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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.

Heavenly Father, giver of good gifts, thank You for another day to serve You. Focus the attention of our Senators on Your will and enable them to discover what best pleases You. Help them to debate without quarrelling and to disagree without being disagreeable. Inspire them to become disciplined followers of Your purposes ever eager to obey Your commands. Guide, strengthen, and bless them until they reflect Your image of purity, honesty, humility, generosity, and love.

We pray in Your wonderful 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.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 33

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 33) to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

SCHEDULE

Mr. MCCONNELL. Mr. President, today the Senate is continuing to consider S. 1, a bill to approve the Keystone XL Pipeline. Chairman MURKOWSKI and Senator CANTWELL are here this morning to manage debate, and there are several amendments pending. We will begin voting on those—and any amendments in the queue—around 2:15 p.m. on Tuesday afternoon.

I encourage all Senators who have not already done so to talk to the bill managers about scheduling a time to come down and offer their amendments.

It has taken a while to get going on this bill, and the last thing we need at this point is for Members who have been saying they want to have amendments to be reluctant to offer them.

STATE OF THE UNION ADDRESS

Mr. MCCONNELL. Mr. President, we are looking forward to welcoming President Obama to the Capitol on Tuesday. The State of the Union is a unique opportunity, not just for the President but for our entire country. If he lays out an agenda that corresponds to the message the voters delivered in November, it could signal a truly productive moment for our country.

In November the American people told us they are tired of Washington's dysfunction. They told us they are tired of Washington's prioritizing the concerns of powerful special interests over their own. They called for a Congress that functions again, and that is just what we have been working toward. They called for Congress to focus on jobs and reform, and that is what we have been doing.

They also called for President Obama to cooperate with Congress to enact a different and better reform agenda for the middle class. On that front, we have some distance to cover, but Tuesday can be a new day. This can be the moment the President pivots to a positive posture. This can be a day he promotes realistic reforms that focus on economic growth instead of spending more money than we have. We are eager for him to do so.

There is much we can accomplish for the American people if the President is willing to work with us. We will be looking for signs of that in the speech he delivers Tuesday night.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

KEYSTONE XL PIPELINE ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

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

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

Pending:

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

Markey/Baldwin amendment No. 13 (to amendment No. 2), to ensure that oil transported through the Keystone XL Pipeline into the United States is used to reduce U.S. dependence on Middle Eastern oil.

Portman/Shaheen amendment No. 3 (to amendment No. 2), to promote energy efficiency.

Cantwell (for Franken) amendment No. 17 (to amendment No. 2), to require the use of iron, steel, and manufactured goods produced in the United States in the construction of the Keystone XL Pipeline and facilities.

The PRESIDENT pro tempore. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise today to speak in opposition to an amendment offered by Senator MCCAIN pertaining to the Merchant Marine Act of 1920, popularly referred to as the Jones Act.

I will, of course, start by saying that the chairman of the Armed Services Committee, Senator MCCAIN, has a distinguished record of support for our men and women in the military and cares deeply about our national security, but on this amendment I respectfully disagree with our chairman.

I wish to take a few minutes this morning to remind my colleagues why the Jones Act is an essential component of our national security policy and shipbuilding is a foundational component of American manufacturing.

The Jones Act requires that our maritime vessels engaged in shipping goods between U.S. ports must meet three requirements: They must be built in the United States, at least 75-percent owned by U.S. citizens, and operated by U.S. citizens. The Jones Act helps to shore up our national security by providing reliable sealift in times of war. It ensures our ongoing viability as an ocean power by protecting American shipbuilders. As a result, the Jones Act provides solid, well-paying jobs for nearly half a million Americans from Virginia to Hawaii.

In short, the Jones Act promotes national security and American job creation. Therefore, I am unclear why some of my colleagues are opposed to this commonsense law. I don't say this simply as a Member from an island State where we depend on the reliability offered by American shippers for fresh food, energy, and other everyday goods, but I say this as a Senator who cares deeply about supporting our strong and growing middle class and creating American jobs.

First, shipbuilding is a major job-creating industry. According to the Maritime Administration, there were 107,000 people directly employed by roughly 300 shipyards across 26 States in 2013. Additionally, shipyards indirectly employed nearly 400,000 people across the country. This amendment would specifically knock out the Jones Act provision that requires that U.S.-flagged ships be built in the United States, jeopardizing good-paying, middle-class jobs. To me, that is reason enough to oppose this amendment.

Secondly, this is not the time to create the instability this amendment would directly cause. After struggling through tough times, America's shipbuilding industry is coming back. Both this Congress and the administration have long stressed the need for creating and keeping manufacturing jobs here at home in the United States. According to the Navy League, there are 15 tanker ships being built here in the United States right now and slated to join our U.S. flag fleet. These ships don't create quick-turnaround jobs but hundreds of thousands of well-paying, long-term manufacturing jobs. If these ships are not built here in U.S. shipyards by U.S. workers, where will they be built? Where will these jobs go? China? Other Asian countries? Europe? The shipbuilding industry in our country is rebounding.

Repealing the Jones Act is a step in the wrong direction. Instead of dismantling a policy that supports American jobs, Congress should be focused on doing more to promote and grow American jobs and American manufacturing.

Repealing the Jones Act's requirement to build ships here in the United States will unquestionably cost U.S. jobs and weaken our position as a manufacturing leader. Those are two strikes against the amendment.

The third and final strike is the fact that the amendment would undermine our national homeland security. The Jones Act's requirements—along with American shipbuilding and the maritime industries they underpin—provide American-built ships and crews for use by the Department of Defense in times of need. It is easy to see why the Navy and Coast Guard strongly oppose repeal of the Jones Act and all of its components.

The Defense Department has concluded:

> We believe that the ability of the nation to build and maintain a U.S. flag fleet is in the national interest, and we also believe it is in the interest of the DOD for U.S. shipbuilders to maintain a construction capability for commercial vessels.

Therefore, there are three strikes against this amendment.

If adopted, the amendment would dismantle the Jones Act, costing American jobs, hurting American manufacturing, and undermining our national security. I ask my colleagues to stand with me—and I certainly ask the chair of the Armed Services Committee to change his mind on this amendment—and nearly half a million middle-class Americans and vote against this amendment if it is brought up for a vote.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I know my colleagues are coming to the floor to talk about various amendments. It is likely that on Tuesday we will start voting on at least the pending amendments we have discussed so far. I come to the floor today to talk about the proposal by TransCanada Corporation and about the fact that, obviously, there are some here who want to give an expedited approval to that and usurp the President, who needs to review this project in detail to make sure we understand the interests of various people, property owners, and people affected by the pipeline.

One particular issue in this debate is why Congress should be hurrying to give a special interest permitting go-ahead while the President still has issues to address and as do the local communities. I know many of my colleagues are going to come to the floor to talk about those special interest concerns, as well as the issues of energy efficiency, property rights, climate change, and a whole host of priorities. But I am here today to talk about an issue I think is particularly important, which is the fact that tar sands has a loophole and doesn't pay into the oilspill liability trust fund.

Both of my colleagues, Senator MARKEY and Senator WYDEN, are going to be putting forward amendments to close this loophole. As a country we have made sure the taxpayers aren't stuck with the tab of cleaning up oil spills. The principle behind that is to keep our waters safe and to keep our communities from paying the cost of this pollution. It means really to have commonsense laws on the books providing that polluters pay for cleanup. So that is the principle that drives the oilspill liability trust fund. It is something we have had in place for a while.

Basically, what the oilspill liability trust fund means is simply that American taxpayers won't be left holding the bag for the responsibility of spills that happen. We currently in law have a loophole that means that companies that produce the tar sands don't have to pay into the trust fund. That is because they are considered as synthetic petroleum. So just by the definition, they basically have had a loophole. It is important to me, as the United States considers whether a pipeline should be built across our country that would include these tar sands, which is very thick and heavy material and it is often diluted with lighter oil so it can be easier to handle. But when the spills happen, and it spills in water as we saw with the Kalamazoo spill, it leaves a thicker oil behind that usually sinks to the bottom of the water. That makes it hugely expensive to clean up and really almost nearly impossible to clean up.

