, as he promised.

So what did he do for my dad? He saved money in a coffee can in the basement so he could send my dad to college, and my dad is a proud graduate of Ely Junior College, a 2-year community college. From there he was able to go to the University of Minnesota, get a journalism degree and interview everyone from Ronald Reagan to Mike Ditka, to Ginger Rogers. That is our family's story.

My sister never graduated from high school. She had some trouble in high school. So what did she do? She was able to get her GED, go to a community college, and move on from there to finalize her 4-year degree and get an accounting degree.

Those stories are all over America. The President's devotion to talking about these 2-year community colleges and using them as a launching pad for kids' careers is the right one.

I am hoping, given the support I have seen from businesses across my State—where we don't have enough welders, we don't have enough people to work the technology in a lot of the factories. I am hoping my colleagues will join us because of the strong business support, because of the need we have in our country to get more people into these jobs.

We have 5 million job openings. We have 8 million people who are unemployed. We need to match those two numbers. And the way we do it, I think, is by doing more with these 1- and 2-year degrees and doing more with kids in high school.

The second topic I appreciated that the President talked about was the middle-class tax cut. We all know the numbers. We all know the facts that due to the widening gap we have seen in income distribution, about 80 percent of families have $1 trillion less in income than they did during the Reagan time—$1 trillion less than during the Reagan time. The top 400 people in the country have more wealth than the bottom half of the country combined. So as we look at where we should be giving tax cuts and who we should be helping, it is clearly the middle class of this country.

That includes help with childcare and childcare credits that the President talked about. We are the only advanced country, as he pointed out last night, in the world that doesn't have some kind of sick leave or paid maternity leave. When I go and talk to women all over my State and I ask them what they most want, so many of them say time. They want time to be able to be with their kids when they are sick. They want time to be able to be with their baby when their baby is born. That is the best thing for our country. So I don't believe the naysayers that say we cannot work across the aisle to start talking about these important middle-class issues.

As the President pointed out, he is not running again, and he has nothing to do but to try to move forward with this country.

I appreciated the words of so many of my Republican colleagues who talked about governance, who said they wanted to get back to the real business of government, which is governing. I also appreciated those who have put out innovative ideas on things such as infrastructure. The simple idea that perhaps we can get some of these foreign earnings that are stuck there overseas that are just sitting there, billions of dollars—why don't we do something to bring that money back and make sure a portion of it goes into infrastructure? No one knows that better than our State. Our State is a State where a bridge fell down in the middle of a summer day—not just a little bridge, an eight-lane highway eight blocks from my house; a highway my family would drive over every single day—down into the middle of the Mississippi River on a summer day. That is infrastructure and that is a problem.

There are 75,000 bridges in this country that have been found to be structurally not efficient, not able to function. That is what is happening in this country right now.

So I truly appreciated the fact that the President talked about, yes, we are going to be defending something, we are going to be arguing about things in this Chamber. That is what this is set up to do. That is democracy. That is government. But there are also some very clear areas of agreement, and one of them is helping the middle class. Let's move. Let's go forward.

Thank you, Mr. President.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SULLIVAN). Morning business is closed.

KEYSTONE XL PIPELINE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1) to approve the Keystone XL Pipeline.

Pending:

Murkowski amendment No. 2, in the nature of a substitute.

Fischer amendment No. 18 (to amendment No. 2), to provide limits on the designation of new federally protected land.

Schatz amendment No. 58 (to amendment No. 2), to express the sense of Congress regarding climate change.

Murkowski (for Lee) amendment No. 33 (to amendment No. 2), to conform citizen suits under the Endangered Species Act of 1973.

Durbin amendment No. 69 (to amendment No. 2), to ensure that the storage and transportation of petroleum coke is regulated in a manner that ensures the protection of public and ecological health.

Murkowski (for Toomey) amendment No. 41 (to amendment No. 2), to continue cleaning up fields and streams while protecting neighborhoods, generating affordable energy, and creating jobs.

Whitehouse amendment No. 29 (to amendment No. 2), to express the sense of the Senate that climate change is real and not a hoax.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we are back again with the Keystone XL Pipeline, S. 1, the bipartisan 60-sponsor bill in front of us. We had a good day yesterday debating three amendments and ultimately disposing of them. We have a half dozen of them in front of us this morning and this afternoon.

I think it is worth noting, there have been several Members who have come to the floor to give comments about the State of the Union last evening delivered by President Obama. It was his sixth official State of the Union Address. It marked the sixth address that he has given to the Congress and the Nation while this project has been under review the whole time throughout his entire administration. Every one of those State of the Union Addresses has happened at a time when the Keystone XL application has been pending. It puts into context how long we have been considering this legislation.

The President didn't really speak much to the demerits or the opposition to Keystone XL—it was basically a quick reference—but he did in a manner attempt to compare this bipartisan, subsidy-free bill to major taxpayer-funded infrastructure projects. Whether it is our highways or bridges, the need is clear. But I think we also recognize those are projects that are taxpayer-funded that will require millions and perhaps billions of dollars a year. What we are talking about with the Keystone XL is something where we don't have any Federal subsidies going in. It is not taxpayer-funded. I think it is important to make sure that we understand the difference.

What we didn't hear last night was how this project could be advanced. Once again, there was no indicator. I would like to remind everyone that we are sitting at over 2,300 days where we have not had a Presidential decision. I think the good news for us here on this floor is the debate on this issue is not going to last that long, thankfully.

Again, we moved into regular order, and I think it was helpful for Members of the body to not only know that there was a series of amendments that were called up, but that we were able to have debate on them, and then we were able to dispense with them.

The majority of the Senate voted to table two of those proposals, but then when it came to the Portman-Shaheen bill, the energy efficiency provision, we were able to move that by a vote of 94 to 5, demonstrating again a great deal of support for this small energy efficiency provision. I wish it had been bigger, in fairness to the bill sponsors who have been working so hard for years on that. We just advanced a very small piece of that. I think we have more to do in the area of energy efficiency, and I am looking forward to working with them on that.

What we have in front of us now at this point in the process is we have a bill that will approve the cross-border permit for the Keystone XL Pipeline and we will work to deal with some aspects of energy efficiency. I think that is some good progress.

Once again this morning I will encourage Senators. We have called for an open amendment process, but as the leader has reminded us, it is not open-ended. We are not going to be on this bill indefinitely. So move to file your amendments. If you want a vote on them, you need to be filing them now and talking to us now.

We are at 77 amendments that have been filed and that was as of last night. So there is clearly already a line, and my hope is we will be able to dispense with this half dozen today.

Briefly speaking to the measures that we have from each side, we have Senator FISCHER's amendment 18; Schatz amendment No. 58; No. 33 is the Lee amendment; we have Senator DURBIN's amendment 69; we have Senator TOOMEY's amendment 41, as well as the Whitehouse amendment No. 29.

I spoke a little bit on a couple of these measures yesterday, and I will be speaking more this afternoon before we move, hopefully, to votes.

I do want to take a minute before I turn it over to Senator CANTWELL to be recognized and then to Senator HOEVEN. There have been several sense-of-the-Senate amendments that have been filed—presented on the issue of climate change. I think it is important for people to note that in order to approve the Keystone XL Pipeline, as the legislation itself lays out, there is no climate change provision that is required. I find it a little ironic that in neither of the two pending amendments that we have before us—Senator SCHATZ's and Senator WHITEHOUSE's—neither of them actually quotes the parts of the State Department's final EIS that explains, I think in pretty fair detail, that this project will not significantly contribute to climate change. In fact, the State Department found that without the Keystone XL Pipeline greenhouse gas emissions associated with transporting Canadian oil could actually increase, and the estimate is increasing somewhere between 28 and as high as 42 percent. One might ask, how can that be? The reality is that not only is a pipeline less costly and more efficient, but it has the least environmental impact in terms of any additional emissions.

So I think it is important to recognize that when we are talking about the oil coming from Canada, oil that Canada is producing for lots of different reasons that benefit Canada, that that oil is going to move. So our challenge is, is that oil going to move in a manner that benefits Americans with increased jobs and opportunities? Is it going to help fill our refineries in the gulf coast? Is it going to help from a safety perspective in terms of transporting a product in the safest manner as well as providing the least environmental impact?

The State Department also provided in the EIS that:

> Approval or denial of any one crude oil transport project, including the proposed project, is unlikely to significantly impact the rate of extraction in the oil sands or the continued demand for heavy crude oil at refineries in the United States based on expected oil prices, oil sands supply costs, transport costs, and supply and demand scenarios.

I think we are going to have some discussion this afternoon about what is contained in the State Department EIS. At 1,000 pages the full EIS is substantive. There is an executive summary that helps us all out and distills all of this. But I think it is important that Members look at what that report outlines.

I previously mentioned that we have about 77 amendments in front of us that have been filed at this point in time. We have nine, as of this morning, separate sense-of-the-Senate or sense-of-the-Congress amendments relating to climate change.

I have noted that this is the first time we have had an energy-related bill on the floor in a while where there has been an opportunity for debate. You will recall that this same measure was on the floor in December when the Democrats were in charge. The floor was managed at that point in time by the Senator from Louisiana, obviously very passionate in her support of the Keystone XL Pipeline. But in that debate there was no opportunity for amendments. You didn't see colleagues on either side of the aisle able to offer any amendments. We didn't see any amendments on climate. Now we have nine climate-related amendments here. So when you think about the urgency, we are having folks coming down and saying we must act on this now. I will remind people the reason we are able to

have this debate and the reason we are able to have votes on this issue is because we are operating under a regular order process where we are allowing for amendments, whether it is on issues such as climate change or whether it is on issues such as dealing with exports as we took up yesterday. We are not going to agree in many of these areas, but at least we are going to get back to being a deliberative body that not only talks about issues, but has an opportunity to vote on them.

So, again, I think we are probably going to hear a lot of different conversations about climate change.

I want to point out an article before I conclude this morning. This is an article that ran November 27, 2014, just a few months ago. It ran in the Financial Post, and it is entitled ''New emissions from Canada's oil sands 'extremely low,' says IEA's chief economist.'' The article has some interesting quotes that I think are relevant to our discussion.

The first line of that article states:

As an energy advisor to some of the world's most developed economies, Fatih Birol worries about critical issues including security of energy and the impact of fossil fuels on the climate. One issue he does not spend any time worrying about, however, is carbon emissions from oil sands.

Mr. Birol is quoted as saying: ''There is a lot of discussion on oil sands projects in Canada and the United States and other parts of the world, but to be frank, the additional CO_2 emissions coming from the oil sands is extremely low.''

So here we have a statement by IEA's chief economist. If we combine that with what we have contained in the State Department's final EIS—again, I think these are important statements of support or fact to have on the record.

As we are debating these amendments today, I encourage everyone to keep in mind that oftentimes much of what we hear can be a little amped-up. I understand the passion that goes on, but we need to make sure we are looking critically at the facts as they exist.

I am just going to conclude my comments this morning by saying that what is happening in Canada—the simple facts are that Canada is producing its oil and it will move that oil to markets. Canada is our strongest partner, and they supply us with more oil than any of our other trading partners. So Canada is going to continue to produce oil, and they will move that oil.

The question is, Who will ultimately benefit from that production of oil? Will the United States gain the benefit of those construction jobs? Will the United States gain the benefit from the crude that will come down through the line and go into the gulf coast and benefit from the refineries that are built to handle and process that heavy crude coming from the north?

I want the United States to be a participant in this important project for a lot of different reasons, and I am encouraged that more than 60 of my colleagues seem to share that view.

We will continue the discussion through the series of amendments we have before us today. I know my colleague from North Dakota is prepared to speak, but at this time I will turn it over to my ranking member, the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I appreciate the Senator from Alaska helping us to work through this process and being down here to talk about how we move forward. I heard her say we are obviously thinking about how we move through the amendment process, and I am sure she and I will get a chance to talk about the potential votes we will have later on as we continue with this amendment process.

Like her, I wish to add a few comments to this morning's comments about the State of the Union Address last night because I do feel as though it was the first time we heard a speech from a President of the United States that was all about an innovation economy.

As someone from Seattle and the Pacific Northwest, I know a lot about innovation, and I was glad to hear he basically spoke about the whole perspective of what it takes to have an innovation economy and how we have to think about research and development and investing in our workforce. He mentioned trade and a variety of things that are all components of an innovation economy and how we can continue to move forward. I was very glad to hear that level of innovation, including his community college effort because it is about training the workforce for the future.

I also heard him talk about making improvements in infrastructure. The one thing I didn't hear him talk about was the issue of plug-in vehicles or electric cars. The reason I bring that up is because I think for most of the Bush administration, and maybe even some of the earlier days of this administration, I constantly heard talk about how we had to get electric vehicles and plug-in cars so we could get off our dependence on foreign oil.

We should take pride that in last night's speech we didn't have to listen to that because we have made progress in plug-in electric cars. Plug-in electric cars are in the marketplace, and we are making great progress in that area. We are also making progress in getting off foreign oil, and we are seeing how fuel efficiency is having a positive impact on our savings.

The President of the United States was asking what is the next level of innovation we have to do and how do we move forward while still protecting ourselves from what has been the deterioration of our environment from the greenhouse gases and the threat it makes to our planet.

Again, being from the Pacific Northwest, I consider those threats to be very real. The shellfish industry has been almost ruined due to the lack of oxygen in the water and the amount of carbon that basically sinks into our oceans and causes damage to the shellfish.

I see the Presiding Officer is also from the great State of Alaska.

When it comes to sources of feeding for Pacific Northwest salmon, there are not a lot of great food sources for the salmon. Climate change is having an effect on the ecosystem and the economy, so you can bet that climate issues are very important to our State. Those issues are no longer hidden and there is no longer a way to escape from that. It is on our plate right now.

The President of the United States said: Let's deal with that and move forward, and instead of talking about one pipeline, let's talk about an energy plan and an infrastructure investment for the Nation.

I will point out to my colleagues: You are becoming dangerously close to saying we can't do something like Portman. How many times were my colleagues from Ohio and New Hampshire held up on energy efficiency because no one would let us vote on that? How long—1 year, 2 years? Then yesterday we finally had a vote, and 95 of our colleagues voted yes on moving forward on energy efficiency.

I will also point out that energy efficiency is, I believe, key to our economy of the future. If the United States is a leader in making energy—no matter what source it comes from—more efficient, we will write the playbook around the globe because so many people will want to make very dear energy resources more usable, better utilized, and have lower costs to their individual businesses and consumers.

Energy efficiency is incredibly important, but we never got to energy efficiency. It is almost as if the other side of the aisle is saying: You will only get energy efficiency if we pair it with other legislation where we are rolling back environmental rules, and that is the objection I have and the people from the State of Washington have as well.

People want people to play by the rules. They want to know that if you propose a pipeline, you will actually follow the laws to protect the environment, such as the Clean Air Act, the Clean Water Act, and follow the process of what is in the public interest. We should be having that debate. We should not usurp the President of the United States in determining what is the national interest of this country.

At the very time the State Department was saying to this company, TransCanada, you have a pipeline proposal we don't like because it goes right through an aquifer, at the very moment when the State Department was telling them we don't like the proposal and you need to adhere to the environmental laws, the same people were in Congress trying to get Senators and House Members to vote on

legislation that would have said pass the pipeline right through the aquifer.

I believe the President should be given the due diligence to drive home with this foreign company the fact that we have a national interest, that this national interest will be met, and that we will set the standard for whether these environmental laws are going to be complied with. I don't believe we should be usurping them. I think my colleagues are now offering amendments on the other side that also usurp other environmental laws.

I hope my colleagues will think about this because it will certainly give the Senator from Alaska and myself something to think about. As we try to move forward on energy legislation, we are going to have to think about how we are going to pass something that has bipartisan support.

Since I have been on the energy committee—and I have been on the committee now the entire time I have been in Congress—I have had the opinion that you should not hold up good energy legislation just to try to get bad energy legislation. I have the opinion that we should pass energy bills every year. That is the transformation our country is going under.

I wish we would have helped the Senators who wanted to usher in energy efficiency 2 years ago, but it is telling that 95 of our colleagues have always thought that was an easy lift. We should keep moving forward on those issues that are easy lifts and ensure the businesses that need predictability and certainty that we can move forward on that.

Another example is the clean energy tax credits. While we are trying to overwrite environmental rules to give a foreign interest a pipeline through our country—I should say, people thought the pipeline that went through Yellowstone was safe, and we just had a big spill there this past weekend. It is not as if these spills don't happen.

We had a colleague from Michigan talk about the spill that happened in Kalamazoo. I just saw the Commandant of the Coast Guard again last night at the State of the Union Address and we talked about how we don't have a solution for cleaning up tar sands in the water, and that is why we in the Pacific Northwest are so interested in this issue.

Let's not hurry through a process of special interest when we can do things that we need to give predictability and certainty on, such as the energy tax credits that are germane and are within the boundaries of what Congress is supposed to be deciding on. The American people are asking us to debate those issues and to come up with a resolution on them. I don't know that the American people are asking us to override a process and usurp what is the right of the President to make sure our national interests are considered in this policy debate.

I do appreciate the Senator from Alaska working through this process, and I do appreciate the fact that I think she is serious about she and I sitting down and talking about a larger energy bill. I pride myself on having a Pacific Northwest view; that is, there are things that are good for both Alaska and Washington and we should work on them together. Maybe there are some things that are well and good for Alaska and Washington but maybe the rest of the country doesn't agree with, but we will work through a process together.

I say to my colleagues, as we look at these next tranches of votes, we should consider what the President said last night. We need a broader innovation strategy for our economy. I believe there are ways to get there. I think these amendments we are considering—I don't think we need to change the Antiquities Act. I am a big believer in the fact that there are some tremendous national beauties that have been established through the Antiquities Act both—actually by lots of Republican Presidents, and I don't feel we have to change the Antiquities Act. I certainly don't think we need to change the Endangered Species Act, and I don't think we need to overrule the Clean Air Act, as the amendment does of the Senator from Pennsylvania.

We will have more time to talk about these amendments on the floor, but I hope my colleagues will understand that we want environmental rules to be followed, and we want people to follow a process. We want these issues to move forward from an energy policy that will move America to a 21st century energy policy and not continue to hold on to the 19th century pollutions that are challenging our economy.

I am sure we are going to hear from our colleagues when they come down to debate these issues as it relates to greenhouse gases and other things. Again, I appreciate my colleague from Alaska helping us to work through this process. I appreciate that it is a debate and that all of my colleagues will have a chance to come down and express their opinions.

With that, I yield back to my colleague on whatever process we are going to follow to go back and forth on amendments.

The PRESIDING OFFICER. The Senator from the great State of Alaska.

Ms. MURKOWSKI. Mr. President, I wish to acknowledge the comments of the ranking member of the energy committee and her focus on energy innovation. I think we can look to that as not only a bright spot in our economy where we have seen great progress in recent years, but we have also seen great enthusiasm and an optimism about the future of our country when we allow our great minds to work on some of the problems of the day to get us to these advanced solutions.

The Presiding Officer and I come from an energy-producing State. We are also a State that has some of the highest energy costs in the country. Right now in the village of Fort Yukon, they are paying $7.25 for a gallon of fuel. Up in Kobuk—in the northwest part of the State—they are paying $10 for a gallon of fuel. The rest of the country is enjoying a price break because of the drop in fuel, but in Alaska, when there is no neighborhood filling station that is connected to a road that is connected to someplace that brings people somewhere, people have to bring in their fuel by barge or by plane. The contract for that fuel in July—July's prices were not what they are now. Folks are locked in. Talk about being frozen in someplace—well, their prices are also frozen in.

So we know and understand the challenges when it comes to energy. We know and understand the challenges when it comes to paying to keep your house warm or your lights on. We have every interest—every interest—to make sure that we are pushing out, that we are being innovative, that we are being as efficient as we possibly can be when it comes to energy use and consumption. I want to urge us, to push us, to be really aggressive in pushing us toward those technologies that will allow us, in a small-population State that has no real energy grid, so to speak, to figure out how we can be more self-sufficient, get us off diesel, get us off $10-a-gallon oil in Kobuk, AK. We have to figure this out.

We are talking about the challenges we face, but as we begin this good, robust debate on issues such as the climate, I think we need to be careful about what we are doing in response to the issue of a changing climate. If the answer is to increase energy costs, if it is to implement a carbon tax, if it is to make it more expensive, if it is to cripple our economy, then we don't have the ability to move out on these technologies because they are expensive.

We need to have a strong economy. We need to figure out how we can address climate through adaptation, mitigation, and new technologies that are going to take us to cleaner fuel sources, to renewable energy sources we have in great abundance in Alaska and elsewhere. But it takes money. It takes a strong economy. So I am not willing to do anything that is going to put the brakes on our economic strength and viability.

This is a good part of the discussion. It is very germane to where we are right now.

I mentioned in my comments that we currently have six amendments pending to the bill. Our side would like to set up votes on these amendments, with a 60-vote threshold required for any amendment that is not germane. We are working on a side-by-side right now on the Schatz amendment as well as a potential modification to the Fischer amendment. But I don't think there is any reason why we wouldn't be voting on most, if not all, of the pending amendments shortly after lunch today. Once we have gotten through those amendments, Senator CANTWELL and I will queue up the next batch of

two to three amendments from each side so we can continue to make progress on this bill.

At this time, I turn to my colleague Senator HOEVEN, the sponsor of S. 1, who has been waiting to address the body.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent that Senator HOEVEN be followed by the Senator from Vermont to speak for 10 minutes about an amendment he has filed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I wish to verify that I have 10 minutes before my time expires. Is that correct?

The PRESIDING OFFICER. The Chair is not aware of a limit on the time of the Senator from North Dakota.

The Senator from Washington.

Ms. MURKOWSKI. Mr. President, I don't know how much time the Senator from North Dakota is seeking this morning. Maybe that would help the Senator from Vermont in understanding the schedule.

Mr. HOEVEN. Mr. President, that is fine. I will use 10 minutes at this point, and I will use more later.

Ms. MURKOWSKI. Mr. President, I understand the Senator from Vermont is just going to speak to an amendment he has filed. He is not seeking to call up the amendment; is that correct?

Mr. LEAHY. That is correct. I will probably need about 5 or 6 minutes.

Ms. MURKOWSKI. No objection, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, if the Senator from Vermont is only going to speak for 5 minutes, then I will defer to him. I may go longer than 10 minutes, so I will defer to him if we would like to proceed at this time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator for his usual courtesy, and I appreciate it.

As the most senior Member of this body, I have served in both the majority and minority numerous times, under three Democratic Presidents, four Republican Presidents, and Democratic and Republican majorities. Throughout that time, I learned that the Senate can be productive. The Keystone Pipeline legislation we are considering today, though, is not one of those productive topics.

I hoped we would begin the 114th Congress by showing the American people that Congress is putting the needs of hard-working American families over those of powerful special interests, from job creation to charting a sustainable energy future for this country. We ought to be considering legislation that supports the highway trust fund. That would create tens of thousands of jobs across the country. We should be considering tax legislation.

Mr. President, I yield the floor at this time.

The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I wish to respond regarding the legislation that is currently on the floor in several regards. I would like to discuss some of the environmental arguments that have been brought up. I wish to also reference the issue of export as well as touch on some of the comments of the President relative to this project and comments others have made regarding the Keystone XL Pipeline approval bill, S. 1, being the first bill we brought up.

One of the things we hear is, well, this is a private investment, it is $8 billion, but we should somehow be doing something else. The reality is this is an $8 billion shovel-ready project, good to go. It is vital energy infrastructure for this country. So it is important in its own right. To compare it to the highway bill, which is all funded by Federal tax dollars, whereas this is a private investment which is going to generate revenues in addition to providing vital infrastructure and providing jobs—that is not a fair comparison.

The point in bringing up this bill first was not only because this is important energy infrastructure but also because we wanted to try to get the Senate back to regular order, to an open amendment process. We just spent the last session and even before where we couldn't get amendments offered. Whether Republican or Democrat, we could not come to the floor of this body—the most deliberative body in government—and offer amendments, have the debate, and get a vote.

So understand that bringing up this legislation is important in its own right, particularly as we consider how we best build the energy future of the United States and have this important energy debate.

Look what is going on at the pump right now. We pull up to the pump and gas is down more than a dollar. I think the national average price of gasoline is $2.05, when it was up between $3 and in some cases $4 in some markets. That is a huge savings. That is hundreds of billions of dollars in consumers' pockets. That didn't just happen; that happened because we are building the right energy future for this country.

We are working to create energy security for the United States by producing more oil and gas in this country, along with other types of energy, and working with Canada to produce more oil and gas so we don't have to get it from OPEC, so OPEC doesn't get to dictate terms to American consumers and American businesses. And why don't they get to dictate terms? Because we are producing more energy. As we produce more energy and we get more energy from Canada, our closest friend and ally in the world, we become energy secure. That is more energy, that is more jobs, that is economic growth, that is national security, and that is what the American people want.

So when we talk about why this bill is up first, it is because we want to build an energy plan that works for this country. We want our Nation to be energy secure. This is how we do it. This kind of infrastructure is a vital part of building that energy plan where we produce more energy than we consume. So, together with Canada, we truly have North American energy security. That means lower prices, that means a stronger economy, and that means we don't have to depend on OPEC for our energy.

Now look what is happening. OPEC is pushing back, aren't they? We are now in this market fight, a fight for market share. So what do we do? Do we continue to build our energy resources here in this country or do we say: No, we are not going to build the infrastructure. We are not going to continue to produce more oil and gas in this country. We are not going to work with Canada. We are going to have Canada send that oil to China because they want it.

Then we will go right back to where we were before, where our energy shrinks back down and we don't work with Canada, and OPEC is right back in business. That has to be music to OPEC's ears. They probably love it when they hear that the President is going to block our efforts to build vital energy infrastructure—and private investment, mind you, not taxpayer dollars—that will create hundreds of millions of dollars of revenue for all of these States as they collect property taxes and payment in lieu of taxes. OPEC is doing great.

When we shrink our industry back down and Canada sends its energy to China, who is back in business? Who is back in the driver's seat? OPEC and the other petro-dependent countries, such as Russia. Russia finances virtually 50 percent or more of their economy on what? Petro dollars. Iran is a petro-dependent state. Do we want to be in the driver's seat or do we want to keep them in the driver's seat? Do we want to repeat history or do we want to take control of our own destiny? That is why this is an important issue.

It is also an important issue because it is about getting this body back to a regular order so we break the gridlock. We are offering amendments. We are saying to Republicans and Democrats: Come down and offer amendments.

We voted on three amendments yesterday. We have six pending amendments right now. We are looking for more. This is about breaking the gridlock and getting the important work of the country done.

It is the difference between the President giving a speech wherein he outlines all of his initiatives—OK, everybody, do it my way—and then spends the second half of the speech talking about how if we do it his way, somehow that is a compromise—that is not the case. That versus a project he has talked about vetoing.

Let's take a look at whether this is a bipartisan project where people have come together.

No. 1, it has been reviewed by the administration for more than 6 years. How long do we have to hold up private enterprise before we let them build the vital energy infrastructure we need—infrastructure that will not only move Canadian crude to our refineries but will move light sweet Balkan crude from my State and from Montana to other refineries as well. So it is moving domestic crude as well as Canadian crude. If we can't move it on this pipeline, it will be 1,400 railcars a day. How do we move our agriculture products and other goods when we have that kind of congestion on our railroads?

The whole point is that the President talks about coming together on issues that have broad bipartisan support. Let's think about it. We have broad bipartisan support in the House. This bill has already passed the House. We went through cloture in this body with 63 votes. The last time I checked, 63 votes out of 100 is a pretty strong majority. So we have bipartisan majority support in the Congress.

Second, in the polling over the 6 years that this project has been under review and under study, the public has overwhelmingly supported it. They said: Yes, we want to be energy independent in this country. We don't want to get our oil from OPEC. We would rather get it from Canada and produce it here at home, and we need the infrastructure to move it around. So in the polls, 65, 70 percent of the people consistently said: Build it. Build it.

By the way, all six States on the route, including Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, have all approved it. It wasn't as though they had to rush because they had 6 years to do it, but they have all approved it. Is the U.S. Federal Government the only entity that can make a good decision around here? All of these States, their legislatures, their Governors—they don't know what they are doing? The only one who can make a decision about whether this works or not is the administration?

What are we saying to our friends in Canada? They are our largest trading partner in the world. Think about our relationship with Canada. What if the situation were reversed and Canada wanted to work with us on a project of this importance to them and we said: No, go work with China.

When we think about all of these things, it brings home the reality. People can have their opinions on all kinds of issues, but those are the facts as they relate to this project.

So now I just want to take a few minutes and reference a couple of specific things, both on the environmental aspects that have been brought up and then also on whether this oil will be exported or used here at home. Again, this is an open-amendment process. So people can come down and offer amendments on climate change or all those other things. Everybody is entitled to their opinion and to advocate for whatever they want to advocate for. But at the end of the day, we are going to keep bringing them back to the facts on this project. Those facts were laid out in not one but five reports, three draft environmental impact statements and two final impact statements done by the Obama administration's Department of State.

When we come down and people want to use different discussions and talk about their views on climate change and all these other things, they can do that and we can vote on amendments in regard to those things. They can come down and talk about their views on whether oil should or shouldn't be exported and all of those kinds of things. They can offer amendments on them, and that is the process. But at the end of the day, we are going to work to bring them back to the facts. The facts are this is the finding in the Obama administration's environmental impact statements—three draft statements and two final statements done over 5 years. The Keystone XL Pipeline will have no significant environmental impact according to the U.S. Department of State environmental impact statements.

There is one thing I want to add to that. I talked about the fact that if we don't build a pipeline, if we are going to get the oil, it is going to have 1,400 railcars coming in here on a daily basis. The environmental impact statements point out that we get more greenhouse gas without the pipeline than with it because without the pipeline we are either going to move that by railcar or it is going to China. And if it goes to China, it goes in tanker ships, and they produce more greenhouse gas. It is refined in Chinese refineries, and they have higher emissions than our refineries. And we still have to bring our oil in from the Middle East. So now you have more greenhouse emissions from those tankers. The environmental impact statement itself points out that we have more emissions without the pipeline than if we actually build it.

I also want to take a minute to talk about the effort going on in Alberta for carbon capture and sequestration. In other words, one of the things I have always talked about in terms of building the right kind of energy plan for this country is that instead of holding up the investment, we empower the investment. If we empower private investment, we not only produce more energy here at home and with our closest ally in the world, we not only produce more energy, we not only get the infrastructure we need to move it—now understand, I am talking about private investment, just getting the government out of the way and letting the private sector do what they do. If we empower that investment, we not only get the infrastructure we need to move energy around, we not only get the new technologies that develop that energy more cost-effectively and more efficiently, we get better environmental stewardship.

New technologies produce better environmental stewardship. We are seeing that over and over. Take directional drilling in my State of North Dakota. We now drill down 2 miles off one ECO-Pad. We can put as many as 16 wells on one ECO-Pad. We drill down 2 miles, and we go out 3 miles and more in all different directions underground. Whereas before we would have seen wells all over the terrain, now we see one spot where there is a well for miles, and it is producing for miles around.

Think how much you reduced that environmental footprint, right? It is the same with carbon capture sequestration. People talk about clean coal technology. They talk about carbon capture sequestration. There are other fossil fuels such as oil and gas. The only way we are going to get to that is by stimulating private investment and encouraging not only the research and development that creates those technologies but actually getting them to deploy those technologies. That is exactly what is happening right now in the oil sands up in the Province of Alberta.

Since 1990 the greenhouse gas footprint of oil produced in the oil sands has gone down 28 percent. Because of better drilling techniques, because of cogeneration, because of other processes that have been put in place, the greenhouse gas emissions on a per-barrel basis for the oil producing oil sands has gone down by almost a third, 28 percent. Right now major companies are continuing not only to produce more oil in the oil sands but to find ways to reduce the greenhouse gas and do what is called carbon capture and sequestration—carbon capture and storage.

I will just touch on two of those for a minute and then relinquish the floor to the good Senator from Vermont, because there is more that I will pick up on related to this environmental aspect as we debate this legislation, as well as this whole issue of making sure that we get our country to energy security. But let me just touch for a minute on two projects. Exxon is one of the companies that produces oil up in the oil sands region, and they are investing on the order of $10 billion in that oil development and production. Their Kearl project, which is a huge part of it, will use cogeneration for steam and low-energy extraction processes to recover oil and heat integration between the extraction and the treatment facilities to minimize energy consumption. As a result, oil produced from Kearl will have about the same life-cycle greenhouse gas emissions as many other crude oils refined in the United States as a result of technologies which significantly enhance environmental performance.

Other environmental innovations for Kearl include onsite water storage to

eliminate river withdrawals and low-flow periods and progressive land reclamation which will return the land to the boreal forest.

The plan is this. They are developing these new technologies so the environmental footprint is the same as conventional drilling. That is what they are working to develop. How else are we going to develop this technology to reduce the carbon footprint if we continue to block these investments? That is what we have heard from opponents of the project is: Oh, well, gee, we don't want to have oil from Canada if it has higher greenhouse gas emissions or a higher environmental footprint.

Yet we pointed out that oil produced in California, oil that produced in Venezuela right now has the same level of carbon emissions, and we have huge projects going on up here to actually reduce greenhouse gas emissions and develop that technology that will not only reduce the environmental footprint up here and reduce the greenhouse gas emissions up here but technology that we can use in the United States and around the globe.

That is how we get better environmental stewardship, by developing those technologies that help us do it. And who better to accomplish it, who better than the ingenuity of American companies and Americans—American entrepreneurs. That is how we make it happen. So the reality is—another one is the Quest project that Shell is undertaking. They are working right now with the Provincial government in Alberta on carbon capture and storage. So the Province of Alberta actually has a program where they work with these companies on carbon capture and storage. This is a tremendous opportunity to develop those technologies we hear talked about on this floor so often if we are willing to work with these companies and allow them to make the investments to do it.

My question to opponents or critics to the project is: How in the world are we going to develop these new technologies to improve environmental stewardship if we block the very projects that are trying to do it?

I see the Senator from Vermont is here, and so I want to provide him with his time to introduce his amendment, as well as the Senator from Louisiana. I will stop at this point. We will continue this debate, but I want to end on this very important subject by saying, again, the environmental impact shows we will have higher greenhouse gases without this project versus with it. Again, I understand people can come down and talk about their opinions, but that is what the reports determine—five reports done over 6 years. Furthermore, what I am pointing out is that doesn't even take into account the kind of carbon capture and other projects that are being done in a huge way up here to develop really the technologies that are not only going to help us in terms of reducing emissions and the environmental impacts of energy production in the oil sands but will help us in the United States and technology that can be adopted in other countries around the globe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank my friend from North Dakota for his usual courtesy shown earlier. Unfortunately, I had a nose bleed, and I had to stop my speech. I think I am not used to the elevation—the altitude of the Senate—but after over 40 years I should be.

I was saying earlier, I had hoped we begin this 114th Congress by showing the American people that Congress is putting the needs of hard-working American families first. I wish we were considering legislation to support the Highway Trust Fund. That supports tens of thousands of jobs around the country in every one of our States. I wish we were considering tax legislation to bring investments to our small local businesses and encouraging energy efficiency in construction and investment. I wish we were finding places to support the educational pursuits of our children. I would like to maintain our status as a premier leader on the world stage.

Instead, we are considering legislation that puts Canadian tar sands—which are intended for export, not to be used in the United States—as our priority. The pipeline will support 35 permanent jobs—just 35—not hundreds, not thousands—35. I would like to be considering legislation that creates thousands of jobs. It is hard not to question whether the new Senate majority is truly focused on the needs of hardworking Americans.

Some who support the legislation claim the pipeline is truly ''shovel ready.'' They claim the project has been thoroughly studied and analyzed, and that the Administration sat for 6 years with no decision on the permit.

Even before the Nebraska Supreme Court recently released its decision on the location of this pipeline, the Republican leadership said this should be our priority even ahead of that decision. The decision did not clarify lingering questions about the process. In fact, the majority of the justices said the decision to circumvent the public process and block Nebraskans' ability to raise concerns about the pipeline was unconstitutional. Four of the seven justices said that it is unconstitutional under State law. But in their state procedure, you need a supermajority of 5 of the 7 justices to halt this project, so the landowners' appeal was rejected.

What bothers me is not only that the majority opinion is being ignored in Nebraska but that the legislation approved last week by the House in consideration here would remove consideration of all appeals. You have to take them out of local Federal courts and put them before the DC Circuit. In other words, if you are in a State where this pipeline goes through your community and you have a question, you would have to make an appeal to the DC Circuit. What that is saying is that Congress believes that Washington knows best. Frankly, the people in my State of Vermont—and I suspect in States across the country—would prefer to trust the courts in their States.

We ought to be showing the American people that Congress cares more about the public process and the public's access to their courts, than about the wishes of foreign special interests. That is why I have offered an amendment that would strike the judicial review provision and restore the role of local federal district courts in reviewing challenges arising from the Keystone Pipeline.

The majority leader promised an open debate and open amendment process. I appreciate that. I certainly have concerns about circumventing what would be normal court procedure and the President's approval process, and I want to be able to address that. But more than that, I hope this debate can be an open and honest conversation, not about a pipeline that supports special interests but about the direction in which our country is moving on sustainable energy, on job creation, and on issues as fundamental to all Americans—Republicans or Democrats—as who will have access to our courts. Will it just be special interests or will it be the American people? I prefer the American people.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Louisiana.

Mr. VITTER. Madam President, I have an amendment on this important bill at the desk, amendment No. 80. I am not going to offer that amendment now because the minority side is blocking the offering and calling up of additional amendments until we dispose of those presently called up. I want to do that right now. But hopefully, I will be doing that in the very near future. I look forward to a full debate and a vote on this amendment, probably in the next tranche of amendments on the bill.

My amendment is about energy. It is about a very crucial part of the domestic policy, something I believe will absolutely be a huge positive incentive and factor to allow us to produce even more American energy, to become even more energy independent, and to provide an even greater boost to our economy; that is, through revenue sharing, sharing the revenue produced by domestic energy production with the producing States.

That is fair for two reasons: one, because those producing States do bear costs and burdens and impacts, including environmental impacts, and, two, providing that incentive is the most important way we can boost even further important domestic energy production. That energy production is vital for our country and our economy. In fact, we are not in recession right now because of those U.S. energy jobs.