These concerns are driving us to make sure that as the United States and Canada continue to look at tar sands production, we are getting the technology in place to deal with this and to get the job done and to make sure that those who are liable for those

kinds of spills are actually paying into a fund that would help clean up the mess.

That is why it is so important that the Senate take up action on one of these amendments, so that we will be paying into the oilspill liability trust fund for any pipeline that is carrying this crude material.

I want to go back to why this trust fund was created and why it was so important. The oilspill liability trust fund was created in 1986 as part of the Comprehensive Environmental Response and Liability Act. This bill was signed by President Reagan, but it took 4 more years and a major disaster before the country actually funded the oilspill liability trust fund, and that disaster was Exxon Valdez. My colleague from Alaska will be on the floor later today, and I am sure she could talk a lot about this issue as well. I had many conversations with the late Senator Ted Stevens about this issue, and there were various times when we increased payments into the oilspill liability trust fund. When one comes from the State of Washington and Pacific waters and when one comes from Alaska, how we clean up these oil spills is incredibly important to our economies.

What happened in 1989 is that an oil tanker hit a reef and ended up spilling 11 million gallons of crude oil. It didn't take long for those pristine waters of Prince William Sound in Alaska to be impacted. So the impacts of the Exxon Valdez disaster were devastating not just to Prince William Sound but to the entire Pacific Northwest, and the total cost of that cleanup was $2.5 billion.

Ten years ago, a Federal judge ordered Exxon to pay $6.7 billion to thousands of Alaskans affected by that oil spill. Fishermen in the Northwest lost more than $300 million as a result of that oil spill. At the time, the livelihood of individuals was impacted and, obviously, the wildlife was impacted. It killed sea otters, harbor seals, and approximately 250,000 birds. The images of all this wildlife are seared into our memories even 25 years after the spill.

When the gulf spill just recently happened, we revisited a lot of those issues because we wanted to make sure we were getting things right. It was very interesting to see the environmental effects years later and some of the things that still had not recuperated from the oil spill in Prince William Sound.

In 1990 Congress passed the Oil Spill Pollution Act, and it was signed into law by President Bush. It added sweeping improvements to the oil spill response and held parties responsible. It established the mechanism actually to invest in the oilspill liability trust fund. Specifically, the bill said: Let's have a per-barrel tax to raise the revenue for the fund. So today that is an 8 cents per-barrel tax on oil products.

As I mentioned, this was signed into law by President Bush, who specifically praised the funding of the oilspill liability trust fund. He said that ''the prevention, response, liability, and compensation components fit together into a compatible and workable system that strengthens the protection of our environment.''

The reason I am bringing that up is because if the oilspill liability trust fund was good enough for oil products promoted by a Republican President, then it ought to be good enough for us in Congress to add tar sands. That literally was just not thought of under the current definition because of the way the definition was written. Because it is a synthetic fuel, they have a loophole. It is a question whether we are going to close this loophole or whether we are going to let them pay zero into the trust fund.

The fund is used to pay for immediate cleanup costs and spills in navigable waters. This is a very important point. Some people would say: Well, aren't people just liable for their own mess, and why don't they just clean it up?

I can tell you that in trying to protect Puget Sound and trying to clean up the waters off the coast of Washington, you might think it would be easy to figure out where the oil came from. It is not. When you have a busy waterway like Puget Sound, and all of a sudden somebody sights an oil slick or oil product in the water, they don't know how serious it is. It takes months and months, sometimes years, to figure out where the pollution came from.

Yes, in the case of Exxon Valdez we had a ship that hit a reef and caused a problem. But in many cases, sometimes you don't know where the spill is coming from. A lot of people will say: Well, it wasn't us. Or they start this process. An oil spill needs an immediate response, and that is why we established the oilspill liability trust fund—to have an immediate response so that we are not sitting around waiting for weeks and months to figure out who did the oil spill, and so somebody can start the process immediately and work with the Coast Guard to actually clean it up.

You would think this doesn't happen that frequently, but it happens a lot more frequently than people realize. That is why an immediate fund is important, and that is why everybody who is producing oil should pay into it. Yet there is a loophole in the law, so the per-barrel tax doesn't apply to tar sands.

In 2011 the IRS issued a ruling stating that the tar sands imported into the United States were not subject to the excise tax on petroleum. The ruling was actually based on a 1980 House Ways and Means Committee report that crude oil does not include tar sands. As I said earlier, it is considered synthetic. Therefore, according to the IRS, it is not subject to the tax.

We should simply clean this up and have those responsible for their mess also be responsible for paying in to clean it up. When the oilspill liability trust fund was established, it was intended to be a mechanism for all oil spills—not the definition of oil as a product.

Congress should fix this next week when we vote on this legislation and figure out exactly how to make sure the Commandant of the Coast Guard would have the tools to deal with this.

I, too, have concerns about the fact that we don't really have the tools yet to accurately clean up tar sands. When the Commandant of the Coast Guard was before a commerce hearing just a year ago—because I have a great deal of concern about the moving of this product on a variety of transportation means—I asked him about tar sands because the last thing we want to see is product out on our waterways. He said: Our technology is not as sophisticated when you have tar sands. They are heavier, they sink into the water, into the ocean bottom, so it is a challenge for us. Once it settles on the sea floor, our technology is lacking in that regard.

Basically, I am finding that some of the dirtiest oil out there does not pay into the oilspill trust fund, and we don't even have the mechanisms for cleaning up. Unfortunately, we learned that lesson very hard in the 2010 Enbridge pipeline, which was owned by another Canadian company, along the Kalamazoo River in Michigan. It ruptured, and it spilled 1 million gallons of tar sands into the river.

This is a picture of that cleanup and the process, which was $1.2 billion that was spent. So for those of you who don't know Kalamazoo, it was an incredible economic, environmental, and historic issue for the people of Michigan. The river was closed for business for 18 months after that spill. More than 35 miles of the river had to be off limits because it was difficult to clean up.

Today, 4 years later, they are still impacted. As I said, the cost was $1.2 billion because they had to dredge the bottom of the river. So any oil spill of that magnitude is damaging. Yet, when we look at this issue, the fact that these tar sands were sinking to the bottom made that dredging even more serious.

It is the reason why we need to make sure these tar sands are taxed just as any other oil that is produced in the United States and pays into this trust fund. A Cornell University study found that ''this spill affected the health of hundreds of residents, displaced residents, hurt businesses, and caused a loss of jobs'' in Kalamazoo. This study is located online at: https://www.ilr.cornell.edu/sites/ilr.cornell.edu/files/GLI_Impact-of-Tar-Sands-Pipeline-Spills.pdf.

I think it is just the start of what the challenges will be for us when we allow this kind of tar sands development to move through the United States. Our spill responders are very skilled. First, they know we need to do everything we

can to prevent spills, to begin with. They are developing technologies to respond to the case of an emergency. They are doing everything they can to use this trust fund.

So we need to make sure we are having those who are producing this product pay into the trust fund. We need to make sure we are closing this loophole. So my colleagues—as I said, Senator WYDEN and MARKEY—have been working on this issue for some time. Senator WYDEN, the ranking member on the Finance Committee, I know he feels very strongly they should be paying into the oil spill liability trust fund and paying their fair share of revenue. I know Senator MARKEY has worked on this issue in the House of Representatives before coming to the Senate.

So we need to make sure people understand that dredging is not good enough, that our country needs a plan, that we need not just to rush through this pipeline and basically to think that we have all of the technology, all of the methods, all of the appropriate emergency funds to clean this up. We need to make sure we are not sitting here arguing with a company—a Canadian company—that just wants us to clean up the mess and leave the U.S. taxpayer paying the bill.

In fact, there was some debate in the Kalamazoo spill whether the Enbridge company had hit their liability cap and so the trust fund should pay for it, even though they never paid into the trust fund.

So are we going to let the American taxpayers clean up a Canadian oil mess at our expense—that we paid in—and everybody is affected by that? I think we should slow down this process and make sure we are getting things like the oil spill liability trust fund right and that we are getting this added to this legislation before it moves out of the Senate.

I know my colleagues will get a chance to look at this next week. As I said, we will probably start voting early next week on some of these amendments that are being offered. But I hope my colleagues will close these loopholes and make sure that the U.S. citizen and taxpayer is not left on the hook paying for oil spill responsibility that should be the responsibility of these individual companies. I know we are expecting some of our other colleagues to come to the floor shortly to speak on their amendments.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MARKEY. Madam President, when the new Congress opens there is a choice as to which issues we should start to work on. Would it be infrastructure jobs, clean energy jobs, a minimum-wage increase for all of America? No, no. That is not what the new majority decides to bring up. No. Instead, it is a Canadian oil export pipeline.

Next week I am going to offer an amendment that the Senate will consider to ask whether we will put Americans first or oil companies first, whether we will keep this oil and gasoline here for Americans or send it to foreign nations to help them instead.

If my amendment is defeated, it will make clear this is not an energy plan that is ''all of the above,'' it is oil above all.

My amendment says that if we build the Keystone Pipeline, we keep that oil here. We keep that gasoline here. We keep the diesel, the jet fuel, the heating oil. We keep it all here, because if we send it abroad, what are we doing? We are helping Canadian oil companies get a higher price for their oil. We are acting as the middlemen between dirty foreign oil and thirsty foreign markets.

Without my amendment, there is nothing in the bill or U.S. law that would prevent this oil from being exported. Eighty percent of our refined fuel exports go out of the gulf coast, exactly where Keystone would end, and foreign crude oil—including crude oil from Canada—can be freely reexported.

We know what TransCanada's plan is because I asked him at a congressional hearing—a senior TransCanada official—whether he would commit his company to keeping the oil and refined products from Keystone in the United States of America, and he said no.

Why do the oil companies want to export this Canadian tar sands oil? Because they can get a higher price and make more profit.

Tar sands crude in Canada trades for $13 less than the U.S. crude benchmark. The international prices are $3 higher than our prices.

If we do all of this, if we build this pipeline and then we send this oil to foreign countries, then we have turned Uncle Sam into ''Uncle Sucker.'' Because, make no mistake, without my amendment this bill will not do anything to help people at the pump. It will just serve to pump up the profits for oil companies.

We shouldn't export in oil, even as we are forced to send young men and women to defend oil interests in the most dangerous parts of the world.

Let us have that debate. As we import—still—oil from the Middle East, coming into the United States on tankers, this proposal we are debating next week will actually export oil that is already in the United States. We still import millions of barrels of oil every single day.

What we hear from the Canadians, what we hear from the oil industry is that this is all about energy independence. Energy independence cannot, by definition, include the exportation of oil while the United States of America is still importing millions of barrels of oil per day. That is heading us away from, rather than toward, the goal of energy independence.

That, ladies and gentlemen, is at the heart of the issue of what it is that we must understand about this Keystone Pipeline debate. We want lower prices for consumers, lower prices at the gasoline pump, lower prices for home heating oil, lower prices for diesel, and lower prices all across America. It is akin to a tax break that is going into the pockets of every single American, giving them more spending money because they are paying much less for oil in all of its forms in the United States of America right now, and it is giving an incredible incentive for economic growth in America.

What makes America great? What makes America strong? What makes us strong is when we are strong at home. What makes us strong at home is our economy, because the stronger our economy, the stronger the United States is in projecting power across this planet.

That is why on this debate the exportation of oil is so central. It goes right to the heart of what we must be discussing and debating in our country. This is an incredible opportunity for our country.

Let's take it to the next step. The next step includes what is the taxation on the Canadian oil. There is a loophole, believe it or not, in the American Tax Code that allows tar sands oil from Canada—such as that that would flow through the Keystone Pipeline—to not pay into the Federal trust fund to respond to oilspills in the United States—understand that?

Canadian oil, the dirtiest in the world, coming through the pipeline that the Canadians want to build through the United States, in the event of an oilspill, will not have paid into the oilspill liability fund for oilspill accidents in the United States.

I wrote to the Treasury Department in 2012 urging them to close this loophole through executive action, but their response indicated that they do not believe they have the authority to close this loophole on their own, and they need legislation to do so.

Yet there is nothing in this bill that would close this tax loophole for Keystone tar sands oil. Tar sands oil can be more difficult to clean up than regular crude but receives a ''get out of Canada tax-free'' card. That makes absolutely no sense. We are already importing more than 1.2 million barrels per day of tar sands oil into the United States. But oil companies don't have to pay into our cleanup fund to import that dirty oil.

There are roughly 30 oil companies importing tar sands crude into the United States. If you are one of those 30 companies, you are getting a great deal. But if you are one of the hundreds of other oil companies out there that do pay into the oilspill trust fund, you should hate this loophole, and the American people should hate that loophole as well because the Canadians and

their oil companies are not paying their fair share of the dues to be able to participate in our great American society. They want to build a pipeline like a straw right through the middle of the United States, send the dirtiest oil right down that straw, and if that straw breaks, if there is a spill, the Canadians have not contributed to the oilspill liability trust fund. Does that make any sense? Does that make any sense? Of course it doesn't.

That is why this debate is so important. The Congressional Budget Office says this is going to cost the United States of America hundreds of millions of dollars because the Canadians escape their responsibility of paying for the accidents. That is why Senator WYDEN and I are working here to make sure we have an ability to close this loophole, and we are working with Senator CANTWELL, the ranking member on the committee. Along with Senator CANTWELL, we are going to make sure we have this important debate on the Senate floor.

I know Senator CANTWELL was out here earlier today raising this issue, highlighting this issue, pointing out how unfair and unjust it is that the Canadians escape their responsibility to pay and that it is just another giveaway to the oil industry that ensures this is nothing more than a giveaway to those Canadian companies.

I say this on a day when it is being reported there are now 140,000 people in America employed in the solar industry—140,000. There is another 50,000 employed in the wind industry—nearly 200,000 people employed in industries that, for the most part, didn't really even exist in a meaningful way 7 years ago. That is how quickly our own domestic wind and solar industries have been developed—creating jobs here in the United States, creating growth here in the United States, creating opportunity here in the United States.

So this, colleagues, is really what we should be debating. But once again, when the Republicans are in control, we do not debate all of the above. We don't debate wind and solar and biomass and energy efficiency and oil and gas and nuclear. The Republicans always make it one subject, and that is oil above all, not all of the above.

So I am looking forward to this debate. It goes right to the heart of the security of our country, the economy of our country, and the environment of our country. This is the dirtiest oil in the world. This oil is going to contribute dangerously to the warming of the planet. Last year—2014—was the single warmest year ever recorded in the history of the planet—2014. You don't have to be Dick Tracy to figure out this is a problem that we are passing on to the next generations without the debate this issue must have if we are going to discharge our responsibilities to those next generations.

The Keystone Pipeline is the central opportunity we are going to have to raise this issue of global warming, of the national security of our country, of making our economy stronger, and of ensuring we discharge our responsibility to the next generation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. UDALL. Mr. President, climate change is one of the greatest challenges of this century. We have a profound choice before us. We can deny that our climate is warming, we can fall behind our economic competitors, we can ignore the danger to our planet and to our security—that is one choice—or we can move forward with the diversified energy portfolio that includes clean energy, with an energy policy that makes sense, that creates jobs, that protects the environment, and that will keep our Nation strong.