If it were not for those oil and gas and related jobs in America, we would still be in a technical recession right now. Last night President Obama talked glowingly of the state of our economy. I think he exaggerated that significantly. However, we would be in a technical recession and we would be in a far different and worse place were it not for those domestic oil and gas and energy jobs. That is what this amendment would boost and would improve even further.

Again, the heart of this amendment is revenue sharing, establishing and expanding revenue sharing for producing States. So rather than all the royalty and revenue produced by this domestic production just going to the Federal Treasury, we need to share that. A lot will go to the Federal Treasury. Most will go to the Federal Treasury. But we need to give producing States a fair share.

Again, as I stated, that is for two reasons—two very important, very basic reasons. First of all, those States bear a burden. They have impacts from that production, including environmental impacts. They need funds to deal with those impacts. It is manageable and it is worth doing, but there are impacts.

Secondly, and maybe even more importantly, providing that revenue sharing for producing States—host States—is the most important way that we will get more producing States, that we will get more host States, that we will have more American energy. So that is what this is all about.

My amendment, again, will be amendment No. 80. I look forward to a vote on the Senate floor soon. It is simple and straightforward. It does several important things. First, it would expedite Outer Continental Shelf lease sales and move forward with a positive OCS lease plan. By expediting leasing and opening up more areas to production, we can create jobs and further enhance and build our manufacturing renaissance and our American energy revolution.

In recognizing concerns for production in the North Atlantic Planning Area as well as the North Aleutian Planning Area in Alaska, this proposal excludes lease sales in those particular regions. Secondly, the bill would increase revenue sharing for Gulf States, and it would establish revenue sharing for brand new production in other areas, such as Alaska and the east coast.

Again, revenue sharing is fair, and it is the most powerful, positive thing we can do to get more States into the act in a positive way of producing American energy, helping our economy, and helping our energy independence. So that would provide revenue sharing for the first time for the Atlantic States of Virginia, North Carolina, and South Carolina. It would provide that revenue sharing for the first time for new production we would be authorizing for Alaska—a clear net gain for North Carolina, Virginia, South Carolina, and Alaska.

This is critical. I know my colleagues from those States are all very supportive of that offshore energy activity. So again, for Alaska, for the first time, Alaska would enjoy revenue sharing with the potential for significant dollars from offshore production going to Alaska. Now, one might ask: What about the Federal revenue impact? What about the fiscal impact? This amendment is fully offset in terms of the Federal Treasury. It is fully offset with revenue from two sources: No. 1, expedited and increased lease sales in our OCS that will produce more Federal revenue, and No. 2, trimming our Federal workforce by attrition, a policy laid out by the Simpson-Bowles Commission—bipartisan, straightforward, and exactly what we need to do in a fiscally responsible way.

Now, on that piece, the legislation would not fire anyone. It would simply reduce the Federal workforce through attrition. For every three Federal workers who retire, only one could be hired. That is exactly what Simpson-Bowles proposed. Two exemptions exist to this rule that could be used by the President in a state of war or extraordinary emergency—again, exactly the Simpson-Bowles proposal.

This amendment is very important in the area of energy and to be fair to producing States and to be a powerful incentive—the single most powerful incentive possible to get more producing States, more American production into the act. That is vital for our energy independence. It is also vital for our economy. This amendment, No. 80, would be a big, positive boost over time for our economy.

As I said, right now we would be in a recession still were it not for those American energy jobs. That energy renaissance has led the way in our economy. But for those jobs, we would still be in a recession. This can make a good thing better. This can provide more incentives to go further in a powerful, responsible way. It will also be a responsible way on the environment.

Let me note that in Louisiana, you know what we do with our revenue sharing? We spend all of it on environmental concerns, mostly coastal restoration. We are losing our coastline. We are losing a football field of Louisiana costal area every 38 minutes—every 38 minutes, 24 hours a day, 7 days a week, 52 weeks a year. That is the biggest environmental issue we have by far. That is what this money goes to in Louisiana—proper environmental stewardship.

So with that, I urge bipartisan support of this important amendment. I look forward to formally calling it up soon, after we vote on the pending amendments early this afternoon. I look forward to a vote on this on the Senate floor—hopefully, a strong bipartisan vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 58

Mr. SCHATZ. Madam President, yesterday I offered an amendment to the Keystone XL bill which is really straightforward and will not affect the underlying legislation. I do think it has the potential to get strong bipartisan support. That is because my amendment states a simple set of facts—that climate change is real and humans are contributing to it.

This is an opportunity for people on either side of the Keystone debate to agree on something; that is, the facts. It will inform, I think, what happens next in energy policy. As intense as this debate over this pipeline is, the real question in front of us, after we dispose of this legislation and it goes to the President's desk for a certain veto, is that then we have to contend with our national energy policy.

We need to agree on the set of facts that everyone outside of this Congress agrees on. These claims require evidence, and my amendment provides those pieces of evidence. It cites the final supplemental environmental impact statement prepared for the Keystone Pipeline by the State Department, which says that ''human activities . . . have added to the greenhouse gas accumulation and exacerbated the greenhouse . . . effect, resulting in greater amounts of heat being trapped in the atmosphere.''

Now, this is not controversial. It also states: ''These climate change shifts can . . . affect other processes and spark changes that cascade through natural systems to affect ecosystems, societies, and human health.'' Only in the halls of Congress is this a controversial piece of legislation.

This impact statement, in turn, cites the work of thousands of scientists who have contributed to reports by the IPCC, the National Research Council, and the U.S. Global Change Research Program. These independent fact-finding bodies have conducted decades of research on questions related to climate change. They have been subject to intense scrutiny both internally and externally. Their work has held up to repeated concerns about impartiality and accuracy.

This scrutiny helps. It has forced these organizations to improve their methodology and be increasingly deliberate as they develop their findings and present the facts and only the facts. Human-caused climate change is accepted by Fortune 500 companies, school teachers, religious groups, and the U.S. Department of Defense. It is accepted by nurses and doctors, professional sports leagues, the majority of other countries, more than 97 percent of scientists, and many of my colleagues in the House and Senate.

For most people, climate change existing is not a controversial issue. Certainly, the Keystone Pipeline is a controversial issue. Once we together set the premise of climate change facts, there is plenty to argue about. What approach ought we take with respect to

solving this problem? Is a carbon tax the right approach? Is the President's clean powerplant the right approach? Ought we to wait for or accelerate our actions with respect to international coalitions and agreements?

Those are legitimate debates to have. But we have to agree on the facts. That is why a vote on my amendment is so important. The Senate has before it a bill to approve a pipeline and an environmental impact statement touted by Keystone supporters as a comprehensive, accurate document that impartially assesses the environmental impacts of the pipeline. Within that impact statement is a comprehensive review and an acknowledgment of the reality of the facts of climate change.

Many of my colleagues who support Keystone might be the same ones who question the reality of climate change, but I want to try to create a political space where one can be for Keystone XL and still want action on the climate. Now, I think Keystone XL is the wrong direction to move in. I think it is absolutely doubling down on fossil fuel energy and the tar sands oil. So I will be voting against Keystone.

But I understand there are people of good faith and plenty of knowledge who are going to be supporting the pipeline. What we need to do after this legislation is disposed of—and it will be relatively quickly—is agree on a set of facts and move forward with intelligent, bipartisan climate policy.

Last week, we learned that 2014 was the hottest year on record according to two separate studies by our Nation's brightest scientists at NASA and NOAA. That means that the 10 hottest years on record have all occurred since the year 2000. A warmer planet means big changes in weather patterns, rising sea levels, and increases in extreme weather events.

Sea level has been rising more than twice as fast since 1990 as it did over the previous century, nearly doubling the likelihood of storm surges such as the one we experienced during Hurricane Sandy. Over the years, the issue of climate change has, unfortunately, become a partisan issue. It did not used to be that way. It does not need to be that way going forward.

We may not agree on the solutions, on the path forward or even on some of the details, but I do believe it is time for us to begin to agree on a basic set of facts. The purpose of my amendment is to take a step back, to take a deep breath on a very contentious issue, and to give the Senate an opportunity to come together and state with no value judgment that we accept the work of thousands of the world's brightest and most dedicated scientists, including those working at U.S. agencies and for U.S. companies; that we accept the reality our farmers, our fisherman, and our families see with the every passing season.

I urge all of my colleagues to vote for this amendment. It is an opportunity to restate a set of facts with which a majority of Americans already agree. It makes no presumptions about where we go from here.

I am hopeful that we will have a big bipartisan vote this afternoon on this amendment. I think there is an opportunity for common ground.

Obviously, Keystone XL is dividing not just this Congress but the Democratic conference, so I understand that. But agreeing on the set of facts related to climate change is a good predicate for all of us moving forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SANDERS. Madam President, I rise today to speak on behalf of my amendment to the proposed Keystone XL Pipeline bill. I thank Senators BENNET, CARPER, LEAHY, MENENDEZ, WARREN, and WHITEHOUSE for cosponsoring this amendment.

My amendment is extremely simple. It is about 1½ pages, and I think it is easily understood by anyone who reads it. It says:

It is the sense of Congress that Congress is in agreement with the opinion of virtually the entire worldwide scientific community that—

(1) climate change is real;

(2) climate change is caused by human activities;

(3) climate change has already caused devastating problems in the United States and around the world;

(4) a brief window of opportunity exists before the United States and the entire planet suffer irreparable harm; and

(5) it is imperative that the United States transform its energy system away from fossil fuels and toward energy efficiency and sustainable energy as rapidly as possible.

That is it. That is the entire amendment.

What this amendment does is simply ask the Members of the Senate whether they agree with the overwhelming majority of scientists who have told us over and over and over again that climate change is real, that climate change is caused by human activity, including the emission of carbon, that climate change is already causing devastating problems in the United States and around the world, and that if we are going to leave our children and our grandchildren a planet that is habitable, we must transform our energy system away from fossil fuels.

Progressives, conservatives, and people in between have many disagreements on issues—and that is called democracy. There is nothing to be ashamed about that; that is the democratic process. We all have differences of opinion. But what is not a good thing is when we make public policy in contradiction to what the scientific community tells us. That is not a good thing.

When we look at medical issues such as cancer or heart disease, what we do is look at the scientific communities and medical doctors for their opinions as to how we should proceed.

When we look at infrastructure issues, the issues of roads and bridges, we look at engineers for their opinion as to how we should proceed.

When we look at education and try to understand how best kids can best learn, we look at educators and those people who know most about education for advice as to how we should proceed.

In terms of the issue of climate change, the process should not be any different. The Intergovernmental Panel on Climate Change, the IPCC, is the leading scientific body that deals with the issue of climate change. I will very briefly quote what the IPCC said last fall:

Warming of the climate system is unequivocal as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice and rising global average sea level.

More than 97 percent of the scientific community in the United States and across the globe agrees with these findings, including the American Chemical Society, the American Association for the Advancement of Science, the American Meteorological Society, and the American Geophysical Union, to name just a few.

In fact, at least 37 American scientific organizations, 135 international scientific organizations and national academies of science, and 21 medical associations, all agree that climate change is real and is significantly caused by human activities.

Madam President, I ask unanimous consent to have printed in the RECORD the names of 37 American scientific organizations, 135 international scientific organizations and national academies, and 21 medical associations which all have gone on record as stating that climate change is real and is significantly caused by human activity.

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

Virtually every major scientific organization in this country and throughout the world have said that climate change is real, climate change is caused by carbon emissions and human activity, and that climate change is already causing devastating problems in the United States of America and around the world.

This list includes at least: 37 American scientific organizations, 135 international scientific organizations, 21 medical associations, 4 religious organizations.

37 AMERICAN SCIENTIFIC ORGANIZATIONS

American Anthropological Association, American Association for the Advancement of Science, American Association of Geographers, American Association of State Climatologists, American Astronomical Society, American Chemical Society, American Fisheries Society, American Geophysical Union, American Institute of Biological Sciences, American Institute of Physics, American Meteorological Society, American Physical Society, American Quaternary Association, American Society for Microbiology, American Society of Agronomy,

American Society of Plant Biologists, American Statistical Association, Association of American Geographers, Association of Ecosystem Research Centers, Botanical Society of America.

California Academy of Sciences, Crop Science Society of America, Ecological Society of America, National Academy of Engineering, National Academy of Sciences (USA), National Association of State Foresters, New York Academy of Sciences, Scripps Institution of Oceanography, Society for Industrial and Applied Mathematics, Society of American Foresters, Society of Systematic Biologists, Soil Science Society of America, The Geological Society of America, The Wildlife Society, United States National Research Council, University Corporation for Atmospheric Research, Woods Hole Oceanographic Institution.

135 INTERNATIONAL SCIENTIFIC ASSOCIATIONS

Academia Brasiliera de Ciências (Brazil), Academia Chilena de Ciencias (Chile), Academia das Ciencias de Lisboa (Portugal), Academia de Ciencias de la República Dominicana, Academia de Ciencias Físicas, Matemáticas y Naturales de Venezuela, Academia de Ciencias Medicas, Fisicas y Naturales de Guatemala, Academia Mexicana de Ciencias, Academia Nacional de Ciencias de Bolivia, Academia Nacional de Ciencias del Peru, Academia Sinica, Taiwan, China, Académie des Sciences et Techniques du Sénégal, Academiê des Sciences (France), Academy of Athens, Academy of Science for South Africa, Academy of Science of Mozambique, Academy of Sciences Malaysia, Academy of Sciences of Moldova.

Academy of Sciences of the Czech Republic, Academy of Sciences of the Islamic Republic of Iran, Academy of Scientific Research and Technology, Egypt, Accademia dei Lincei (Italy), Africa Centre for Climate and Earth Systems Science, African Academy of Sciences, Albanian Academy of Sciences, Amazon Environmental Research Institute, Australian Academy of Science (Australia), Australian Coral Reef Society, Australian Institute of Marine Science, Australian Institute of Physics, Australian Marine Sciences Association, Australian Meteorological and Oceanographic Society, Bangladesh Academy of Sciences, Botanical Society of America, British Antarctic Survey, Bulgarian Academy of Sciences, Cameroon Academy of Sciences, Canadian Association of Physicists, Canadian Foundation for Climate and Atmospheric Sciences, Canadian Geophysical Union, Canadian Meteorological and Oceanographic Society.

Canadian Society of Soil Science, Canadian Society of Zoologists, Caribbean Academy of Sciences, Center for International Forestry Research, Chinese Academy of the Sciences, Colombian Academy of Exact, Physical and Natural Sciences, Commonwealth Scientific and Industrial Research Organisation (Australia), Croatian Academy of Arts and Sciences, Cuban Academy of Sciences, Delegation of the Finnish Academies of Science and Letters, Deustche Akademie der Naturforscher Leopoldina (Germany), Ecological Society of Australia, European Academy of Sciences and Arts, European Federation of Geologists, European Geosciences Union, European Physical Society, European Science Foundation, Federation of Australian Scientific and Technological Societies.

Geological Society of Australia, Geological Society of London, Georgian Academy of Sciences, Ghana Academy of Arts and Sciences, Indian National Science Academy, Indonesian Academy of the Sciences, Institute of Biology (UK), Institute of Ecology and Environmental Management, Institute of Marine Engineering, Science and Technology, Institution of Mechanical Engineers, UK, InterAcademy Council, International Alliance of Research Universities, International Arctic Science Committee, International Association for Great Lakes Research, International Council for Science, International Council of Academies of Engineering and Technological Sciences, International Research Institute for Climate and Society, International Union for Quaternary Research, International Union of Geodesy and Geophysics, International Union of Pure and Applied Physics, Islamic World Academy of Sciences, Israel Academy of Sciences and Humanities.

Kenya National Academy of Sciences, Korean Academy of Science and Technology, Kosovo Academy of Sciences and Arts, Latin American Academy of Sciences, Latvian Academy of Sciences, Lithuanian Academy of Sciences, Madagascar National Academy of Arts, Letters, and Sciences, Mauritius Academy of Science and Technology, Montenegrin Academy of Sciences and Arts, National Academy of Exact, Physical and Natural Sciences, Argentina, National Academy of Sciences of Armenia, National Academy of Sciences of the Kyrgyz Republic, National Academy of Sciences, Sri Lanka, National Council of Engineers Australia, National Institute of Water & Atmospheric Research, New Zealand, Natural Environment Research Council, UK, Nicaraguan Academy of Sciences, Nigerian Academy of Science, Norwegian Academy of Sciences and Letters, Organization of Biological Field Stations.

Pakistan Academy of Sciences, Palestine Academy for Science and Technology, Polish Academy of the Sciences, Romanian Academy, Royal Academies for Science and the Arts of Belgium (Belgium), Royal Academy of Exact, Physical and Natural Sciences of Spain, Royal Astronomical Society, UK, Royal Danish Academy of Sciences and Letters, Royal Irish Academy, Royal Meteorological Society, Royal Netherlands Academy of Arts and Sciences, Royal Netherlands Institute for Sea Research, Royal Scientific Society of Jordan, Royal Society of Canada, Royal Society of Chemistry, UK, Royal Society of New Zealand, Royal Society, UK, Royal Swedish Academy of Sciences, Russian Academy of Sciences, Science Council of Japan.

Serbian Academy of Sciences and Arts, Slovak Academy of Sciences, Slovenian Academy of Sciences and Arts, Society of Biology, UK, Society of Systematic Biologists, Sudanese National Academy of Science, Tanzania Academy of Sciences, The Geological Society (UK), The World Academy of Sciences (TWAS) for the developing world, Turkish Academy of Sciences, Uganda National Academy of Sciences, Union der Deutschen Akademien der Wissenschaften, World Meteorological Association, Zambia Academy of Sciences, Zimbabwe Academy of Sciences Sudan National Academy of Sciences.

21 MEDICAL ASSOCIATIONS

American Academy of Pediatrics, American College of Occupational and Environmental Medicine, American College of Preventive Medicine, American Lung Association, American Medical Association, American Nurses Association, American Public Health Association, American Thoracic Society, Association of State and Territorial Health Officials, Australian Medical Association, Children's Environmental Health Network, Health Care without Harm, Hepatitis Foundation International, National Association of County and City Health Officials, National Association of Local Boards of Health, National Environmental Health Association, Partnership for Prevention, Physicians for Social Responsibility, Trust for America's Health, World Federation of Public Health Associations, World Health Organization.

4 RELIGIOUS ORGANIZATIONS

Interfaith Power and Light, National Association of Evangelicals, Presbyterian Mission Agency, The Pope.

OTHER ORGANIZATIONS

American Association for Wildlife Veterinarians, American Society of Civil Engineers, International Association for Great Lakes Research, Institute of Professional Engineers New Zealand, Natural Science Collections Alliance, Organization of Biological Field Stations, The Institution of Engineers Australia, The World Federation of Engineering Organizations, World Forestry Congress.

Mr. SANDERS. I know that recently a number of my colleagues have made the point that they are not scientists and they cannot formulate an opinion on this subject. Well, let me be clear: I am not a scientist. I had a lot of problems with physics when I was in college. I am not a scientist.

But these are scientists. These are 37 American scientific organizations and 135 international scientific organizations. These are scientists who tell us that climate change is real, it is caused by human activity, and that it is imperative we transform our energy system away from fossil fuel.

I will read an excerpt from a letter sent to the Senate in 2009 signed by virtually every major scientific organization in this country:

> Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer reviewed science. Moreover, there is strong evidence that ongoing climate change will have broad impacts on society, including the global economy and on the environment. For the United States, climate change impacts include sea level rise for coastal states, greater threats of extreme weather events, and increase risk of regional water scarcity, urban heat waves, western wildfires, and a disturbance of biological systems throughout the country. The severity of climate change impacts is expected to increase substantially in the coming decades.

Once again, I am not a scientist, but that is what the scientific community overwhelmingly in the United States and around the world is saying. It is imperative the Senate goes on record in saying we agree with science.

Climate change is one of the great threats facing our country and the entire planet. It has the capability of causing severe harm to our economy, to our food supply, to access to water, and to national security.

According to NASA and NOAA, 2014 was the warmest year ever recorded. The most recent decade was the Nation's warmest on record. Across the globe, the 10 warmest years on record have all occurred since 1997. We know that the Earth's climate is warming and doing so quickly.

According to NOAA, October, August, June, and May were the hottest October, August, June, and May months ever recorded.

The consequences of this rapid and dramatic rise in global temperatures will have a profound impact on billions of people throughout the world. What we can expect are more severe weather disturbances, more flooding, more heat waves, more droughts, more forest fires, and saltwater inundation of water supplies and agricultural land.

As the New York Times reported in August, droughts in the Western and Southwestern United States appear to be intensifying as a result of climate change:

> Over the past decade, droughts in some regions have rivaled the epic dry spells of the 1930s and 1950s . . . The country is in the midst of one of its most sustained periods of increasing drought on record.

China's heat wave 1½ years ago was the worst in at least 140 years. As ClimateWire reported in November, the Sao Paulo region in Brazil is suffering from its worst drought in 80 years. In the United States, fire suppression costs have increased from roughly $1 billion annually in the mid-1990s to an average of more than $3 billion in the past 5 years.

Our oceans are not only getting warmer, they are also becoming more acidic, threatening fish, coral reefs, and other sea life. As a study published in the journal Science reported, carbon dioxide emissions in the atmosphere are driving a rate of change in ocean acidity that is already thought to be faster than any time in the past 50 million years. The authors warned that we may be ''entering an unknown territory of marine ecosystem change.''

Extreme storms, weather disturbances, are also becoming more common and more intense with extraordinary impacts. When Typhoon Haiyan struck the Philippines over 1 year ago, it displaced more than 4.1 million people, killed thousands, and cost that country at least $15 million in damages.

The situation clearly is bad today in the United States and around the world, but—according to the scientific community—if we do not get our act together, if we do not cut carbon emissions, it will only get worse in years to come.

The IPCC estimates—and I hope people listen to this—that without any additional efforts to reduce greenhouse gas emissions—in other words, if we continue to go along our merry old way of dependency on fossil fuels—''warming is more likely than not'' to exceed 4 degrees Celsius, which is 7.2 degrees Fahrenheit, by the end of the century.

Let me repeat that extraordinary observation. If we continue along our present course, ''warming is more likely than not'' to exceed 7.2 degrees Fahrenheit by the end of the century.

Similarly, just last year the White House released the National Climate Assessment warning that global warming could exceed 10 degrees Fahrenheit in the United States by the end of this century. Take a deep breath and imagine what it will mean to this country—the huge impact on every aspect of our life, on our economy, on agriculture, on health—if the temperature of the United States rises, as some are predicting, by 10 degrees Fahrenheit by the end of the century. It is almost unthinkable. Yet that is what the scientific community is telling us.

The World Bank is by no means a radical institution. It is a very conservative institution. It tells us that temperature increases by even just 7.2 degrees Fahrenheit would bring about unprecedented heat waves, severe drought, and major floods in many regions, with serious impacts on human systems, ecosystems, and associated services.

The IPCC reports that sea levels are likely to rise by another 10 to 32 inches by the end of this century. As the New York Times reported, a sea level rise of less than 4 feet—less than 4 feet—would inundate land on which some 3.7 million Americans live today. We are talking about Miami, New Orleans, New York City, and Boston all being highly vulnerable to rising sea levels. Similarly, of course, this problem will impact people all over the world.

According to the IPCC:

> Many small island nations are only a few meters above present sea level. These states may face serious threat of permanent inundation from sea-level rise. Among the most vulnerable of these island states are the Marshall Islands, Kiribati, Tuvalu, Tonga, the Federated States of Micronesia, and the Cook Islands.

The Army Corps of Engineers has predicted that the entire village of Newtok, AK, could be underwater by 2017 and that more than 180 additional Native Alaskan villages are at risk. Parts of Alaska—one of our great and beautiful States—are already vanishing as a result of climate change.

The evidence is overwhelming, and it is no longer good enough for people to say: I am not a scientist; I don't know. We may not be scientists, but we can read and we can listen to what the overwhelming majority of scientists are telling us. That is our job—to listen to the experts who know something about this issue.

As we debate the Keystone Pipeline, what disturbs me very much is that in the face of this overwhelming evidence from the scientific community, in the face of deep concerns about climate change all over the world, what is the Senate going to be doing in the next week or two as part of the Keystone Pipeline? Are we going to be voting to impose a tax on carbon so we can break our dependence on fossil fuel? Is that what we are going to be voting on? No, I don't think so. Are we going to be voting to pass legislation that moves us aggressively toward energy efficiency and weatherization and such sustainable energies as wind, solar, and geothermal? Is that what we are going to be voting on as we listen to the scientific community? No, I don't think so. Are we going to be passing a bill investing in research and development so that we can make our transportation system more energy efficient? Is that what we are going to be voting on? No, we are not. In fact, what we are going to be voting on is a bill that will allow for an increase in the production and transportation of some of the dirtiest oil on this planet. That is what we are going to be voting on. What we are voting on is a proposal that moves us in exactly the opposite direction from what the scientific community wants us to do.

Let me conclude by saying this: Honest people can and do have disagreements on many issues, but it is not a good thing for the United States to reject what the scientists and the experts are telling us. That is not a good thing. So I hope very much that on the amendment I have brought forth—which says nothing more than to listen to the scientists on this important issue; do not reject science—that we can get widespread bipartisan support for the amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 33

Mr. LEE. Madam President, excessive litigation under the Endangered Species Act has become an obstacle to the act itself and the good it promises to do for the American people.

According to the Department of Justice, more than 500 Endangered Species Act-related lawsuits have been filed or opened against the Federal Government since 2009. As a result, Federal agencies have to spend their time, their energy, and taxpayer-funded resources fighting lawsuits instead of protecting endangered species.

One of the primary reasons for this excessive litigation is the potential for massive awards of attorney's fees under section 11(g)4 of the Endangered Species Act. These awards can be granted regardless of whether the parties seeking the attorney's fee award prevails, and there is no limit on the hourly fee that can be collected. These attorney's fees can reach upward of $700 per hour. In one case involving a series of lawsuits related to the operation of hydroelectric power facilities in the Northwestern United States, attorney's fees were awarded in an amount totaling nearly $2 million—in one case lasting just a few years. Such lofty levels of compensation would be high even in a private law firm setting, even in a big city, but they are completely indefensible when one considers they are paid for by American taxpayers, often to well-funded activist organizations.

Excessive awards of attorney's fees also create perverse incentives for cottage industries of lawyers to sue the Federal Government in order to advance specific policies—policies that cannot be achieved through the legislative process and are therefore sought

out by these very same lawyers in the courts. This is what many call a sue-and-settle strategy: Sue the Federal Government and then settle with the Federal Government. Achieve what you want to achieve and then get paid by the court without limit. Sue-and-settle is the dishonest, distorted practice of suing the Federal Government not to achieve a judicial outcome in court but to resolve the suit in a settlement with terms that advance narrow political ends, narrow political goals. The recent decision by the Fish and Wildlife Service to grant Gunnison sage-grouse protected status under the Endangered Species Act is the result of this precise sue-and-settle strategy.

Congress must put an end to policymaking by litigation, and it must do so by removing the incentives to engage in this kind of litigation. My amendment would do just that by bringing a citizen's suit provision of the Endangered Species Act into harmony with a similar provision of the Equal Access to Justice Act. The Equal Access to Justice Act limits awards for attorney's fees to $125 per hour and allows those awards to be granted only to prevailing parties. Any departure from this limit has to be approved by the judge based on some unique circumstance in that case. If such terms are acceptable for nearly every other type of lawsuit against the Federal Government, certainly they should be acceptable as applied to the Endangered Species Act. This simple fix would deter the frivolous lawsuits that so often end up in closed-door settlements with Federal agencies.

There is a lot of work to do to reform the implementation of the Endangered Species Act. This amendment is just one of many reforms I am developing with my colleagues in the Senate and our counterparts in the House of Representatives.

I ask for support on this amendment. Again, this is something that just brings into harmony section 11(g)4 of the Endangered Species Act with requirements that are already in existence, already on the books in connection with the Equal Access to Justice Act. We need those same limitations in this Endangered Species Act that already exist in the Equal Access to Justice Act. I ask all my colleagues to support this amendment and to help us resolve this problem that has crept into Federal law based on an inequity and imbalance in these two statutory regimes.

Madam President, I yield the floor, and 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. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. COLLINS. I ask unanimous consent that I be permitted to proceed as in morning business for up to 15 minutes.

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

Ms. COLLINS. Before I begin my comments, let me commend the Presiding Officer on her excellent presentation last night. The Presiding Officer did an extraordinary job and made all of us very proud.

FORTY HOURS IS FULL TIME ACT

Ms. COLLINS. Madam President, 2 weeks ago Senator JOE DONNELLY and I reintroduced bipartisan legislation that we call the Forty Hours is Full Time Act. It would correct a serious flaw in the Affordable Care Act that threatens the hours and pay of part-time workers all across America. Our bill would change the definition of ''full-time'' work under ObamaCare from 30 hours a week to the standard 40 hours a week, a commonsense threshold that has always been the standard for full-time work. In fact, under the Fair Labor Standards Act, it is 40 hours a week that defines ''full time,'' after which workers are eligible in many cases for overtime.

Information I received from the Home Care & Hospice Alliance of Maine demonstrates that this illogical definition of ''full-time'' work could result in hundreds of home health care workers losing their jobs and 1,000 seniors losing access to home care services in the State of Maine alone.

The impact would be just as severe outside of Maine, a point driven home by a letter I recently received from the National Association for Home Care & Hospice, an organization that represents caregivers who provide in-home health and hospice services to chronically ill, disabled, and dying Americans. The association just conducted a survey of its members that reveals the devastating impact this definition will have on home care and hospice services around the country if Congress does not act to change it. Let me share with my colleagues just a few of the key findings of this survey.

Nationally, four out of five home care and hospice providers are unable to provide health benefits to their employees because they rely on government programs such as Medicaid, with its low reimbursement levels, and because they provide services to people with limited incomes.

So it is not as if they can simply boost their rates. In many cases their rates are set by Medicaid and at a very low level. In other cases they are serving people with limited incomes who simply cannot afford more expensive home care.

Another finding: Three out of four providers will have to cut the hours of their caregivers. That means those caregivers who are engaged in such compassionate and skilled work will have smaller paychecks on which to live.

Nine out of ten providers expect patients to lose access to home care in their communities.

One in five providers of home care and hospice services will actually have to close their doors. Think of the impact closing one in five home care and hospice agencies would have on America's seniors and our disabled citizens. In my view, taking action to spare this vulnerable population would, by itself, justify restoring the threshold for full-time work to the standard 40 hours a week.

But this is not the only reason to do so. Reforming the law would also help protect the caregivers who provide the services as well as their patients, and ironically it would protect taxpayers as well. Data from Maine's Medicaid Program shows that home care services are extremely cost-effective compared to alternatives. If access to these services is restricted because of the application of the 30-hour rule, those in need of these services will be forced into costlier forms of care paid for by Medicaid and Medicare, such as hospitals and nursing homes, driving up both Federal and State costs. In addition, the patients now served by home health care providers would no longer be able to receive vital care in the comfort, privacy, and security of their own homes.

So whether we look at it from the perspective of the patients served or the caregivers employed or the taxpayers who pay for the Medicare and Medicaid Programs, this hurts all three groups. Of course, there is obviously a lot of overlap among those groups.

I ask unanimous consent to have printed in the RECORD, immediately following my remarks, an excellent letter from the National Association for Home Care & Hospice which elaborates on the problems created by this definition under ObamaCare.

Of course, the justification for using the standard definition of full-time work extends far beyond the field of home care services to the full breadth of our economy. Raising the threshold for full-time work to 40 hours a week is necessary not only to protect the paychecks of workers employed by private sector businesses, such as restaurants and hotel staff, but also to protect those who work in the public sector, such as substitute teachers, ed techs, and schoolbus drivers, to name just a few.

The 30-hour rule will not only harm school staff who want and need more work, but it will also hurt our students by causing unnecessary disruption in the classroom. It does not make sense to have to limit substitute teachers to 29 hours a week because of the definition of ''full-time'' work under ObamaCare. That means there will be a revolving door of substitutes in our classrooms and lower paychecks once again for those substitute teachers.

I have also heard of a school district that has been forced to cut field trips and transportation to athletic events and employees who used to work more than 30 hours total in two jobs who have been forced to give up one of their

jobs, thus hurting their financial security.

Several Maine municipalities have described to me the impact on their workers, particularly volunteer and oncall firefighters, emergency medical technicians, and employees of the parks and recreation and public works departments.

Although the IRS adopted regulations last year in an attempt to exclude volunteer firefighters from the calculation of the employer mandate, these regulations do not give our towns and cities the level of protection provided by the Forty Hours is Full Time Act.

In most Maine communities, the fire department is staffed by volunteers and oncall firefighters who typically have health care coverage through their regular day jobs. In fact, in Maine, oncall firefighters for our smaller communities often serve as full-time firefighters—receiving full health care benefits—in a neighboring community. They help the smaller towns by serving as on-call firefighters. Unfortunately, under ObamaCare it doesn't matter that these on-call firefighters already have health care coverage; the towns that employ them for more than 30 hours a week may still face the $2,000 penalty per on-call firefighter for doing so. This makes no sense whatsoever.

For example, one town in southern Maine has told me that the 30-hour rule will require it to offer health care coverage to more than a dozen volunteer and on-call firefighters who do not qualify for coverage from the town today. The cost of doing so will drive up that town's health care budget by 20 percent at a time when its budget is already stretched to the breaking point.

Another Maine community has employees who work part time but yearround performing various tasks, including plowing and salting the roads in the winter. These employees typically work 30 to 34 hours a week, and they do not qualify for health benefits under the town's plan. Since the town cannot afford to add them to its health care plan, it simply will have no choice but to cut their hours back to 29 hours a week. The town doesn't want to do that. The workers don't want to have their hours cut. As anyone who has lived in Maine or any Northern State can tell you, snowstorms do not keep to a schedule. Mother Nature seems not to have heard about the 30-hour workweek under ObamaCare. So it will be a challenge for this town to keep its roads safe, clear, and passable in the winter while making sure its part-time employees don't exceed 29 hours a week. So, once again, what is the result? Reduced hours, a smaller paycheck for part-time workers, and more costs for the town and more disruption in the services it provides.

Winters are long in Maine and summers are short. Towns have to manage their workers' schedules to match the season, but the 30-hour rule will make it very difficult for them to do so.

For example, one town in central Maine told me that a number of its employees work full time in its parks and recreations department in the summer, and then they work part time in the winter. Because of the 30-hour rule, however, this town won't be able to stagger the schedules of these employees in the winter the way it used to and will have to lay them off instead and then, adding insult to injury, pay them unemployment during the layoff period. So here we have a case where the law is actually going to force the town to lay off part-time employees who want to work. This makes no sense.

Part-time workers who are hired to help with snow removal are often shifted to other departments in the spring and summer months to assist full-time employees or to take their place when they are on vacation. But the 30-hour rule once again takes away the flexibility towns need to do this.

For example, one town in northern Maine has told me that the part-time workers it has relied upon to help cover vacation time for its firefighters in the summer months will have to be cut back to 29 hours a week because the town cannot afford to pay the $2,000 penalty it will face for each employee if they work their usual hours. Raising the threshold for full-time work to 40 hours a week would restore the flexibility this town needs to manage its workforce, give these part-time workers more hours and the bigger paychecks they need, and help full-time firefighters get a break after a long, tough winter.

Mr. President, I ask unanimous consent that I be permitted to proceed for 1 more minute.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered

Ms. COLLINS. Thank you, Mr. President.

Today I have described just some of the damage the 30-hour rule is doing to municipal employees, to providers of home health care and hospice services, and to those who work in our school systems. Nationwide, 100 school systems have had to scale back the hours of their workers already. Employees in all industries—for-profit and non-profit, private sector and public sector—are similarly affected.

Regardless of the varying views of Senators in this Chamber on the Affordable Care Act, surely we ought to be able to agree to fix this problem in the law that is hurting workers' paychecks and creating chaos for employers. Senator DONNELLY has introduced bipartisan legislation with Senator JOE MANCHIN and Senator LISA MURKOWSKI that would do just that. It is the Forty Hours is Full Time Act, and I urge all of my colleagues to join us in supporting it.

Thank you, Mr. President. I yield the floor.

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

NATIONAL ASSOCIATION
FOR HOME CARE & HOSPICE,
Washington, DC, January 6, 2014.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.
Hon. JOE DONNELLY,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND DONNELLY: I am writing to offer our support for the ''Forty Hours Is Full Time Act.'' The National Association for Home Care & Hospice (NAHC) is the leading association representing the interests of the home care and hospice community since 1982.

Currently the provision in the Affordable Care Act (ACA) that imposes penalties on employers with more than 50 full-time equivalent employees for not providing health insurance for their ''full time'' workers defines an employee working just 30 hours a week as full time. This definition of full time is entirely out-of-keeping with standard employment practices and could cause irreparable harm to many home care agencies and the patients they serve.

The great majority of the estimated 25,000 home care agencies are small businesses under the standards of the Small Business Administration, but most are considered ''large employers'' subject to the employer mandate under the ACA because of the number of workers they employ. All told, there are over 2 million persons employed in home care. These home care agencies are innovative job creators that provide much needed compassionate, high quality care to elderly and disabled individuals in their homes and communities.

The majority of personal care home care workers do not receive employee health insurance because home care agencies have three problems that are fairly unique: reliance on government programs such as Medicaid where payment rates as low as $11 an hour won't cover the increased costs of providing health insurance; consumers of private pay home care who are often elderly and disabled with fixed, low incomes; and a home care workforce with widely varying work hours primarily to accommodate the needs of their infirm clientele.

Home care agencies that are unable to provide health insurance or absorb the ACA penalties will have to restrict their employees to no more than 29 hours per week to ensure their workers are considered part-time under the ACA. A survey that NAHC concluded in December 2014 showed that the employer mandate would weaken patient access to care, reduce wages and working hours of home care staff, and require home care companies to restructure their operations to rely on part-time caregivers. Home care companies that primarily provide Medicaid services and those that service private pay personal care clients were most susceptible to these adverse outcomes as Medicaid funding is already stretched and seniors on limited incomes are unable to spend more on home care.