There is a lot of work to be done. We can work together, we can find common ground, become energy independent, move us on a path to energy independence, grow our economy, and fight climate change. But instead, unfortunately, our focus today is on the Keystone XL Pipeline. The new majority has not chosen to start with energy policy as a whole or innovation or manufacturing policy or our response to climate change. Instead, we are debating on the floor of the Senate just one pipeline project, which primarily benefits another Nation.

There is really one basic question. Is the Keystone Pipeline in our Nation's interest—not Canada's interest or Wall Street's interest but our Nation's interest. I do not believe it is. I say this for two reasons. First, we are being asked to do something I believe is unprecedented—for Congress to step in and promote a bill for one private-sector energy project, to wave ahead a private pipeline for a private foreign company so that Canadian oil can be piped to Texas for export to other nations. Again, how does this serve our Nation?

We are told it is about jobs. Keystone will create jobs, and, of course, we are all for that. But how many jobs? About 3,900 temporary construction jobs. But how many permanent jobs—jobs that American families can count on for years to come? Maybe about 50. Yet with all the challenges we face, at home and abroad, this is the priority. This is priority No. 1 for the new Republican Congress. This is one choice. It is the wrong choice and the wrong priority.

This brings me to my second point. We are at a crossroads in our energy policy. We can still lead the world in clean energy production—wind, solar, advanced biofuels—to reduce global warming pollution, to become energy independent, and to create permanent American jobs. That is our future. That should be our priority.

New Mexicans are already seeing the impact of global warming. The Southwest is at the eye of the storm, with historic drought, with severe flooding when it does rain, and with more and more wildfires. I talk to farmers and ranchers in my State, and they are struggling. According to a study at Los Alamos National Laboratory, by 2050—not far away—we may not have any forests left in my State. It will be as if New Mexico were dragged 300 miles to the south. Our climate will resemble land that is now in the middle of the Chihuahuan Desert.

I am not a scientist; neither are my colleagues. But the experts at Los Alamos National Laboratory and scientists all over the world are clear: If we do nothing, it will only get worse. We are already seeing the impact. Recently the Government Accountability Office issued a warning: Climate change will continue to increase costs to taxpayers for the Federal Flood and Crop Insurance Programs. FEMA is already $24 billion in debt due to extreme weather events such as Hurricane Sandy and last year's floods in New Mexico. The cost of the Federal Crop Insurance Program has increased 68 percent just since 2007. If left unchecked, these costs will continue to skyrocket.

But this is more than numbers, disturbing as they are. This is the burden of climate change on farmers, ranchers, and our communities. The damage is real. The threat is here. But so are the solutions and the opportunities, and there are many opportunities. With the right priorities, we can encourage the production of clean energy. We can create a clean energy economy that leads the world. We can create the jobs of the future right here at home and revitalize rural America.

I have long said we need a ''do it all and do it right'' 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 oil and gas. We have strong, independent companies. They employ over 12,000 New Mexicans. They help pay for our schools and our other public services. They are an important part of the mix, and so are renewables such as wind and solar. The United States has incredible wind energy potential, enough to power the Nation 10 times over. New Mexico 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 emits 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. The majority are in installation, sales, and distribution. Those are well-paying local jobs. Those 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. And we need to do it before we lose too much of the 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 would help us get there. The proposal I have introduced for many years would require utilities to generate 25 percent of electricity from renewable sources by 2025. New Mexico and over half the States already have one. The States are moving in that direction. The Nation needs to move in that direction. We need a national standard. Experts have said a national standard could create 300,000 new jobs. I have pushed for this ever since I came to Congress. The House of Representatives has passed it. The Senate has passed a version of this three times. We have to get it right. We have to do this. Let's get it done.

America can lead the world in a clean energy economy. We have the technology, and we have the resources. We just need the commitment and the cooperation.

This is a new Congress. Let's find common ground where we can move forward. Just as we invested in the oil industry, we need to invest in wind, solar, and biofuels. We should support tax credits for renewables. We should encourage important cutting-edge energy research at great institutions such as Sandia and Los Alamos National Laboratories. What we don't need is Congress simply acting as a permitting agency for a Canadian pipeline.

I understand the frustration that this project has been pending for so long. I believe the President should make a decision now. The necessary studies have been done. The recent litigation is over. We have debated this project extensively in this Congress and in several elections. If the President decides to approve it without some strong conditions that mitigate its climate impact, I will be very disappointed. If the President rejects it, the supporters can raise this issue in the next election. But Congress should move on to real, pressing policy debates.

Let's get our heads out of the tar sands and work together for our economy, for our energy independence, and for our future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

Ms. MURKOWSKI. Mr. President, it is good to be here on the Senate floor talking about where we are in the process to hopefully finally move toward approval of a permit to allow for construction of the Keystone XL Pipeline.

It has been interesting—the past couple speakers this morning have all mentioned that they don't understand why the first order of business in this new Congress should be this measure, that there are a lot of issues out there. And there certainly are. There will always be issues in the Senate. This is what we do. These are all weighty issues. But I would remind my colleagues that one of the reasons we are moving early to the Keystone XL Pipeline legislation is because in many ways this is a bit of unfinished business.

It was just 6 weeks or so ago that we had this measure before us on the floor of the Senate. It was before this body for debate—a good debate—led by our former colleague from Louisiana who was absolutely passionate—absolutely passionate—in her defense of why this was timely, important, critical that this measure be approved. We had that debate, and unfortunately in the final vote we were shy one vote and so we did not see passage. It was a measure that was in front of us because it was timely and also because of the work this body had done to advance it. The energy committee had hearings, process, and we had a bill in front of us.

It is the first week of this session, and we have a lot of measures that we will be taking up that are extremely important, but they are perhaps not as primed, if you will, for action on the Senate floor because that legislation hasn't been drafted. The committees have not met to work through some of the legislation that will be before us.

So why not move to advance the Keystone XL Pipeline, a measure that will provide for good-paying jobs in this country; a measure that will work to enhance that relationship with our closest friend and ally to the north, Canada; a measure that will help us from an energy security perspective when we are able to displace oil coming in from places such as Venezuela with oil coming in from Canada. That is a relationship that this Senator would much rather enhance and further.

So for a host of different reasons we are on this measure in the second week of this new Congress. I am pleased we are at this place where when we reached unanimous consent earlier to proceed to consideration of amendments on this bipartisan bill. It has been interesting. As I have talked to not only colleagues but reporters out in the hallways—just people having conversations—and there was a fair amount of skepticism that if Republicans were to regain the majority, would we return the Senate to what we know as regular order, where there is a processing of amendments and a regular committee process, but that is what we are doing, folks. Those who are observing what is going on, beginning today, are seeing something that hasn't been seen around here in a number of years. It was unfortunate that we hadn't had that process, but it is never too late to do the right thing. It is never too late to get back to a deliberative process that allows for the open exchange and consideration of ideas on the floor.

When we talk about an open amendment process, clearly it is not just open for amendments for those of us on this side of the aisle. It is an open amendment process for the full Senate so Members on both sides can offer their ideas and work to get votes on them. The majority leader has said several times that this process is going to be open, but it is not going to be open-ended. We are not going to be on this measure for a full year or even a full month, but we will be taking the time to do the deliberation that I think is important. I think you have already got some people saying: Oh, we are spending enough time on it. It is a mixed message with those saying it is not timely, we shouldn't be taking it up, and then others complaining that we have been on it now since last week. I think it is important for Members to know we are expecting to see amendments filed. We are expecting to see Members come to the floor to call up amendments. I would encourage Members not to wait until the last minute because to use the majority leader's words, this is not going to be open-ended. So let's get to our business and let's get it done.

We have three amendments that are currently pending before the body. Before I speak to each of those, I would like to very briefly address my support for the underlying bill from the perspective of Alaska and being one who is immersed in Alaska's energy process and politics.