Our survey showed:

1. 82.54% of home care and hospice companies do not provide health insurance to all of their employees because of reliance on government program payments and service to individuals with limited incomes

2. 46.2% of those companies face a financial penalty under the employer mandate ranging as high as $4.5 million

3. 73.3% of the companies would reduce the working hours of employees to under 30 per week in order to avoid the cost of health insurance or financial penalties that they cannot afford

4. 22.16% of the businesses expect to close because of the financial penalties

5. 83.2% of the companies expect that access to home care in their community would be reduced with fewer providers of care, more restrictive patient admission criteria to fit a part-time workforce, and restrictions on service areas.

6. 88.46% expect that access to Medicaid home care will no longer be sufficient to meet client's needs

Home care agencies are an essential part of the network of services that our growing population of elderly and persons with disabilities rely on. The last thing we need is an obstacle to helping them grow and create much needed jobs. Simple common sense solutions are often the best answers to complex problems. As far as most people are concerned 40 hours a week equates with full time employment.

Thank you for offering this important legislation.

Sincerely,

VAL J. HALAMANDARIS,
President, National Association for Home Care & Hospice.

DECEMBER 19, 2014.

Hon. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of AASA: The School Superintendents Association, the Association of Educational Service Agencies, the National Rural Education Association and the National Rural Education Advocacy Coalition, I write to express our support for the Forty Hours is Full Time Act. Collectively, we represent public school superintendents, educational service agency administrators and school system leaders across the country, as well as our nation's rural schools and communities. We have followed closely the Affordable Care Act and stand ready to implement the law, and see your proposed legislation as one way to alleviate an unnecessarily burdensome regulation.

The Forty House is Full Time Act would change the definition of 'full time' in the Affordable Care Act (ACA) to 40 hours per week and the number of hours counted toward a 'full time equivalent' employee to 174 hours per month. The current ACA arbitrarily sets the bar for a full work week to 30 hours. This is inconsistent with how most Americans think: full-time is a 40 hour work week. The current definition causes confusion among employers who struggle to understand and comply with the new requirements, especially ones that are in conflict with long-standing practices built on the long-standing 40-hour work week premise.

We welcome the opportunity to ensure our employees have a positive work environment and we remain committed to providing a robust set of work benefits. We are concerned that the ACA, as currently written, puts additional, undue burden on school systems across the nation, many of whom will struggle to staff their schools to meet their educational mission while meeting the strict 30-hour regulation.

We applaud your continued leadership on this issue and look forward to seeing the Forty Hours is Full Time Act move forward.

Sincerely,

NOELLE M. ELLERSON,
AASA, The School Superintendents Association, Associate Executive Director, Policy & Advocacy, AESA, NREA and NREAC Legislative Liaison.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. GILLIBRAND. Mr. President, I rise today to propose three important amendments to S. 1, the Keystone XL Pipeline Act.

First of all, I want to make it very clear that I strongly oppose the Keystone XL Pipeline plan. I have serious concern about the effects this project would have on our health and safety; I have serious concerns about the environmental impact; and I am skeptical of the real, permanent jobs it could create.

This project has many risks and very few advantages, and I will be voting against it. But if this legislation does pass the Senate, we should at least try to make it a better bill. There is no excuse why we cannot turn the Keystone XL Pipeline Act into an opportunity to protect our clean drinking water and ensure that polluters have to pay to clean up their own messes.

First, I have offered amendment No. 48, which would remove the Halliburton loophole from the Safe Drinking Water Act and finally require gas storage and gas drilling companies to comply with our clean water laws. Every other industry has to do it. Our farmers have to do it. Construction companies have to do it. Yet our gas companies have been exempt for years.

It should give my colleagues pause that fracking companies are allowed to ignore our clean water laws when they pump chemicals deep into the ground. In this country, when we turn on the tap for a glass of water, we need to know that our drinking water is safe. So let's be fair and hold the gas industry to the same environmental and public health standards as everyone else.

Second, I worked with Senator MENENDEZ on amendment No. 65, which would make oil companies financially responsible for the damages they cause when they spill on our land and leak into our waterways. Under current law, when an onshore oilspill occurs, the company that causes the spill is only liable for $350 million in damages, including cleanup and compensation. Yet a major oilspill into a river or lake, such as the one this week in Montana, could easily result in damage well above that arbitrary limit.

Hard-working taxpayers should never be stuck paying for an oil company's mess, and local property and businesses should not have to slog through endless litigation just to get the compensation they deserve from a negligent oil company. This amendment would finally place the burden on companies to clean up after themselves.

Third, I have proposed amendment No. 76, which would allow our homeowners and business owners whose property has been damaged by natural disaster to use Federal disaster assistance funds to upgrade their property's energy efficiency. Under current law, the disaster assistance can only be used to replace what was lost even if that property was antiquated and not up to current standards. We need to have much more forward-looking policies that actually make sense.

Due to the effects of climate change, we have seen a growing number of natural disasters in recent years, from blizzards, to hurricanes, to raging fires, to endless droughts. When we pick up the pieces after a major storm, we want to make sure that when we rebuild, we rebuild in the smartest way possible, and that includes not only protections against the next disaster but also proactive measures to save energy, reduce emissions, and lower costs.

As I said, I don't support the construction of the Keystone XL Pipeline, but if this new Congress is intent on sending this bill to the President, then we need to make sure the bill keeps our drinking water safe, holds companies accountable for their own messes, and encourages efficiency in our economy.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNET. 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. BENNET. I congratulate the Presiding Officer for sitting in that chair.

AMENDMENT NO. 18

I wish to speak about the Fischer amendment which is slated to be voted on at some point. While I respect where my neighbor from Nebraska is coming from with this effort, the proposal unfortunately misses the mark by a mile.

The amendment would set up a new and unprecedented process for protective land designations. It says the Secretary of the Interior or Agriculture has to publish in the Federal Register two findings before any congressional protections on public lands would go into effect. First, the Secretary has to find that new, protected land would not adversely affect our efforts to administer existing protected land. Second, the Department has to have ''sufficient resources''—whatever that is—to implement plans for existing protected land. While perhaps innocuous sounding, these would be huge changes in how we do business around here.

Coming from a State that is over a third Federal land, I prefer that drastic reform proposals such as this at least have the benefit of a committee hearing before we vote on them on the floor. That way, we can hear expert testimony as to whether this is a good idea or consider ways we might be able to improve the measure. But as far as I know, this language hasn't had a hearing in this Congress, or any other Congress, for that matter.

Proponents of this amendment are going to argue it simply ensures that our land agencies can afford to keep up with the maintenance of new protected lands. Listen, I am the first—and I have been on this floor year after year after year talking about the fiscal condition of this country—to believe we need more fiscal discipline around

here, but this is not the way we should get it. I am also a huge believer that we shouldn't be overburdening these agencies, and we shouldn't be overregulating through them, either.

Unfortunately, this amendment takes a hatchet when the absolute most that is needed, if anything, is a surgical fix. In fact, under the amendment, the opponents of protected lands could reduce funding for our land agencies through the appropriations process and then turn around and say the Secretary got a veto of the new proposals because sufficient resources aren't available. As one of my friends from Colorado said in the paper this morning: ''This amendment would be a one-two punch—first starve conservation agencies of needed funding and then block any new protections.''

This amendment is drafted in a way that it leaves huge discretion to a future Secretary to approve or veto protections that Congress has seen fit to create. If the amendment passed, nothing would stop a future Secretary from finding that every single conservation bill this Congress has passed should not take effect, all because he or she failed to publish the vague set of findings laid out in this proposal.

Historically, we don't give a member of the executive branch any discretion as to whether they implement the laws that Congress passes and that the President has signed. Yet, this measure would do just that.

I think keeping that historical precedent—where the legislative branch makes the laws and the executive branch implements them—is important. We have heard a lot about that on this floor recently, particularly in a case such as this where we are talking about our national heritage.

Coloradans, and all Americans, love their public lands and want to see more done to protect them. Instead, this amendment creates new layers of red-tape and makes enacting protective designations even more difficult than it has been.

Once again, I wish to say on this floor that I appreciate the effort of the Senator from Nebraska and I would be happy to work with her to address some of her concerns. But I would argue that the investments we make in our public lands are worthwhile ones, and I would invite anyone in this Chamber to come to Colorado and see what I am speaking about.

Protected lands and wide-open spaces are a huge driver of economic growth all across our country. They help sustain a $600 billion outdoor recreation economy, and a lot of those businesses, for obvious reasons, are headquartered in Colorado. On top of the economic benefits, wilderness areas, national monuments, and national parks are a fundamental part of the fabric of our country and of our country's history. It is important to preserve these lands for our kids and our grandkids, just as our grandparents preserved them for us. It is worth investing some money to do that so the next generation and the one after that can experience the greatness that all Americans feel when they first visit the Grand Canyon or Rocky Mountain National Park, or Chimney Rock National Monument, or the Everglades, or wherever we find the next beautiful or historically significant area that Congress or the President decides to protect.

This discussion is actually a timely one because just this past December we passed a large package of conservation measures into law on a bipartisan basis. That package included a bill that we worked on in Colorado called the Hermosa Creek Watershed Protection Act. Let me say at the outset that our office may have introduced that bill in Congress, but it was really the people I represent in southwest Colorado who wrote that bill. This legislation grew from the grassroots up from day one—Republicans, Democrats, Independents working together to cement a long-term plan for their community's future. Not only was it bipartisan at the local level, but also in Congress. My friend SCOTT TIPTON championed the bill on the House side.

The Hermosa Creek Watershed deserved to be protected. That is why the community came together to keep it just as it is. That was the plan in the community, and that is what our bill finally accomplished at the end of the last Congress. However, if we were to pass the amendment in front of us today, all the hard work that went into passing the Hermosa bill could be undone by the Secretary of the Interior. Every single meeting that took place in southwest Colorado, every single conversation that led to the improvement of this legislation—all of that could be gone in an instant, not because the Congress undoes the law but because some administrator, using their fiat, is able to undo the law. It is unlikely—I can't say this for sure, but it is unlikely that person is going to have any idea what is in the Hermosa Creek bill or any of the other bills we have worked on in the past. That is just simply not how we do business around here, and there is a good reason for that.

I am compelled, therefore, to urge other Senators in this body to please oppose the Fischer amendment so we can avoid such a scenario. Rejecting the amendment will preserve our conservation legacy—a legacy that goes straight back to President Teddy Roosevelt, a Republican, who signed the Antiquities Act into law in 1906. It includes the formal establishment of the national park system almost 100 years ago.

This is an extraordinarily beautiful country that we all have the privilege to represent. We ought to encourage conservation efforts, not make them harder to achieve. We ought to build on the legacy of generations of Americans and generations in this body of Republicans and Democrats working together to preserve our natural heritage.

I will, therefore, oppose the Fischer amendment when it comes up for a vote, and I urge my colleagues to do the same.

Mr. President, I yield the floor, and 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. GRAHAM. 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. GRAHAM. I would like to share some thoughts about the debate we are having on the Keystone Pipeline, climate change, and how the two intersect. The concept that climate change is real, I completely understand and accept. To the point of how much man is contributing, I don't know, but it does make sense that manmade emissions are contributing, and the global warming effect, the greenhouse gas effect, seems to me scientifically sound. The problem is how we fix this globally is going to require more than just the United States to be involved.

This deal with China where they have to do nothing for 20 years is probably not exactly where I want to be. The bottom line is that the solutions coming from our Democratic friends about how to deal with greenhouse gas emissions turn our economy upside down and do more damage to the economy and to the welfare of the American people than it will in terms of helping the environment.

Our liberal friends give us a false choice. You have to reorganize the economy in a draconian fashion to help the environment. Some people on my side believe that the whole climate change experience is scientifically unsound. I am not a scientist, but I have heard enough regarding those who make it their life's work to be convinced that manmade emissions are causing the problem and contribute to the overall warming of the planet.

About the Keystone Pipeline, my Democratic friends are making an argument that is just absolutely false. The product that Canada will produce from the oil sands is going to be used by us, the world community through the gulf port or by China.

Those who believe denying the building of the pipeline protects the planet from fossil fuels do not understand what Canada is about to do. Canada is going to sell the product to somebody. The question for us is, Would we benefit from building a pipeline that will create American jobs and help us put oil into that pipeline within the United States in a joint venture with Canada or we will say no to the Canadians and they will go build a pipeline and send it to China?

The product is going to be burned. It is going to be used. The only question for this Congress is, Do we want the pipeline to go West and export the product to China or do we want to

build the pipeline so we will have more product from a friend rather than enemies?

Dirty oil is oil that comes from people who hate your guts. The sulfur content of oil sands product is higher than Mideast sweet crude but no different than the oil we find off the coast of California. The actual carbon content is no different than the oil we find off the coast of California. To lock this country and the world into buying more Mideast product seems to me to be a very bad idea at a very dangerous time. So when I hear Members of the Democratic Party take the floor and say: Don't build this pipeline because it will help the environment, you obviously don't realize what Canada is about to do. Canada is going to sell the oil to another customer, build a new pipeline, and the only question for you is, How do you justify that? How do you justify destroying the ability to create thousands of jobs in the country at a time when we need them? How do you justify not building a pipeline that could be used to help us with product from North Dakota and other places within our own country?

You can justify it, but you can't say it is based on climate change because the product you are talking about is going into the environment. It is going to be used. It is either going to be used coming to America to our benefit or the pipeline will be built west and it will go to China.

To our friends in Canada, I imagine your patience is about to run out with us, and I don't blame you one bit if you get tired of dealing with an American Government that seems completely out of sync with reality. In terms of the lawsuits, it is a procedural issue. In Nebraska the pipeline is one of thousands of pipelines we already have in America.

To the President last night, instead of one pipeline, why don't we have a comprehensive infrastructure strategy? I am all for that. But you are threatening to veto building this pipeline. Why? Because your judgment has been taken over by the environmental community which is hell-bent on no fossil fuels anywhere, anyway, anyhow.

That is not the world in which we live. I embrace the fact that a lower carbon economy will be beneficial over time. My view is: Find more fossil fuels from friendly people, including our own backyard—Canada, the United States—to replace fossil fuels we have to buy from foreign entities that do not like us very much. That concept is a reality. We are not going to be able to replace fossil fuels any time soon.

We can invent technology to make it cleaner. We can find alternatives. But at the end of the day it comes down to this: If you are using climate change as a reason not to build this pipeline, you are kidding yourself or you are misleading the public because the product is going to be used. They are going to build a pipeline in Canada. The question is, Do they build a pipeline that we get no benefit from or do they build a pipeline in collaboration with us that helps us with our job problems and our energy needs?

I don't understand how you can justify voting against the Keystone Pipeline based on a concern about climate change because it has absolutely nothing to do with the issue in this regard. The product is going to be used by somebody, and they are going to build a pipeline somewhere. For you to deny us the ability to build this pipeline that would make us more energy independent from overseas' fossil fuels is shortsighted and does not advance the cause of climate change.

To the people who believe in climate change, it is gimmicks such as this and tricks such as this that hurt your cause. You are undercutting a real genuine debate. You made climate change a religion rather than a problem. It is a problem, but you are taking a draconian approach to the problem to the point that you are denying our country the ability to build a pipeline that we would benefit from economically and energy security-wise. The alternative you are leaving this country is that the same product will go somewhere else, and the next pipeline will not benefit America. So it is stunts like this that undercut your overall efforts.

I wish you would change your mind about the pipeline and work with Republicans who are willing to work with you to deal with emissions in a realistic way and stop selling what I think is a fraud when it comes to this debate.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 29

Mr. WHITEHOUSE. Mr. President, I am on the floor to say a few words about my amendment No. 29, which we will be voting on shortly after 3 o'clock, I am told. That is the simple amendment that says it is the sense of the Senate that climate change is real and not a hoax.

It is, perhaps, a telling coincidence that we are having this conversation on the floor of the Senate now on the fifth anniversary of the Citizens United decision, because before Citizens United came along, there was actually a pretty robust conversation between Democrats and Republicans about carbon pollution, climate change, and what needed to be done about it.

For instance, Senator JOHN MCCAIN ran for President on a robust platform of addressing the carbon that causes climate change.

Senator COLLINS worked with the current energy ranking member, Senator CANTWELL, on a very robust climate bill that would have put a cap on carbon pollution and paid a dividend back to the American people.

Senator MARK KIRK voted for Waxman-Markey when that bill was on the floor of the House, the famous cap-and-trade bill.

Senator FLAKE wrote an article in his home State paper expressing the value and merit of a carbon fee when it is offset by reductions in other taxes as a way to help workers and address the pollution problem.

Over and over again there were these joint actions all the way back to when I first came to the EPW Committee and Senator John Warner of Virginia was its then ranking member. He wrote Warner-Lieberman with our colleague, then Senator Lieberman.

Then came Citizens United. Then came the massive influx of polluter money into our political system, much of it dark money. At about the spring of 2010—and Citizens United was decided in January of 2010—that was the end of the conversation.

So here we are today. We are just now reaching agreement on several votes by which I believe our Republican colleagues will, for the first time since Citizens United—some of them, at least—acknowledge that climate change is real.

Indeed, we just heard my friend Senator GRAHAM come to the floor and speak—right there—saying that climate change is real, that humans had a significant role in causing it, and it was something we ought to pay attention to.

This is new. Today, after 5 years of more or less silence. I have spoken on this floor, as everybody knows, a great deal on this subject, and nobody has ever come from the other side of the aisle to respond to me, except for the now-chairman of the Environment and Public Works Committee, to maintain his view that climate change is actually a hoax that is perpetrated by the scientific community in order to get grants and funding.

So it has been a long drought. It has been a long, long drought. Frankly, it has been a drought that does not reflect the best traditions of this body.

This body has taken on big issues in the past. It took on civil rights. It tried to hold this country together over the issue of slavery.

This body has been significant in the history of the United States at important junctions, and here we are at this important junction where our energy policy needs to change and half of the body basically was mute.

Today that seems to have changed.

That, to me, is very significant. I look forward to a vote on my amendment. As I said, it is very simple. Climate change is real and not a hoax. I hope that is something we can agree on as a body. If we do, then it becomes a predicate for beginning to advance an important conversation.

I am not going to agree with all of my Republican colleagues about their views on how to respond to this problem, and I don't expect my Republican

colleagues to agree with all of my views on how we should respond to this problem. But the dark days of denying that there actually is a problem may very well have seen their first little break of dawn right now.

If that is so, that is exciting news because, as many Republicans have noted—Republicans such as Secretary Schultz, Republicans such as Secretary Paulson, Republicans such as Ronald Reagan's economic adviser, the economist Arthur Laffer—there are smart, conservative ways to address this problem.

I continue to think that the idea that Senator FLAKE signed off on all those years ago is still the right one to do: Raise a fee by putting a price on carbon that reflects the economic fact that it creates harm for so many other folks, the so-called externalities, what the economists would say. The costs that burning carbon causes to fishermen, to foresters, to homeowners, to people who live near the sea, those costs—build them into the price of the product. That is economics 101. Then take every single dollar that we raise and lower working people's taxes.

I am completely comfortable with that notion. That is one that has been over and over again brought up in the context of Republican and conservative discussions, including a very good recent paper jointly authored by a writer from the American Enterprise Institute.

I see the deputy minority leader on the floor. I had the pleasure of traveling with him and with our ranking member on the Judiciary Committee and other colleagues to Cuba. When we spent time with Cuban officials, Cuban religious leaders, Cuban—just regular folks on the street, over and over again we heard the same phrases coming at us, that it was a time of hope and it was a time of promise.

If there is going to be a time of hope and a time of promise in Cuba, let's hope it can be a time of hope and a time of promise in this body on climate change. It starts with admitting that you have a problem, just like in so many other areas of human life. So I hope that, frankly, every Member of the Senate will vote for my amendment. We appreciate the opportunity to work with the new majority on ways that we can address this telling problem.

I will close by saying this. I am never going away on this subject. It is too important to my home State of Rhode Island. There is no Senator in this body who, if they had an issue as important to their home State as this issue is to Rhode Island, I would not expect and respect to fight all the way through to the bitter end for the interests of their State. My fishermen are not finding the fish where they have been for generations. People who have built homes on the shore are losing them into the sea in big storms. These are real consequences, and we—I promise you one way or the other—are going to do something about it. I hope this is the dawn of that new day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me thank my colleague from Rhode Island. He and I did travel to Havana, Cuba, earlier this week. Interestingly enough, we sat down with the scientists and the people responsible for the oceans and other natural benefits in Cuba to discuss global warming, and the conversation started at the same place. Even with these scientists, there is no question they can see the impact, and they started their predictions about the rise of the ocean levels—and the Senator from Rhode Island knows this far better than I do—with their anticipation that the ocean levels will rise over a foot in just 10 or 20 years and then twice that over a period of 50 years or more. That will have a profound impact on the island, the archipelago of Cuba, and the United States.

Senator WHITEHOUSE of Rhode Island, more than any other Senator, has really brought this issue home—not just to his home but to the Atlantic Coast States—and has reported on the impacts they face. Now, I live smack dab in the middle of the country—in Illinois. I can tell you we appreciate there are changes taking place on this planet that are not in our best interests—nor will they leave our children and grandchildren a better place to live.

The obvious question we face is what will we do in this generation. This bill, S. 1, which has been chosen by the Republican majority, has given us a venue finally to raise some important environmental issues which have been ignored for too long.

I know the object of this bill was to build a pipeline. TransCanada, a Canadian company, wants to build a pipeline through the United States. They may or may not sell any oil from it in the United States. We had a vote on that yesterday, and the Republicans overwhelmingly said they would not require them to sell their oil in the United States. They may or may not use American steel to build their pipeline. We had that amendment yesterday, and the Republicans voted overwhelmingly that there is to be no requirement to use American steel to build this pipeline. Yet it is characterized as an American jobs bill. It is hard to understand that characterization.

If nothing else, whatever happens to this bill—and it may not have a great fate ahead of it, if it is not changed significantly because the President has already threatened to veto it—what the Senator from Rhode Island said is significant. After years of denial from the other side of the aisle about the issues of global warming, we may have just reached a point where we are finally, on a bipartisan basis, going to acknowledge the obvious—the scientific facts which have been given to us over and over and over. That is a step in the right direction, and so I want to thank my colleague from Rhode Island.

AMENDMENT NO. 69

Let me take 2 minutes to say a word about my pending amendment, which may come up for a vote shortly. It is amendment No. 69.

What I have said on the floor is there is a dirty little secret about the Keystone Pipeline. You don't take Canadian tar sands and turn them into gasoline and diesel fuel without filtering and refining out some pretty horrible things. What is filtered out is called petcoke, and petcoke is going to be produced in the refining process if this pipeline is ultimately built—over 15,000 tons a day of petcoke, the byproduct of this refining process.

If you look at it and you think to yourself what impact will that have, it could have a very negative impact. In my city of Chicago, which I am very proud to represent, as well as in other communities, petcoke piles have become a challenge to the public health and the people in the community. I am asking in my amendment that we establish a standard of safety when it comes to petcoke—that we establish a standard of transportation and storage of petcoke to protect American families and children from the hazards of breathing petcoke dust.

This is a simple public health amendment, and I hope my colleagues will support it.

I yield the floor.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. WHITEHOUSE. May I inquire of the Senator—we will be shortly voting on a number of measures. One is a side-by-side to the Schatz amendment which includes a quotation from an environmental impact statement, and the quotation is as follows:

> . . . approval or denial of any one crude oil transport project, including the proposed Project, is unlikely to significantly impact the rate of extraction in the oil sands or the continued demand for heavy crude oil at refineries in the United States based on expected oil prices, oil-sands supply costs, transport costs, and supply-demand scenarios.

Does the Senator recall when the EIS was written and what the oil prices were that were expected at the time this document was prepared?

Mr. DURBIN. Until very recently, of course, the price of a barrel of oil was high enough to justify tar sands, their extraction, the cost of transportation and the additional cost of refining them into a final product. Since that time, the cost of oil is almost half today what it was when that report was written.

I don't remember the exact date, perhaps the Senator has it handy.

Mr. WHITEHOUSE. Indeed, I would say the breakpoint for that study was at $75 per barrel, and it was at that point that the environmental impact became very real from this harmful tar sands fuel. Not only are we not just under $75 per barrel, we have hit as low as below $50 per barrel.

So I just want to make sure, as long as we are voting on this language very

shortly, that it is clear in the RECORD of the Senate that the environmental impact statement was hinged on that the ''expected oil prices'' were north of $75 per barrel; that they are now well below that, around $50 per barrel. And, indeed, I would add that the Canadian Research Institute has said the tar sands can't be properly extracted at prices less than $85 per barrel.

So that puts in context what we will be voting on that I thought should be in the RECORD.

Mr. DURBIN. I thank the Senator from Rhode Island.

It is significant that the first bill of the Senate Republican majority is a bill to build a pipeline for a Canadian company to bring tar sands across the United States to be refined in Texas and then sold overseas. That is the highest priority of the Republican majority.

There are those who, based on what the Senator just said, question whether this is economically viable with the price of a barrel of oil today. I am not an economist in energy, but it strikes me there has been a significant change in the premise of this whole project.

Mr. WHITEHOUSE. Indeed, in my remarks earlier, I referred to this pipeline as possibly an economic zombie at the current oil prices. I have not seen a single report that this pipeline can be built and operated properly at oil prices where they are right now.

I yield the floor.

Mr. DURBIN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that it be in order for Senator HOEVEN or his designee to offer his amendment No. 87, as modified; further, that the time until 3:15 p.m. this afternoon be equally divided in the usual form; that following the use or yielding back of the time, the Senate then proceed to vote in relation to the following amendments in the order listed: Lee, No. 33; Durbin, No. 69; Toomey, No. 41; Whitehouse, No. 29; Hoeven, No. 87, as modified; and Schatz, No. 58; further, that all amendments on this list be subject to a 60-vote affirmative threshold for adoption and that no second-degrees be in order to the amendments. I ask unanimous consent that there be 2 minutes of debate equally divided between each vote and that all votes after the first in the series be 10-minute votes.

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

The Senator from Washington.

Ms. CANTWELL. Mr. President, as my colleague from Alaska just said, we are making progress. We have another group of amendments we are going to be voting on shortly. I would encourage any of the Members on our side who would like to take a few minutes to go over their amendments before the vote—we have a few minutes between now and 3:15 p.m.—to do so. During this series of votes coming up, we will be working with our colleagues to get the next set of amendments and to continue to move forward.

I will have a little more to say, but I see a couple of our colleagues here, so I will give them a chance to talk about their amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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. My understanding is that we have time equally divided between now and 3:15, before the votes start.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 69

Mr. DURBIN. Seeing no one on the floor, I would like to say a word about an amendment which will be voted on. I believe it is the second in the queue, and it is the amendment I have offered relative to petcoke.

Petcoke is the product derived from the refining of Canadian tar sands, and if you happen to live in some communities in America, petcoke can be a real problem.

This is the city of Chicago, IL. You can see some of the bungalows and houses here, and right across the railroad tracks you can see mounds of petcoke coming in from the British Petroleum refinery. They generate somewhere in the range of 6,000 tons a day of this petcoke and pile it up right here. It is ultimately transported to different places, but it sits here. It obviously is a hazard to people who live nearby. It blows in the wind, creating public health issues and real concern for families with children with asthma, respiratory disease.

I have an amendment, and it is very basic. No. 1, the amendment talks about making sure there are standards and rules for the storage enclosure of petcoke. Most of the cities—whether it is Long Beach, CA; or Detroit, MI; or Chicago, IL—are trying to find established standards to enclose this petcoke so it doesn't blow freely in the atmosphere.

Senator HOEVEN spoke earlier and said it was not carcinogenic. Those findings related not to the breathing in of this dust but to the ingestion of petcoke itself. We have yet to establish that this is a benign substance, and we are trying to take care to protect families who might be exposed to it.

I am not surprised to see that there has been a letter issued by the National Association of Manufacturers opposing my amendment. They start by saying that petcoke is a valuable, essential commercial product that is used in a wide array of applications. I am not stopping that at all. Anyone who wants to take this petcoke and use it to produce energy and power generation, cement kilns, steel, glass, as long as they comply with basic environmental standards, be my guest. But to store it in such a fashion that it can blow all over and cause public health hazards is unacceptable—it should be—in a modern society. Secondly, if those who store it end up, we find over the long haul, creating a long-term hazard to the environment, they should be held legally responsible.

That is the extent of my amendment. I am not surprised that the National Association of Manufacturers would oppose it. But I would ask each and every Member to consider the possibility that if they lived across the tracks from this kind of petcoke conglomeration—I have seen it. It is horrible, and we are fighting it in the city of Chicago. The company that owns the petcoke—the Koch Brothers. So it shouldn't be any surprise that the National Association of Manufacturers took the position they did.

I hope that all of us who may be subject to this kind of dumping of petcoke near a city in our State will think twice. Let's at least have some standards for storage and enclosure to protect the people in our States, and let's make certain that if there is ultimately environmental damage here, that the parties who make the profit off of petcoke are ultimately responsible.

That is the extent of my amendment.

I yield the floor.

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.

Ms. CANTWELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 33

Ms. CANTWELL. I would like to take a few minutes to talk about the Lee amendment, No. 33, which is going to be voted on shortly. I know my colleagues are going to have 2 minutes divided before the vote, so people can add comments as they wish.

This amendment makes it very difficult for citizens to retain counsel, particularly related to the Endangered Species Act. I don't know why we would be handicapping legal cases just because they deal with the environment. I mean, I guess if you are not interested in protecting the environment, you would want to make it harder for people to retain lawyers. But when I think about property rights and clean water and clean air and all of those issues, I think that is something on which we ought to go the extra mile

and make sure they get representation and counsel, not handicap them and make it harder just because we don't want companies to adhere to environmental laws.

I believe this is important because my colleagues should remember that the ESA was signed into law in 1973 by then-President Richard Nixon and was intentionally drafted to manage and to engage citizens in the protection of endangered species.

Now, in general, litigants in the country must bear their own costs, and the prevailing party is not ordinarily entitled to collect his or her expenses in a defending suit from the loser. But both the courts and Congress have provided an exemption from that rule, and so they have allowed in certain circumstances for judges to shift the cost to litigants in the interest of fairness and to further protect the public interest.

So that is what is at stake this morning. I think the Endangered Species Act is a prime example of why the courts decided they wanted to have this kind of leeway and protection. Congress knew when it enacted the Endangered Species Act that it would be difficult and the Nation would want to make sure that ordinary citizens had the opportunity to help ensure compliance with the law. So Congress recognized that when a citizen did so, he or she did not do so necessarily by themselves alone but with the counsel of a private attorney. Congress recognized this reality in statute.

So this is what we are going to be addressing. In contrast, the Lee amendment would weaken the prevailing citizen's request for reimbursement under an Endangered Species Act—and narrow those restrictions of equal access to justice. This is because the cap on fees would include the Equal Access to Justice Act, which often falls well below the market-based rate for attorneys. Basically, what the Lee amendment does is say you will not be able to recap on the attorneys' fees at the cost of doing business, and their hope is that citizens will then not have representation before the courts on issues such as clean air, clean water, and other environmental issues.

I say to my colleagues—and I have said this to the now-ranking member on the EPW Committee—I don't know why we are not taking up the Superfund bill. To me, getting the Superfund reauthorized—these are polluters that have polluted our country, and they are not even paying the tax that it would cost to clean up the pollution.

Instead, we are considering an amendment that says: Let's roll back the environmental law on this issue and make sure that citizens don't have the right to help enforce environmental law.

I ask my colleagues to defeat the Lee amendment when we get to it.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 87, AS MODIFIED, TO AMENDMENT NO. 2

Mr. HOEVEN. Mr. President, I wish to call up my amendment, as modified.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. HOEVEN] proposes an amendment numbered 87, as modified, to amendment No. 2.

Mr. HOEVEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(Purpose: To express the sense of Congress regarding climate change)

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS.

(a) FINDINGS.—The environmental analysis contained in the Final Supplemental Environmental Impact Statement referred to in section 2(a) and deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as described in section 2(a), states that—

(1) ''[W]arming of the climate system is unequivocal and each of the last [3] decades has been successively warmer at the Earth's surface than any preceding decade since 1850.'';

(2) ''The [Intergovernmental Panel on Climate Change], in addition to other institutions, such as the National Research Council and the United States (U.S.) Global Change Research Program (USGCRP), have concluded that it is extremely likely that global increases in atmospheric [greenhouse gas] concentrations and global temperatures are caused by human activities.'';

(3) ''A warmer planet causes large-scale changes that reverberate throughout the climate system of the Earth, including higher sea levels, changes in precipitation, and altered weather patterns (e.g. an increase in more extreme weather events).

(4) ''The analyses of potential impacts associated with construction and normal operation of the proposed Project suggest that significant impacts to most resources are not expected along the proposed Project route'' (FSEIS page 4.16–1, section 4.16.;

(5) ''The total annual GHG [greenhouse gas] emissions (direct and indirect) attributed to the No Action scenarios range from 28 to 42 percent greater than for the proposed Project'' (FSEIS page ES–34, section ES.5.4.2).; and

(6) ''. . . approval or denial of any one crude oil transport project, including the proposed Project, is unlikely to significantly impact the rate of extraction in the oil sands or the continued demand for heavy crude oil at refineries in the United States based on expected oil prices, oil-sands supply costs, transport costs, and supply-demand scenarios'' (FSEIS page ES–16, section ES.4.1.1).''.

(b) SENSE OF CONGRESS.—Consistent with the findings under subsection (a), it is the sense of Congress that—

(1) climate change is real; and

(2) human activity contributes to climate change.

VOTE ON AMENDMENT NO. 33

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote in relation to amendment No. 33, offered by the Senator from Utah, Mr. LEE.

The question is on agreeing to the amendment.

Mrs. BOXER. Mr. President, parliamentary inquiry—I wish to speak on the Hoeven amendment and take the 1 minute.

Excuse me. I withdraw my request.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—54

Alexander	Ernst	Murkowski
Ayotte	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Coats	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kirk	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker

NAYS—45

Baldwin	Gillibrand	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Peters
Booker	Hirono	Reed
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—1

Reid

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Ms. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. CORNYN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 69

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 69 offered by the Senator from Illinois.

The Senator from Illinois.

Mr. DURBIN. Mr. President, this is the petcoke amendment. There are communities in this Nation—Chicago, Detroit, Long Beach, CA—and it may be coming to other areas soon. Petcoke is the byproduct of Canadian tar sands when it is refined. This pipeline will

generate 15,000 tons a day of petcoke that has to be stored. We are asking that it be stored responsibly so it doesn't blow through towns and neighborhoods that I and my colleagues represent, and let's establish standards for that purpose. It can still be used legitimately for many products, but let's make sure it doesn't cause respiratory problems for the people we represent.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. When Canadian oil sands are refined, they produce petroleum coke, which is this high-energy, mostly carbon, coal-like substance, but it does have economic value. It can be used for fuel; it can be used for smelting; it can be used for producing dry cell batteries and other purposes.

The EPA's own Web site states—and this is from their Web site—petroleum coke itself has a low level of toxicity, and there is no evidence of carcinogenicity. The EPA's hazard characterization has also shown there are no adverse environmental effects associated with petroleum coke piles and the EPA's words are ''they are essentially inert.''

I have listened to the comments of my colleague from Illinois, and I appreciate the concerns those in neighborhoods have, but I think it is important that we recognize we are not trying to skip the science. We are not trying to add regulations for the transport and storage of something that is apparently not hazardous, according to the EPA.

The PRESIDING OFFICER (Mr. LEE). The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—41

Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Sanders
Boxer	King	Schatz
Brown	Kirk	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Stabenow
Carper	Markey	Udall
Casey	Menendez	Warner
Coons	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NAYS—58

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heitkamp	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Tester
Cotton	Lee	Thune
Crapo	Manchin	Tillis
Cruz	McCain	Toomey
Daines	McCaskill	Vitter
Donnelly	McConnell	Wicker
Enzi	Moran	
Ernst	Murkowski	

NOT VOTING—1

Reid

The PRESIDING OFFICER (Mr. GARDNER). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 41

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 41, offered by the Senator from Pennsylvania, Mr. TOOMEY.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, before we proceed to hear from the sponsor of this amendment, I would just remind Members that these are 10-minute votes. It would be good—we have four more that we need to do. It would be good if we could stick to our 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I want to thank Senators CASEY and HATCH for joining me in this amendment. For almost 200 years, we have been mining coal in Pennsylvania. Some of it came out of the ground, and it turns out it was not suitable for the steel industry for which it was intended. The unsuitable coal has been piled up for decades. It forms mountains. Pennsylvania alone has 2 billion tons and 180,000 acres of contaminated land. These mountains of coal poison our water. They poison our air when they spontaneously combust and burn—sometimes for over a year—releasing pollutants with no controls whatsoever.

So we have an industry that is solving this problem, systematically turning this coal into electric power. Senators CASEY, HATCH, and I have an amendment that will simply allow this cleanup to continue, to exempt these 19 powerplants from the particularly onerous regulations in utility MACT and from the cross-air pollution regulations.

A vote in favor of this amendment is a vote to continue to clean up this environmental disaster that we have on our hands. I would be very grateful for Member support.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, in speaking in opposition to the Toomey amendment, it is an attack on the Clean Air Act. I want to speak in favor of making sure that we are doing everything the Supreme Court said we need to do, which is to enforce the Clean Air Act.

While my colleague is making a point, I do not know why we should give some powerplants in Pennsylvania an exemption to the Clean Air Act. Obviously, there are businesses all across America that have to comply with environmental laws. By voting against this amendment, we can continue to fight against these pollution issues and make sure that special interests are not getting another narrow carve-out in this legislation.

So I would ask my colleagues to make sure that we are not creating a special exemption for the mercury and air toxic standards in the Clean Air Act and vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Toomey amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, is any time remaining at all?

The PRESIDING OFFICER. All time is expired.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—54

Barrasso	Flake	Murkowski
Blunt	Gardner	Paul
Boozman	Graham	Perdue
Burr	Grassley	Portman
Capito	Hatch	Risch
Casey	Heitkamp	Roberts
Cassidy	Heller	Rounds
Coats	Hoeven	Rubio
Cochran	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Sessions
Cotton	Kirk	Shelby
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	Manchin	Tillis
Enzi	McCain	Toomey
Ernst	McConnell	Vitter
Fischer	Moran	Wicker

NAYS—45

Alexander	Feinstein	Murray
Ayotte	Franken	Nelson
Baldwin	Gillibrand	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Boxer	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Markey	Tester
Carper	McCaskill	Udall
Collins	Menendez	Warner
Coons	Merkley	Warren
Donnelly	Mikulski	Whitehouse
Durbin	Murphy	Wyden

NOT VOTING—1

Reid

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 29

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 29, offered by the Senator from Rhode Island, Mr. WHITEHOUSE.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Colleagues, I almost hate to use my minute because I am so eager to hear what will be said during the minute when our energy chairman will follow me, but I am hoping that after many years of darkness and blockade, this vote will be a first little beam of light through the wall that will allow us to at least start having an honest conversation about what carbon pollution is doing to our climate and to our oceans. This is a matter of vital consequence to my home State, the Ocean State, my home, Rhode Island, and to many of yours as well.

I hope this is a place where we can get together and have a strong, positive vote that sends a signal that this Senate, at this time in history, is ready to deal with reality.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I yield 1 minute on our side to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be added as a cosponsor to the Whitehouse amendment.

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

Mr. INHOFE. Climate is changing. Climate has always changed, and it always will. There is archaeological evidence of that, there is biblical evidence, and there is historical evidence. It will always change. The hoax is that there are some people who are so arrogant, who think that they are so powerful that they can change the climate. Man can't change the climate.

I ask my colleagues to vote for the Whitehouse-Inhofe amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. In the time remaining, I recognize and thank the cosponsors on my side of the aisle, Senator SANDERS, Senator MANCHIN, and Senator LEAHY. Senator INHOFE and I are not alone on this bill.

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

Ms. MURKOWSKI. 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 assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—98

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Baldwin	Franken	Nelson
Barrasso	Gardner	Paul
Bennet	Gillibrand	Perdue
Blumenthal	Graham	Peters
Blunt	Grassley	Portman
Booker	Hatch	Reed
Boozman	Heinrich	Risch
Boxer	Heitkamp	Roberts
Brown	Heller	Rounds
Burr	Hirono	Rubio
Cantwell	Hoeven	Sanders
Capito	Inhofe	Sasse
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	Kaine	Scott
Cassidy	King	Sessions
Coats	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Lankford	Stabenow
Coons	Leahy	Sullivan
Corker	Lee	Tester
Cornyn	Manchin	Thune
Cotton	Markey	Tillis
Crapo	McCain	Toomey
Cruz	McCaskill	Udall
Daines	McConnell	Vitter
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Enzi	Mikulski	Whitehouse
Ernst	Moran	Wyden
Feinstein	Murkowski	

NAYS—1

Wicker

NOT VOTING—1

Reid

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 87, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 87, as modified, offered by the Senator from North Dakota.

Who yields time?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we have an amendment before us, a side-by-side to the amendment that has been offered by the Senator from Hawaii, and what we do within this side-by-side is effectively lay out findings contained within the administration's EIS that outline the environmental impact of a Keystone XL Pipeline, recognizing the impact to the environment will be less if this line is actually constructed.

We further go into a sense of the Senate that acknowledges—again after the vote we just had—that climate change is real and that there is an impact.

With that, I would recommend that folks look at the language that has been offered. I will be supporting the Hoeven amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, we are about to vote on something that I think will be recorded as a breakthrough moment in the climate debate. For the first time we will go on record saying the following: Climate change is real and human activity contributes to climate change.

What a breath of fresh air this amendment is, and I urge an ''aye'' vote very strongly.

The front part of the amendment accurately quotes the EIS, parts of which a lot of us agree with and parts of which we don't. Let it be known that the parts we don't agree with are under review by various agencies, but this is accurate. This is a quote from the current EIS.

You are not voting to endorse the EIS, you are just voting to acknowledge that is what it says. But you are voting on original language written by Senator HOEVEN that says climate change is real and human activity contributes to it.

I urge an ''aye'' vote.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the Hoeven amendment, as modified.

Ms. MURKOWSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—59

Alexander	Gillibrand	Murphy
Ayotte	Graham	Murray
Baldwin	Hatch	Nelson
Bennet	Heinrich	Paul
Blumenthal	Heitkamp	Peters
Booker	Heller	Portman
Boxer	Hirono	Reed
Brown	Kaine	Rounds
Cantwell	King	Schatz
Cardin	Kirk	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Stabenow
Collins	Manchin	Tester
Coons	Markey	Toomey
Corker	McCain	Udall
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Mikulski	Wyden
Franken	Murkowski	

NAYS—40

Barrasso	Cornyn	Gardner
Blunt	Cotton	Grassley
Boozman	Crapo	Hoeven
Burr	Cruz	Inhofe
Capito	Daines	Isakson
Cassidy	Enzi	Johnson
Coats	Ernst	Lankford
Cochran	Fischer	Lee

McConnell	Sanders	Thune
Moran	Sasse	Tillis
Perdue	Scott	Vitter
Risch	Sessions	Wicker
Roberts	Shelby	
Rubio	Sullivan	

NOT VOTING—1

Reid

The PRESIDING OFFICER. Under the previous order requiring 60 affirmative votes for the adoption of the amendment, the amendment is rejected.

Mr. HOEVEN. Mr. President, I move to reconsider the vote.

Mr. THUNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 58

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 58 offered by the Senator from Hawaii, Mr. SCHATZ.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. My colleague from Hawaii, Senator SCHATZ, wishes to speak on his amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Thank you, Mr. President.

This has been a surprisingly productive day on the issue of climate debate. I know there has been a lot of consternation and discussion, but that is a good thing.

We have one final amendment to consider today, and it simply takes a portion of the language from the EIS for the Keystone XL and adopts it. That language says, in summary, that climate change is real and that climate change is caused by humans.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCHATZ. That language simply states that climate change is real, that climate change is caused by humans and principally by carbon pollution.

So the simple vote in front of us is: Do you agree with the factual evidence? Will you concede to the facts? We have an opportunity to set a new chapter in this climate debate. Today has been good progress.

So I urge my colleagues for a big bipartisan vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I urge colleagues to oppose the Schatz amendment. There is a distinct difference between this amendment and what was previously considered in the sense of the Congress, which would refer to human activity that significantly contributes to climate change, and the issue of degrees. And I would suggest to colleagues that the inclusion of that word is sufficient to merit a ''no'' vote at this time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—50

Alexander	Franken	Murphy
Ayotte	Gillibrand	Murray
Baldwin	Graham	Nelson (FL)
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed (RI)
Booker	Hirono	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall
Collins	Markey	Warner
Coons	McCaskill	Warren
Donnelly	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NAYS—49

Barrasso	Flake	Portman
Blunt	Gardner	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Crapo	McCain	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Vitter
Enzi	Murkowski	Wicker
Ernst	Paul	
Fischer	Perdue	

NOT VOTING—1

Reid

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Ms. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. HOEVEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, at this time I know Senators are interested in coming to the floor and offering their amendments. We have been discussing a process forward on this side of the aisle.

Earlier in the day Senator FISCHER had been working on an amendment that she has agreed to modify. I understand that the other side has a side-by-side that they will ask for consideration on.

I know the Senator from Louisiana will be on the floor to speak on an amendment he would like considered, and I understand there are a couple of other Senators on the other side who wish to speak as well.

There will be no more votes today on these amendments, but again, given the interest in this subject, I encourage Members to come down and speak to their amendments. We would like to figure out that process to get a series of amendments pending.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I again thank the Senator from Alaska for working through this process and the due diligence given. I think we are very close to having the side-by-side language, and once that is done, we will give it out to everyone for review. We need to get the Fischer amendment and the side-by-side figured out.

Everybody is asking about the process. If we could get the next set of amendments offered by colleagues, it will give us a chance to proceed on figuring out when the next votes will be scheduled.

With that, I understand Senator SANDERS wishes to speak.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 24 TO AMENDMENT NO. 2

Mr. SANDERS. Mr. President, I thank Senator MURKOWSKI and Senator CANTWELL for working on a sensible process.

I ask unanimous consent to lay aside the current amendment and call up my amendment No. 24.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mr. BENNET, Mr. CARPER, and Mr. MENENDEZ, proposes an amendment numbered 24 to amendment No. 2.

Mr. SANDERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress regarding climate change)

After section 2, insert the following:

SEC. _____. SENSE OF CONGRESS REGARDING CLIMATE CHANGE.

It is the sense of Congress that Congress is in agreement with the opinion of virtually the entire worldwide scientific community that—

(1) climate change is real;

(2) climate change is caused by human activities;

(3) climate change has already caused devastating problems in the United States and around the world;

(4) a brief window of opportunity exists before the United States and the entire planet suffer irreparable harm; and

(5) it is imperative that the United States transform its energy system away from fossil fuels and toward energy efficiency and sustainable energy as rapidly as possible.

Mr. SANDERS. Mr. President, I will be very brief. I especially wish to applaud Republican Senators. I believe, for the very first time, a number of them stood up and said: Climate change is real and climate change is

caused by human activities. This is a significant step forward, and I think that in the months and years to come more and more Republicans will accept that position because that is the position of the scientific community.

What my amendment does is in fact repeat what we heard today and what we voted on; that climate change is real and that it is caused by human activities, but it also has three other provisions in it. It says climate change has already caused devastating problems in the United States and around the world.

I think it is hard to argue against that. Whether it is drought or flooding—in the United States or around the world—increased forest fires in the Southwestern United States, rising sea levels or extreme weather conditions and the damage that does, it is very hard to argue that climate change has not caused severe and devastating problems in the United States already.

This amendment also says that a brief window of opportunity exists before the United States and the entire planet suffers irreparable harm. Again, that is what the scientific community is telling us. They are saying that damage is being done today, now, and it will only get worse in years to come. We have a brief window of opportunity to prevent very serious problems. I hope my colleagues will support that provision.

Lastly, and what logically follows from the previous four positions, is the following: It is imperative that the United States transforms its energy system away from fossil fuels and toward energy efficiency and sustainable energy as rapidly as possible. That doesn't mean you close down every coal-burning plant in America tomorrow, but it does mean we move away from fossil fuel to energy efficiency and sustainable energy as rapidly as possible.

I think in terms of this bill we have already made some good progress. I will look for bipartisan support tomorrow so the Senate goes on record supporting the overwhelming percentage of scientists who are in agreement with what this amendment says.

With that, I yield the floor.

AMENDMENT NO. 80 TO AMENDMENT NO. 2

(Purpose: To provide for the distribution of revenues from certain areas of the outer Continental Shelf)

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 80, which I discussed previously today and which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. CASSIDY, proposes an amendment numbered 80 to amendment No. 2.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 80, AS MODIFIED

Mr. VITTER. Mr. President, I ask that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

TITLE—OUTER CONTINENTAL SHELF OIL AND GAS LEASING REVENUE

SEC. __01. REVENUE SHARING FROM OUTER CONTINENTAL SHELF WIND ENERGY PRODUCTION FACILITIES.

The first sentence of section 8(p)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)(B)) is amended by inserting after ''27 percent'' the following: '', or, in the case of projects for offshore wind energy production facilities, 37.5 percent''.

SEC. __02. OUTER CONTINENTAL SHELF LEASING PROGRAM REFORMS.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales including at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area (other than the North Aleutian Basin planning area or the North Atlantic planning area) considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based on the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area.

''(B) The Secretary shall include in each proposed oil and gas leasing program under this section any State subdivision of an outer Continental Shelf planning area (other than the North Aleutian Basin planning area or the North Atlantic planning area) that the Governor of the State that represents that subdivision requests be made available for leasing. The Secretary may not remove such a subdivision from the program until publication of the final program, and shall include and consider all such subdivisions in any environmental review conducted and statement prepared for such program under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

''(C) In this paragraph, the term 'available unleased acreage' means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

''(6)(A) In the 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning area (other than the North Aleutian Basin planning area or the North Atlantic planning area) that—

''(i) is estimated to contain more than 2,500,000,000 barrels of oil; or

''(ii) is estimated to contain more than 7,500,000,000,000 cubic feet of natural gas.

''(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'.''.

SEC. __03. DISPOSITION OF REVENUES.

(a) DEFINITIONS.—Section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) by redesignating paragraphs (5) through (11) as paragraphs (6) through (12), respectively;

(2) by inserting after paragraph (4) the following:

''(5) COASTAL STATE.—The term 'coastal State' means—

''(A) each of the Gulf producing States; and

''(B) effective for fiscal year 2016 and each fiscal year thereafter, each of the States of North Carolina, South Carolina, and Virginia.'';

(3) in paragraph (10) (as so redesignated), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States—

''(i) received on or after October 1, 2016, from leases entered into on or after December 20, 2006, with respect to the Gulf producing States; and

''(ii) from leases entered into on or after October 1, 2015, with respect to each of the coastal States described in paragraph (5)(B).''; and

(4) in paragraph (11) (as so redesignated), by striking ''Gulf producing State'' each place it appears and inserting ''coastal State''.

(b) DISPOSITION OF REVENUES.—Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in the section heading, by striking ''**FROM 181 AREA, 181 SOUTH AREA, AND 2002-2007 PLANNING AREAS OF GULF OF MEXICO**'';

(2) by striking ''Gulf producing State'' each place it appears (other than paragraphs (1) and (2) of subsection (b)) and inserting ''coastal State'';

(3) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(A) in the case of qualified outer Continental Shelf revenues generated from outer Continental Shelf areas adjacent to Gulf producing States—

''(i) 75 percent to Gulf producing States in accordance with subsection (b); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 200305 of title 54, United States Code, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title; and

''(B) in the case of qualified outer Continental Shelf revenues generated from outer Continental Shelf areas adjacent to coastal States described in section 102(5)(B), 100 percent to the coastal States in accordance with subsection (b).'';

(4) in subsection (b)—

(A) in the subsection heading, by striking ''GULF PRODUCING STATES'' and inserting ''COASTAL STATES'';

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2) the following:

''(3) ALLOCATION AMONG CERTAIN ATLANTIC STATES FOR FISCAL YEAR 2016 AND THEREAFTER.—

''(A) IN GENERAL.—Subject to subparagraph (B), effective for fiscal years 2016 and each fiscal year thereafter, the amount made available under subsection (a)(2)(B) shall be allocated to each coastal State described in section 102(5)(B) in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on

the coastline of each coastal State described in section 102(5)(B) that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

''(B) MINIMUM ALLOCATION.—The amount allocated to a coastal State described in section 102(5)(B) each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(B).''; and

(D) in paragraph (4) (as redesignated by subparagraph (B)), by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1), (2), and (3)''; and

(5) in subsection (f), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues made available to coastal States under subsection (a)(2) shall not exceed—

''(A) in the case of the coastal States described in section 102(5)(A),

''(i) $50,000,000 for each of fiscal years 2016 through 2025; and

''(ii) $250,000,000 for each of fiscal years 2026 through 2065; and

''(B) in the case of the coastal States described in section 102(5)(B)—

''(i) $500,000,000 for each of fiscal years 2016 though 2025; and

''(ii) $749,000,000 for each of fiscal years 2026 through 2055.''.

Mr. VITTER. Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 72 TO AMENDMENT NO. 2

Mr. MENENDEZ. Mr. President, I ask unanimous consent to set aside the pending amendment to call up my amendment No. 72 to protect private property from unjust seizure by a foreign corporation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself and Ms. CANTWELL, proposes an amendment numbered 72 to amendment No. 2.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure private property cannot be seized through condemnation or eminent domain for the private gain of a foreign-owned business entity)

In section 2 of the amendment, strike subsection (e) and insert the following:

(e) PRIVATE PROPERTY PROTECTION.—Land or an interest in land for the pipeline and cross-border facilities described in subsection (a) may only be acquired from willing sellers.

Mr. MENENDEZ. Mr. President, this is a very simple amendment. It prohibits TransCanada from using eminent domain proceedings to seize private property in order to build the Keystone XL Pipeline.

As we all know, eminent domain is the power of a governmental entity to take private property and convert it into public use subject to reasonable compensation. Traditionally, property could only be seized for public use, such as a public park or a public road, but increasingly the exercise of eminent domain has been used for private gain.

Many, including some of my most conservative friends on the other side of the aisle, are outraged by the idea that eminent domain proceedings could be used to seize private property for private gain.

President Bush issued an Executive order restricting the use of eminent domain by the Federal Government for ''the purpose of benefitting the general public and not merely for the purpose of advancing the economic interest of private parties.''

The senior Senator from Texas introduced the Protections of Homes, Small Businesses, and Private Property Act of 2005, which would have prohibited the use of eminent domain by Federal, State, or local government entities for private economic development.

I have been working very closely with Senator CANTWELL on this amendment, and we agree with our conservative colleagues that using eminent domain proceedings for private gain is outrageous.

On the issue of Keystone, a foreign-owned company is using eminent domain to seize private property so it can better export Canadian oil. The project is not in the public interest, but it is clearly in the special interest.

I do not begrudge the fact that a Canadian company wants its subsidiary to build this pipeline so it can export foreign oil to distant shores through American infrastructure. They want to make a profit, and I understand that. But I do not think we should allow our sovereignty to be compromised in order to do it.

Right now the U.S. Federal Government is trying to build a ferry terminal in Canada to serve Alaska, but Canadians are protecting their sovereignty and objecting to U.S. steel and other U.S. content from being the sole source for the ferry terminal. I disagree with Canada on that point, but I understand they want to protect their sovereignty. Similarly, we need to protect American sovereignty and American landowners from a Canadian-owned company that wants to seize our private lands for private gain and force Americans to take a risk of Canadian pollution.

Over the weekend landowners along the route of the Keystone XL Pipeline were seeing a pipeline spill on the Yellowstone River in Montana. It is happening now. If we were to see pictures of it, we would see that the efforts to clean up the spill are being hindered by a sheet of ice. Who knows what damage is being done by 50,000 gallons of oil in this river. We might not know until spring. Landowners are wondering if their family farm will be the victim of a similar spill, wondering if property that has been in their family for generations can still be passed on to the next generation.

One landowner who has seen firsthand what can happen when a pipeline is put on your property is Lori Collins. In October of 2012 Lori Collins walked outside her home to find construction workers for a TransCanada contractor trying to clear the way for the southern leg of the Keystone Pipeline. They had dug up the lines to her septic system, completely destroying it. When she asked the workers to repair the damage, they did not. Instead, they piled dirt over the damage and clogged the system. The result was raw sewage flooding back into the Collins' home, staining walls and carpets, leaving a black mold throughout their house, and leaving Lori Collins with severe respiratory problems. The Collins family was eventually forced to move out of their home. While they were able to get a settlement after suing TransCanada, the family says they can never repair the damage to their lives.

Jim Tarnick, a farmer in Nebraska, has heard of TransCanada's track record and fears that he might have to suffer similar damage or, worse, face an oilspill. TransCanada wants to put the pipeline right through his front yard on his property that has been in his family for over 100 years.

Mr. Tarnick's farm sits near the Ogallala Aquifer, which provides critical freshwater for farmers and ranchers in the heart of U.S. farm country. A pipeline spill such as the one on the Yellowstone River over the last few days could damage the aquifer and therefore jeopardize a resource relied on by Nebraskan farms and ranches. Mr. Tarnick fears he will be served with papers invoking eminent domain on his property any day now. TransCanada is asking that he and other Nebraskans trust that they will protect the Ogallala Aquifer and the livelihoods it supports.

Instead of forcing Mr. Tarnick to host the Keystone Pipeline against his will, let's instead let TransCanada work with landowners who are willing to take the risk and will be paid what they feel is fair rather than what TransCanada's lawyers can convince a judge is fair.

Senator CANTWELL and I believe this amendment is one of simple fairness and should be a no-brainer, an easy amendment every Senator can support. In recent years Republicans have insisted on similar language prohibiting the use of eminent domain when we establish national parks. If eminent domain cannot be used to establish a national park in the public interest to conserve our national treasures and preserve America's beauty for future generations, then surely it should not be used to benefit private interests—in this case, in the interest of a foreign-owned oil company seeking to ship its product around the world.

I call on my colleagues to be consistent, stand on principle and logic, protect landowners, and support my amendment to protect private property from seizure by foreign corporations,

preserve our sovereignty, and preserve the rights of U.S. citizens along the way.

With that, I yield the floor, and 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. INHOFE. 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. INHOFE. I ask unanimous consent to speak as in morning business for such time as I shall consume.

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

CAP AND TRADE

Mr. INHOFE. Mr. President, first of all, let me address what happened today because I think it is significant. I think a lot of people are a little bit confused over what did happen, and it was somewhat of a surprise.

As the Presiding Officer knows, I have been leading the opposition to this whole idea of cap and trade. It originated way back in 2001. Since that time, we have voted on it many times. I will always remember that back in those days most people believed that manmade gases were contributing to global warming and that the world was going to come to an end because of manmade gases and CO_2 emissions.

At that time, early on, I was on the Environment and Public Works Committee. I think at that time I was not chairman, but I was the chairman of one of the subcommittees, and I thought, it must be true, everybody says it.

Well, some time went by and we got a report. The first one came from the Wharton School where they talked about the fact that if we were to pass cap and trade—at that time there were two bills before the U.S. Senate—not in the House, just in the Senate—and those bills would have been cap-and-trade types of bills. So they calculated what this would cost if we in the United States passed cap and trade. This was way back in 2002, 2003. They said that the range of the cost to the American people would be between $300 billion and $400 billion a year.

I do something that I don't think very many people do, but I always do it. Every time I hear a large number, I go back and get the latest figures from my State of Oklahoma as to how many families file a Federal tax return, and then I do the math to determine how much it is going to cost an average family who pays taxes. It came back in excess of $3,000 a year. I thought, that is a lot of money. Let's be sure there is science behind this idea, knowing it all came from the United Nations. That is what started this whole thing.

By the way, this IPCC is the Intergovernmental Panel on Climate Change, and that is within the United Nations. That is where it all started. If my colleagues remember, that was during the Clinton-Gore administration, when Al Gore went to South America and came back with this idea of the Kyoto Treaty. We were all going to sign it, and if we didn't, then we were all going to die because of manmade gases.

So we started looking at it to see if the science really was there because the only science we had heard about was the IPCC. Well, sure enough, we started getting phone calls from scientists all over the country. This was a long time ago. I started naming the scientists and groups of scientists who were calling in. We got up to 100 and then to 1,000 and then to 4,000. This is all on my Web site even though it was a long time ago. We can see all of these renowned scientists.

Richard Lindzen is with MIT. He is one who is considered by a lot of people to be the foremost authority on this, and he is the one who came out adamantly and said: No, the science is not there. It is not settled.

So several others started calling in.

In fact, I will quote him, if I have it here, what Richard Lindzen actually said at that time. He said: ''Controlling carbon is a bureaucrat's dream. If you control carbon, you control life.''

That is what bureaucrats would like to do. The Presiding Officer understands that because he has served in the other House and is new here in the Senate.

Lindzen also said, talking about Al Gore—Al Gore at that time was Vice President of the United States. He was the one who was really pushing this. He said: To treat all change as something to fear is bad enough. To do so in order to exploit that fear is much worse.

Of course, what Richard Lindzen of MIT was talking about was the fact that Al Gore at that time—they speculated he would be the first environmental billionaire. That was speculated in the New York Times. Anyway, after that happened, all the other scientists started checking in. These are scientists who cannot be challenged—these individuals. We have hundreds more, and I have a make on each one of these that I would be glad to discuss or debate with anyone. But at the same time, other things were happening.

One of the universities here in Virginia commissioned a poll to be done of all of the weathercasters on TV. They came back with 63 percent of the weathercasters saying that any global warming that occurs is a result of natural variation and not human activities.

So when I hear people—I have good friends on the other side that really believe this, and I think that one sometimes has to open it up and realize there is another side to this story. When they say that 97 percent, 98 percent of the scientists agree, it just isn't true. We have the names and things that have actually been said.

I think one item that people are going to have to remember—let me first of all say what happened today because I know they have been told I would explain what happened today.

My good friend, Senator WHITEHOUSE, had an amendment. The amendment was one sentence. It says that climate change is real and it is not a hoax. There is a ruling against talking about your own votes on the Senate floor, so I can't do that. But that hoax came from a totally different interpretation. The hoax was the idea that this is happening—climate change. That it is due to manmade gases. In other words, man is causing it.

So what I said on the Senate floor today is: How arrogant is it for people to say that man can do something about changing climate? Climate has always changed. I quoted this morning—I said it has changed. Go back and look at the archeological findings. They talk about climate from the beginning of time having changed and changed both ways. The Scriptures talk about it. This is something on which everyone has agreed, and no one would debate that it has always happened. The debate is whether man is causing that to happen.

So here we have a chart that shows—do you remember the hockey stick? The hockey stick was the concept that one of the guys with the IPCC came out with and said that it is like a hockey stick. We had this weather going like this for a long period of time. Then all of a sudden it shot up, and it resembled a hockey stick.

What they forgot was to put these two things in the hockey stick where it is supposed to be level. One is the medieval warming period that is between 1000 and 1500 A.D. We are talking recently. Then that went into the little ice age. Those were left off the chart. We have looked back, and everything you look at talks about how many years in the past we have had this change that is taking place in climate.

I am going to do this from memory. There are—in addition to these major changes such as you are seeing on this chart, which is a chart that—this actually is the IPCC's chart. No one is going to argue with that because they are the ones who dreamed up this whole idea. That is an intergovernmental panel on climate change. But within that—I can remember when I first heard the terms global warming and ice age, it was when they went back and they started tracing not long-term trends in climate change in weather but short term. Starting in 1895, from 1895 to 1918, they had what they referred to as a cooling spell, possibly another little ice age. Then in 1918, it started getting warm again. So from 1918 to 1945 there was a little warming period. That took place kind of every 30 years. Then in 1995, from that period until 1975, for 30 years again, it went into a cooling period.

Here is the key. No one will argue with the fact that 1945 was the year that we had the maximum increase

surge in CO_2 emissions. That precipitated not a warming period but a cooling period. Then, of course, 1975 came along.

Where are the charts that showed that in 1974—Time magazine or one of those? Here it is. This is Time magazine. This is the front. They said: Is another ice age coming? This is 1974. This is making the case. Everybody believed it. They talked about global warming before that and then another ice age. We are all going to die one way or another.

Put up the other chart, which is also Time magazine. This is when they said: Oh, no, here is the last polar bear and all the ice—so we have another global warming period. Both of them are from Time magazine. Both are 30 years apart. This is what has been happening for a long period of time.

Recognizing this, we had a little experience that—getting back, I made a determination that I would not only support the Whitehouse amendment, since it was just one sentence, it said that climate is changing, and it is not a hoax, but that I could clarify that and maybe become a cosponsor to his amendment. So I did that on the floor just a few minutes ago. I said on the floor that, yes, it is changing—no question about that. But the hoax is that there are people who are so arrogant they think they have the power to change climate. That is the hoax—not the fact that climate is changing. So that is what has been happening.

When some of the scientists came out and they started changing back and forth and all of a sudden people realized this whole thing was cooked up by the United Nations—IPCC was part of that group—then they found out that some of the scientists who were behind this were discovering that they had some emails that were sent out saying and proving conclusively that they were cooking the science, that these scientists were lying.

One of the things that was discovered and came out was an email from one of the scientists to another. It was 1999 and it read: I have just completed Mike's nature trick, adding in the real temperatures of each of the series for the last 20 years.

In other words, they were cooking the science at that time. This thing was such a scandal that throughout the world—we didn't hear nearly as much in the United States, but we did throughout the world. The UK Telegraph, which is maybe the largest communication in the UK, said that it is the worst scientific scandal of our generation.

What they are talking about is the scientific scandal. They are trying to make it sound as if man is responsible for all of these things. The Financial Times came out and said the closed-mindedness of these supposed men of science is surprising even to me. The stink of an intellectual corruption is overpowering.

One of the IPCC physicists said that climate-gate was a fraud on a scale I have never seen before. This went on and on, and we could quote Newsweek, the Guardian, and all the rest of them. It was known worldwide as a scandal. What was the scandal? It was that they had a bunch of scientists who were saying we are going to have to pass something like cap and trade because man is causing the world to come to an end.

So that is really what that was all about. We are going to have the debate. We want to do that. I chair the Committee on Environment and of Public Works. I chaired it 8 years ago. Then when the Democrats got control of the Senate—and now I am back in that position. We will have a chance to have hearings. We are going to have hearings with prominent scientists to come in and talk about this issue because all they say now is: Oh, the science is settled; the science is settled.

The science is not settled. That is the reason my good friend Senator WYDEN wants to make some remarks. That is the reason I made that statement today. I think we will have that very healthy debate. But let's keep in mind what the President was suggesting last night. It would cost the American people $479 billion a year, and that would constitute the largest tax increase in the history of America. That is one of his legacies which he is trying during the last part of his presidency and which he announced last night that he is going to put as a top priority. We will be there to be the truth squad in that and make sure that my kids and grandkids—I have 20—are not going to be encumbered with the largest tax increase in the world, particularly when their own director said: If you pass it, it will not reduce CO_2 emissions.

I yield floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 27 TO AMENDMENT NO. 2

Mr. WYDEN. Mr. President, I ask unanimous consent to call up and make pending Wyden amendment No. 27 to amend the Internal Revenue Code of 1986 to clarify that products derived from tar sands are crude oil for purposes of the Federal excise tax on petroleum.

The PRESIDING OFFICER. Is there an objection?

Mr. INHOFE. No objection.

The PRESIDING OFFICER. Without objection it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Mr. BENNET, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. NELSON, Ms. STABENOW, Mr. MENENDEZ, Mr. SCHUMER, Mr. MARKEY, Mr. MERKLEY, and Mr. DURBIN, proposes an amendment numbered 27 to amendment No. 2.

Mr. WYDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to clarify that products derived from tar sands are crude oil for purposes of the Federal excise tax on petroleum)

At the appropriate place, insert the following:

SEC. _____. CLARIFICATION OF TAR SANDS AS CRUDE OIL FOR EXCISE TAX PURPOSES.

(a) IN GENERAL.—Paragraph (1) of section 4612(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) CRUDE OIL.—The term 'crude oil' includes crude oil condensates, natural gasoline, synthetic petroleum, any bitumen or bituminous mixture, any oil derived from a bitumen or bituminous mixture, and any oil derived from kerogen-bearing sources.''.

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 4612(a) of such Code is amended by striking ''from a well located''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to oil and petroleum products received, entered, used, or exported during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

Mr. WYDEN. Mr. President, this amendment closes a tax loophole that currently places Canadian tar sands oil ahead of the American taxpayer. While oil produced here in the United States, in places such as North Dakota and Texas, pays into a cleanup fund for oil spills, tar sands does not. The bottom line here is simple—when Canadian tar sands oil is spilled on American soil, the American taxpayer pays up. In effect, it is possible to state what this is all about in straight forward English: right now, our Tax Code is so out of date that it says that oil from the tar sands isn't actually oil. Put your arms around that for a second. The Tax Code is in a time warp. Under the current policy, what concerns me is a judgment that oil from the tar sands isn't actually oil.

All other crude oil product refiners have to pay an 8-cent-per-barrel tax to support the oilspill liability trust fund that pays for cleaning up the spills.

This puts our own domestic producers at a competitive disadvantage.

I see my colleague from Colorado who cares greatly about these issues. I am saying to myself, in Colorado or Texas or North Dakota—in effect the policy that we have today on tax law—and I am the ranking Democrat on the Senate finance committee—as I looked at it, the first thing that came to mind is we have a tax policy here that, without the amendment I offer with my Senate finance colleagues, Senator MARKEY and others, we are putting domestic American producers—whether it is Colorado, North Dakota or Texas—at a competitive disadvantage. While domestic producers willingly contribute to clean up the oil spills, their Canadian competitors, and the tar sands up north of Edmonton, simply do not. This just defies commonsense.

Oil from the tar sands is just as likely to spill as other kinds of oil. Unfortunately, you don't have to look much beyond today's headlines to get a sense of what an oil spill actually means for communities across our country.

This past weekend an oil pipeline ruptured in Montana, pouring about 50,000 gallons of oil into the Yellowstone River, 5 miles upstream from the city of Glendive. Now local residents are reporting that their water smells like diesel fuel. The officials tested the water in Glendive and found oil in the drinking water and along with it elevated levels of benzene, a cancer-causing agent.

That is what is under consideration with this amendment, making sure that all of the parties responsible—no matter where they are from—would pay their fair share when they put our citizens' health and safety at risk.

The double standard—the standard that is much more exacting on our domestic producers than it is on the Canadian tar sands producers—ought to be fixed.

Tar sands oil producers ought to pay into the same fund as other oil producers to clean up the spills. Because, make no mistake about it, at the end of the day, without this amendment that closes the tar sands loophole, Canadian tar sands oil will keep getting a free ride.

The last point I want to mention, is just to put this issue in context. Before I chaired the Senate Finance Committee in the last Congress, I had the honor of chairing the Senate Energy and Natural Resources Committee. In session after session of the Energy and Natural Resources Committee, proponents of the pipeline said: We have got to have this to lower gas prices. If we are really going to lower gas prices, said the proponents—this was session after session after session—we have got to build the pipeline.

Well, we have all seen that prices have fallen dramatically. To a great extent it is due to exciting developments in the Bakken and others. We are now essentially the Saudi Arabia of oil production. This is good news. This is like a tax cut for working-class families across the country.

One of the judgments I reached in making the decision to oppose the pipeline is I did not think it made much sense to tamper with something that was such a promising development as real rate relief at the pump. A fair number of experts—yes, there is a difference of opinion, but a fair number of experts—are concerned that the pipeline, if it is built, could actually raise prices, particularly for vulnerable parts of the country. The Midwest could be one, but certainly there could be others.

So I had reservations about this from a variety of standpoints, including the standpoint that tar sands are a very carbon-dense material. But I am particularly concerned tonight about the inequity of the tar sands loophole, where the Canadians get a free ride at the expense of communities all across the Nation.

My amendment would close this flagrant abuse, close this loophole, help us put our tax priorities in order, and protect American citizens and American communities, rather than giving an undeserved advantage to foreign oil.

I urge all of my colleagues to support this amendment, to reform the Internal Revenue Code of 1986, to clarify that those products derived from tar sands are crude oil for purposes of the Federal excise tax on petroleum. I hope this amendment will generate bipartisan support. No matter how a Senator feels with respect to the pipeline, I do not see how you can make the case that you should not correct something that defies common sense.

Before the Presiding Officer came in, I made mention that right now the absence of the amendment that I offer puts a disadvantage—a serious disadvantage—on all of America's domestic producers. We did an awful lot to make it possible for Americans to get relief at the pump. That does not make any sense. So I hope my colleagues tomorrow will support this amendment on a bipartisan basis to close a flagrant tax loophole, to end what amounts to an inequity that hurts at a minimum our producers, but puts at risk our communities needlessly.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 71 TO AMENDMENT NO. 2

Mr. LEE. Mr. President, I ask unanimous consent to set aside the pending amendment to call up my amendment No. 71.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 71 to amendment No. 2.

Mr. LEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require a procedure for issuing permits to drill)

At the appropriate place, insert the following:

SEC. ___. APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

'' (A) TIMELINE.—

'' (i) IN GENERAL.—The Secretary shall decide whether to issue a permit to drill not later than 30 days after receiving an application for the permit.

''(ii) EXTENSION.—The Secretary may extend the period in clause (i) for up to 2 periods of 15 days each, if the Secretary has given written notice of the delay to the applicant.

''(iii) NOTICE REQUIREMENTS.—Written notice under clause (ii) shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific date a final decision on the application is expected.

''(B) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

''(i) in writing, clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiencies; and

''(ii) an opportunity to remedy any deficiencies.

''(C) APPLICATION CONSIDERED APPROVED.—

''(i) IN GENERAL.—If the Secretary has not made a decision on the application by the end of the 60–day period beginning on the date the application is received by the Secretary, the application is considered approved, except in cases in which existing reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are incomplete.

''(ii) ENVIRONMENTAL REVIEWS.—Existing reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be completed not later than 180 days after receiving an application for the permit.

''(iii) FAILURE TO COMPLETE.—If all existing reviews are not completed during the 180–day period described in clause (ii), the project subject to the application shall be considered to have no significant impact in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and that classification shall be considered to be a final agency action.

''(D) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill in accordance with subparagraph (A), the Secretary shall—

''(i) provide to the applicant a description of the reasons for the denial of the permit;

''(ii) allow the applicant to resubmit an application for a permit to drill during the 10–day period beginning on the date the applicant receives the description of the denial from the Secretary; and

''(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

''(E) JUDICIAL REVIEW.—Actions of the Secretary carried out in accordance with this paragraph shall not be subject to judicial review.''.

Mr. LEE. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, let me talk a little bit this evening about amendment No. 77 that I filed. This is an amendment I filed to the bill that is pending that we are now on, what I would call the oil sands pipeline. It has been called a jobs bill, I know, on the other side. But, you know, the reality is, there are good construction jobs here. But as soon as the pipeline is built, the permanent jobs are really very small.

What we need to do—my belief—in terms of energy, is work to where there are larger numbers of jobs. I do not

know whether people know this, but the energy that is being added to the system now worldwide and in the United States is renewable energy. Sometimes it is wind, sometimes it is solar, to a lesser extent biofuels, biomass and things like that. But the renewable sector is growing. The new energy is growing. Some of this is rather dramatic in terms of the numbers and the size. That is the direction clearly we need to head, because we want to in the future be lessening our carbon footprint. There is absolutely no dispute that we need to be moving in that direction. That is where all the scientists are.

We are even seeing today in the amendments that we have on the floor our friends across the aisle agreeing that we have got a real problem with climate change and that human beings are causing this and we need to address this. I applaud them stepping forward and saying that. How do you do this? How do you encourage more of the renewable forms of energy?

Let me say before I get into that, my hope is to have a discussion with the two Senators who are on side who are leading the debate here, Senator BOXER and Senator CANTWELL, about offering this amendment and getting in line in the next tranche of amendments.

But how do you get moving in the direction of more renewable energy? Well, we already know we have got a very good pattern here. We have started in the States and started in the District of Columbia, where more than half of our States in the United States of America have adopted what have been called renewable electricity standards. New Mexico has one. We have 15 percent by 2015. Some of our bigger States have been more aggressive. States such as California and New York are really pushing the envelope. They are saying by about 2025 we are going to have 30 percent or close to 30 percent renewable energy. So, really, what they are doing by putting a standard in place is they are saying to their power companies in their State: This is important to do. We know it is cost effective. Go out and develop your portfolio so that you put more renewable energy in it.