I heard from more than a couple of folks back home who have seen the debate and discussion playing out, whether it is on C–SPAN or in the media, and I have been asked: We understand Keystone is in the national interest. We get that. But is it truly in Alaska's best interest? Folks back home are a little worried right now. We are seeing the price for oil sink to lows we have not seen in years, sitting around $46 a barrel today. It has certainly had an impact on our State's budget—dramatically so. It is not just Alaska, I think we are seeing it in other oil-producing States. It is good news to have lower oil prices, but it is kind of a double-edged sword for some.

The questions that are being asked at home are legitimate, fair, and very important questions such as: OK. How does this fit in with the Alaska piece?

We certainly have large-scale infrastructure projects, particularly energy projects of a serious magnitude.

We have a world-class oilfield in Prudhoe Bay and the connector that the Trans-Alaska Pipeline provides from Prudhoe Bay down to tidewater in Valdez, an 800-mile silver ribbon that bisects our State, is truly a modern

marvel. A State can have the resource, but if they don't have the infrastructure to move the resource it doesn't do them much good. It doesn't help their economy and it doesn't help fund education if they cannot move it to market.

As I mentioned, Alaskans are a little nervous right now. A New York Times article recently described what is happening in Alaska. The journalist described it as economic anxiety hanging over the State because of the drop in the price per barrel of oil. When a State relies on oil for about 90 percent of its revenues to fund its budget and the price drops dramatically, they notice it.

One way to deal with the variations and variables in price is to have sufficient production. Alaska is suffering from this economic anxiety because our oil production, which was over 2 million barrels a day, has dropped precipitously over the past couple decades. We are now talking about an oil pipeline that is less than half full. What does that mean to a State such as Alaska when the artery for the State's revenues is not pumping at an optimum level? We are in that place right now. As a State we are looking at what can we do to make a difference when it comes to production because there will be price variables. As long as OPEC is in play there will be price variables we are not able to affect as much as we would like.

We have the resource. We have an estimated 40 billion barrels of oil in our Federal areas, offshore in the Chukchi and Beaufort, on our coastal plain within the NPRA. We are not looking at a situation in Alaska where we are running out of oil or about to run out of oil. Our problem straight up is our limited ability to be able to access it. The holdback we get, the pushback we get from our own Federal Government, the policies that keep us from being able to access that resource has been our challenge.

Now back to the Keystone XL Pipeline. The Keystone Pipeline is not going to be carrying any Alaskan crude. Don't get a mixed message. We have a pipeline. We have already built it. It is waiting to be filled back up. The need isn't infrastructure in Alaska but permission—consent from the Federal Government to access our lands, access our waters to achieve that energy potential.

When I am talking to Alaskans about the imperative for Keystone and how it intersects with Alaska, there are a couple of messages. The first one is simple. There is plenty of demand within just the United States for all the oil Canada and Alaska can produce at the same time. The demand is there, even with the surge we have seen coming out of the Bakken and the amount of increased production we have seen domestically in this country. We are continuing to import that oil. Again, it is better for us to rely more on ourselves. The world view that supports the construction of Keystone XL is the same one that leads to new production in my State of Alaska; that is, the recognition that affordable energy is good. This is my mantra. I keep advertising it. I have a bumper sticker that says ''energy is good.'' Affordable energy is good. The understanding is that low prices result when world markets are well supplied along with the desire to achieve North American energy independence. This is something I feel very strongly about.

Approving the Keystone XL Pipeline is not going to eat into the markets for Alaska's oil. This is an important message for Alaskans to understand. In fact, it is going to help us preserve the markets we have because right now our North Slope crude is shipped predominantly to the west coast—makes sense, it is in closer proximity—where it is refined into gasoline and other petroleum products for use in the lower 48.

We take it down our 800-mile pipeline, put it to tidewater, and it is refined on the west coast. We enjoy the benefit of it here. But this ANS crude—Alaskan North Slope crude—as we call it, is now finding itself in competition from the shale plays out of the Bakken. So what we are seeing is, without a Keystone XL Pipeline oil, the oil that is being produced out of the Bakken is finding a home somewhere. It is not just sitting there. It is being moved.

Where is it being moved to? It is being moved to refineries that have capacity. It is going west. It is going west to those west coast refineries that are used to getting Alaska crude. Keep in mind that as it moves west, if we don't have the pipeline, how is it moving there? How are we moving it? We are moving it by rail, predominantly.

Again, we will have that discussion about the environmental impacts of rail or truck versus a pipeline and the safety and emissions issues. If you want a cleaner way to transport oil, it will be in a pipeline. If you want a safer way to transport oil, it will be in a pipeline. We have had this discussion in the past—and again, so Alaskans understand—and the Keystone XL Pipeline will benefit us in terms of being able to continue to send our crude to those west coast refineries.

We have heard—I believe repeatedly and incorrectly—that the Keystone XL Pipeline is a foreign project that is going to carry Canadian oil to the gulf coast. We know where the name TransCanada derives from. We know that much of the oil to be transported will be from Alberta, but I think it is important to acknowledge that we have about 100,000 barrels of Bakken crude that will come from North Dakota and Montana and down through the midcontinent. If we have the Keystone XL Pipeline constructed, it will avoid the west coast.

The last point I will make for the folks back home, for whom I work and who are following this issue, is that I really think the Keystone XL Pipeline is a test for us. It is a test of whether we as a nation can still review, license, permit, and build a large-scale energy infrastructure project. We are looking at that in Alaska. We need to know that can continue to be done in this country, because if we cannot do it even here in the lower 48, where the costs are lower and there is an existing infrastructure that you tie into, which the Keystone XL will—you have the southern leg already completed—if we can't demonstrate that we can get beyond the process of permitting a leg of this pipeline over the Canadian border and into the United States, what confidence do we have that we are going to be able to do other big energy infrastructure projects? That worries me a great deal.

When people say that we are rushing this too quickly or that it is premature or that we need to let everything play out, I think we need to remind ourselves that 6 years is a pretty long time to play something out. Most companies don't have the wherewithal to wait something out over the course of 6 years because the cost of constructing this pipeline has not gone down during this intervening time period. If anything, the costs are going up. We know the costs are going up. We are working on the Keystone XL Pipeline right now, but it is just the first step of many I believe we need to take and to do in order to improve our energy policies.

I will be continuing my conversation with Members to explain how my State has an awful lot to offer our country—whether it is increasing the flow of oil in our Trans-Alaska Pipeline or getting production up so we are not half full and instead are full, so we can share that resource with people throughout the country. As we look to move our natural gas—our amazing quantities of natural gas—that massive infrastructure project is a way in which we can work to advance that resource.

Alaska has so much to offer the country, but we need to have the chance and the opportunity to do so. Our pipeline up north is already built. It was completed just after I got out of high school. In fact, I was privileged to have the opportunity to work up in Prudhoe Bay at that time and saw what actually happened out there in the oil fields. It has operated successfully, safely, and efficiently for decades. It has far surpassed what we believed we would be able to ship through that line, but it remains surrounded by billions and billions of untapped oil that can be brought to market, which would then bring in jobs, generate revenue, and keep prices as low as possible, and increase our security. We all want that.

This is a conversation that will continue until the conditions of Alaska's Statehood—those promises that were made to us back in 1959 when we became a State—are fulfilled and we are allowed to produce our resources as a State.

So watching what is going on with Keystone is something that is of great interest to the folks back home. We will continue to watch it and hopefully be encouraged that we do the right thing from a jobs perspective, from a revenue perspective, from an economic perspective, and an energy-security perspective.

We have three amendments which are pending. I was privileged to be sitting in the Chair a little while ago when the junior Senator from Massachusetts spoke about his amendment. His amendment relates to exports from the Keystone XL Pipeline. My colleague from Massachusetts is not from a big oil-producing State, as I am.