The remarkable thing, looking around the country, is how many States have done this. We have seen 29 States, I believe, including the District of Columbia, for a number of years now that have put a renewable electricity standard in place. So that is something that we know is working at the State level.

In fact, my Senator from New Mexico—who retired just a couple of years ago, Senator Bingaman—one of the things he did was go out to Stanford and study all of these renewable electricity standards that were in place and came up with ideas on the best practices and where there were disadvantages. He has actually published a report with a bunch of other researchers. So there is good wealth of knowledge about what is working and what isn't working.

But the major thing that is working is when we encourage a marketplace in renewable energy. We don't necessarily call out winners and losers. I know that is something that on both sides of the aisle we object to when we said: This is going to be a winning form, that is not going to be a winning form.

What we are doing is saying: Let's try to move toward renewables. Let's put a goal out there and then let's let the marketplace work on that. Let's see innovation. Let's move forward down that road. We have seen the 29 States do it and the District of Columbia.

My proposal in this amendment—and it is one I have worked on—has a good history. One of the things we know is when Senator Bingaman was in the Senate and head of the Energy and Natural Resources Committee, he was able to pass through the Senate three times, over his career as chairman, a renewable electricity center out of the Senate.

When I was in the House of Representatives from 1998 to 2008, my cousin Mark Udall and I worked on a renewable electricity standard in the House. For the first time we were able to get a bill through the House of Representatives. So our big challenge always was we were never able to match the House bill and the Senate bill and put in place something that a President can sign and have a national standard. That is where we are today. We have had good support, and really what this amendment would do is set up a national marketplace. Many States across the Nation, and almost every State, have renewable energy. If you go into the South, it may be more biomass than it is of solar. If you go to the West and Midwest, it may be more wind and solar, but it depends on location.

What is clear from all of the experts who looked at this is it is very easy to focus on when you have a goal, and you say, in the case of this amendment, by 2025, let's get 25 percent of our energy from renewable sources. So if we have a goal like that, we could get there.

I am urging everybody to take a look at this amendment to see what it is that we should be doing.

If we are talking about moving down the road with this proposal that we have before us, where we are scavenging, in a way, for the dirtiest forms of energy, these tar sands—which are much dirtier than the environmental impact statement said. Not only are they dirtier by about 17 percent, but when you tear down all those forests, which are taking carbon dioxide out of the atmosphere, you are putting yourself in a position where you are headed down the wrong road in terms of easing our carbon footprint.

I ask all of my colleagues on both sides of the aisle to take a look at this amendment. I will visit with the leaders on the floor about this amendment and see if we can't get it in line in terms of being considered.

This is an important debate about our energy future. There is a lot of work to be done. I hope we can work together.

We are at a crossroads in our energy policy. We can lead the world in clean energy production with wind, solar, and advanced biofuels. We can reduce global warming pollution. We can become energy independent—and create permanent American jobs.

That is our future. That should be our priority. We have the technology. We have the resources. We need the commitment. That is why we need a national Renewable Electricity Standard. It takes us forward.

My amendment would require utilities to generate 25 percent of electricity from renewable resources—by 2025.

There are many benefits to a national RES. It would create 300,000 jobs. Over 50 percent of these jobs are in manufacturing. It would save consumers $64 billion by 2025—and $95 billion by 2030—in their utility bills. There would be $263 billion in new capital investment. It would provide over $13 billion to farmers, ranchers, and other landowners in the form of lease payments, creating new economic activity in rural communities across the U.S. It would add more than $11 billion in new local tax revenues—and revitalize communities, especially rural communities.

I have pushed for this ever since I came to Congress. The House passed it. The Senate has passed a version of this three times.

New Mexico and over half the States already have an RES. The States are moving in that direction. The Nation needs to move in that direction.

I have long said we need to do it all, and do it right as an energy policy. That includes traditional energy sources. Oil and gas play an important role in my State. New Mexico is a leading producer of both. We have strong, independent companies. They employ over 12,000 New Mexicans. They help pay for our schools and other public services.

We invested in the oil industry. We also need to invest in wind, solar, and biofuels.

The U.S. has incredible wind energy potential—enough to power the Nation 10 times over. My State has some of the best wind resources in the Nation—enough to meet more than 73 times the State's current electricity needs.

Wind power has almost no carbon pollution. It uses virtually no water. It already saves folks in my State 470 million gallons of water a year.

The U.S. solar industry employs more than 143,000 Americans—more than coal and natural gas combined. Solar jobs grew 10 times faster than the national average.

These are well-paying, local jobs. These are permanent jobs, and they won't be shipped overseas.

Now is the time to build on the momentum and invest in a clean energy economy. Now is the time to create energy at home and jobs at home—now, not later. We can't lose this market to our overseas competitors in Germany, China, and elsewhere. They can see the future too—and they are going after it.

A national Renewable Electricity Standard gives certainty to business, to companies that are looking to invest billions of dollars in our economy, to manufacture wind turbines, solar panels, and other renewable energy components.

We have a great opportunity to grow our manufacturing sector, to create jobs, and to move toward a cleaner energy future.

This is a new Congress. Let's find common ground, and let's move forward.

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.

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

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

AMENDMENT NO. 78 TO AMENDMENT NO. 2

Ms. MURKOWSKI. Mr. President, on behalf of Senator BLUNT, I ask unanimous consent to call up amendment No. 78, which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. BLUNT, for himself and Mr. INHOFE, proposes an amendment numbered 78 to amendment No. 2.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the conditions for the President entering into bilateral or other international agreements regarding greenhouse gas emissions without proper study of any adverse economic effects, including job losses and harm to the industrial sector, and without the approval of the Senate)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING BILATERAL OR OTHER INTERNATIONAL AGREEMENTS REGARDING GREENHOUSE GAS EMISSIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) On November 11, 2014, President Barack Obama and President Xi Jinping of the People's Republic of China announced the ''U.S.-China Joint Announcement on Climate Change and Clean Energy Cooperation'' (in this section referred to as the ''Agreement'') reflecting ''the principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances''.

(2) The Agreement stated the United States intention to reduce its greenhouse gas emissions by one-quarter by 2025 while allowing the People's Republic of China to double its greenhouse gas emissions between now and 2030.

(3) While coal fired electricity remains the least expensive energy alternative, the reduction of coal use because of the Agreement would result in a 25 percent increase in electricity prices in the United States in 2025, according to analysis conducted by the Energy Information Administration.

(4) The people of China will not see similar electricity price increases as they continue to use low cost coal without limit for the foreseeable future, at least until 2030.

(5) Increases in the price of electricity can cause job losses in the United States industrial sector, which includes manufacturing, agriculture, and construction.

(6) The price of electricity is a top consideration for job creators when locating manufacturing facilities, especially in energy-intensive manufacturing such as steel and aluminum production.

(7) Requiring mandatory cuts in greenhouse gas emissions in the United States while allowing nations such as China and India to increase their greenhouse gas emissions results in jobs moving from the United States to other countries, especially to China and India, and is economically unfair.

(8) Imposing disparate greenhouse gas emissions commitments for the United States and countries such as China and India is environmentally irresponsible because it results in greater emissions as businesses move to countries with less stringent standards.

(9) Union members, families, consumers, communities, and local institutions like schools, hospitals, and churches are hurt by the resulting job losses.

(10) The poor, the elderly, and those on fixed incomes are hurt the most by the President's promised increased electricity rates.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Agreement negotiated between the President and the President of the People's Republic of China has no force and effect in the United States;

(2) the Agreement between the President and the President of the People's Republic of China is a bad deal for United States consumers, workers, families, and communities, and is economically unfair and environmentally irresponsible;

(3) the Agreement, as well as any other bilateral or international agreement regarding greenhouse gas emissions such as the United Nation's Framework Convention on Climate Change in Paris in December 2015, requires the advice and consent of the Senate and must be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the Agreement and an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the Agreement;

(4) the United States should not be a signatory to any bilateral or other international agreement on greenhouse gases if it would result in serious harm to the economy of the United States; and

(5) the United States should not agree to any bilateral or other international agreement imposing disparate greenhouse gas commitments for the United States and other countries.

Ms. MURKOWSKI. Mr. President, we are wrapped up here for the evening so far as amendments, and I just want to thank colleagues for the discussion we have had today, the opportunity to bring forward some issues that clearly generate their own level of passion and emotion, and again the chance to bring forth issues we have been waiting for some period of time to have before us.

While some may suggest these are hard issues and hard votes to take, nobody ever said voting should be easy here in the Senate. The issues that come before us are issues the Nation considers and that we as their representatives should take seriously. So sometimes there are hard votes, and we will argue and debate over the wording and critically, and that is appropriate.

So again, looking forward to tomorrow, we have an opportunity to have now eight amendments that will be pending tomorrow afternoon, and I look forward to the continued discussion and a new day.

With that, Mr. President, I yield the floor, and 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. MCCONNELL. Mr. President, 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. MCCONNELL. Mr. President, I ask unanimous consent that 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.

The Senator from Utah.

REMEMBERING BECKY LOCKHART

Mr. LEE. Mr. President, I rise today to pay tribute to Becky Lockhart, former Speaker of the Utah House of Representatives, who tragically passed away on January 17, after a brief battle with a rare and devastating disease.

Becky Lockhart was the first woman to serve as Speaker of the House in the State of Utah. She did so in a truly extraordinary manner. She established a pattern of leadership that will be a model and a guide for wise legislative leaders in our State and across this great Nation for many, many years to come.

I affectionately yet admiringly refer to Speaker Lockhart as the iron lady of Utah as she possessed so many of the qualities of the original iron lady, Margaret Thatcher. Grounded in conservative principles, passionate about policy, and committed to federalism and local control, she knew where she stood and she stood firm every single time.

She followed the admonition of another great leader in American politics, Abraham Lincoln, who said, ''I will stand with anybody that stands right, stand with him while he is right and part with him when he goes wrong.''

Professionally trained as a nurse, Speaker Lockhart also understood the

softer yet equally important gifts of compassion and concern, as well as listening and laughter. Even in the most heated discussion, she could change a room with a flash of her charismatic smile, a wink and a grin, or even some well-worded sarcasm to provide a little bit of levity.

Combining her nurse's intuition and strong leadership made her the perfect combination of satin and steel. She could and would and did stand up to any political or business bureaucracy, forcefully correct a colleague, rebuke an inaccurate report, and challenge the small-minded ideas and thinkers. Less reported was her impact and influence as a mentor to new members of the Utah House of Representatives, her work in helping more women become involved in the political process, and how she gave voice to those who did not have a strong voice of their own.

Above all, Speaker Lockhart looked out for, longed to be with, cherished and loved her family. She knew that the work she did in the walls of her own home was the most important work she would or could ever do. Becky also recognized that family is the bulwark of society and the strength of our Nation.

More than the ink of good press and the accolades of others, Speaker Lockhart knew that her most important legacy would not be recorded in history books, it would not be recorded in the Utah State code that has so many of her words written on it. No, it would be written in the hearts of her family and her friends.

I have been lifted by Becky Lockhart's leadership, inspired by her insight and her integrity, and encouraged by her commitment to the U.S. Constitution, and her love of country and am most blessed to call her my friend. Speaker Becky Lockhart, the iron lady of Utah, will indeed be heralded for her satin-and-steel leadership in the Utah House of Representatives. She will indeed be remembered for all that she did, but more significantly she will hold a special place in countless hearts because of who she was.

I pay tribute to this special person, this amazing leader, and this beloved friend, whose loss we mourn this very week, and who some Members of this body were privileged to know. It is my honor to do so.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. UDALL. Mr. President, let me say to my cousin, my heart goes out to you, and my condolences on what you have talked about here today. I really appreciate you coming down and talking so sincerely about that.

Mr. HATCH. Mr. President, I am grateful for the opportunity to pay tribute to a remarkable woman, a loving wife, and a caring mother—former Utah Speaker of the House Rebecca ''Becky'' Lockhart.

After weeks of battling a rare degenerative disease, Becky quietly passed away on January 17, 2015, with her loving family gathered at her bedside. Becky leaves behind a legacy of leadership and passionate advocacy that will resonate for years to come. It was this same passion and resilience that defined her tenure as Speaker of the Utah House. She was a dedicated public servant who always rose to meet our State's challenges with wisdom and strength.

Becky's career was a model of selfless service. Guided by a desire to help others, she studied nursing at Brigham Young University. Before entering public service, Becky worked as a registered nurse for 7 years, during which time she treated thousands of patients and became intimately familiar with health care issues affecting Utah families. Her experience as a nurse would later shape her career as a legislator, and as Speaker of the House, she became a powerful advocate for State-based health care reform. I had the opportunity to discuss these and many other issues with Becky throughout the years. In doing so, I was always impressed with her eloquence, her intelligence, and her commitment to the State of Utah.

Becky was first elected to the Utah House of Representatives in 1998, and she quickly distinguished herself as a persuasive collaborator, a passionate legislator, and one of the hardest-working representatives in the legislature. Her colleagues recognized her leadership abilities and elected her Assistant Majority Whip in 2008. Just 2 years later, Becky made history when she became the first women to serve as Speaker of the House in Utah. Through her remarkable career, she trail-blazed a path for generations of women to follow and became known as Utah's ''Iron Lady.''

Utah grew under Becky's leadership. She championed legislation that modernized our State's transportation system, strengthened our infrastructure, and promoted technological advancement. During her last year as Speaker, she spearheaded an ambitious education initiative aimed at putting technology directly into the hands of Utah students. Her leadership spurred a much-needed discussion on ways to improve Utah's education system to equip our students with the resources they need to succeed academically.

Many are familiar with Becky's public life, but of even greater importance was her personal life. Before she was House Speaker and even before she became a well-known political figure, Becky was, first and foremost, a wonderful wife and a loving mother. Becky and her husband, Stan, created a strong partnership in politics and in parenthood as they lovingly raised their three children, Hannah, Emily, and Stephen. I know that Stan and his family will miss Becky most of all. During this time of heartrending loss, I pray that they may feel the comforting embrace of God's love and find peace in the memories they share with this remarkable woman.

I, too, will miss Becky dearly. May her memory always serve as a model of compassion, selflessness, and dedicated public service.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

Mr. INHOFE. Mr. President, the Committee on Environment and Public Works has adopted rules governing its procedures for the 114th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

****

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with

the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, seven members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided byclose of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) Regularly Established Subcommittees: The committee has four subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund, Waste Management, and Regulatory Oversight; and Fisheries, Water, and Wildlife.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except

former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

Mr. ISAKSON. Mr. President, the Committee on Veterans' Affairs has adopted rules governing its procedures for the 114th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BLUMENTHAL, I ask unanimous consent that a copy of the Committee rules be printed in the RECORD.

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

COMMITTEE ON VETERANS' AFFAIRS
RULES OF PROCEDURE

I. MEETINGS

(A) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(B) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(C) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside over all meetings.

(D) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(E) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(F) Written or electronic notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee Members at least 72 hours (not counting Saturdays, Sundays, and federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to Members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(G) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written or electronic copy of such amendment has been delivered to each Member of the Committee at least 24 hours (not counting Saturdays, Sundays, and federal holidays) before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the Members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (F).

II. QUORUMS

(A) Subject to the provisions of paragraph (B), eight Members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five Members of the Committee shall constitute a quorum for purposes of transacting any other business.

(B) In order to transact any business at a Committee meeting, at least one Member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a Member, the matter shall lay over for a calendar day. If the presence of a minority Member is not then obtained, business may be transacted by the appropriate quorum.

(C) One Member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(A) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(B) There shall be a complete record kept of all Committee actions. Such record shall contain the vote cast by each Member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(A) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(B) At least one week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(C)(1) Each witness who is scheduled to testify at a hearing of the Committee shall submit 40 copies of such witness' testimony to the Committee not later than 48 hours (not counting Saturdays, Sundays, and federal holidays) before the witness' scheduled appearance at the hearing.

(2) Any witness who fails to meet the deadline specified in paragraph (1) shall not be permitted to present testimony but may be seated to take questions from Committee members, unless the Chairman and Ranking Minority Member determine there is good cause for the witness' failure to meet the deadline or it is in the Committee's interest to permit such witness to testify.

(D) The presiding Member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(E) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's non-concurrence in the subpoena within 48 hours (not counting Saturdays, Sundays, and federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other Member of the Committee designated by the Chairman.

(F) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding Member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee Members or staff or with the orderly conduct of the meeting or hearing. The presiding Member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(A) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee, which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts:

(1) Information concerning employment, education, and background of the nominee, which generally relates to the position to which the individual is nominated and which is to be made public; and

(2) Information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

(B) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

(C) Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not occur until at least five days (not counting Saturdays, Sundays, and federal holidays) after the nominee submits with respect to the currently pending nomination the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that a Department of Veterans Affairs facility may be named only after a deceased individual and only under the following circumstances:

(A) Such individual was:

(1) A veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of

the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) A Member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) An Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) An individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans.

(B) Each Member of the Congressional delegation representing the State in which the designated facility is located must indicate in writing such Member's support of the proposal to name such facility after such individual. It is the policy of the Committee that sponsoring or cosponsoring legislation to name such facility after such individual will not alone satisfy this requirement.

(C) The pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 must indicate in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

ADDITIONAL STATEMENTS

VERMONT ESSAY FINALISTS

• Mr. SANDERS. Mr. President, I ask to have printed in the RECORD finalist essays written by Vermont High School students as part of the Fifth Annual ''What is the State of the Union'' Essay contest conducted by my office. These 20 finalists were selected from over 400 entries.

The essays follow.

LIAM GIBBONS, MILTON HIGH SCHOOL (FINALIST)

We learn in school and from our parents that America is the land of opportunity. Yet that is not the case. When the wealth gap is steadily increasing, as women earn 70 cents for each dollar a man makes, as the U.S. government spends more on defense than on its disenfranchised, the land of opportunity seems no longer under boot, but instead a distant reality. Equal protection under the laws for every citizen, promoting the general welfare, rights to life, liberty, and the pursuit of happiness. All of these things are printed on our country's most sacred documents, these things which need to be an attainable reality for every American.

Perhaps one of the most egregiously neglected groups in the U.S. is women. Wage inequality combined with the control of their own bodies in the hands of the government all add to the fact that women are among the most disparaged people within the U.S. Throughout America, women are denied the right to a safe and constitutional abortion. Some of the biggest contenders for the presidency have voiced their belief that women shouldn't have this constitutional right even in the context of rape or incest. Because of Roe v. Wade, because of its constitutionality, a safe abortion should be as accessible to the women in Texas as much as the women in Vermont.

A law needs to standardize how abortion clinics are made and run, and if there is an issue regarding states' rights and federalism, then an amendment must be made. Because not only are women not currently in control of their own bodies, they also lack the ability to earn equal wages as men. In 1977, the Equal rights amendment lost by the votes of three states. Who in their right minds would vote against equal rights in 2015. In order to ensure true equality and civil rights bring back the ERA, and this time ratify it.

Another group of people who lack this promised opportunity is the poor. Most Americans are employed, but many of them aren't earning livable wages. An American shouldn't have to work three jobs to support their family. An American shouldn't have to ride a bus three hours a day in order to work for privatized welfare. An American should be able to work for 40 hours a week, and be able to live comfortably. And this is possible if we raise the minimum wage so that it equates to a livable wage. However, no American should not have to strive for the minimum, each citizen should have a chance at exceeding, each American should be able to go to college.

In Germany, in Sweden, in Norway college is free. In Syria, a week of bombing by the U.S. costs the same as the tuition of 40,000 American students. If we were to take a fraction of our defense budget and give it to the impoverished for higher education, if we were to reallocate the budget, we would be seeing a lot more opportunity.

ELI HULSE, VERMONT COMMONS SCHOOL (FINALIST)

As the United States moves into 2015, we have achieved many things that have furthered the nation, and improved the security of the people economically, socially, and militarily. Some of these advancements include electing Janet Yellen as the first female Chair of the Federal Reserve, reducing the unemployment rate from 6.7 percent to 5.8 percent; the lowest it has been since 2008, and helping foreign forces fight against the militant group ISIS. However, there are many problems that the United States faces and needs to address over the next year.

The single most important issue that the United States needs to recognize and correct is the disparity of income. Although it is true that the gap in income causes problems with equality between the social classes, there are concerns that the percentage of income that the upper class has is causing instability in the United States economy as a whole. People who have more money do not spend as much of percentage of it as poorer people, which means that that money sits in savings accounts, and is not paid to businesses in return for products. As the income gap widens, less money will be introduced into the economy, and it will leave the economy in a precarious position.

Another serious issue that the United States needs to address is the spread of Ebola in Africa. Although domestic cases of Ebola have been isolated and treated, an unstable Africa would allow Ebola to potentially spread to the United States and other countries, and could be catastrophic. It is important that the United States government continues its support of Liberia, Nigeria, Sierra Leone and other countries that are struggling to create the infrastructure to treat this deadly disease.

Finally, it is key that the United States continues its resistance to terror threats both domestically and internationally. Although currently not a direct threat to the United States or to the general populous, ISIS has the potential to cause great damage to the European Union and eventually to the United States. A military force this size has not been seen in a long time, and the influence that it has in the countries it overtakes is alarming and needs to be kept in check. The United States needs to keep this in mind when making international policy decisions, and needs to continue supporting countries that are actively fighting ISIS.

The United States continues to be one of the largest influencers on the international playing field. However, policy makers need to keep in mind many domestic problems, and begin working across the aisle in order to keep the government of the United States secure and capable. 2014 has seen a whole array of new policies, and these policies have ensured the security of the American people. In 2015, new policies will be created, that will hopefully fix some of the problems in our society. God bless the United States of America.

KATHY JOSEPH, CHAMPLAIN VALLEY UNION HIGH SCHOOL (FINALIST)

America has undoubtedly grown in the past year, but the many problems plaguing our nation continue to persist. The United States economy is stronger. We added 300 thousand jobs in November, the best in nearly three years. The unemployment rate is at 5.8%, a post-recession low point. President Obama struck a climate change deal with China—the two countries with the largest energy consumptions agreed to curb their carbon emissions by 2030. The war on terror in Afghanistan officially ended. Relations with Cuba have been reopened, which will make educational travel to Cuba easier and is a new approach to dealing with the oppressive regime that is currently leading Cuba.

All of these are steps America has taken in the past year in the right direction. However, we still face many challenges. The US has a growing income gap—the rich are getting richer while the poor are getting poorer. This is highlighted in the spending bill passed in December to prevent the government shutdown. In it there were several provisions to cut welfare spending, such as Medicare and spending on the Women and Children support while there was another provision essentially written by the banks to reverse the Dodd Frank act. That act was written after the recession, but now things will go back to the way they were. Lobbyists for banks and for the wealthy have louder voices in Washington. Over 50% of Congress people are millionaires, while millionaires make up only 5% of the US population. This helps explain why income inequality is only getting worse, and is something that the American people must change.

It is harder for students to afford college. Student loans are not of importance in Washington, which is something that needs to be changed. More people are afraid of the debt they will be in after getting their degree, and would rather start working out of high school. This is not the path we should be going on, and it is time for Congress to start listening to the students and prioritizing education.

The media have recently brought the nation's attention to police brutality, racial discrimination, and our broken criminal justice system. President Obama allocated $263 million for police body cameras and training, which is an acknowledgement of the need for reform but does not solve the root problem. Although there was footage available for the strangling of Eric Garner, the officer had no charges filed against him. These injustices seem to be occurring only more frequently, and Congress should focus its attention on real solutions that will lead to demilitarization of the police and a stop to the criminal

justice system disproportionately affecting minority groups.

We are still moving forward as a nation, but in 2015 we must work to reverse trends such as the growing income gap, increased police brutality, and losing sight of our priorities. There is still hope for a brighter future if we remember what values America really stands for.

EMILY (EMERY) MEAD, MISSISQUOI VALLEY UNION HIGH SCHOOL (FINALIST)

As a young Vermonter, just getting ready to begin my college journey, there are some concerns that trouble me most about the future of our country. Please consider my advice as you prepare your address on the state of our union. My main concern is about how the transgender community is treated in America. Things have gotten better for them, but there's still quite a bit of discrimination against transgender people. Many people don't think trans folk deserve rights, but they're still just humans. I am a part of this community so I know about its difficulties personally. I am physically female but I identify as male.

One of the difficulties I have is the bathrooms and I'm not the only one, it's one of the biggest problems for us. I am literally terrified to go to the bathroom at school and in other public places because I use the men's bathroom and every time I do I'm afraid I will be ridiculed or kicked out and have been confronted by kids telling me to stay out of the guys bathroom at school. No one should be afraid to pee.

I don't have it that bad, for some people it's a lot worse. A friend of mine came out as transgender to his family and they kicked him out and disowned him. Luckily he has a very supporting girlfriend who he's currently living with and good friends who helped him with his struggles. Some people don't have that kind of support. Some are kicked out of their houses or run away from abusive families to live on the dirty streets and beg for money to pay for food or to buy a blanket to keep them warm on cold nights. An article about gay and transgender youth homelessness on americanprogress.org gives these stats which I have paraphrased; There is an estimated 1.6 million to 2.8 million homeless youth in the United States; 20 to 40 percent of that are gay or transgender kids; an estimated 320,000 to 400,000 gay and transgender youth are facing homelessness each year. Some are lucky enough to find a shelter or housing for transgender people, but not everyone lives near one or knows about one near them. It's not right for these kids to have no place to sleep.

These problems are very serious and need to be addressed and fixed. A possible solution for the bathroom problem is to fund more unisex bathrooms in more public places; I strongly believe this will help reduce the awkwardness and fear of going to the bathroom; even for those who are just uncomfortable with using public bathrooms. As for the shelter problem, putting more of these shelters around the country and making them more advertised and well known these kids won't be forced to live on the streets anymore.

Thank you for your consideration.

ALICIA MUIR, MILTON HIGH SCHOOL (FINALIST)

As a global powerhouse, the United States is bestowed with a responsibility. This country stands upon its obligation and ability to be innovative, to provide opportunity and to maintain a respectable quality of living for every citizen. I would like to take this moment to address where we stand on these principles and how far we still have to go.

In our current state, economic problems are most apparent. While the economy rests in a steady stage of recovery, many of our neighbors struggle to obtain and secure an adequate standard of living. We can try to justify yearly improvement by pointing out that unemployment rates and gas prices are down. But despite such progress, the standard of living is always increasing. Paired with this fact is the abundant number of citizens who struggle to survive on a wage that is not livable. The obvious action to take is to raise the federal minimum wage, which has been set at $7.25 since 2009. For a single person working 40 hours a week, the basic costs of food, housing, medical care, utilities, and other necessary expenses should be attainable with the lowest margin of pay. As of now, it is not. Starting in 2015, many states have already decided to raise their minimum wage. If we increase the pay benchmark on the federal level, every state will have to do the same.

When high school graduates are launched into adulthood, college is the promising route that comes with a discouraging debt sentence. Higher education is needed to be competitive in the job market. Rather than pouring mass amounts of money into defense spending and other well budgeted programs, legislators should create a larger budget for student loans and grants. I urge the United States to make college more accessible. In addition to the budget, the federal government can offer incentives for universities that will encourage them to administer greater financial aid packages and cut tuition costs. Specific criteria can even be established to provide free education to certain financial groups based on their low incomes.

Transitioning to a problem that is often neglected, I believe that as a country we must address the gender wage gap. To this day, a vast majority of women make on average only 75% of what men make. First, the United States has to establish a paid pregnancy leave at the standard of other industrialized nations. This will allow women to balance earning a sustainable income and raising a family. We can also regulate companies that retaliate against workers who discuss their wages, as well as increase the limitations on gender based pay discrimination. It's time to finally stop employers from paying less for equal work. Let us break down the glass ceiling.

To affirm that these programs will take place, and that these solutions will triumph, it is vital that the Congress disregards the party polarization that has crippled the government for so long. With collaboration and determination, the United States can prosper and prevail.

CURTIS RICHARDSON, MILTON HIGH SCHOOL (FINALIST)

My country, our country, is something I love and wish that everyone within its borders receives the highest amount of happiness possible and lives a life well fed and secure.

With that said an issue not talked about as much as it should. Homelessness. People spend their nights in cold dark alleyways covered only by the warmth of the Sunday paper. Shelters are full, stomachs empty. There are children who are homeless. There should never be a child without a warm place to sleep. By enacting programs which employ the homeless, and renovating buildings that serve no purpose, transforming them into shelters and low income housing we can find a solution to this problem and make sure that every American does not have to worry where they are going to sleep.

The poverty level in the United States is at 14.5 percent 42,000,000 Americans. A percentage that is entirely too high. A percentage of those Americans may work well over 40 hours a week, put in overtime and are yet still unable to rise above the poverty level. This is because the national minimum wage is at $7.25. The minimum wage is not a livable wage. By raising the national minimum wage to over $10 we can make sure that those hard working Americans are not living below the poverty line.

There is always a need for jobs in America. Many jobs are being outsourced for big business to make more money. By federally regulating how much a company can outsource jobs from America we can make companies open more factories in America and by doing so will open the way for more jobs spread throughout these United States.

While there are many domestic issues that are very important there are international ones as well. With the terrorist group Isis still at large we must ensure the security of citizens in the United States and places overseas. That is why we will have troops ready to be deployed. As long as there is a terrorist presence we will protect the people of the United States and its allies.

Bees are needed in order to pollinate flowers and grow many of the foods we eat. The bees are dying off and without them many of the foods we eat will increase in price and will deplete. Opening bee farms in America and increasing the bee population we can save many crops and flowers that the bees greatly assist with, and the federal government would also be assisting those small bee farmers who may be running low on business and this will be supporting the hard working Americans and not big business.

This cannot be accomplished alone. It will take the country as a whole cooperating with one another to make everything here into a reality. Working past party lines and finding an answer that's the best solution will ensure that these problems are solved.

FRIEDEMANN SCHMIDT, BRATTLEBORO UNION HIGH SCHOOL (FINALIST)

Under the presidency of Ronald Reagan the United States turned within four years from the biggest creditor nation in the world in 1981 to the world's largest debtor in 1985. Supported by numerous foreign assignments of the U.S. Armed forces, the public debt increased constantly, reaching a figure of $18 trillion in recent years. This is a very serious issue for the United States not only because it deepens the dependence on creditor nations like China or Saudi Arabia which neglect values like freedom and equality, but also it directly affects everyone.

In 2013 the interest payments of the U.S. public debt made up 6% of the federal budget excluding an actual debt reduction. With a steadily growing budget deficit, primarily due to outrageous defense spending, that figure will even form a larger part of the annual budget plan. Presumably that will lead to cuts in secondary areas like education, transportation and social as well as scientific endeavors. This symbolizes a threat to the belief of the founding fathers in equality and perhaps makes a myth of the United States offering fair chances for everyone, regardless of status.

By decreasing the governmental funding of social programs, like the free/reduced meal program offering meals to 20% of food insecure students in Vermont, the living status of numerous hard-working middle and lower class would drop. A declining federal funding of universities and colleges throughout the country would further increase the college tuition for individuals, creating an unaffordable higher education for hundreds of thousands of young, talented Americans—a problem America already faces.

The social injustice created by enlarging the gap between rich and poor, would weaken the unity of the United States as much as decreasing the funding of America's world-

leading role in science and innovation, the key to economic success and human progress itself. Former Secretary of Labor Robert Reich states that due to the fact that ''Inequality has become worse, the danger to the economy and democracy had become worse.''

The public debt will be one of the major challenges for United States politics in the near future. Facing it will have to lead to changes of American policies and its lead in world policy. Priorities have to be set and compromises have to be made. Martin Luther King Jr. once said: ''A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death.'' It is the responsibility of every U.S. citizen to prevent that in order to maintain the prosperity and values for which America stands.

SOPHIA SEMAN, ESSEX HIGH SCHOOL (FINALIST)

As our nation ages and evolves, the problems it faces become more complex. Some of the greatest challenges we face today are those of police brutality, a flawed naturalization process, and the daunting cost of higher education.

In the past few months, cities in the US have erupted in protests over police brutality. Starting in Ferguson, marching feet have spread to New York and California. One solution to the spreading mistrust in law enforcement is the use of body cameras that would provide an account of each interaction. While many speculate that this would be an invasion of privacy, the departments that have tested these devices decided the benefits outweigh the risks. Rialto, CA has seen a ''60 percent reduction in officer use of force incidents following camera deployment'' and an ''88 percent reduction in number of citizen complaints''. The federal government should issue categorical grants to any department that opts to implement the use of this technology. The cost to supply all the law enforcers with cameras may seem too high, but eventually, the money saved in lawsuits would counter the initial pay out.

This year, college students returned to school with considerably lighter pockets, as state tuition climbed another 2.9 percent. While many politicians realize the need for a highly educated work force for the future economy, few are willing to throw their weight behind the necessary reforms to make it more affordable. If young adults are expected to pay their way through college, they must have viable options in student loans. Unfortunately, ''private college loans are much cheaper than federal student loans now''. It is the responsibility of our government to help budding adults pay for higher education and mold themselves into conscientious citizens by lowering federal interest rates on loans.

The US has always been a nation of immigrants. However it is the unfortunate American tradition that the newest wave of immigrants is detested by those who have formed roots. Today it is the Latinos who face a wave of prejudice. As much as it pains some lawmakers to admit, we need the fresh faces and new ideas as much as these prospective citizens need refuge from the turmoil of their home country. It is time for a renovation of the naturalization process. Because the US does not have an official language and many new citizens site English as ''one of the biggest obstacles'', the English portion of the test should be eliminated. Questions pertaining to civil rights should be emphasized on the Civics Test, rather than superfluous ones about history, as citizens should be more aware of their rights and responsibilities than the War of 1812.

The most pressing issues facing the Union today are those of police brutality, rising college and university costs and the labyrinthine naturalization process. They demand quick, effective solutions, such as police-worn cameras, lowered interest rates on student loans, and a revised naturalization test.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON JANUARY 23, 1995, WITH RESPECT TO FOREIGN TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2015.

The crisis with respect to grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the sanctions against them to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *January 21, 2015.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–298. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish'' (Docket No. APHIS–2007–0038) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–299. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Assistance Loans, Loan Deficiency Payments, and Sugar Loans'' (RIN0560–AI28) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–300. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From the U.S. Department of Agriculture'' (RIN0503–AA57) received during adjournment of the Senate in the Office of the President of the Senate on January 14, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–301. A communication from the Acting Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the National Guard Youth Challenge Program 2014 annual report; to the Committee on Armed Services.

EC–302. A communication from the Chief Executive Officer of the Armed Forces Retirement Home, transmitting, pursuant to law, a report relative to a real estate lease transaction; to the Committee on Armed Services.

EC–303. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Strategy, Plans, and Capabilities), Department of Defense, received during adjournment of the Senate in the Office of the President of the Senate on January 14, 2015; to the Committee on Armed Services.

EC–304. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Logistics and Material Readiness), Department of Defense, received during adjournment of the Senate in the Office of the President of the Senate on January 14, 2015; to the Committee on Armed Services.

EC–305. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Cuban Assets Control Regulations'' (31 CFR Part 515) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–306. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Russian Sanctions: Licensing Policy for the Crimea Region of Ukraine'' (RIN0694–AG43) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–307. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a Foreign Policy Report on the imposition of a license requirement on exports,

reexports, and transfers (in-country) to the Crimea region of Ukraine; to the Committee on Banking, Housing, and Urban Affairs.

EC–308. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department of Commerce's 2014 Report on Foreign Policy-Based Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–309. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to Executive Order 13346 of July 8, 2004, the annual certification of the effectiveness of the Australia Group; to the Committee on Foreign Relations.

EC–310. A communication from the General Counsel, Peace Corps, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Director of the Peace Corps, received in the Office of the President of the Senate on January 16, 2015; to the Committee on Foreign Relations.

EC–311. A communication from the Acting Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines'' (RIN1219–AB65) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–312. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, two (2) reports relative to vacancies in the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

EC–313. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report on the Department of Labor's 2012 and 2013 FAIR Act Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Homeland Security and Governmental Affairs.

EC–314. A communication from the Vice President for Congressional and Public Affairs, Millennium Challenge Corporation, transmitting, pursuant to law, the Corporation's Agency Financial Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–315. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–440, ''Special Election Reform Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–316. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–458, ''Protecting Pregnant Workers Fairness Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–317. A communication from the Director of the Office of Financial Reporting and Policy, Office of the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report entitled ''FY 2014 Agency Financial Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–318. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting proposed legislation relative to data breach notification; to the Committee on Homeland Security and Governmental Affairs.

EC–319. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling: 2015 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2015–02) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Finance.

EC–320. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Automatic Approval of Change in Funding Method for Takeover Plans'' (Announcement 2015–3) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Finance.

EC–321. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Reporting Sick Pay Paid by Third Parties'' (Notice 2015–6) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Finance.

EC–322. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Retroactive Increase in Excludable Transit Benefits'' (Notice 2015–2) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Finance.

EC–323. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update to Rev. Proc. 2014–4'' (Rev. Proc. 2015–4) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Finance.

EC–324. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2015–3'' (Rev. Proc. 2015–3) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Finance.

EC–325. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update to Rev. Proc. 2014–6'' (Rev. Proc. 2015–6) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Finance.

EC–326. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update to Rev. Proc. 2014–8'' (Rev. Proc. 2015–8) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Finance.

EC–327. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Property Qualifying for the Energy Credit under Section 48'' (Notice 2015–4) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Finance.

EC–328. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Director of the Indian Health Service, Department of Health and Human Services, received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2015; to the Committee on Indian Affairs.

EC–329. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Land Acquisitions in the State of Alaska'' (RIN1076–AF23) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Indian Affairs.

EC–330. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18 to the Salmon Fishery Management Plan'' (RIN0648–BC95) received during adjournment of the Senate in the Office of the President of the Senate on January 14, 2015; to the Committee on Commerce, Science, and Transportation.

EC–331. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Restrictions on the Use of Fish Aggregating Devices in Purse Seine Fisheries for 2015; Correction'' (RIN0648–BE36) received during adjournment of the Senate in the Office of the President of the Senate on January 14, 2015; to the Committee on Commerce, Science, and Transportation.