I believe it is fair to say that his State cares a lot about the cost of energy. They have cold winters, infrastructure challenges, and other issues as it relates to energy, and I appreciate that. But it is important to understand what my colleague's amendment would do. It would specifically prohibit the export of oil that is brought into the United States through the Keystone XL Pipeline, as well as the export of the finished products made from that oil. It is not just the raw crude that is put into the line. It is what goes down to the refineries in the gulf coast and is then refined into products—whether it is diesel or some other product. It is saying that the export of that should be prohibited.

Basically, his amendment is a full-on, flat-out statement saying that you can't have any aspect of it—any drop of that—leave this country. It essentially says that all of this—every ounce of this new Canadian resource—will be brought into this United States and will stay here.

My colleague has raised the concern that the United States should not be that passthrough entity. He used the terminology that it is similar to a straw from Canada down to the gulf, and then it goes out the back end from there. The President, in a comment, used the term conveyor belt and that the United States should not be that conveyor belt. The argument is that we should not just be a passthrough where Americans get none of the benefits. Well, if we didn't get any of the benefits, I think we should be talking about that.

It is important to know this is not the first time we have had this discussion or this idea in front of us. Back in early 2012, it was part of an amendment that came before the floor. It was defeated 33 to 65. We had many of our Democratic colleagues join with all of the Republicans to reject a statutory ban on exports.

I am hopeful this amendment that has been offered and is pending will see the same fate and ultimately be defeated by at least the same margin. I say that because I think it continues to be unnecessary, and I strongly believe it takes our export policies in the wrong direction.

This is not just LISA MURKOWSKI saying this takes us the wrong way. The Department of Energy has looked critically at the issue of the Keystone XL oil being exported and whether or not that makes sense. In their analysis—and they state it pretty succinctly—they say: Without a surplus of heavy oil in PADD 3—that is the gulf coast area—there would be no economic incentive to ship Canadian oil sands to Asia via Port Arthur, which is where it is coming out of.

The Department of Energy's conclusion—they had a pretty broad discussion about it. But their conclusion was then reinforced by the State Department in its final supplemental EIS for Keystone, which is a document that everybody should read—granted that it is 1,000 pages long, or thereabouts, but there is a summary that helps to condense so much of it. In the State Department's final EIS, they say that ''such an option''—that being export—''such an option appears unlikely to be economically justified for any significant durable trade given transport costs and market conditions.'' Think about that. I believe these conclusions make some pretty good sense here.

The purpose of the Keystone XL Pipeline is to bring Canadian and American oil—let's not forget the 100,000 barrels coming out of Montana and North Dakota—to the gulf coast. It does not make any sense to bring oil all the way—850 miles—to refineries that can refine it—remember, these refineries in the gulf coast are set up to deal with exactly this type of oil. So we have the line that brings it from the north to the south where you have refineries that are able to handle this. So tell me why it would make sense to just use this pipeline as a pass-through—as a conveyor belt or straw—and then ship it to refineries around the world that will add that transport cost to it. As the State Department EIS said, it would not be economically justified.

It is important to understand, again, what is going on down there in the refineries in gulf coast, and the State Department looked at that. What they found was that the traditional sources of heavy oil used on the gulf coast are declining. Why are they declining? What we traditionally see coming in as imports there—coming in from Venezuela and Mexico—has been drawn down or lessened, if you will, for a host of different reasons, but not the least of which is because we are producing more here in the lower 48 States in the Bakken.

We have talked a lot about the misalignment that is going on within our refineries and what is being produced and what we are capable of refining. But again, what we are seeing in the gulf coast is an ability to take on more capacity for this heavy oil. The opportunity to refine the product that is coming out of Canada there in the gulf coast refineries is real. It is there.

Now, I think it is important to be honest here. I don't want to be written up in somebody's fact checker. Believe me, we looked at that. There are small amounts of oil from Keystone XL that could be reexported as a matter of economic efficiency, but that should not give anyone a reason to panic or get everybody all excited. It may come as a surprise to some, but the reexport of Canadian oil that is not commingled with the domestic crude is already completely legal. It is already a routine matter where the Commerce Department just routinely signs off on it. This is no big deal. There is no change in policy that is dramatic.

The Obama administration has already approved dozens of licenses to reexport crude oil all across the world.

I think it is important to recognize that this amendment offered by my colleague from Massachusetts would not just block the export of the crude, it would block the export of finished products. As he said, it would be everything. It would be the crude, and it would be everything that is then produced. Every bit we have he would have stay here. But blocking the export of finished products would be a reversal of existing law and current practices. And think about it—just from a practical perspective, how do we enforce this? How would we realistically enforce this measure of diesel that came from this refinery, from this pipeline here in the lower 48—that we can go ahead and export—and this is what we do. It is not any great state secret. We move our refined products, and we do so in a significant way to the benefit of our Nation. So how do we fence off everything that comes out of Keystone XL and say: The refined product from this particular pipeline can't move outside this country. It creates potential havoc, and maybe that is the point.

I think the Senate should recognize that this amendment is not going to improve this bill. I don't think it will change anybody's mind. I don't think it is going to bring new support. I think it is meant to kind of poison the well and perhaps ensure that this pipeline will never be built and that it can't operate.

I encourage my colleagues to look at a couple different documents. I mentioned the final supplemental environmental impact statement the State Department did. It is an important read for the critical analysis that went into it. I have cited those areas where they speak specifically to the impact of the export. There are others who have reviewed not only that but other documents, other outside facts.

I mentioned that President Obama had made reference to the conveyor belt theory or tagging Keystone XL as being a conveyor belt for the oil. He made that statement when he was in Burma in November. His specific words were that it would provide ''the ability of Canada to pump their oil, send it through our land, down to the Gulf, where it will be sold everywhere else.''

So the fact checkers got on President Obama for that and did a pretty good analysis. I felt it was a pretty good

analysis. They laid it out in clear English and ultimately decided that the President was going to be awarded three Pinocchios for that statement. For those who aren't familiar, if a person makes a significant factual error or obvious contradiction, they get three Pinocchios.

But it wasn't just the Washington Post and Glen Kessler who did this assessment. We also had another fact check come out of PolitiFact, and they also rated that statement mostly false on their Truth-O-Meter.

I ask unanimous consent that both of these fact checks be printed in the RECORD.

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

[From the Washington Post, Nov. 20, 2014]

OBAMA'S CLAIM THAT KEYSTONE XL CRUDE WOULD GO 'EVERYWHERE ELSE' BUT THE UNITED STATES

(By Glenn Kessler)

''I won't hide my opinion about this, which is that one major determinant of whether we should approve a pipeline shipping Canadian oil to world markets, not to the United States, is does it contribute to the greenhouse gases that are causing climate change?''—President Obama, news conference at G20 summit, Brisbane, Australia, Nov. 16, 2014.

''Understand what this project is. It is providing the ability of Canada to pump their oil, send it through our land, down to the Gulf, where it will be sold everywhere else.''—Obama, news conference, Rangoon, Burma, Nov. 14.

Twice during his recent overseas trip, President Obama asserted that the proposed Keystone XL pipeline was designed to take Canadian crude oil to the world markets. The implication of the president's words is that the United States would be simply a conveyor belt for the oil.

The pipeline would allow the Canadians ''to pump their oil, send it through our land, down to the Gulf, where it will be sold everywhere else,'' the president said in Burma. The question he faced, he said in Australia, is whether ''we should approve a pipeline shipping Canadian oil to world markets, not to the United States.''

The White House did not provide an on-the-record comment.

Update: The Natural Resources Defense Council, in a response to this column, said we were relying on ''outdated'' information. It noted that in recent months there has been a jump in unrefined crude oil exports from the Gulf Coast, contradicting the conclusions of the State Department. ''Data from the Gulf Coast today show that some of the tar sands from Keystone XL will be exported internationally before it sees a U.S. refinery,'' the NRDC said. ''some'' at the moment amounts to about 200,000 barrels a day; for reference, a supertanker carries 2 million barrels. We did adjust some of the language concerning exports in response to the NRDC critique.