EC–332. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; 2015 Summer Flounder, Scup, and Black Sea Specifications and 2015 Commercial Summer Flounder Quota Adjustments'' (RIN0648–XD651) received during adjournment of the Senate in the Office of the President of the Senate on January 14, 2015; to the Committee on Commerce, Science, and Transportation.

EC–333. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XD653) received during adjournment of the Senate in the Office of the President of the Senate on January 14, 2015; to the Committee on Commerce, Science, and Transportation.

EC–334. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Regulatory Amendment to Pacific Coast Groundfish Fisheries Trawl Rationalization Program for the Start of 2015'' (RIN0648–BE34) received during adjournment of the Senate in the Office of the President of the Senate on January 14, 2015; to the Committee on Commerce, Science, and Transportation.

EC–335. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Commercial Porbeagle Shark Fishery'' (RIN0648–XD659) received during adjournment of the Senate in the Office of the President of the Senate on January 14, 2015; to the Committee on Commerce, Science, and Transportation.

EC–336. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of

the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Expansion of the Fair Play Viticultural Area'' (RIN1513–AC07) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2015; to the Committee on Commerce, Science, and Transportation.

EC–337. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Bering Sea and Aleutian Islands Groundfish Fisheries Off Alaska'' (RIN0648–BE06) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2015; to the Committee on Commerce, Science, and Transportation.

EC–338. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Report to Congress Under Section 319 of the Fair and Accurate Credit Transactions Act of 2003''; to the Committee on Commerce, Science, and Transportation.

EC–339. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab, AB, Saab Aerosystems Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0460)) received in the Office of the President of the Senate on January 12, 2015; to the Committee on Commerce, Science, and Transportation.

EC–340. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Division Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2013–0072)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–341. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0981)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–342. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0366)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–343. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Beechcraft Corporation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0771)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–344. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GROB–WERKE Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0848)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–345. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Concept Limited Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0759)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–346. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0257)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–347. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0566)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–348. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No . FAA–2014–0448)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–349. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0453)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–350. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0057)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–351. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0053)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–352. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Limited Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0717)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–353. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–1029)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–354. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. (Agusta) Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2008–0256)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–355. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0450)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–356. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Area Boundary Descriptions; Cape Canaveral, FL'' ((RIN2120–AA66) (Docket No. FAA–2014–0875)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–357. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules; Miscellaneous Amendments (4); Amendment No. 517'' (RIN2120–AA63) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–358. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Elimination of the Air Traffic Control Tower Operator Certificate for Controllers Who Hold a Federal Aviation Administration Credential With a Tower Rating'' ((RIN2120–AK40) (Docket No. FAA–2014–1000)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–359. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) Flight Information Region (FIR)'' ((RIN2120–AK56) (Docket No. FAA–2014–0225)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–360. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights Within the Damascus (OSTT) Flight Information Region

(FIR)'' ((RIN2120–AK61) (Docket No. FAA–2014–0708)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

EC–361. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Harmonization of Airworthiness Standards—Gust and Maneuver Load Requirements'' ((RIN2120–AK12) (Docket No. FAA–2014–0142)) received in the Office of the President of the Senate on January 16, 2015; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ISAKSON, from the Committee on Veterans' Affairs, without amendment:

H.R. 203. A bill to direct the Secretary of Veterans Affairs to provide for the conduct of annual evaluations of mental health care and suicide prevention programs of the Department of Veterans Affairs, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. Res. 31. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. ISAKSON, from the Committee on Veterans' Affairs, without amendment:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PORTMAN (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mrs. CAPITO, Mr. CRAPO, Mrs. FISCHER, Mr. FLAKE, Mr. INHOFE, Mr. ISAKSON, Mr. LEE, Mr. RUBIO, Mr. THUNE, Mr. VITTER, and Mr. SCOTT):

S. 200. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of major revenue legislation; to the Committee on the Budget.

By Mr. PORTMAN (for himself, Mr. COCHRAN, Mr. THUNE, Mr. RISCH, Mr. BURR, and Mr. ROBERTS):

S. 201. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. CORNYN:

S. 202. A bill to provide for a technical change to the Medicare long-term care hospital moratorium exception; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mrs. FISCHER, Mr. GRASSLEY, Mr. INHOFE, Mr. ISAKSON, Mr. KIRK, Ms. MURKOWSKI, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. THUNE, Mr. WICKER, and Mr. COATS):

S. 203. A bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance; to the Committee on Finance.

By Mrs. BOXER:

S. 204. A bill to reinstate the 10-year statute of limitations period applicable to collection of amounts paid to Social Security beneficiaries by administrative offset, and prevent recovery of overpayments from individuals under 18 years of age; to the Committee on Finance.

By Mr. CASSIDY (for himself and Mr. PETERS):

S. 205. A bill to provide for the development and dissemination of evidence-based best practices for health care professionals to recognize victims of a severe form of trafficking and respond to such individuals appropriately, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. AYOTTE:

S. 206. A bill to amend title 23, United States Code, to reauthorize the State infrastructure bank program; to the Committee on Commerce, Science, and Transportation.

By Mr. MORAN (for himself, Mr. TESTER, Mr. KING, Mr. DAINES, and Ms. COLLINS):

S. 207. A bill to require the Secretary of Veterans Affairs to use existing authorities to furnish health care at non-Department of Veterans Affairs facilities to veterans who live more than 40 miles driving distance from the closest medical facility of the Department that furnishes the care sought by the veteran, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON (for himself, Mr. CORNYN, Mr. FLAKE, and Mr. MCCAIN):

S. 208. A bill to require the Secretary of Homeland Security to gain and maintain operational control of the international borders of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BARRASSO (for himself, Mr. TESTER, Mr. MCCAIN, Mr. HOEVEN, Mr. ENZI, Mr. MORAN, and Mrs. FISCHER):

S. 209. A bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes; to the Committee on Indian Affairs.

By Mr. CASEY (for himself, Mr. MORAN, Mr. ROBERTS, and Mr. TESTER):

S. 210. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Finance.

By Mr. CASEY:

S. 211. A bill to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mr. NELSON):

S. 212. A bill to amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote; to the Committee on Rules and Administration.

By Mrs. BOXER:

S. 213. A bill to improve requirements for entering into commerce of imitation firearms, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ (for himself, Mr. UDALL, Ms. WARREN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. FRANKEN, Mrs. SHAHEEN, and Mr. LEAHY):

S. 214. A bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURR (for himself and Mrs. GILLIBRAND):

S. 215. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance; to the Committee on Finance.

By Mr. SESSIONS (for himself and Mrs. BOXER):

S. 216. A bill to establish the National Prostate Cancer Council for improved screening, early detection, assessment, and monitoring of prostate cancer, and to direct the development and implementation of a national strategic plan to expedite advancement of diagnostic tools and the transfer of such tools to patients; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Mrs. BOXER, Mrs. MURRAY, Mr. SCHATZ, Ms. HIRONO, Mr. WHITEHOUSE, Mr. SANDERS, Mr. SCHUMER, Mrs. GILLIBRAND, Ms. CANTWELL, Mr. MURPHY, Mr. BROWN, Ms. WARREN, Mr. TESTER, Mr. MENENDEZ, Mr. HEINRICH, Mr. COONS, Mr. MARKEY, Mr. MERKLEY, Mrs. SHAHEEN, Ms. MIKULSKI, Mr. BOOKER, Mrs. FEINSTEIN, Ms. STABENOW, Mr. WYDEN, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. CARDIN, Mrs. MCCASKILL, Mr. DURBIN, Mr. PETERS, and Mr. BENNET):

S. 217. A bill to protect a woman's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services; to the Committee on the Judiciary.

By Mr. ENZI (for himself and Ms. KLOBUCHAR):

S. 218. A bill to facilitate emergency medical services personnel training and certification curriculums for veterans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 219. A bill to prohibit the expenditure of Federal funds for abortions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 220. A bill to prohibit discrimination and retaliation against individuals and health care entities that refuse to recommend, refer for, provide coverage for, pay for, provide, perform, assist, or participate in abortions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 221. A bill to amend the Patient Protection and Affordable Care Act to authorize additional funding for the pregnancy assistance fund; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. SESSIONS):

S. 222. A bill to establish the National Prostate Cancer Council for improved screening, early detection, assessment, and monitoring of prostate cancer, and to direct the development and implementation of a national strategic plan to expedite advancement of diagnostic tools and the transfer of such tools to patients; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 223. A bill to require the Secretary of Veterans Affairs to establish a pilot program

on awarding grants for provision of furniture, household items, and other assistance to homeless veterans to facilitate their transition into permanent housing, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself, Mr. KIRK, and Mrs. SHAHEEN):

S. 224. A bill to ensure the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, and resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Relations.

By Mr. THUNE (for himself and Ms. KLOBUCHAR):

S. 225. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

By Mr. PAUL (for himself, Mr. BLUNT, Mr. LEE, Mr. SCOTT, Mr. PORTMAN, Mr. MORAN, Mr. HELLER, Mr. CRUZ, Ms. AYOTTE, Mr. FLAKE, Mr. CRAPO, Mrs. FISCHER, Mr. MCCAIN, Mr. VITTER, Mr. BOOZMAN, Mr. PERDUE, Mr. CORNYN, Mr. THUNE, Mrs. CAPITO, Mr. ISAKSON, Mr. BARRASSO, Mr. INHOFE, Mr. ENZI, Mr. DAINES, Mr. SULLIVAN, Mr. SASSE, Mr. ROUNDS, Mr. RUBIO, Mr. ROBERTS, Mr. GRASSLEY, Mr. JOHNSON, and Mr. GARDNER):

S. 226. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALEXANDER (for himself and Mrs. MURRAY):

S. 227. A bill to strengthen the Federal education research system to make research and evaluations more timely and relevant to State and local needs in order to increase student achievement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself, Mr. VITTER, and Mr. RISCH):

S. 228. A bill to amend title 54, United States Code, to provide for congressional and State approval of national monuments and restrictions on the use of national monuments; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself, Mr. UDALL, Ms. WARREN, Mr. CARPER, Mr. COONS, Mr. MARKEY, Mr. LEAHY, Mr. DURBIN, Mrs. MURRAY, Mr. BENNET, Mrs. BOXER, Ms. HIRONO, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. CARDIN, Ms. STABENOW, Mr. MERKLEY, Ms. BALDWIN, Mr. MURPHY, Mr. NELSON, Mr. CASEY, Mr. BROWN, Mr. REED, Ms. HEITKAMP, Mr. MANCHIN, Mrs. MCCASKILL, Mr. WARNER, Mr. FRANKEN, Mr. SANDERS, Mr. MENENDEZ, Mr. HEINRICH, Mr. TESTER, Mr. SCHUMER, Mr. KAINE, Ms. KLOBUCHAR, Ms. MIKULSKI, Mr. KING, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. BOOKER, and Mr. PETERS):

S. 229. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes; to the Committee on Rules and Administration.

By Ms. MURKOWSKI:

S. 230. A bill to provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska; to the Committee on Indian Affairs.

By Mr. SANDERS:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States to restore the rights of the American people that were taken away by the Supreme Court's decision in the Citizens United case and related decisions, to protect the integrity of our elections, and to limit the corrosive influence of money in our democratic process; to the Committee on the Judiciary.

By Mr. UDALL (for himself, Mr. BENNET, Mr. DURBIN, Mr. SANDERS, Mr. TESTER, Ms. BALDWIN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KING, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE:

S. Res. 31. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. ISAKSON:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans Affairs; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S.48

At the request of Mr. VITTER, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 48, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 149

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BLUNT), the Senator from West Virginia (Mrs. CAPITO) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. 149, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 165

At the request of Ms. AYOTTE, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 165, a bill to extend and enhance prohibitions and limitations with respect to the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, and for other purposes.

S. 166

At the request of Ms. KLOBUCHAR, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 166, a bill to stop exploitation through trafficking.

S. 167

At the request of Mr. MCCAIN, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 167, a bill to direct the Secretary of Veterans Affairs to provide for the conduct of annual evaluations of mental health care and suicide prevention programs of the Department of Veterans Affairs, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 170

At the request of Mr. TESTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 170, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 176

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 176, a bill to advance integrated water management and development through innovation, resiliency, conservation, and efficiency in the 21st century, and for other purposes.

S. 178

At the request of Mr. CORNYN, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from New York (Mrs. GILLIBRAND), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 178, a bill to provide justice for the victims of trafficking.

S. 182

At the request of Mr. ROBERTS, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 182, a bill to amend the Elementary and Secondary Education Act of 1965 to prohibit Federal education mandates, and for other purposes.

S. 183

At the request of Mr. BARRASSO, the names of the Senator from Louisiana (Mr. CASSIDY), the Senator from Maine (Ms. COLLINS) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 183, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 192

At the request of Mr. ALEXANDER, the names of the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON) and the Senator from Alaska

(Ms. MURKOWSKI) were added as cosponsors of S. 192, a bill to reauthorize the Older Americans Act of 1965, and for other purposes.

S.J. RES. 2

At the request of Mr. LEE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced.

AMENDMENT NO. 19

At the request of Mrs. FISCHER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 19 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 24

At the request of Mr. SANDERS, the name of the Senator from Vermont (Mr. LEAHY) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of amendment No. 24 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 27

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 27 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 29

At the request of Mr. WHITEHOUSE, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 29 proposed to S. 1, a bill to approve the Keystone XL Pipeline.

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 29 proposed to S. 1, supra.

AMENDMENT NO. 30

At the request of Mr. LEAHY, the names of the Senator from Delaware (Mr. COONS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 30 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 50

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 50 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 58

At the request of Mr. SCHATZ, the name of the Senator from West Virginia (Mr. MANCHIN) as added as a cosponsor of amendment No. 58 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 73

At the request of Mr. MORAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 73 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 74

At the request of Mr. REED, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from West Virginia (Mr. MANCHIN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Maine (Mr. KING), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of amendment No. 74 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 77

At the request of Mr. UDALL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 77 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 202. A bill to provide for a technical change to the Medicare long-term care hospital moratorium exception; to the Committee on Finance.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CHANGE TO THE MEDICARE LONG-TERM CARE HOSPITAL MORATORIUM EXCEPTION.

(a) IN GENERAL.—Section 114(d) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by sections 3106(b) and 10312(b) of Public Law 111–148, section 1206(b)(2) of the Pathway for SGR Reform Act of 2013 (division B of Public Law 113–67), and section 112 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), is amended, in paragraph (7), by striking ''The moratorium under paragraph (1)(A)'' and inserting ''Any moratorium under paragraph (1)'' in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 112 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93).

By Mr. WHITEHOUSE (for himself, Mr. UDALL, Ms. WARREN, Mr. CARPER, Mr. COONS, Mr. MARKEY, Mr. LEAHY, Mr. DURBIN, Mrs. MURRAY, Mr. BENNET, Mrs. BOXER, Ms. HIRONO, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. CARDIN, Ms. STABENOW, Mr. MERKLEY, Ms. BALDWIN, Mr. MURPHY, Mr. NELSON, Mr. CASEY, Mr. BROWN, Mr. REED, Ms. HEITKAMP, Mr. MANCHIN, Mrs. MCCASKILL, Mr. WARNER, Mr. FRANKEN, Mr. SANDERS, Mr. MENENDEZ, Mr. HEINRICH, Mr. TESTER, Mr. SCHUMER, Mr. KAINE, Ms. KLOBUCHAR, Ms. MIKULSKI, Mr. KING, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. BOOKER, and Mr. PETERS).

S. 229. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes; to the Committee on Rules and Administration.

Mr. WHITEHOUSE. Mr. President, I rise today to introduce the DISCLOSE Act of 2015.

Simply put, this bill would end the massive undisclosed spending in elections that is undermining public faith in our democracy, creating what one newspaper called ''a tsunami of slime.''

Today marks the 5-year anniversary of the Supreme Court's disastrous 5–4 decision in Citizens United v. FEC. With that feat of judicial activism, which will likely go down with Lochner v. New York as one of the Supreme Court's worst decisions, the conservative bloc of the Supreme Court overturned the laws of Congress protecting our elections' integrity, thwarted the will of the American people, and allowed unlimited anonymous corporate money to flood into our elections.

Worse still, even though the justices decided 8–1 that laws promoting disclosure of outside spending were necessary and appropriate, everything that has happened since has shown a concerted effort to prevent and frustrate disclosure. So the billionaires and corporations spending tens and even hundreds of millions of dollars on elections can continue to do so with no public knowledge and no accountability.

The Citizens United decision hangs on a series of irretrievably flawed assertions. Among them is the premise that unlimited corporate expenditures would be fine because there would be a regime of ''effective disclosure'' that would ''provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters.''

However, following Citizens United, that regime of ''effective disclosure'' has completely broken down, with billionaires and corporations spending unlimited secret money in elections. In the 2014 elections, the most expensive midterm elections in our history, with over $3.6 billion spent, the Washington Post reported that at least 31 percent of all independent spending was spent by groups that are not required to disclose their donors. And that doesn't even count spending on so-called ''issue ads,'' which is also not reported.

The first line of defense for campaign finance laws is supposed to be the Federal Election Commission. However, 5 years after the fact, the FEC just held a public meeting to consider rules to implement the Court's decision in Citizens United, and incredibly, the commissioners did not even consider rules to require disclosure.

That has left the problem largely to the Internal Revenue Service, because so many of the offending organizations are non-profits. And they mangled this. First, they failed to investigate big non-profit groups spending hundreds of millions of dollars on elections making what appeared to be illegal, material

false statements about election spending on these IRS forms. Then the IRS singled out organizations for scrutiny based on words in their names suggesting that they were politically active. Recently, the Treasury Department and the IRS proposed new rules to require disclosure by 501(c)(4) groups. Along with fifteen of my colleagues, I commended the effort to ensure disclosure by these non-profits. However, the IRS withdrew the proposed rules, and the latest reporting says that new rules won't be ready for the 2016 elections, another failure of disclosure.

The DISCLOSE Act would put some transparency into the ''tsunami of slime.'' The bill, which is unchanged from the version introduced last Congress, would require organizations spending money in elections—including super PACS and tax-exempt 501(c)(4) groups—to promptly disclose donors who have given $10,000 or more during an election cycle. The bill includes robust transfer provisions to prevent political operatives from using complex webs of entities to game the system and hide donor identities. This is not a new idea. Many Republicans, including several in the Senate, used to support disclosure.

Senator ALEXANDER has said, ''I support campaign finance reform, but to me that means individual contributions, free speech, and full disclosure.''

''I don't like it when a large source of money is out there funding ads and is unaccountable,'' said Senator SESSIONS. ''To the extent we can, I tend to favor disclosure.''

Or as Senator CORNYN put it, ''I think the system needs more transparency, so people can more easily reach their own conclusions.''

Senator MCCONNELL once summed it up nicely: ''Virtually everybody in the Senate is in favor of enhanced disclosure, greater disclosure. That's really hardly a controversial subject.''

And he was right—until Citizens United. Suddenly Republicans are fighting to keep the American people in the dark to protect their wealthy funders.

The high disclosure threshold and other provisions in the bill protect membership organizations from having to disclose their member lists, and from having to disclose any donor who does not wish his or her contribution to be used for political purposes.

Our campaign finance system is broken. Immediate action is required to fix it. Americans of all political stripes are disgusted by the influence of unlimited, anonymous corporate cash in our elections, and by campaigns that succeed or fail depending on how many billionaires the candidates have in their pockets.

Passing this law would remove the dark cloud of unlimited, anonymous money from our elections, and would prove to the American people that Congress is committed to fairness, equality, and the fundamental principle of a government ''of the people, by the people, and for the people.'' As Republican former Federal Election Commission Chairman Trevor Potter has said, the DISCLOSE Act is ''appropriately targeted, narrowly tailored, clearly constitutional and desperately needed.''

I thank our 35 cosponsors of this bill so far, and Representative VAN HOLLEN for introducing in the House, and I urge my colleagues to support the DISCLOSE Act of 2015.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Democracy Is Strengthened by Casting Light On Spending in Elections Act of 2015'' or the ''DISCLOSE Act of 2015''.

SEC. 2. CAMPAIGN DISBURSEMENT REPORTING.

(a) INFORMATION REQUIRED TO BE REPORTED.—

(1) TREATMENT OF FUNCTIONAL EQUIVALENT OF EXPRESS ADVOCACY AS INDEPENDENT EXPENDITURE.—Subparagraph (A) of section 301(17) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(17)) is amended to read as follows:

''(A) that expressly advocates the election or defeat of a clearly identified candidate, or is the functional equivalent of express advocacy because, when taken as a whole, it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate, taking into account whether the communication involved mentions a candidacy, a political party, or a challenger to a candidate, or takes a position on a candidate's character, qualifications, or fitness for office; and''.

(2) EXPANSION OF PERIOD DURING WHICH COMMUNICATIONS ARE TREATED AS ELECTIONEERING COMMUNICATIONS.—Section 304(f)(3)(A)(i) of such Act (52 U.S.C. 30104(f)(3)(A)(i)) is amended—

(A) by redesignating subclause (III) as subclause (IV); and

(B) by striking subclause (II) and inserting the following:

''(II) in the case of a communication which refers to a candidate for an office other than the President or Vice President, is made during the period beginning on January 1 of the calendar year in which a general or runoff election is held and ending on the date of the general or runoff election (or in the case of a special election, during the period beginning on the date on which the announcement with respect to such election is made and ending on the date of the special election);

''(III) in the case of a communication which refers to a candidate for the office of President or Vice President, is made in any State during the period beginning 120 days before the first primary election, caucus, or preference election held for the selection of delegates to a national nominating convention of a political party is held in any State (or, if no such election or caucus is held in any State, the first convention or caucus of a political party which has the authority to nominate a candidate for the office of President or Vice President) and ending on the date of the general election; and''.

(3) EFFECTIVE DATE; TRANSITION FOR ELECTIONEERING COMMUNICATIONS MADE PRIOR TO ENACTMENT.—The amendment made by paragraph (2) shall apply with respect to communications made on or after January 1, 2016, except that no communication which is made prior to such date shall be treated as an electioneering communication under subclause (II) or (III) of section 304(f)(3)(A)(i) of the Federal Election Campaign Act of 1971 (as amended by paragraph (2)) unless the communication would be treated as an electioneering communication under such section if the amendment made by paragraph (2) did not apply.

(b) DISCLOSURE REQUIREMENTS FOR CORPORATIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER ENTITIES.—

(1) IN GENERAL.—Section 324 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30126) is amended to read as follows:

''SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSEMENTS BY COVERED ORGANIZATIONS.

''(a) DISCLOSURE STATEMENT.—

''(1) IN GENERAL.—Any covered organization that makes campaign-related disbursements aggregating more than $10,000 in an election reporting cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission made under penalty of perjury that contains the information described in paragraph (2)—

''(A) in the case of the first statement filed under this subsection, for the period beginning on the first day of the election reporting cycle and ending on the first such disclosure date; and

''(B) in the case of any subsequent statement filed under this subsection, for the period beginning on the previous disclosure date and ending on such disclosure date.

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is as follows:

''(A) The name of the covered organization and the principal place of business of such organization.

''(B) The amount of each campaign-related disbursement made by such organization during the period covered by the statement of more than $1,000, and the name and address of the person to whom the disbursement was made.

''(C) In the case of a campaign-related disbursement that is not a covered transfer, the election to which the campaign-related disbursement pertains and if the disbursement is made for a public communication, the name of any candidate identified in such communication and whether such communication is in support of or in opposition to a candidate.

''(D) A certification by the chief executive officer or person who is the head of the covered organization that the campaign-related disbursement is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

''(E) If the covered organization makes campaign-related disbursements using exclusively funds in a segregated bank account consisting of funds that were paid directly to such account by persons other than the covered organization that controls the account, for each such payment to the account—

''(i) the name and address of each person who made such payment during the period covered by the statement;

''(ii) the date and amount of such payment; and

''(iii) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle and ending on the disclosure date;

but only if such payment was made by a person who made payments to the account in an

aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle and ending on the disclosure date.

''(F) If the covered organization makes campaign-related disbursements using funds other than funds in a segregated bank account described in subparagraph (E), for each payment to the covered organization—

''(i) the name and address of each person who made such payment during the period covered by the statement;

''(ii) the date and amount of such payment; and

''(iii) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle and ending on the disclosure date;

but only if such payment was made by a person who made payments to the covered organization in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle and ending on the disclosure date.

''(G) Such other information as required in rules established by the Commission to promote the purposes of this section.

''(3) EXCEPTIONS.—

''(A) AMOUNTS RECEIVED IN ORDINARY COURSE OF BUSINESS.—The requirement to include in a statement filed under paragraph (1) the information described in paragraph (2) shall not apply to amounts received by the covered organization in commercial transactions in the ordinary course of any trade or business conducted by the covered organization or in the form of investments (other than investments by the principal shareholder in a limited liability corporation) in the covered organization.

''(B) DONOR RESTRICTION ON USE OF FUNDS.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply if—

''(i) the person described in such subparagraph prohibited, in writing, the use of the payment made by such person for campaign-related disbursements; and

''(ii) the covered organization agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.

''(C) AMOUNTS RECEIVED FROM AFFILIATES.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply to any amount which is described in subsection (f)(3)(A)(i).

''(4) OTHER DEFINITIONS.—For purposes of this section:

''(A) DISCLOSURE DATE.—The term 'disclosure date' means—

''(i) the first date during any election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000; and

''(ii) any other date during such election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000 since the most recent disclosure date for such election reporting cycle.

''(B) ELECTION REPORTING CYCLE.—The term 'election reporting cycle' means the 2-year period beginning on the date of the most recent general election for Federal office.

''(C) PAYMENT.—The term 'payment' includes any contribution, donation, transfer, payment of dues, or other payment.

''(b) COORDINATION WITH OTHER PROVISIONS.—

''(1) OTHER REPORTS FILED WITH THE COMMISSION.—Information included in a statement filed under this section may be excluded from statements and reports filed under section 304.

''(2) TREATMENT AS SEPARATE SEGREGATED FUND.—A segregated bank account referred to in subsection (a)(2)(E) may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

''(c) FILING.—Statements required to be filed under subsection (a) shall be subject to the requirements of section 304(d) to the same extent and in the same manner as if such reports had been required under subsection (c) or (g) of section 304.

''(d) CAMPAIGN-RELATED DISBURSEMENT DEFINED.—In this section, the term 'campaign-related disbursement' means a disbursement by a covered organization for any of the following:

''(1) An independent expenditure consisting of a public communication.

''(2) An electioneering communication, as defined in section 304(f)(3).

''(3) A covered transfer.

''(e) COVERED ORGANIZATION DEFINED.—In this section, the term 'covered organization' means any of the following:

''(1) A corporation (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

''(2) An organization described in section 501(c) of such Code and exempt from taxation under section 501(a) of such Code (other than an organization described in section 501(c)(3) of such Code).

''(3) A labor organization (as defined in section 316(b)).

''(4) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(f) COVERED TRANSFER DEFINED.—

''(1) IN GENERAL.—In this section, the term 'covered transfer' means any transfer or payment of funds by a covered organization to another person if the covered organization—

''(A) designates, requests, or suggests that the amounts be used for—

''(i) campaign-related disbursements (other than covered transfers); or

''(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

''(B) made such transfer or payment in response to a solicitation or other request for a donation or payment for—

''(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

''(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

''(C) engaged in discussions with the recipient of the transfer or payment regarding—

''(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

''(ii) donating or transferring any amount of such transfer or payment to another person for the purpose of making or paying for such campaign-related disbursements;

''(D) made campaign-related disbursements (other than a covered transfer) in an aggregate amount of $50,000 or more during the 2-year period ending on the date of the transfer or payment, or knew or had reason to know that the person receiving the transfer or payment made such disbursements in such an aggregate amount during that 2-year period; or

''(E) knew or had reason to know that the person receiving the transfer or payment would make campaign-related disbursements in an aggregate amount of $50,000 or more during the 2-year period beginning on the date of the transfer or payment.

''(2) EXCLUSIONS.—The term 'covered transfer' does not include any of the following:

''(A) A disbursement made by a covered organization in a commercial transaction in the ordinary course of any trade or business conducted by the covered organization or in the form of investments made by the covered organization.

''(B) A disbursement made by a covered organization if—

''(i) the covered organization prohibited, in writing, the use of such disbursement for campaign-related disbursements; and

''(ii) the recipient of the disbursement agreed to follow the prohibition and deposited the disbursement in an account which is segregated from any account used to make campaign-related disbursements.

''(3) EXCEPTION FOR CERTAIN TRANSFERS AMONG AFFILIATES.—

''(A) EXCEPTION FOR CERTAIN TRANSFERS AMONG AFFILIATES.—

''(i) IN GENERAL.—The term 'covered transfer' does not include an amount transferred by one covered organization to another covered organization if such transfer—

''(I) is not made directly into a separate segregated bank account described in subsection (a)(2)(E); and

''(II) is treated as a transfer between affiliates under subparagraph (B).

''(ii) SPECIAL RULE.—If the aggregate amount of transfers described in clause (i) exceeds $50,000 in any election reporting cycle—

''(I) the covered organization which makes such transfers shall provide to the covered organization receiving such transfers the information required under subsection (a)(2)(F) (applied by substituting 'the period beginning on the first day of the election reporting cycle and ending on the date of the most recent transfer described in subsection (f)(3)(A)(i)' for 'the period covered by the statement' in clause (i) thereof); and

''(II) the covered organization receiving such transfers shall report the information described in subclause (I) on any statement filed under subsection (a)(1) as if any contribution, donation, or transfer to which such information relates was made directly to the covered organization receiving the transfer.

''(B) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

''(i) one of the organizations is an affiliate of the other organization; or

''(ii) each of the organizations is an affiliate of the same organization;

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of making campaign-related disbursements.

''(C) DETERMINATION OF AFFILIATE STATUS.—For purposes of this paragraph, the following organizations shall be considered to be affiliated with each other:

''(i) A membership organization, including a trade or professional association, and the related State and local entities of that organization.

''(ii) A national or international labor organization and its State or local unions, or an organization of national or international unions and its State and local entities.

''(iii) A corporation and its wholly owned subsidiaries.

''(D) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(c)(3) ORGANIZATIONS.—This paragraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this paragraph applies to an

amount transferred by a covered organization to another covered organization.''.

(2) CONFORMING AMENDMENT.—Section 304(f)(6) of such Act (52 U.S.C. 30104) is amended by striking ''Any requirement'' and inserting ''Except as provided in section 324(b), any requirement''.

SEC. 3. APPLICATION OF DISCLOSURE RULES TO SUPER PACS.

(a) IN GENERAL.—Subsection (e) of section 324 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30126), as amended by section 2, is amended by adding at the end the following new paragraph:

''(5) A political committee with an account that accepts donations or contributions that do not comply with the contribution limits or source prohibitions under this Act, but only with respect to such accounts.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 324(e) of such Act (52 U.S.C. 30126), as amended by section 2, is amended by inserting ''(except as provided in paragraph (5))'' before the period at the end.

SEC. 4. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 5. EFFECTIVE DATE.

Except as provided in section 2(a)(3), the amendments made by this Act shall apply with respect to disbursements made on or after January 1, 2016, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 31—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 31

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works (in this resolution referred to as the ''committee'') is authorized from March 1, 2015 through February 28, 2017, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2015.—The expenses of the committee for the period March 1, 2015 through September 30, 2015 under this resolution shall not exceed $3,060,871, of which amount—

(1) not to exceed $4,666.67 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $1,166.67 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2016 PERIOD.—The expenses of the committee for the period October 1, 2015 through September 30, 2016 under this section shall not exceed $5,247,208, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2017.—The expenses of the committee for the period October 1, 2016 through February 28, 2017 under this section shall not exceed $2,186,337, of which amount—

(1) not to exceed $3,333.33, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $833.33, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2017.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2015 through September 30, 2015;

(2) for the period October 1, 2015 through September 30, 2016; and

(3) for the period October 1, 2016 through February 28, 2017.

SENATE RESOLUTION 32—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. ISAKSON submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 32

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs (in this resolution referred to as the ''committee'') is authorized from March 1, 2015 through February 28, 2017, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2015.—The expenses of the committee for the period March 1, 2015 through September 30, 2015 under this resolution shall not exceed $1,283,522, of which amount—

(1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $3,500 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2016 PERIOD.—The expenses of the committee for the period October 1, 2015 through September 30, 2016 under this section shall not exceed $2,200,323, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $5,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2017.—The expenses of the committee for the period October 1, 2016 through February 28, 2017 under this section shall not exceed $916,801, of which amount—

(1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $1,500 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28. 2017.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2015 through September 30, 2015;

(2) for the period October 1, 2015 through September 30, 2016; and

(3) for the period October 1, 2016 through February 28, 2017.

AMENDMENTS SUBMITTED AND PROPOSED

SA 78. Mr. BLUNT (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table.

SA 79. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 80. Mr. VITTER (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 81. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 82. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 83. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 84. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 85. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 86. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 87. Mr. HOEVEN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra.

SA 88. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 89. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 90. Mr. CASSIDY (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 91. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 92. Mr. BURR (for himself, Ms. AYOTTE, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 93. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 94. Ms. HEITKAMP (for herself, Mr. DONNELLY, Mr. CASEY, Mr. CARPER, Mr. MANCHIN, and Mr. COONS) submitted an amendment to be proposed by her to the bill S.1, supra; which was ordered to lie on the table.

SA 95. Ms. HEITKAMP (for herself, Mr. DONNELLY, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 96. Ms. HEITKAMP submitted an amendment to be proposed by her to the bill S. 1, supra; which ordered to lie on the table.

SA 97. Ms. HEITKAMP submitted an amendment to be proposed by her to the bill S. 1, supra; which ordered to lie on the table.

SA 98. Ms. MURKOWSKI submitted an amendment to be proposed by her to the bill S. 1, supra; which ordered to lie on the table.

TEXT OF AMENDMENTS

SA 78. Mr. BLUNT (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING BILATERAL OR OTHER INTERNATIONAL AGREEMENTS REGARDING GREENHOUSE GAS EMISSIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) On November 11, 2014, President Barack Obama and President Xi Jinping of the People's Republic of China announced the ''U.S.-China Joint Announcement on Climate Change and Clean Energy Cooperation'' (in this section referred to as the ''Agreement'') reflecting ''the principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances''.

(2) The Agreement stated the United States intention to reduce its greenhouse gas emissions by one-quarter by 2025 while allowing the People's Republic of China to double its greenhouse gas emissions between now and 2030.

(3) While coal fired electricity remains the least expensive energy alternative, the reduction of coal use because of the Agreement would result in a 25 percent increase in electricity prices in the United States in 2025, according to analysis conducted by the Energy Information Administration.

(4) The people of China will not see similar electricity price increases as they continue to use low cost coal without limit for the foreseeable future, at least until 2030.

(5) Increases in the price of electricity can cause job losses in the United States industrial sector, which includes manufacturing, agriculture, and construction.

(6) The price of electricity is a top consideration for job creators when locating manufacturing facilities, especially in energy-intensive manufacturing such as steel and aluminum production.

(7) Requiring mandatory cuts in greenhouse gas emissions in the United States while allowing nations such as China and India to increase their greenhouse gas emissions results in jobs moving from the United States to other countries, especially to China and India, and is economically unfair.

(8) Imposing disparate greenhouse gas emissions commitments for the United States and countries such as China and India is environmentally irresponsible because it results in greater emissions as businesses move to countries with less stringent standards.

(9) Union members, families, consumers, communities, and local institutions like schools, hospitals, and churches are hurt by the resulting job losses.

(10) The poor, the elderly, and those on fixed incomes are hurt the most by the President's promised increased electricity rates.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Agreement negotiated between the President and the President of the People's Republic of China has no force and effect in the United States;

(2) the Agreement between the President and the President of the People's Republic of China is a bad deal for United States consumers, workers, families, and communities, and is economically unfair and environmentally irresponsible;

(3) the Agreement, as well as any other bilateral or international agreement regarding greenhouse gas emissions such as the United Nation's Framework Convention on Climate Change in Paris in December 2015, requires the advice and consent of the Senate and must be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the Agreement and an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the Agreement;

(4) the United States should not be a signatory to any bilateral or other international agreement on greenhouse gases if it would result in serious harm to the economy of the United States; and

(5) the United States should not agree to any bilateral or other international agreement imposing disparate greenhouse gas commitments for the United States and other countries.

SA 79. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STUDY ON COMMUNITY AND INDIVIDUAL AFFORDABILITY.

(a) DEFINITIONS.—In this section:

(1) ACADEMY.—The term ''Academy'' means the National Academy of Public Administration, an independent, nonpartisan, and nonprofit organization chartered by Congress.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(b) STUDY.—

(1) IN GENERAL.—The Administrator shall contract with the Academy to conduct an independent study to create a definition of and framework for the term ''community and individual affordability''.

(2) REQUIREMENTS.—In conducting the study, the Academy shall—

(A) consult with—

(i) the Administrator;

(ii) State and local governments;

(iii) organizations that specialize in affordability issues; and

(iv) popularly elected governance organizations such as the National Association of Counties, the National League of Cities, and the United States Conference of Mayors;

(B) review existing studies of the costs associated with major regulations under such laws as—

(i) the Clean Air Act (42 U.S.C. 7401 et seq.);

(ii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iv) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(v) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976''); and

(C) recommend a new affordability threshold and describe how different localities can effectively fund municipal projects.

(3) TIMING.—The Administrator shall contract with the Academy not later than 60 days after the date of enactment of this Act.

(c) REPORT.—Not later than 1 year after entering into an arrangement with the Administrator under subsection (b)(1), the Academy shall submit to Congress and the Administrator a report that includes the findings, conclusions, and recommendations of the Academy.

SA 80. Mr. VITTER (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

TITLE I—OUTER CONTINENTAL SHELF OIL AND GAS LEASING REVENUE

SEC. 101. EXTENSION OF OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM.

(a) IN GENERAL.—Subject to subsection (c), the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2015 through 2020.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Lease Sales 214, 232, and 239 shall not be included in the final oil and gas leasing program for the period of fiscal years 2015 through 2020.

(d) EASTERN GULF OF MEXICO NOT INCLUDED.—Nothing in this section affects restrictions on oil and gas leasing under the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

SEC. 102. REVENUE SHARING FROM OUTER CONTINENTAL SHELF WIND ENERGY PRODUCTION FACILITIES.