THE PINOCCHIO TEST

The president seriously overstates the percentage of Canadian crude that might be exported if the Keystone XL pipeline is built. He suggests all of it would be exported, without mentioning that it first would almost certainly stop on the Gulf Coast to be refined into products. On top of that, current trends suggest that about half of that refined product would be exported. That is not insubstantial, but it is certainly much smaller than 100 percent.

All of this is laid out in the extensive report issued by the State of Department earlier this year. The president might want to study it before he addresses the Keystone question again. In the meantime, he earns Three Pinocchios. We nearly made it Four Pinocchios, but it is correct that at least some of the product would be exported, based on current market conditions.

THREE PINOCCHIOS

Is this really the case?

THE FACTS

First of all, the president leaves out a very important step. The crude oil would travel to the Gulf Coast, where it would be refined into products such as motor gasoline and diesel fuel (known as a distillate fuel in the trade). As our colleague Steven Mufson reported more than two years ago, the refineries on the Gulf Coast are ''eagerly waiting'' for the Canadian crude, since there isn't enough oil in the area anymore to feed the refineries.

''The modernized Valero refinery [in Port Arthur, Tex.] can turn 310,000 barrels a day of some of the world's worst quality crude oil—such as the bitumen-laden mixture from Canadian oil sands—into gasoline and diesel fuel for cars and trucks,'' Mufson wrote. ''Valero, the largest U.S. oil refining company, would be one of the biggest customers of oil from the Keystone XL pipeline, buying about 150,000 barrels a day.''

Indeed, the State Department's final environmental impact statement on the Keystone XL project specifically disputed claims that the oil ''would pass through the United States and be loaded onto vessels for ultimate sale in markets such as Asia,'' saying it was not economically justified. The State Department noted that the traditional sources of crude for the Gulf Coast, such as Mexico and Venezuela, are declining, and so refineries would have ''significant incentive to obtain heavy crude from the oil sands.''

So then the question turns on what happens to that oil after it leaves the refinery. Oil is a global commodity, of course, and where it travels often depends on market conditions. In Obama's telling, however, the refined Canadian oil goes ''everywhere else'' and ''not to the United States.''

But that's not right either, according to the State Department report. U.S. exports are not affected by various pipeline scenarios but instead by market conditions, such as ''domestic demand versus domestic refining capacity, the cost of natural gas, and refining capacity abroad, including in foreign markets currently importing U.S. refined products such as Mexico, Brazil, Chile, and Europe,'' the report said. The demand for exports, in other words, is completely unrelated to building the Keystone XL pipeline.

For the sake of argument, let's look at the percentage of exports currently from the Gulf Coast area, using data for refining output and product exports from the Energy Information Administration. Depending on how you crunch the numbers, the percentage of exports for finished products ranges between 35 percent and 50 percent. The State Department pegged the rate of exports at just over 50 percent, noting that ''this increased volume of refined products is being exported by refiners as they respond to lower domestic gasoline demand and continued higher demand and prices in overseas markets.''

In other words, at least half of the oil that is refined on the Gulf Coast stays in the United States. Market conditions could change, of course, but there is little basis to claim that virtually all of the product would be exported. (The Fact Checker has previously noted that, contrary to the claims of advocates of the project, Keystone XL is unlikely to have much impact on gasoline prices.)

Opponents of the Keystone project have seized on slides, such as the one below from one of Valero's presentations to investors, to suggest the plan ultimately is to export the production from Canadian oil sands.

But Bill Day, a spokesman for Valero, says ''it's a mistake to interpret this to mean that Gulf Coast products would ONLY go to export markets.'' The slide is simply showing the flow of trade, from various refineries; diesel currently is more popular in Europe while gasoline is king in the United States, though demand for diesel is growing in both markets. Day noted that currently the vast majority of the company's products stay in the United States for domestic consumption.

[From PolitiFact, Nov. 20, 2014]

OBAMA SAYS KEYSTONE XL IS FOR EXPORTING OIL OUTSIDE THE U.S., EXPERTS DISAGREE

(By Lauren Carroll)

President Barack Obama and many other Democrats think there's little to be gained by building the Keystone XL pipeline.

On Nov. 18, Senate Democrats voted down a proposal to build the oil pipeline—which would stretch from Canada to Steele City, Neb., where it would connect with an existing pipeline that goes to Texas' coast. But the issue isn't going anywhere. When the new Republican-led Senate takes over in January, it will likely be at the top of their priorities list.

Obama and other Keystone critics have argued that the pipeline would have a negative environmental impact, while having little benefit for the United States. For example, constructing the pipeline would result in few permanent American jobs.

''Understand what this project is,'' Obama said at a Nov. 14 press conference in Burma. ''It is providing the ability of Canada to pump their oil, send it through our land, down to the Gulf, where it will be sold everywhere else. That doesn't have an impact on U.S. gas prices.''

Two days later, in Brisbane, Australia, Obama described Keystone XL as ''a pipeline shipping Canadian oil to world markets, not to the United States.''

Predicting the effect of the pipeline on gas prices is a little tricky. Experts tend to agree that it could impact gas prices, but the effect would be indirect and minimal. But in this fact check, we're going to focus on the export question—whether or not, as Obama said, Keystone XL's primary destination is beyond the United States.

We found that Obama's off the mark.

CRUDE OIL

In recent years, the United States has become a net-exporter of refined oil products, like gasoline, jet fuel and asphalt (meaning it exports more products than it imports), according to the U.S. Energy Information Administration. However, it is a net-importer of the crude oil it uses to make those products.

Keystone XL would transport crude oil from Canada's tar sands through the Midwestern United States down to the Gulf Coast, and there are refineries all along the proposed route.

America gets more crude oil from Canada than any other country. Nearly all of Canada's exports go to the United States, and this accounts for about a third of America's total crude oil imports. Much of its oil already makes it to the United States by rail and existing pipelines.

We asked several energy economics experts, and they believe that quite a bit—if not most—of the Keystone XL crude oil will be bought and used by American refineries.

''It's difficult to say with any certainty, but it is most likely that most would be refined in the U.S.,'' said Kenneth Medlock, an expert in energy economics at Rice University in Texas.

A recent State Department report argues that it would not be ''economically justified'' for Canada to primarily export its Keystone XL oil to countries other than the United States, when there are plenty of American refineries to consume it.

Some independent refineries—particularly those in the upper Midwest, but also in Texas—are in desperate need of crude oil, said Charles Ebinger, a senior fellow in energy security at the Brookings Institution. Currently, the refineries have to import crude from places like Venezuela and Mexico—though it would be cheaper and better for overall energy security to buy from a North American source, rather than pay high transport costs.

On Nov. 17, TransCanada told Reuters, it ''makes no business sense for our customers to transport oil down to the U.S. Gulf Coast, pay to export it overseas but then pay to transport millions of barrels of higher-priced oil back to the U.S. refineries to create the products we rely on.''

Ebinger added that many American refineries are geared to use heavy crude, which is what Keystone would transport from Canada's tar sands.

There would, though, likely be oil coming through the Keystone XL pipeline in excess of what the American refineries would be able to use, noted Eric Smith, an energy economist at Tulane University. This excess oil could go to other countries capable of refining it. Still, most Keystone oil would stay in North America.

REFINED PRODUCTS

Some Keystone XL critics have focused on the fact that American refineries could export some of the products they make with the Canadian crude oil, such as gasoline, diesel fuel or asphalt. They argue that because products made in the United States, using Keystone XL oil, will leave the country, the pipeline wouldn't improve domestic energy security or independence.

Anti-Keystone XL environmental group Tar Sands Action (part of the larger 350.org) said in a Keystone XL fact sheet, that American refineries will process the oil but, ''much of the fuel refined from the pipeline's heavy crude oil will never reach U.S. drivers' tanks.''

However, American oil refineries' product exports are ''not sensitive'' to the addition of a new pipeline, the State Department study says. Export trends are more dependent on demand—both domestically and abroad—as well as the cost of natural gas and foreign refining capacity. American oil refineries are already increasing their exports, and that trend could continue independent of Keystone XL.