The first sentence of section 8(p)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)(B)) is amended by inserting after ''27 percent'' the following: '', or, in the case of projects for offshore wind energy production facilities, 37.5 percent''.

SEC. 103. OUTER CONTINENTAL SHELF LEASING PROGRAM REFORMS.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales including at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area (other than the North Aleutian Basin planning area or the North Atlantic planning area) considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based on the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area.

''(B) The Secretary shall include in each proposed oil and gas leasing program under this section any State subdivision of an outer Continental Shelf planning area (other than the North Aleutian Basin planning area or the North Atlantic planning area) that the Governor of the State that represents that subdivision requests be made available for leasing. The Secretary may not remove such a subdivision from the program until publication of the final program, and shall include and consider all such subdivisions in any environmental review conducted and statement prepared for such program under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

''(C) In this paragraph, the term 'available unleased acreage' means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

''(6)(A) In the 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning area (other than the North Aleutian Basin planning area or the North Atlantic planning area) that—

''(i) is estimated to contain more than 2,500,000,000 barrels of oil; or

''(ii) is estimated to contain more than 7,500,000,000,000 cubic feet of natural gas.

''(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'.''.

SEC. 104. DISPOSITION OF REVENUES.

(a) DEFINITIONS.—Section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) by redesignating paragraphs (5) through (11) as paragraphs (6) through (12), respectively;

(2) by inserting after paragraph (4) the following:

''(5) COASTAL STATE.—The term 'coastal State' means—

''(A) each of the Gulf producing States; and

''(B) effective for fiscal year 2016 and each fiscal year thereafter—

''(i) the State of Alaska; and

''(ii) each of the States of North Carolina, South Carolina, and Virginia.'';

(3) in paragraph (10) (as so redesignated), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after—

''(i) December 20, 2006, with respect to the Gulf producing States; and

''(ii) October 1, 2015, with respect to—

''(I) the State of Alaska; and

''(II) each of the coastal States described in paragraph (5)(B)(ii).''; and

(4) in paragraph (11) (as so redesignated), by striking ''Gulf producing State'' each place it appears and inserting ''coastal State''.

(b) DISPOSITION OF REVENUES.—Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in the section heading, by striking ''**FROM 181 AREA, 181 SOUTH AREA, AND 2002-2007 PLANNING AREAS OF GULF OF MEXICO**'';

(2) by striking ''Gulf producing State'' each place it appears (other than paragraphs (1) and (2) of subsection (b)) and inserting ''coastal State'';

(3) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(A) in the case of qualified outer Continental Shelf revenues generated from outer Continental Shelf areas adjacent to Gulf producing States—

''(i) 75 percent to Gulf producing States in accordance with subsection (b); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 200305 of title 54, United States Code, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title; and

''(B) in the case of qualified outer Continental Shelf revenues generated from outer Continental Shelf areas adjacent to coastal States described in section section 102(5)(B), 100 percent to the coastal States in accordance with subsection (b).'';

(4) in subsection (b)—

(A) in the subsection heading, by striking ''GULF PRODUCING STATES'' and inserting ''COASTAL STATES'';

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2) the following:

''(3) ALLOCATION AMONG CERTAIN ATLANTIC STATES AND THE STATE OF ALASKA FOR FISCAL YEAR 2016 AND THEREAFTER.—

''(A) IN GENERAL.—Subject to subparagraph (B), effective for fiscal years 2016 and each fiscal year thereafter, the amount made available under subsection (a)(2)(B) shall be allocated to each coastal State described in section 102(5)(B) in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each coastal State described in section 102(5)(B) that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

''(B) MINIMUM ALLOCATION.—The amount allocated to a coastal State described in section 102(5)(B) each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(B).''; and

(D) in paragraph (4) (as redesignated by subparagraph (B)), by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1), (2), and (3)''; and

(5) in subsection (f), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues made available to coastal States under subsection (a)(2) shall not exceed—

''(A) in the case of the coastal States described in section 102(5)(A)—

''(i) $500,000 for fiscal year 2016; and

''(ii) $699,000,000 for each of fiscal years 2017 through 2054;

''(B) in the case of the coastal States described in section 102(5)(B)(ii)—

''(i) $100,000,000 for each of fiscal years 2016 though 2025; and

''(ii) $200,000,000 for each of fiscal years 2026 through 2065; and

''(C) in the case of the State of Alaska, $100,000,000 for each of fiscal years 2016 through 2065.''.

TITLE II—OFFSET

SEC. 201. FEDERAL WORKFORCE REDUCTION.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency''—

(A) means an Executive agency, as defined under section 105 of title 5, United States Code; and

(B) does not include the Government Accountability Office.

(2) APPLICABLE MAXIMUM.—The term ''applicable maximum'' means—

(A) in the case of a quarter before the target-attainment quarter, the difference obtained by subtracting—

(i) the product obtained by multiplying—

(I) the number of Federal employees separating from agencies during the period—

(aa) beginning on the first day following the baseline quarter; and

(bb) ending on the last day of the quarter to which the applicable maximum is being applied; by

(II) ⅔; from

(ii) the total number of Federal employees determined for the baseline quarter; and

(B) in the case of the target-attainment quarter and any quarter thereafter, the number equal to 90 percent of the total number of Federal employees as of September 30, 2014.

(3) BASELINE QUARTER.—The term ''baseline quarter'' means the quarter in which occurs the date of the enactment of this Act.

(4) FEDERAL EMPLOYEE.—The term ''Federal employee'' means an employee, as defined under section 2105 of title 5, United States Code.

(5) QUARTER.—The term ''quarter'' means a period of 3 calendar months ending on March 31, June 30, September 30, or December 31.

(6) TARGET-ATTAINMENT QUARTER.—The term ''target-attainment quarter'' means the earlier of—

(A) the first quarter occurring after the baseline quarter for which the total number of Federal employees does not exceed 90 percent of the total number of Federal employees as of September 30, 2014; or

(B) the quarter ending on September 30, 2018.

(7) TOTAL NUMBER OF FEDERAL EMPLOYEES.—The term ''total number of Federal employees'' means the total number of Federal employees in all agencies.

(b) WORKFORCE LIMITS AND REDUCTIONS.—

(1) IN GENERAL.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall take appropriate measures to ensure that, effective with respect to each quarter beginning after the date of the enactment of this Act, the total number of Federal employees determined for such quarter does not exceed the applicable maximum for such quarter.

(2) METHOD FOR ACHIEVING COMPLIANCE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any reductions necessary in order to achieve compliance with paragraph (1) shall be made through attrition.

(B) EXCEPTION.—If, for any quarter, the total number of Federal employees exceeds the applicable maximum for such quarter, until the first succeeding quarter for which such total number is determined not to exceed the applicable maximum for such succeeding quarter, reductions shall be made through both attrition and a freeze on appointments.

(3) COUNTING RULES.—For purposes of this section—

(A) any determination of the total number of Federal employees or the number of Federal employees separating from agencies shall be made—

(i) on a full-time equivalent basis; and

(ii) under subsection (d); and

(B) any determination of the total number of Federal employees for a quarter shall be made as of such date or otherwise on such basis as the Office of Management of Budget (in consultation with the Office of Personnel Management) considers to be representative and feasible.

(4) WAIVER AUTHORITY.—

(A) IN GENERAL.—The President may waive any provision of this subsection, with respect to an individual appointment, upon a determination by the President that such appointment is necessary due to—

(i) a state of war or for reasons of national security; or

(ii) an extraordinary emergency threatening life, health, safety, or property.

(B) NONDELEGATION.—The authority under this paragraph may not be delegated.

(c) LIMITATION ON PROCUREMENT OF SERVICE CONTRACTS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall take appropriate measures to ensure that there is no increase in the procurement of service contracts by reason of the enactment of this section, except in cases in which a cost comparison demonstrates that such contracts would be to the financial advantage of the Government.

(d) MONITORING AND NOTIFICATION.—The Office of Management and Budget (in consultation with the Office of Personnel Management) shall—

(1) continuously monitor all agencies and, for each quarter to which the requirements of subsection (b)(1) apply, determine whether or not such requirements have been met; and

(2) not later than 14 days after the end of each quarter described in paragraph (1), submit to the President and each House of Congress, a written determination as to whether or not the requirements of subsection (b)(1) have been met.

(e) REGULATIONS.—The President may promulgate any regulations necessary to carry out this section.

SEC. 202. FEDERAL DEFICIT REDUCTION.

Any savings generated as a result of section 201 that are not needed to offset the costs of carrying out title I (including any amendments made by title I) shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

SA 81. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPLICATION.

This Act shall not apply until the date on which the President (or a designee) determines, in consultation with the Chief of the Forest Service and other relevant Federal agencies, that increased greenhouse gas emissions, including emissions from the pipeline described in section 2(a), will not contribute to any of the following:

(1) An increased frequency of wildfires in the United States.

(2) An increased range of wildfires in the United States.

(3) An increased severity of wildfires in the United States.

(4) An increased prevalence or frequency of invasive pests, including the spruce beetle, the bark beetle, and the hemlock woolly adelgid.

SA 82. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr.

BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPLICATION.

This Act shall not apply until the date on which the President (or a designee) determines, in consultation with the Secretary of Agriculture, and other relevant Federal agencies, that increased greenhouse gas emissions, including emissions from the pipeline described in section 2(a), will not have a significant negative impact on farmers and ranchers due to any of the following:

(1) An increased frequency or severity of drought in the United States.

(2) An increased risk of invasive agricultural pests in the United States.

(3) A decrease in available irrigation water from reduced snowpack in the United States.

SA 83. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENHANCED PROTECTIONS FROM RETALIATION.

(a) APPLICABILITY TO WORKERS IN THE OIL AND GAS INDUSTRY.—Section 11 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660) is amended by adding at the end the following:

''(d) PROVISIONS APPLICABLE TO WORKERS IN THE OIL AND GAS INDUSTRY.—

''(1) IN GENERAL.—No person shall discharge or cause to be discharged, or in any manner discriminate against or cause to be discriminated against, any employee because—

''(A) such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

''(B) such employee has testified or is about to testify before Congress or in any Federal or State proceeding related to safety or health;

''(C) such employee has refused to violate any provision of this Act; or

''(D) of the exercise by such employee on behalf of himself or others of any right afforded by this Act, including the reporting of any injury, illness, or unsafe condition to the employer, agent of the employer, safety and health committee involved, or employee safety and health representative involved.

''(2) PROHIBITION OF RETALIATION.—

''(A) IN GENERAL.—No person shall discharge, or cause to be discharged, or in any manner discriminate against, or cause to be discriminated against, an employee for refusing to perform the employee's duties if the employee has a reasonable apprehension that performing such duties would result in serious injury to, or serious impairment of the health of, the employee or other employees.

''(B) GOOD-FAITH BELIEF.—For purposes of subparagraph (A), the circumstances causing the employee's good-faith belief that performing such duties would pose a safety or health hazard shall be of such a nature that a reasonable person, under the circumstances confronting the employee, would conclude that there is such a hazard. In order to qualify for protection under this paragraph, the employee, when practicable, shall have communicated or attempted to communicate the safety or health concern to the employer and have not received from the employer a response reasonably calculated to allay such concern.

''(3) COMPLAINT.—Any employee who believes that the employee has been discharged, disciplined, or otherwise discriminated against by any person in violation of paragraph (1) or (2) may seek relief for such violation by filing a complaint with the Secretary under paragraph (5).

''(4) STATUTE OF LIMITATIONS.—

''(A) IN GENERAL.—An employee may take the action permitted by paragraph (3) not later than 180 days after the later of—

''(i) the date on which an alleged violation of paragraph (1) or (2) occurs; or

''(ii) the date on which the employee knows or should reasonably have known that such alleged violation occurred.

''(B) REPEAT VIOLATION.—Except in cases when the employee has been discharged, a violation of paragraph (1) or (2) shall be considered to have occurred on the last date an alleged repeat violation occurred.

''(5) INVESTIGATION.—

''(A) IN GENERAL.—An employee may, within the time period required under paragraph (4), file a complaint with the Secretary alleging a violation of paragraph (1) or (2). If the complaint alleges a prima facie case, the Secretary shall conduct an investigation of the allegations in the complaint, which—

''(i) shall include—

''(I) interviewing the complainant;

''(II) providing the respondent an opportunity to—

''(aa) submit to the Secretary a written response to the complaint; and

''(bb) meet with the Secretary to present statements from witnesses or provide evidence; and

''(III) providing the complainant an opportunity to—

''(aa) receive any statements or evidence provided to the Secretary;

''(bb) meet with the Secretary; and

''(cc) rebut any statements or evidence; and

''(ii) may include issuing subpoenas for the purposes of such investigation.

''(B) DECISION.—Not later than 90 days after the filing of the complaint, the Secretary shall—

''(i) determine whether reasonable cause exists to believe that a violation of paragraph (1) or (2) has occurred; and

''(ii) issue a decision granting or denying relief.

''(6) PRELIMINARY ORDER FOLLOWING INVESTIGATION.—If, after completion of an investigation under paragraph (5)(A), the Secretary finds reasonable cause to believe that a violation of paragraph (1) or (2) has occurred, the Secretary shall issue a preliminary order providing relief authorized under paragraph (14) at the same time the Secretary issues a decision under paragraph (5)(B). If a de novo hearing is not requested within the time period required under paragraph (7)(A)(i), such preliminary order shall be deemed a final order of the Secretary and is not subject to judicial review.

''(7) HEARING.—

''(A) REQUEST FOR HEARING.—

''(i) IN GENERAL.—A de novo hearing on the record before an administrative law judge may be requested—

''(I) by the complainant or respondent within 30 days after receiving notification of a decision granting or denying relief issued under paragraph (5)(B) or paragraph (6), respectively;

''(II) by the complainant within 30 days after the date the complaint is dismissed without investigation by the Secretary under paragraph (5)(A); or

''(III) by the complainant within 120 days after the date of filing the complaint, if the Secretary has not issued a decision under paragraph (5)(B).

''(ii) REINSTATEMENT ORDER.—The request for a hearing shall not operate to stay any preliminary reinstatement order issued under paragraph (6).

''(B) PROCEDURES.—

''(i) IN GENERAL.—A hearing requested under this paragraph shall be conducted expeditiously and in accordance with rules established by the Secretary for hearings conducted by administrative law judges.

''(ii) SUBPOENAS; PRODUCTION OF EVIDENCE.—In conducting any such hearing, the administrative law judge may issue subpoenas. The respondent or complainant may request the issuance of subpoenas that require the deposition of, or the attendance and testimony of, witnesses and the production of any evidence (including any books, papers, documents, or recordings) relating to the matter under consideration.

''(iii) DECISION.—The administrative law judge shall issue a decision not later than 90 days after the date on which a hearing was requested under this paragraph and promptly notify, in writing, the parties and the Secretary of such decision, including the findings of fact and conclusions of law. If the administrative law judge finds that a violation of paragraph (1) or (2) has occurred, the judge shall issue an order for relief under paragraph (14). If review under paragraph (8) is not timely requested, such order shall be deemed a final order of the Secretary that is not subject to judicial review.

''(8) ADMINISTRATIVE APPEAL.—

''(A) IN GENERAL.—Not later than 30 days after the date of notification of a decision and order issued by an administrative law judge under paragraph (7), the complainant or respondent may file, with objections, an administrative appeal with an administrative review body designated by the Secretary (referred to in this paragraph as the 'review board').

''(B) STANDARD OF REVIEW.—In reviewing the decision and order of the administrative law judge, the review board shall affirm the decision and order if it is determined that the factual findings set forth therein are supported by substantial evidence and the decision and order are made in accordance with applicable law.

''(C) DECISIONS.—If the review board grants an administrative appeal, the review board shall issue a final decision and order affirming or reversing, in whole or in part, the decision under review by not later than 90 days after receipt of the administrative appeal. If it is determined that a violation of paragraph (1) or (2) has occurred, the review board shall issue a final decision and order providing relief authorized under paragraph (14). Such decision and order shall constitute final agency action with respect to the matter appealed.

''(9) SETTLEMENT IN THE ADMINISTRATIVE PROCESS.—

''(A) IN GENERAL.—At any time before issuance of a final order, an investigation or proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the parties.

''(B) PUBLIC POLICY CONSIDERATIONS.—Neither the Secretary, an administrative law judge, nor the review board conducting a hearing under this subsection shall accept a settlement that contains conditions conflicting with the rights protected under this

Act or that are contrary to public policy, including a restriction on a complainant's right to future employment with employers other than the specific employers named in a complaint.

''(10) INACTION BY THE REVIEW BOARD OR ADMINISTRATIVE LAW JUDGE.—

''(A) IN GENERAL.—The complainant may bring a de novo action described in subparagraph (B) if—

''(i) an administrative law judge has not issued a decision and order within the 90-day time period required under paragraph (7)(B)(iii); or

''(ii) the review board has not issued a decision and order within the 90-day time period required under paragraph (8)(C).

''(B) DE NOVO ACTION.—Such de novo action may be brought at law or equity in the United States district court for the district where a violation of paragraph (1) or (2) allegedly occurred or where the complainant resided on the date of such alleged violation. The court shall have jurisdiction over such action without regard to the amount in controversy and to order appropriate relief under paragraph (14). Such action shall, at the request of either party to such action, be tried by the court with a jury.

''(11) JUDICIAL REVIEW.—

''(A) TIMELY APPEAL TO THE COURT OF APPEALS.—Any party adversely affected or aggrieved by a final decision and order issued under this subsection may obtain review of such decision and order in the United States Court of Appeals for the circuit where the violation, with respect to which such final decision and order was issued, allegedly occurred or where the complainant resided on the date of such alleged violation. To obtain such review, a party shall file a petition for review not later than 60 days after the final decision and order was issued. Such review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the final decision and order.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order and decision with respect to which review may be obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(12) ENFORCEMENT OF ORDER.—If a respondent fails to comply with an order issued under this subsection, the Secretary or the complainant on whose behalf the order was issued may file a civil action for enforcement in the United States district court for the district in which the violation was found to occur to enforce such order. If both the Secretary and the complainant file such action, the action of the Secretary shall take precedence. The district court shall have jurisdiction to grant all appropriate relief described in paragraph (14).

''(13) BURDENS OF PROOF.—

''(A) CRITERIA FOR DETERMINATION.—In making a determination or adjudicating a complaint pursuant to this subsection, the Secretary, administrative law judge, review board, or court may determine that a violation of paragraph (1) or (2) has occurred only if the complainant demonstrates that any conduct described in paragraph (1) or (2) with respect to the complainant was a contributing factor in the adverse action alleged in the complaint.

''(B) PROHIBITION.—Notwithstanding subparagraph (A), a decision or order that is favorable to the complainant shall not be issued in any administrative or judicial action pursuant to this subsection if the respondent demonstrates by clear and convincing evidence that the respondent would have taken the same adverse action in the absence of such conduct.

''(14) RELIEF.—

''(A) ORDER FOR RELIEF.—If the Secretary, administrative law judge, review board, or a court determines that a violation of paragraph (1) or (2) has occurred, the Secretary or court, respectively, shall have jurisdiction to order all appropriate relief, including injunctive relief and compensatory and exemplary damages, including—

''(i) affirmative action to abate the violation;

''(ii) reinstatement without loss of position or seniority, and restoration of the terms, rights, conditions, and privileges associated with the complainant's employment, including opportunities for promotions to positions with equivalent or better compensation for which the complainant is qualified;

''(iii) compensatory and consequential damages sufficient to make the complainant whole, (including back pay, prejudgment interest, and other damages); and

''(iv) expungement of all warnings, reprimands, or derogatory references that have been placed in paper or electronic records or databases of any type relating to the actions by the complainant that gave rise to the unfavorable personnel action, and, at the complainant's direction, transmission of a copy of the decision on the complaint to any person whom the complainant reasonably believes may have received such unfavorable information.

''(B) ATTORNEYS' FEES AND COSTS.—If the Secretary or an administrative law judge, review board, or court grants an order for relief under subparagraph (A), the Secretary, administrative law judge, review board, or court, respectively, shall assess, at the request of the employee against the employer—

''(i) reasonable attorneys' fees; and

''(ii) costs (including expert witness fees) reasonably incurred, as determined by the Secretary, administrative law judge, review board, or court, respectively, in connection with bringing the complaint upon which the order was issued.

''(15) PROCEDURAL RIGHTS.—The rights and remedies provided for in this subsection may not be waived by any agreement, policy, form, or condition of employment, including by any pre-dispute arbitration agreement or collective bargaining agreement.

''(16) SAVINGS.—Nothing in this subsection shall be construed to diminish the rights, privileges, or remedies of any employee who exercises rights under any Federal or State law or common law, or under any collective bargaining agreement.

''(17) ELECTION OF VENUE.—

''(A) IN GENERAL.—An employee of an employer who is located in a State that has a State plan approved under section 18 may file a complaint alleging a violation of paragraph (1) or (2) by such employer with—

''(i) the Secretary under paragraph (5); or

''(ii) a State plan administrator in such State.

''(B) REFERRALS.—If—

''(i) the Secretary receives a complaint pursuant to subparagraph (A)(i), the Secretary shall not refer such complaint to a State plan administrator for resolution; or

''(ii) a State plan administrator receives a complaint pursuant to subparagraph (A)(ii), the State plan administrator shall not refer such complaint to the Secretary for resolution.

''(18) DEFINITION.—For purposes of this subsection, the term 'employee' means an individual employed by—

''(A) an operator of an oil well, as described in the 2012 North American Industry Classification System code 213111;

''(B) a petrochemical manufacturing plant assigned the 2012 North American Industry Classification System code 213112, 324, or 32511; or

''(C) an entity assigned the 2012 North American Industry Classification System code 23712 or 486.''.

(b) RELATION TO ENFORCEMENT.—Section 17(j) of such Act (29 U.S.C. 666(j)) is amended by inserting before the period the following: '', including the history of violations under section 11(d)''.

SA 84. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORTING REQUIREMENT REGARDING SAFETY FOR OIL WELLS, PETROCHEMICAL MANUFACTURING PLANTS, AND PIPELINE CONSTRUCTION OR TRANSPORTATION ENTITIES.

(a) IN GENERAL.—Each issuer that is required to file reports pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) or 78o(d)) and that is, or that has a subsidiary that is, an operator of an oil well or an operator of a petrochemical manufacturing plant or pipeline construction or transportation entity shall include, in each periodic report filed with the Securities and Exchange Commission under the securities laws on and after the date of enactment of this Act, the following information for the time period covered by such report:

(1) For each oil well, petrochemical manufacturing plant, or pipeline construction or transportation entity of which the issuer or a subsidiary of the issuer is an operator—

(A) the total number of serious violations of mandatory health or safety standards at an oil well, a petrochemical manufacturing plant, or a pipeline transportation or construction entity, including health hazard violations under section 9 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658);

(B) the total number of citations issued, including serious, willful, and repeated violations, under such section;

(C) the total dollar value of proposed penalties to be applied under such Act (29 U.S.C. 651 et seq.); and

(D) the total number of oil well, petrochemical manufacturing plant, or pipeline construction or transportation entity related fatalities involved.

(2) A list of oil wells, petrochemical manufacturing plants, or pipeline construction or transportation entities of which the issuer, or a subsidiary of the issuer, is an operator, that receive written notice from the Occupational Safety and Health Administration of willful, serious, and repeated violations of mandatory health or safety standards at an oil well, a petrochemical manufacturing plant, or a pipeline construction or transportation entity, including safety hazards under section 9 of such Act (29 U.S.C. 658).

(3) Any pending legal action before the Occupational Safety and Health Review Commission, established under section 12 of such Act (29 U.S.C. 661), involving an oil well, a petrochemical manufacturing plant, or a pipeline construction or transportation entity.

(b) REPORTING SHUTDOWNS AND PATTERNS OF VIOLATIONS.—Beginning on the effective date of this section, each issuer that is, or that has a subsidiary that is, an operator of

an oil well or an operator of a petrochemical manufacturing plant or pipeline construction or transportation entity shall file a current report with the Securities and Exchange Commission on Form 8-K (or any successor form) disclosing the following with respect to each oil well, petrochemical manufacturing plant, or pipeline construction or transportation entity of which the issuer or subsidiary is an operator:

(1) The receipt of a citation issued under section 9 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658).

(2) The receipt of a citation from the Occupational Safety and Health Administration that the oil well, petrochemical manufacturing plant, or pipeline construction or transportation entity has—

(A) willfully or repeatedly violated mandatory health or safety standards at an oil well, a petrochemical manufacturing plant, or a pipeline construction or transportation entity under such section; or

(B) the potential to have such a pattern or willful or repeated violations.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any obligation of a person to make a disclosure under any other applicable law in effect before, on, or after the effective date of this section.

(d) COMMISSION AUTHORITY.—

(1) ENFORCEMENT.—A violation by any person of this section, or any rule or regulation of the Securities and Exchange Commission issued under this section, shall be treated for all purposes in the same manner as a violation of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the rules and regulations issued thereunder, consistent with the provisions of this section, and any such person shall be subject to the same penalties, and to the same extent, as for a violation of such Act or the rules or regulations issued thereunder.

(2) RULE AND REGULATIONS.—The Securities and Exchange Commission is authorized to issue such rules or regulations as are necessary or appropriate for the protection of investors and to carry out the purposes of this section.

(e) DEFINITIONS.—In this section:

(1) ISSUER; SECURITIES LAWS.—The terms ''issuer'' and ''securities laws'' have the meanings given such terms in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

(2) OPERATOR OF AN OIL WELL.—The term ''operator of an oil well'' means an operator as described in the 2012 North American Industry Classification System code 213111.

(3) PETROCHEMICAL MANUFACTURING PLANT.—The term ''petrochemical manufacturing plant'' means any entity assigned the 2012 North American Industry Classification System code 324, 213112, or 32511.

(4) PIPELINE CONSTRUCTION OR TRANSPORTATION ENTITY.—The term ''pipeline construction or transportation entity'' means an entity described in the 2012 North American Industry Classification System code 23712 or 486.

(f) EFFECTIVE DATE.—This section shall take effect on the day that is 30 days after the date of enactment of this Act.

SA 85. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. _____. LOCAL TRANSPORTATION INFRASTRUCTURE PROGRAM.

Section 610 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) 10 percent of the funds apportioned to the State for each of fiscal years 2015 and 2016 under each of sections 104(b)(1), 104(b)(2), and 144; and'';

(B) in paragraph (2), by striking ''2005 through 2009'' and inserting ''2015 and 2016'';

(C) in paragraph (3), by striking ''2005 through 2009'' and inserting ''2015 and 2016''; and

(D) in paragraph (5), by striking ''section 133(d)(3)'' and inserting ''section 133(d)(4)'';

(2) in subsection (h)(2)—

(A) in the first sentence, by striking ''shall'' and inserting ''shall not''; and

(B) in the second sentence, by striking ''shall'' and inserting ''shall not''; and

(3) in subsection (k), by striking ''2005 through 2009'' and inserting ''2015 and 2016''.

SA 86. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AMERICAN BRIDGE FUND.

(a) AMERICAN BRIDGE FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ''American Bridge Fund'', consisting of such amounts as may be appropriated to such fund as provided in paragraph (2).

(2) TRANSFERS TO FUND.—There is hereby appropriated to the American Bridge Fund an amount equivalent to the increase in revenue received in the Treasury by reason of the amendments made by subsection (b), as determined by the Secretary of the Treasury (or the Secretary's delegate).

(3) EXPENDITURES FROM FUND.—Amounts in the American Bridge Fund shall be made available by the Secretary of Transportation for the purpose of making grants to States for the repair or maintenance of any bridges classified as deficient in the National Bridge Inventory, as authorized under section 144(b) of title 23, United States Code.

(b) SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.—

(1) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer's Social Security number on the return of tax for such taxable year.

''(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.''.

(2) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return,''.

(3) CONFORMING AMENDMENT.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by inserting ''WITH RESPECT TO QUALIFYING CHILDREN'' after ''IDENTIFICATION REQUIREMENT'' in the heading thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 87. Mr. HOEVEN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS ACKNOWLEDGING THE ENVIRONMENTAL IMPACT FINDINGS OF THE KEYSTONE XL PIPELINE PROJECT.

It is the sense of Congress that Congress is in agreement with the following findings of the Final Supplemental Environmental Impact Statement issued by the Secretary of State for the Keystone XL Project (referred to in this section as the ''FSEIS''):

(1) ''The analyses of potential impacts associated with construction and normal operation of the proposed Project suggest that significant impacts to most resources are not expected along the proposed Project route'' (FSEIS page 4.16-1, section 4.16).

(2) ''The total annual GHG [greenhouse gas] emissions (direct and indirect) attributed to the No Action scenarios range from 28 to 42 percent greater than for the proposed Project'' (FSEIS page ES-34, section ES.5.4.2).

(3) ''. . . approval or denial of any one crude oil transport project, including the proposed Project, is unlikely to significantly impact the rate of extraction in the oil sands or the continued demand for heavy crude oil at refineries in the United States based on expected oil prices, oil-sands supply costs, transport costs, and supply-demand scenarios'' (FSEIS page ES-16, section ES.4.1.1).

SEC. ___. SENSE OF THE SENATE ON ENERGY COSTS AND SUPPLIES.

It is the sense of the Senate that Congress should—

(1) reject efforts to impose economy-wide taxes, fees, mandates, or regulations that will—

(A) increase the cost of energy for families and businesses of the United States; or

(B) destroy jobs; and

(2) prioritize policies that encourage and enable innovation in the United States that might lead to energy supplies that are more abundant, affordable, clean, diverse, and secure.

SA 88. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS REGARDING ENERGY EXPORTS.

(a) FINDINGS.—Congress finds that—

(1) competitive and open markets facilitate lower prices for consumers, increase private investment, and foster economic growth and opportunities for workers in the United States;

(2) technological innovations have made the United States the largest oil and natural gas producer in the world, creating millions of high-paying jobs in the United States and billions in revenues to Federal and State governments; and

(3) leveraging energy resources of the United States in the global marketplace will provide greater energy security to allies of the United States and increase the geopolitical power of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should realize its full potential as an energy superpower, by expanding trade of energy resources to spur economic growth, increase jobs in the United States, and strengthen the national security of the United States.

SA 89. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AMERICAN BRIDGE FUND.

(a) AMERICAN BRIDGE FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ''American Bridge Fund'', consisting of such amounts as may be appropriated to such fund as provided in paragraph (2).

(2) TRANSFERS TO FUND.—There is hereby appropriated to the American Bridge Fund an amount equivalent to the increase in revenue received in the Treasury by reason of the amendments made by subsection (b), as determined by the Secretary of the Treasury (or the Secretary's delegate).

(3) EXPENDITURES FROM FUND.—Amounts in the American Bridge Fund shall be made available by the Secretary of Transportation for the purpose of making grants to States for the repair or maintenance of any bridges classified as deficient in the National Bridge Inventory, as authorized under section 144(b) of title 23, United States Code.

(b) SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.—

(1) IN GENERAL.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended to read as follows:

''(e) IDENTIFICATION REQUIREMENT WITH RESPECT TO QUALIFYING CHILDREN.—

''(1) IN GENERAL.—Subject to paragraph (2), no credit shall be allowed under this section to a taxpayer with respect to any qualifying child unless the taxpayer includes the name and taxpayer identification number of such qualifying child on the return of tax for the taxable year.

''(2) REFUNDABLE PORTION.—Subsection (d)(1) shall not apply to any taxpayer with respect to any qualifying child unless the taxpayer includes the name and social security number of such qualifying child on the return of tax for the taxable year.''.

(2) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(I) an omission of a correct TIN under section 24(e)(1) (relating to child tax credit) or a correct Social Security number required under section 24(e)(2) (relating to refundable portion of child tax credit), to be included on a return,''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SA 90. Mr. CASSIDY (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

TITLE II—ENERGY CONSUMERS RELIEF

SECTION 201. SHORT TITLE.

This title may be cited as the ''Energy Consumers Relief Act of 2015''.

SEC. 202. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) DIRECT COSTS.—The term ''direct costs'' has the meaning given the term in chapter 8 of the report of the Environmental Protection Agency entitled ''Guidelines for Preparing Economic Analyses'' and dated December 17, 2010.

(3) ENERGY-RELATED RULE THAT IS ESTIMATED TO COST MORE THAN $1,000,000,000.—The term ''energy-related rule that is estimated to cost more than $1,000,000,000'' means a rule of the Environmental Protection Agency that—

(A) regulates any aspect of the production, supply, distribution, or use of energy or provides for such regulation by States or other governmental entities; and

(B) is estimated by the Administrator or the Director of the Office of Management and Budget to impose direct costs and indirect costs, in the aggregate, of more than $1,000,000,000.

(4) INDIRECT COSTS.—The term ''indirect costs'' has the meaning given the term in chapter 8 of the report of the Environmental Protection Agency entitled ''Guidelines for Preparing Economic Analyses'' and dated December 17, 2010.

(5) RULE.—The term ''rule'' has the meaning given to the term in section 551 of title 5, United States Code.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 203. PROHIBITION AGAINST FINALIZING CERTAIN ENERGY-RELATED RULES THAT WILL CAUSE SIGNIFICANT ADVERSE EFFECTS TO THE ECONOMY.

Notwithstanding any other provision of law, the Administrator may not promulgate as final an energy-related rule that is estimated to cost more than $1,000,000,000 if the Secretary determines under section 204(b)(3) that the rule will cause significant adverse effects to the economy.

SEC. 204. REPORTS AND DETERMINATIONS PRIOR TO PROMULGATING AS FINAL CERTAIN ENERGY-RELATED RULES.

(a) IN GENERAL.—Before promulgating as final any energy-related rule that is estimated to cost more than $1,000,000,000, the Administrator shall carry out the requirements of subsection (b).

(b) REQUIREMENTS.—

(1) REPORT TO CONGRESS.—The Administrator shall submit to Congress and the Secretary a report containing—

(A) a copy of the rule;

(B) a concise general statement relating to the rule;

(C) an estimate of the total costs of the rule, including the direct costs and indirect costs of the rule;

(D)(i) an estimate of the total benefits of the rule and when such benefits are expected to be realized;

(ii) a description of the modeling, the calculations, the assumptions, and the limitations due to uncertainty, speculation, or lack of information associated with the estimates under this subparagraph; and

(iii) a certification that all data and documents relied upon by the Environmental Protection Agency in developing the estimates—

(I) have been preserved; and

(II) are available for review by the public on the Web site of the Environmental Protection Agency, except to the extent to which publication of the data and documents would constitute disclosure of confidential information in violation of applicable Federal law;

(E) an estimate of the increases in energy prices, including potential increases in gasoline or electricity prices for consumers, that may result from implementation or enforcement of the rule; and

(F) a detailed description of the employment effects, including potential job losses and shifts in employment, that may result from implementation or enforcement of the rule.

(2) INITIAL DETERMINATION ON INCREASES AND IMPACTS.—The Secretary, in consultation with the Federal Energy Regulatory Commission and the Administrator of the Energy Information Administration, shall prepare an independent analysis to determine whether the rule will cause any—

(A) increase in energy prices for consumers, including low-income households, small businesses, and manufacturers;

(B) impact on fuel diversity of the electricity generation portfolio of the United States or on national, regional, or local electric reliability;

(C) adverse effect on energy supply, distribution, or use due to the economic or technical infeasibility of implementing the rule; or

(D) other adverse effect on energy supply, distribution, or use, including a shortfall in supply and increased use of foreign supplies.

(3) SUBSEQUENT DETERMINATION ON ADVERSE EFFECTS TO THE ECONOMY.—If the Secretary determines under paragraph (2) that the rule will cause an increase, impact, or effect described in that paragraph, the Secretary, in consultation with the Administrator, the Secretary of Commerce, the Secretary of Labor, and the Administrator of the Small Business Administration, shall—

(A) determine whether the rule will cause significant adverse effects to the economy, taking into consideration—

(i) the costs and benefits of the rule and limitations in calculating the costs and benefits due to uncertainty, speculation, or lack of information; and

(ii) the positive and negative impacts of the rule on economic indicators, including those related to gross domestic product, unemployment, wages, consumer prices, and business and manufacturing activity; and

(B) publish the results of the determination made under subparagraph (A) in the Federal Register.

SEC. 205. PROHIBITION ON USE OF SOCIAL COST OF CARBON IN ANALYSIS.

(a) DEFINITION OF SOCIAL COST OF CARBON.—In this section, the term ''social cost of carbon'' means—

(1) the social cost of carbon as described in the technical support document entitled ''Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866'', published by the Interagency Working Group on Social Cost of Carbon, United States Government, in May 2013 (or any successor or substantially related document); or

(2) any other estimate of the monetized damages associated with an incremental increase in carbon dioxide emissions in a given year.

(b) PROHIBITION ON USE OF SOCIAL COST OF CARBON IN ANALYSIS.—Notwithstanding any other provision of law or any Executive order, the Administrator may not use the social cost of carbon to incorporate social benefits of reducing carbon dioxide emissions, or for any other reason, in any cost-benefit analysis relating to an energy-related rule that is estimated to cost more than $1,000,000,000 unless a Federal law is enacted authorizing the use.

SA 91. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. ___. REVIEW OF CERTAIN FEDERAL REGISTER NOTICES.

If, by the date that is 45 days after the date on which a State Bureau of Land Management office has submitted a Federal Register notice to the Washington, DC, office of the Bureau of Land Management for Department of the Interior review, the review has not been completed—

(1) the notice shall consider to be approved; and

(2) the State Bureau of Land Management office shall immediately forward the notice to the Federal Register for publication.

SA 92. Mr. BURR (for himself, Ms. AYOTTE, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERMANENT REAUTHORIZATION OF LAND AND WATER CONSERVATION FUND.

(a) IN GENERAL.—Section 200302 of title 54, United States Code, is amended —

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''During the period ending September 30, 2015, there'' and inserting ''There''; and

(2) in subsection (c)(1), by striking ''through September 30, 2015''.

(b) PUBLIC ACCESS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

''(c) PUBLIC ACCESS.—Not less than 1.5 percent of amounts made available for expenditure in any fiscal year under section 200303 shall be used for projects that secure recreational public access to existing Federal public land for hunting, fishing, and other recreational purposes.''.

SA 93. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table, as follows:

At the end, add the following:

DIVISION— ___REBUILDING AMERICA'S INFRASTRUCTURE

SECTION 1. SHORT TITLE.

This division may be cited as the ''Rebuilding America's Infrastructure Act of 2015''.

TITLE I—REPEAL OF OIL AND GAS SUBSIDIES

Subtitle A—Close Big Oil Tax Loopholes

SEC. 101. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)) to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 102. LIMITATION ON SECTION 199 DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION.—Paragraph (4) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR CERTAIN OIL AND GAS INCOME.—In the case of any taxpayer who is a major integrated oil company (within the meaning of section 167(h)(5)) for the taxable year, the term 'domestic production gross receipts' shall not include gross receipts from the production, refining, processing, transportation, or distribution of oil, gas, or any primary product (within the meaning of subsection (d)(9)) thereof.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 103. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS; AMORTIZATION OF DISALLOWED AMOUNTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS AND GEOTHERMAL WELLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), and except as provided in subsection (i), regulations shall be prescribed by the Secretary under this subtitle corresponding to the regulations which granted the option to deduct as expenses intangible drilling and development costs in the case of oil and gas wells and which were recognized and approved by the Congress in House Concurrent Resolution 50, Seventy-ninth Congress. Such regulations shall also grant the option to deduct as expenses intangible drilling and development costs in the case of wells drilled for any geothermal deposit (as defined in section 613(e)(2)) to the same extent and in the same manner as such expenses are deductible in the case of oil and gas wells. This subsection shall not apply with respect to any costs to which any deduction is allowed under section 59(e) or 291.

''(2) EXCLUSION.—

''(A) IN GENERAL.—This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)).

''(B) AMORTIZATION OF AMOUNTS NOT ALLOWABLE AS DEDUCTIONS UNDER SUBPARAGRAPH (A).—The amount not allowable as a deduction for any taxable year by reason of subparagraph (A) shall be allowable as a deduction ratably over the 60-month period beginning with the month in which the costs are paid or incurred. For purposes of section 1254, any deduction under this subparagraph shall be treated as a deduction under this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2015.

SEC. 104. LIMITATION ON PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—In the case of any taxable year in which the taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)), the allowance for percentage depletion shall be zero.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 105. LIMITATION ON DEDUCTION FOR TERTIARY INJECTANTS.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—

''(1) IN GENERAL.—This section shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)).

''(2) AMORTIZATION OF AMOUNTS NOT ALLOWABLE AS DEDUCTIONS UNDER PARAGRAPH (1).—The amount not allowable as a deduction for any taxable year by reason of paragraph (1) shall be allowable as a deduction ratably over the 60-month period beginning with the month in which the costs are paid or incurred.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2015.

SEC. 106. MODIFICATION OF DEFINITION OF MAJOR INTEGRATED OIL COMPANY.

(a) IN GENERAL.—Paragraph (5) of section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) CERTAIN SUCCESSORS IN INTEREST.—For purposes of this paragraph, the term 'major integrated oil company' includes any successor in interest of a company that was described in subparagraph (B) in any taxable year, if such successor controls more than 50 percent of the crude oil production or natural gas production of such company.''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 167(h)(5) of the Internal Revenue Code of 1986 is amended by inserting ''except as provided in subparagraph (C),'' after ''For purposes of this paragraph,''.

(2) TAXABLE YEARS TESTED.—Clause (iii) of section 167(h)(5)(B) of such Code is amended—

(A) by striking ''does not apply by reason of paragraph (4) of section 613A(d)'' and inserting ''did not apply by reason of paragraph (4) of section 613A(d) for any taxable year after 2004'', and

(B) by striking ''does not apply'' in subclause (II) and inserting ''did not apply for the taxable year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

Subtitle B—Outer Continental Shelf Oil and Natural Gas

SEC. 111. REPEAL OF OUTER CONTINENTAL SHELF DEEP WATER AND DEEP GAS ROYALTY RELIEF.

(a) IN GENERAL.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) ADMINISTRATION.—The Secretary of the Interior shall not be required to provide for royalty relief in the lease sale terms beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published.

TITLE II—INFRASTRUCTURE FUNDING

SEC. 201. INFRASTRUCTURE FUNDING.

(a) IN GENERAL.—

(1) TRANSFERS.—Not later than 90 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer an amount equal to the net amount of any savings realized as a result of the enactment of this Act and the amendments made by this Act (after any expenditures authorized by this Act and the amendments made by this Act)—

(A) in accordance with subsections (b) and (c); and

(B) in the case of any additional savings after the application of such subsections, into the Highway Trust Fund in the following manner:

(i) 75 percent of such additional savings shall be transferred into the Highway Trust Fund (other than the Mass Transit Account).

(ii) 25 percent of such additional savings shall be transferred into the Mass Transit Account.

(2) CONFORMING AMENDMENT TO THE INTERNAL REVENUE CODE.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) 2015 INCREASE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated to the Highway Account (as defined in subsection (e)(5)(B)) and the Mass Transit Account in the Highway Trust Fund amounts equal to the amounts determined under section 201(a)(1)(B) of the Rebuilding America's Infrastructure Act of 2015.''.

(b) WATER INFRASTRUCTURE INNOVATIVE FINANCING PILOT PROJECTS.—Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Army and the Administrator of the Environmental Protection Agency jointly, $2,000,000,000 to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) through 2019.

(c) TIGER DISCRETIONARY GRANTS.—

(1) DEFINITION OF TIGER DISCRETIONARY GRANT.—In this section, the term ''TIGER discretionary grant'' means a grant awarded and administered by the Secretary of Transportation using funds made available for—

(A) supplemental discretionary grants for a national surface transportation system under title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 203);

(B) the national infrastructure investments discretionary grant program under title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–17; 123 Stat. 3035);

(C) national infrastructure investments under section 2202 of division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 191);

(D) national infrastructure investments under title I of division C of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112–55; 125 Stat. 641);

(E) national infrastructure investments under title VIII of division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 432);

(F) national infrastructure investments under title I of division L of the Consolidated Appropriations Act, 2014 (Public Law 113–76; 128 Stat. 574); or

(G) national infrastructure investments under title I of division K of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235).

(2) APPROPRIATION.—Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Transportation, $2,000,000,000 to provide TIGER discretionary grants for fiscal year 2016.

(d) MAINTENANCE OF FUNDING.—The funding provided under this section shall supplement (and not supplant) other Federal funding for the programs and accounts funded under this section.

SEC. 202. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE III—STATE REVOLVING FUNDS

SEC. 301. STATE WATER POLLUTION CONTROL REVOLVING FUNDS.

Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency, $1,500,000,000 for State water pollution control revolving funds established in accordance with title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

SEC. 302. STATE DRINKING WATER TREATMENT REVOLVING LOAN FUNDS.

Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency, $1,000,000,000 for State drinking water treatment revolving loan funds established in accordance with section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

TITLE IV—MISCELLANEOUS

SEC. 401. ENFORCEMENT OF DISCRETIONARY SPENDING LIMITS.

The Office of Management and Budget shall not include amounts made available under subsections (b) or (c) of section 201 or title III during a fiscal year in determining whether there has been a breach of the discretionary spending limits under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) during the fiscal year.

SA 94. (Ms. HEITKAMP (for herself, Mr. DONNELLY, Mr. CASEY, Mr. CARPER, Mr. MANCHIN, and Mr. COONS) submitted an amendment to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE REGARDING RENEWABLE ENERGY AND CARBON CAPTURE RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) the energy policy of the United States is based on an all-of-the-above approach to production sources;

(2) an all-of-the-above approach reduces dependence on foreign oil, increases national security, and creates jobs;

(3) smart research investments are critical to increase the energy independence of the United States, combat climate change, reduce emissions, and create jobs;

(4) Department of Energy funding for research and development for renewable energy is not currently adequate; and

(5) research regarding carbon capture use and sequestration has decreased almost 30 percent since fiscal year 2012.

(b) SENSE OF SENATE.—It is the sense of the Senate that research and development and loan and grant program funding for renewable energy and carbon capture systems should be increased in order to reduce United States emissions, combat climate change, provide energy security, and maintain energy diversity.

SA 95. Ms. HEITKAMP (for herself, Mr. DONNELLY, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. 3. 5-YEAR EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) of the Internal Revenue Code

of 1986 are each amended by striking ''January 1, 2015'' each place it appears and inserting ''January 1, 2020'':

(1) Paragraph (1).
(2) Paragraph (2)(A).
(3) Paragraph (3)(A).
(4) Paragraph (4)(B).
(5) Paragraph (6).
(6) Paragraph (7).
(7) Paragraph (9).
(8) Paragraph (11)(B).

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Clause (ii) of section 48(a)(5)(C) is amended by striking ''January 1, 2015'' and inserting ''January 1, 2020''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on January 1, 2015.

SA 96. Ms. HEITKAMP submitted an amendment to be proposed by her to the bill S.1, supra; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON RESOURCES REQUIRED TO ENSURE SAFE TRANSPORTATION BY PIPELINE AND RAIL OF PETROLEUM PRODUCTS.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Transportation and the Administrator of Pipeline and Hazardous Materials Safety Administration (PHMSA) shall conduct a study on the resources necessary to ensure the safe transportation of crude oil, petroleum products, natural gas, natural gas liquids, and related products, including by rail and pipeline. The study shall focus on the following priorities:

(A) Ensuring the safe transportation of crude oil, petroleum products, natural gas, natural gas liquids, and related products by rail and pipeline.

(B) Ensuring PHMSA has the necessary personnel and other resources, including access to new and emerging technologies, to properly monitor and regulate the transportation of crude oil, petroleum products, natural gas, natural gas liquids, and related products by rail and pipeline.

(2) SCOPE.—The study required under this subsection shall include the following elements:

(A) An examination of the current and projected resources and personnel at the Department of Transportation and PHMSA that are or will be dedicated to regulating, monitoring, and ensuring the overall safe transportation of crude oil, petroleum products, natural gas, natural gas liquids, and related products by rail and pipeline.

(B) A determination of the appropriate manpower personnel, resources, and funding requirements for all Department and Administration elements that do or are expected to play a significant role in regulating, monitoring, and ensuring the overall safe transportation of crude oil, petroleum products, natural gas, natural gas liquids, and related products by rail and pipeline.

(C) An assessment and description of the personnel, resources, and funding needs for each State, and a description of the State, local, and tribal resources and personnel that are dedicated to performing the tasks described in subparagraph (B).

(D) The development and use of technology for each of the Department and Administration elements involved in regulating, monitoring, or otherwise ensuring the overall safe transportation of crude oil, petroleum products, natural gas, natural gas liquids, and related products by rail and pipeline, including whether the elements need additional technological assets and how best to acquire needed additional technological assets.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter, the Secretary of Transportation and the PHMSA Administrator, in conjunction with the heads of other Federal agencies, as appropriate, shall submit to the appropriate congressional committees a report on the study conducted under subsection (a).

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) The findings of the study conducted under subsection (a).

(B) Input from other Federal agencies that have any significant role in the safe transportation of crude oil, petroleum products, natural gas, natural gas liquids, and related products by rail and pipeline.

(C) A description of any impending changes to regulations or policy that may have an effect on personnel, resources, or funding or that would otherwise impact the ability of the Department and the Administration to meet the basic standards necessary to properly monitor and regulate the transportation of crude oil, petroleum products, natural gas, natural gas liquids, and related products by rail and pipeline.

(D) Recommendations for enhancing safety for the transport of crude oil, petroleum products, natural gas, natural gas liquids, and related products by rail and pipeline, and what resources, personnel, and funding would be required to implement such recommendations.

(E) An explanation of why the Department or the Administration is not already implementing any of such recommendations.

(F) Recommendations for additional legislation necessary to implement recommendations contained in the report.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on Energy and Natural Resources, the Committee on Finance, and the Committee on Appropriations of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Natural Resources, the Committee on Homeland Security, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

SEC. ___. RAILROAD AND PIPELINE EMERGENCY SERVICES PREPAREDNESS, OPERATIONAL NEEDS, AND SAFETY EVALUATION SUBCOMMITTEE.

Section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) RAILROAD AND PIPELINE EMERGENCY SERVICES PREPAREDNESS, OPERATIONAL NEEDS, AND SAFETY EVALUATION SUBCOMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of the Keystone XL Pipeline Approval Act, the Administrator shall establish, as a subcommittee of the National Advisory Council, the Railroad and Pipeline Emergency Services Preparedness, Operational Needs, and Safety Evaluation Subcommittee (referred to in this subsection as the 'Subcommittee').

''(2) MEMBERSHIP.—Notwithstanding subsection (c), the Subcommittee shall be composed of the following:

''(A) The Deputy Administrator for Protection and National Preparedness of the Federal Emergency Management Agency, or designee.

''(B) The Director of the Office of Emergency Communications of the Department of Homeland Security, or designee.

''(C) The Director for the Office of Railroad, Pipeline and Hazardous Materials Investigations of the National Transportation Safety Board, or designee, only in an advisory capacity.

''(D) The Associate Administrator for Railroad Safety of the Federal Railroad Administration, or designee.

''(E) The Assistant Administrator for Security Policy and Industry Engagement of the Transportation Security Administration, or designee.

''(F) The Assistant Commandant for Response Policy of the Coast Guard, or designee.

''(G) The Assistant Administrator for the Office of Solid Waste and Emergency Response of the Environmental Protection Agency, or designee.

''(H) The Associate Administrator for Hazardous Materials Safety of the Pipeline and Hazardous Materials Safety Administration, or designee.

''(I) The Chief Safety Officer and Assistant Administrator of the Federal Motor Carrier Safety Administration, or designee.

''(J) The Director of the Office of Energy Infrastructure Security of the Federal Energy Regulatory Commission, or designee.

''(K) Such other qualified individuals as the Administrator shall appoint as soon as practicable after the date of the enactment of the Keystone XL Pipeline Approval Act from among the following:

''(i) Members of the National Advisory Council that have the requisite technical knowledge and expertise to address rail and pipeline emergency response issues, including members from the following disciplines:

''(I) Emergency management and emergency response providers, including fire service, law enforcement, hazardous materials response, and emergency medical services.

''(II) State, local, and tribal government officials with expertise in preparedness, protection, response, recovery, and mitigation, including Adjutants General.

''(III) Elected State, local, and tribal government executives.

''(IV) Such other individuals as the Administrator determines to be appropriate.

''(ii) Individuals who have the requisite technical knowledge and expertise to serve on the Subcommittee, including representatives of—

''(I) the rail industry;

''(II) the pipeline industry;

''(III) the oil industry;

''(IV) the communications industry;

''(V) emergency response providers, including individuals nominated by national organizations representing local governments and personnel;

''(VI) representatives from national Indian organizations;

''(VII) technical experts; and

''(VIII) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for emergency responder services.

''(iii) Representatives of such other stakeholders and interested and affected parties as the Administrator considers appropriate.

''(3) CHAIRPERSON.—The Deputy Administrator for Protection and National Preparedness shall serve as the Chairperson of the Subcommittee, or designee.

''(4) MEETINGS.—

''(A) INITIAL MEETING.—The initial meeting of the Subcommittee shall take place not later than 90 days after the date of the enactment of the Keystone XL Pipeline Approval Act.

''(B) OTHER MEETINGS.—After the initial meeting, the Subcommittee shall meet at least twice annually, with at least 1 meeting conducted in person during the first year, at the call of the Chairperson.

''(5) CONSULTATION WITH NONMEMBERS.—The Subcommittee and the program offices for emergency responder training and resources shall consult with other relevant agencies and groups, including entities engaged in Federally funded research and academic institutions engaged in relevant work and research, which are not represented on the Subcommittee to consider new and developing technologies and methods that may be beneficial to preparedness and response to rail and pipeline incidents.

''(6) RECOMMENDATIONS.—The Subcommittee shall develop recommendations, for improving emergency responder training and resource allocation, including the following:

''(A) Quality and application of training for local emergency first responders related to rail and pipeline hazardous materials incidents, with a particular focus on local emergency responders and small communities near railroads and pipelines, including the following:

''(i) Ease of access to relevant training for local emergency first responders, including an analysis of—

''(I) the number of individuals being trained;

''(II) the number of individuals who are applying;

''(III) whether current demand is being met;

''(IV) current challenges; and

''(V) projected needs.

''(ii) Modernization of course content related to rail and pipeline hazardous materials incidents, with a particular focus on response to the exponential rise in oil shipments by rail.

''(iii) Training content across agencies and the private sector to provide complementary opportunities for rail and pipeline hazardous materials incidents courses and materials to avoid overlap, including the following:

''(I) Overlap of course content among agencies.

''(II) The need for integrated course content through public-private partnerships.

''(III) Regular and ongoing evaluation of course opportunities, adaptation to emerging trends, agency and private sector outreach, effectiveness and ease of access for local emergency responders.

''(iv) Online training platforms, train-the-trainer and mobile training options.

''(B) Effectiveness of funding levels related to training local emergency responders for rail and pipeline hazardous materials incidents, with a particular focus on local emergency responders and small communities, including the following:

''(i) Minimizing overlap in resource allocation among agencies.

''(ii) Minimizing overlap in resource allocation among agencies and private sector.

''(iii) Maximizing public-private partnerships where funding gaps exists for specific training or cost-saving measures can be implemented to increase training opportunities.

''(iv) Adaptation of priority settings for agency funding allocations in response to emerging trends.

''(v) Historic levels of funding across agencies and private sector for rail and pipeline hazardous materials incidents.

''(vi) Current funding resources across agencies for rail and pipeline hazardous materials incidents.

''(C) Strategy for integration of commodity flow studies, mapping, and access platforms for local emergency responders and how to increase the rate of access to the individual responder in existing or emerging communications technology.

''(D) The need for emergency response plans for rail, similar to existing law related to maritime and stationary facility emergency response plans for hazardous materials, including the following:

''(i) The requirements of such emergency plans on each train and the format and availability of such emergency plans to emergency responders in communities through which the materials travel.

''(ii) How the industry would implement such plans.

''(iii) The thresholds that require emergency plans for each train related to hazardous materials in its cargo.

''(iv) Gaps in existing regulations across agencies.

''(E) The need for a rail and pipeline hazardous materials incident database, including the following:

''(i) An assessment of the appropriate entity to host the database.

''(ii) A definition of 'rail hazardous materials incident' and 'pipeline hazardous materials incident' that would constitute the level of reporting from the industry.

''(iii) The projected cost of such a database and how that database would be maintained and enforced.

''(F) Increasing access to relevant, useful, and timely information for the local emergency responder for training purposes and in the event of a rail or pipeline hazardous materials incident, including the following:

''(i) Existing information that the emergency responder can access, what the current rate of access and usefulness is for the emergency responder, and what current information should remain and what should be reassessed.

''(ii) Utilization of existing technology in the hands of the first responder to maximize delivery of useful and timely information for training purposes or in the event of an incident.

''(iii) Assessment of emerging communications technology that could assist the emergency responder in the event of an incident.

''(G) Determination of the most appropriate agencies and offices for the implementation of the recommendations, including—

''(i) recommendations that can be implemented without congressional action and appropriate time frames for such actions; and

''(ii) recommendations that would require congressional action.

''(7) REPORT.—

''(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the Keystone XL Pipeline Approval Act, the Subcommittee shall submit a report containing the recommendations developed under paragraph (6) to the National Advisory Council.

''(B) REVIEW.—The National Advisory Council shall take up the Subcommittee's report within 30 days for review and deliberation. The National Advisory Council may ask for additional clarification, changes, or other information from the Subcommittee to assist in the approval of the recommendations.

''(C) RECOMMENDATION.—Once the National Advisory Council approves the recommendations from the Subcommittee, the National Advisory Council shall submit the report to—

''(i) the Administrator;

''(ii) the head of each agency represented on the Subcommittee;

''(iii) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(iv) the Committee on Homeland Security of the House of Representatives;

''(v) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(vi) the Committees on Appropriations of the Senate and the House of Representatives.

''(8) INTERIM ACTIVITY.—

''(A) UPDATES AND OVERSIGHT.—After the submission of the report by the National Advisory Council under paragraph (7), the Administrator shall—

''(i) provide quarterly updates to the congressional committees referred to in paragraph (7) regarding the status of the implementation of the recommendations developed under paragraph (6); and

''(ii) coordinate the implementation of the recommendations described in paragraph (6)(G)(i).

''(B) ADDITIONAL REPORTS.—After submitting the report required under paragraph (7), the Subcommittee shall submit additional reports and recommendations in the same manner and to the same entities identified in paragraph (7) if needed or requested from Congress or from the Administrator.

''(9) TERMINATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Subcommittee shall terminate not later than 4 years after the date of the enactment of the Keystone XL Pipeline Approval Act.

''(B) EXTENSION.—The Administrator may extend the duration of the Subcommittee, in 1-year increments, if the Administrator determines that additional reports and recommendations are needed from the Subcommittee after the termination date set forth in subparagraph (A).''.

SA 97. Ms. HEITKAMP submitted an amendment to be proposed by her to the bill S.1, supra; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. _. INDIAN ENERGY OFFICE.

Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) INDIAN ENERGY REGULATORY OFFICE.—

''(A) ESTABLISHMENT.—To assist the Secretary in carrying out the Program, the Secretary shall establish within the office of the Deputy Secretary an Indian Energy Regulatory Office (referred to in this paragraph as the 'Office'), to be located in Denver, Colorado.

''(B) EXISTING RESOURCES.—The Office shall use the existing resources of the Division of Energy and Mineral Development of the Office of Indian Energy and Economic Development.

''(C) DIRECTOR.—The Office shall be led by a Director who shall—

''(i) be compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code; and

''(ii) report directly to the Deputy Secretary.

''(D) FUNCTIONS.—The Office shall serve as a new Regional Office within the Bureau of Indian Affairs, which an energy-producing Indian tribe may select to replace the existing Regional Office of the Indian tribe—

''(i) notwithstanding any other law, to oversee, coordinate, process and approve all Federal leases, easements, rights-of-way, permits, policies, environmental reviews, and any other authorities related to energy development on Indian land;

''(ii)(I) to support review and evaluation by Agency Offices of the Bureau of Indian Affairs and Indian tribes of—

''(aa) energy proposals, permits, mineral leases, and rights-of-way; and

''(bb) Mineral Agreements entered into under section 3 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2102) for final approval; and

''(II) to conduct environmental reviews and surface monitoring for the activities described in items (aa) and (bb) of subclause (I);

''(iii) to review and prepare Applications for Permits to Drill, communitization agreements, and well spacing proposals for approval;

''(iv) to provide production monitoring, inspection, and enforcement;

''(v) to oversee drainage issues;

''(vi) to provide energy-related technical assistance and financial management training to Agency Offices of the Bureau of Indian Affairs and Indian tribes;

''(vii) to develop best practices in the area of Indian energy development, including standardizing energy development processes, procedures, and forms among Agency and Regional Offices of the Bureau of Indian Affairs;

''(viii) to minimize delays and obstacles to Indian energy development; and

''(ix) to provide technical assistance to Indian tribes in the areas of energy-related engineering, environmental analysis, management, and oversight of energy development, assessment of energy development resources, proposals and financing, and development of conventional and renewable energy resources.

''(E) RELATIONSHIP TO BUREAU OF INDIAN AFFAIRS REGIONAL AND AGENCY OFFICES.—

''(i) IN GENERAL.—The Office shall have the authority to review and approve all energy-related matters for Indian tribes that select to use the Office under subparagraph (D), without subsequent or duplicative review and approval by other Agency or Regional Offices of the Bureau of Indian Affairs or other agencies of the Department of the Interior.

''(ii) NON-ENERGY RELATED MATTERS.—Nothing in this paragraph affects the authority or duty of Regional Offices of the Bureau of Indian Affairs to oversee, support, and provide approvals for non-energy related matters.

''(iii) REGIONAL AND LOCAL SERVICES.—Nothing in this paragraph affects the authority or duty of Agency Offices of the Bureau of Indian Affairs and State and Field Offices of the Bureau of Land Management to provide regional and local services related to Indian energy development, including local realty functions, on-site evaluations and inspections, direct services as requested by Indian tribes and individual Indians, and any other local functions related to energy development on Indian land.

''(iv) TECHNICAL ASSISTANCE.—The Office shall provide technical assistance and support to the Bureau of Indian Affairs and the Bureau of Land Management in all areas related to energy development on Indian land.

''(F) DESIGNATION OF INTERIOR STAFF.—

''(i) IN GENERAL.—The Secretary shall designate and transfer to the Office existing staff and resources from—

''(I) the Division of Energy and Mineral Development of the Office of Indian Energy and Economic Development and other applicable offices of the Bureau of Indian Affairs;

''(II) the Bureau of Land Management;

''(III) the Office of Valuation Services;

''(IV) the Office of Natural Resources Revenue;

''(V) the United States Fish and Wildlife Service;

''(VI) the Office of Special Trustee;

''(VII) the Office of the Solicitor;

''(VIII) the Office of Surface Mining, including mining engineering and minerals realty specialists; and

''(IX) any other agency or office of the Department of the Interior involved in energy development on Indian land.

''(ii) FUNCTIONS.—Staff and resources transferred under clause (i) shall provide for—

''(I) review, processing, and approval of permits and regulatory matters under—

''(aa) the Act of February 5, 1948 (commonly known as the 'Indian Right-of-Way Act') (25 U.S.C. 323 et seq.);

''(bb) the Act of May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.);

''(cc) the first section of the Act of August 9, 1955 (25 U.S.C. 415);

''(dd) the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.);

''(ee) this title;

''(ff) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.);

''(gg) part 162 of title 25, Code of Federal Regulations (relating to leases and permits) (or successor regulations); and

''(hh) part 169 of title 25, Code of Federal Regulations (relating to rights-of-way over Indian lands) (or successor regulations); and

''(II) consultations and preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

''(III) preparation of environmental impact statements or similar analyses required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(IV) technical assistance and training for various forms of energy development on Indian land.

''(G) MANAGEMENT OF INDIAN LAND.—The Director shall ensure that—

''(i) all environmental reviews and permitting decisions—

''(I) comply with the unique legal relationship between the United States and Indian tribal governments (as set forth in the Constitution of the United States, treaties, statutes, Executive orders, and court decisions); and

''(II) are exercised in a manner that promotes tribal authority over Indian land, consistent with the policy of the Federal Government supporting Indian self-determination; and

''(ii) Indian land shall not be—

''(I) considered to be Federal public land or part of the public domain; or

''(II) be managed in accordance with Federal public land laws and policies.

''(H) INDIAN SELF-DETERMINATION.—Programs and services operated by the Office shall be provided pursuant to contracts and grants awarded under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(I) TRANSFER OF FUNDS.—

''(i) IN GENERAL.—To fund the Office for a period not to exceed 2 years, the Secretary shall transfer such funds as are necessary from the annual budgets of—

''(I) the Bureau of Indian Affairs;

''(II) the United States Fish and Wildlife Service;

''(III) the Bureau Land Management;

''(IV) the Office of Surface Mining;

''(V) the Office of Natural Resources Revenue; and

''(VI) the Office of Mineral Valuation.

''(ii) BASE BUDGET.—At the end of the period described in clause (i), the combined total of the funds transferred under that clause shall serve as the base budget for the Office.

''(J) APPROPRIATIONS OFFSET.—All fees generated from Applications for Permits to Drill, inspection, nonproducing acreage, or any other fees related to energy development on Indian land—

''(i) shall, beginning on the date the Office is opened, be transferred to the budget of the Office; and

''(ii) may be used to advance or fulfill any of the stated duties and purposes of the Office.

''(K) REPORT.—The Office shall—

''(i) keep detailed records documenting the activities of the Office; and

''(ii) annually submit to Congress a report detailing—

''(I) the number and type of Federal approvals granted;

''(II) the time taken to process each type of application;

''(III) the need for additional similar offices to be located in other regions; and

''(IV) proposed changes in existing law to facilitate the development of energy resources on Indian land and improve oversight of energy development on Indian land.

''(L) COORDINATION WITH ADDITIONAL FEDERAL AGENCIES.—Not later than 1 year after establishing the Office, the Secretary shall enter into a memorandum of understanding to coordinate and streamline energy-related permits with—

''(i) the Administrator of the Environmental Protection Agency;

''(ii) the Assistant Secretary of the Army for Civil Works; and

''(iii) the Secretary of Agriculture.''.

SA 98. Ms. MURKOWSKI submitted an amendment to be proposed by her to the bill S.1, supra; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) President Obama has committed $3,000,000,000 from the United States to the Green Climate Fund of the United Nations Framework Convention on Climate Change;

(2) any payments the United States ultimately makes to the Green Climate Fund will be redistributed to finance adaptation and mitigation efforts in developing countries that are parties to the Convention;

(3) none of the eligible developing country parties to the Convention is an Arctic nation;

(4) the residents of the Arctic, many of whom represent vibrant indigenous and traditional cultures, too often face social and economic challenges that rival those in developing countries;

(5) despite the fact that the United States is an Arctic nation, President Obama has made no similar effort to provide financial assistance to the residents of the United States Arctic region, even though many of those communities have opportunities for adaptation projects;

(6) similar opportunities for adaptation projects exist across rural communities in the United States;

(7) the United States should prioritize adaptation projects in the United States Arctic region and rural communities before allocating any taxpayer dollars to the Green Climate Fund; and

(8) to the extent that Congress appropriates any taxpayer dollars for adaptation, those funds should first be applied to known and anticipated adaptation needs of communities within the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 21, 2015, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on January 21, 2015, at 2:30 p.m. in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled, ''Protecting the Internet and Consumers through Congressional Action.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on January 21, 2015, at 10:30 a.m. in room SD–406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 21, 2015, at 9:30 a.m., to conduct a hearing entitled ''Iran Nuclear Negotiations: Status of Talks and the Role of Congress.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on January 21, 2015, at 9:30 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Fixing No Child Left Behind: Testing and Accountability.''

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

COMMITTEE ON THE JUDICIARY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 21, 2015, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON VETERANS' AFFAIRS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on January 21, 2015, at 10 a.m., in room SR–418 of the Russell Senate Office Building.

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

ORDERS FOR THURSDAY, JANUARY 22, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, January 22; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; I further ask that the Senate then be in a period of morning business for up to 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the Democrats controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate then resume consideration of S. 1.

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

PROGRAM

Mr. MCCONNELL. We were able to process several amendments to the Keystone bill today, and there are now seven more in the queue and pending. Senators should expect votes related to amendments to this bill throughout the day tomorrow.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator WHITEHOUSE for up to 15 minutes.

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 assistant legislative clerk proceeded to call the roll.

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

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, this week marks a somewhat dark milestone, which is the 5-year anniversary of the Supreme Court's, in my view, reprehensible decision in Citizens United v. Federal Election Commission. This was some fete of activism by the conservative bloc of the Supreme Court. It overturned the laws of Congress, it overturned the will of the American people, and it gave wildly outside influence over our elections to corporations and big-money interests, creating what one newspaper in Kentucky called a ''tsunami of slime.''

Well, 5 years on and the evidence is in. The evidence is in our elections, where this dam burst of outside cash that has wiped out previous campaign spending records, and the evidence is in this Chamber, where we once had a thriving bipartisan conversation on climate change, and instead of that we have now been reduced to this Keystone XL Pipeline bill—a show of force from the fossil fuel industry and virtual silence from the other side of the aisle on climate change.

I will say that today marked an unusually bright spot in that darkness when 98 out of 99 Senators voting voted that climate change was real and not a hoax and when we came so close to an amendment that stated that climate change was real and caused by human activity that the sponsor of the amendment had to vote against his own amendment in order to keep the number under 60 because there were enough votes at one stage in the vote count for that bill to have passed even the filibuster threshold. So that made it an interesting day today. But normally we are in blockade.

The purpose of the effort that we have been on has been to fast-track the Keystone XL Pipeline—a tar sands pipeline that may, at the present oil price, be an economic zombie, basically a dead pipeline walking.

Canadian authorities say that the tar sands can't be extracted profitably at under $85 a barrel. The report from the State Department said that the break price where they could take it out by train as an alternative to the pipeline was at $75 per barrel, and the price today is around $50 per barrel. So we really don't know whether this pipeline has an economic future. What we do know is that if it were to operate, it would pass enough tar sands through it to unleash additional carbon pollution equal to 6 million added cars on the road each year for 50 years.

If we take a look at this conversation here, other than the votes we forced today, the effect of Citizens United on our politics is pretty plain to see. Citizens United has not expanded debate in the Senate; it has crushed debate in the Senate. Why? Because since the Supreme Court's decision in Citizens United, the big fossil fuel polluters and their network of associated interests have become among the biggest spenders—relying heavily, by the way, on undisclosed, untraceable dark money.

According to the Center for American Progress, oil, gas, and coal companies and electric utilities alone reported spending more than $84 million on the 2014 elections. And that is just what they reported. The industry's undisclosed spending in that election through groups not required to disclose their donors or on so-called issue ads that don't need to be disclosed—the total is estimated to be in the hundreds of millions of dollars. Well, money talks, and in politics it talks plenty loud, and $100 million has a lot to say.

One example is Americans for Prosperity—a Koch brothers' venture—disclosed election spending of $6.4 million to the FEC for last year's midterm elections, but that group's own officials have boasted that the real number is as much as $130 million—$130 million in just one election by just one group. It is that kind of extravagant spending which has bought the Koch brothers a vast political network, with employees in critical States, with voter bases tied into our consumer data, with advertising and media-buying specialists. Indeed, that sophisticated Koch brothers electioneering capacity has now been reported in the general media to rival or exceed that of the Republican National Committee. Think about that. A few very wealthy individuals in the fossil fuel business—huge polluters—are now such big players in our politics that they rival our national parties. It is small wonder that it is hard to have an honest conversation about carbon pollution in the Senate.

Most of it is hidden. The Washington Post has reported that at least 31 percent of all independent spending in the 2014 elections—which were, by the way, the most expensive midterm elections in American history. At least 31 percent of that was spent by groups not required to disclose their donors. The Washington Post also noted that the 31 percent doesn't even include those issue ads. They are also not disclosed. So we don't know fully how bad the influence of the fossil fuel polluters is, but we sure know it is bad.

Interestingly, the same Supreme Court that decided Citizens United as a part of that decision decided by a margin of 8 to 1 that disclosure of outside spending was necessary and appropriate. The majority said this, and I will quote the decision:

> Prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable . . .

These intervening 5 years have seen a concerted effort to prevent and frustrate disclosure. Dark money spending by so-called independent groups with no disclosure requirements has more than doubled since 2010.

Ludicrous factfinding by the Court's five conservative activists concluded that corporate spending could not ever corrupt elections. It is laughable on its face, but that laughable conclusion also overlooks a very clear fact: limitless, untraceable political money doesn't even have to be spent to corrupt our democracy. It can corrupt through the threat of spending or through the promise of spending. What Citizens United gave corporations and their political instruments the power to do, it also gave them the power to threaten or promise to do, and we in the public will never see those backroom corporate threats and promises or the deals that result. The candidate will know, the special interests will know, but the public will be the ones left in the dark.

Some lobby groups are a little bolder. The Koch-backed Americans for Prosperity openly promised to wipe out candidates who support curbs on carbon pollution. The group's president said if the Republicans support a carbon tax or climate regulations, they would ''be at a severe disadvantage in the Republican nomination process. . . . We would absolutely make that a crucial issue.''

The threat is plain. Step out of line and here come the attack ads and the primary challengers—all funded by the deep pockets of the fossil fuel industry, enabled by Citizens United and largely protected from disclosure, so the public cannot see what is going on.

The effect of Citizens United has been particularly clear in the Senate. There once was an active heartbeat of Republican activity on climate change. Senator MCCAIN ran for President on an active, robust program of addressing climate change. Senator COLLINS did a bipartisan bill on climate change. Senator KIRK voted in the House for the Waxman-Markey cap-and-trade bill. Senator FLAKE wrote articles supporting a carbon fee as long as the taxes were reduced elsewhere to offset the increased revenue from the carbon fee and on and on. My first exposure to this was the Warner-Lieberman bill and the Warner was Republican Senator John Warner.

That has been a while. Since 2010, the year Citizens United was decided, this honest debate about how we address this problem for the benefit of the American people has flat-lined. Since 2010 the climate evidence has only become stronger. NASA and NOAA just officially declared 2014 the hottest year ever recorded—ever—easily breaking the previous records, the agencies say.

But as the climate alarm bells grow louder, as the Earth sends her signals to us through our scientists' measurements about what has happened to the oceans, measuring the acidification of the oceans, about what is happening in our atmosphere, measuring the carbon concentrations in the atmosphere—as all that information has advanced, there has been just silence in this building since then. Instead of talking about what carbon pollution is doing to our atmosphere and oceans, instead, No. 1, the first agenda of the new majority: We are talking about letting polluters pump more tar sands crude, one of the most toxic fossil fuels on the planet, out onto the global market. Citizens United did not enhance speech in our democracy. Instead it allowed wealthy special interests to suppress and silence real debate.

So I have filed an amendment to the Keystone bill to see what corporate influence pervades this effort. My amendment would require any company that stands to make over $1 billion from the pipeline or from the development of the tar sands to disclose its campaign spending over $10,000 from the last election cycle and going forward. The public needs to be able to connect the dots.

I am also reintroducing the general disclosure act, called the DISCLOSE Act, to require all groups spending on elections to report their large expenditures and their high-dollar donors. The Supreme Court has said we cannot keep corporate interests from meddling in our popular elections. They are people, too, now. So now that the corporations are people, too, let's at least show the voters who it is who is trying to sway their votes. It is a pretty simple idea. It is what the Supreme Court Justices themselves prescribed, and it is an idea that Republicans over and over and over have supported in the past.

The fact we must face in the Senate is that polluter money has polluted our democracy, just as their carbon pollution has polluted our atmosphere and oceans. So it is time to disclose. On climate change where we have an overwhelming scientific consensus, where we have the American people, majorities of Democrats and Republicans, supporting strong congressional action on climate, where we have American businesses small and large that see the folly of ignoring the looming risk, and where we have the national security community, our Armed Forces actively preparing to face the threat climate change poses to American safety and international stability—here, by the way, just as an example, is the Department of the Army's high-level climate change vulnerability assessment. I don't think they are kidding us and I don't think they are part of a hoax.

Mr. President, I thank you for your patience this evening and I will conclude with the remark that I ordinarily conclude these speeches with: It is time to wake up.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:58 p.m., adjourned until Thursday, January 22, 2015, at 9:30 a.m.