''Refined product export levels have already increased and some of the crude used is from foreign sources,'' the report says. ''As this may already be occurring, it may continue with or without (Keystone XL).''

Further, the report says, ''The economic viability of exports does increase the demand for crudes in the United States,'' but, ''this demand does not depend on the proposed project.''

Even if exports are increasing, the majority of oil products refined in the United States stay in the United States. For example, in 2013, Gulf Coast area refineries produced about 946,000 barrels of finished motor gasoline per day. They exported about one-third of that—323,000 barrels per day.

In January, Our friends at the Washington Post's Fact Checker looked at an ad by liberal PAC NextGen Climate that said, ''(China is) counting on the U.S. to approve TransCanada's pipeline to ship oil through America's heartland and out to foreign countries like theirs.'' A spokesman for NextGen told Fact Checker that they were referring to refined product exports, rather than crude oil. Fact Checker gave the ad its lowest rating of Four Pinocchios.

Even if Keystone XL isn't built, experts said Canada will find other ways to transport their oil to the United States. Canada already sends crude from the oil sands into the United States by rail and other pipelines.

''I have no doubt that Canada will develop alternate means of monetizing its crude oil, whether that be via expanded rail shipments or by building pipelines to one or both of its coasts,'' Smith said.

The longer that politicians debate Keystone XL, the more time Canada has to figure out these alternate means.

''Keystone XL is rapidly becoming irrelevant,'' said Michelle Foss, energy economist at the University of Texas' Bureau of Economic Geology.

OUR RULING

Obama said, Keystone XL allows ''Canada to pump their oil, send it through our land, down to the Gulf, where it will be sold everywhere else.''

The general consensus among experts, as well as the State Department, is that American refineries would be the primary buyers of crude oil transported through the Keystone XL pipeline, by a vast margin. Some Keystone XL critics have a point that American refineries would likely export some of the products that they make with crude oil transported by the pipeline. The State Department says, however, that product exports are already increasing, and that trend would likely continue independent of a new pipeline. Additionally, American refineries tend to keep more products in the country than they export.

We rate Obama's claim Mostly False.

Ms. MURKOWSKI. Again, I think it is important to have a full understanding of what we are talking about when we talk about the export of Keystone XL and the imperative that in order for something to work, as the Senator from Massachusetts has suggested that we are just going to have this passthrough, it has to make sense for those who are moving this product. There has to be economic justification at the other end. And what makes sense is to move that product to the gulf coast, where our refineries have the capacity to handle that heavy crude, turn it into product there, and continue to create jobs within that region.

I am not going to support the amendment of the Senator from Massachusetts, which I think is obvious from my statement, but I believe it is important to give some of the background. I would commend to colleagues some of these articles I have referenced.

There are two other amendments that are pending before us, and I will speak very quickly to the amendment that has been offered by the Senators from Ohio and New Hampshire. They have once again teamed up to offer this bipartisan amendment on energy efficiency. They have worked very closely on these issues over the years. We are to the point where we can't think about energy efficiency without thinking PORTMAN or SHAHEEN, so I commend my colleagues for their diligence. I have been happy to support them in their efforts, and I am happy, quite honestly, that we will have an opportunity to vote on an amendment that does relate to energy efficiency. It is not the full-on energy efficiency bill my colleagues introduced previously, but it is an amendment with text that is identical to the measure that came out of the House, the Energy Efficiency Improvement Act. This is a bill that moved through the House 375 to 36 during the last Congress, toward the end. We tried to move it through in the Senate, and we came close to advancing it by unanimous consent, but there were still a few outstanding concerns we couldn't get around, so it is back before us once again. But really nothing has changed since then, and in my view this is a good reason why this proposal is really regarded as important and noncontroversial. It is cost-neutral. It contains four provisions, one of which is extremely time-sensitive.

Sometimes people don't want to get down into the weeds of certain aspects of what we are dealing with. The time-sensitive provision we are dealing with is these energy efficiency standards related to water heaters where we have a consent decree from back in 2010 that our water heater manufacturers have until April 16 of this year—so actually 3 months from today—to meet these revised minimum efficiency standards from DOE.

The problem we have is that DOE's standards effectively ban production of these grid-enabled water heaters that many of our rural co-ops use for electrical thermal storage or demand response programs. So instead of saving energy, these revised standards now threaten to actually work against these goals. So we have a bizarre, unintended consequence in this situation.

We have been working for a couple of years now to address this and to fix it, and now it is urgent. Now we have to deal with it because, again, we are at 3 short months. The manufacturers are worried about what the Congress is going to do. Is it going to be resolved? Should I be building any of these? Thanks to the cooperation of the Senators from Ohio and New Hampshire, we have an opportunity to have this measure in front of us once again.

There are three other provisions in this amendment that are equally noncontroversial. They all relate to voluntary efficiency programs. One focuses on the efficiency of commercial office buildings. Another provides greater information about energy usage in those buildings. The third looks at energy-efficient government technology and practices.

This is one that I hope we will be able to advance without further delay. This is really a commonsense effort to fix a real problem for our rural co-ops.

More importantly, let's embrace energy efficiency around here. We are now involved in the discussion about

increased production, which is very real. I started off my comments by talking about Alaska's desired contribution to the national energy economy, but I view energy from a three-legged stool perspective: We have increased production. We have all the technologies that are going to allow us to achieve our potential with our clean and renewable resources, which is hugely important, but we also have the efficiency and the conservation piece. We don't talk about that enough around here. We need to do more. Shaheen-Portman is one way to get us there, albeit in a very small way.

The last amendment we have pending is an amendment offered by my colleague from Minnesota on the other side of the aisle, who also serves on the energy committee. He has introduced an amendment that would require that all of the iron, the steel—that all the manufactured goods that are used to construct Keystone XL be produced right here in the United States.

I think all of us want to do all we can, certainly, to encourage more jobs and job creation here in this country and to put in place policies that would allow us to do so. I do appreciate that the Franken amendment inserts language in the amendment that allows—or I guess it avoids a conflict with our international trade agreements because we know that could have really threatened the bill. It would actually have given the President real reason to threaten to veto this bipartisan bill. But they have addressed that within the amendment. I also appreciate that the amendment allows the President to waive the requirements for American materials based on findings he makes. So that is language which is included in it.

But I have to tell my colleagues, we are sitting here at 2,310 days since the initial cross-border application was submitted for this project. I was reminded that when the initial application was first presented, the President was then Senator Obama. That much time has elapsed. So I see this language, and I think it is included in this amendment in good faith, but I just can't be convinced that the President would actually exercise this type of a waiver in a timely manner. He certainly hasn't demonstrated it at any point throughout this whole, long, drawn-out process we have been on with Keystone XL after 6 years.

So I am going to be opposing this amendment for the same reasons I opposed it when we had it in front of us in 2012. It was included as part of a broader amendment at that time, but it did fall on a pretty strong bipartisan basis.

These are important issues to be thinking about and considering, and I did take good time to review this. Again, I think all of us want to do more to encourage job production, job creation. I buy American and I buy local wherever and whenever I can. I strongly support the use of American materials in American projects, whether it is in my State or around the country. I know the Presiding Officer probably does as well, as does the Senator from Minnesota. But in considering whether we here in Congress should mandate specific materials for the Keystone XL Pipeline, I have come down on the side that we should not mandate that.

I think we need to look at several things. First off is the commitment that has been made to buy American without any sort of mandate, without any requirement coming out of Congress. Fully 75 percent of the pipe from this project is going to come from North America. That is the commitment that has been made, and I understand that more than half of that—about 332,000 tons—is going to come from Arkansas alone.

Again, this is a commitment that has been made to ensure that America does derive benefit, that we do see those—direct and indirect—induced jobs. When you make a commitment, you say that we will pledge a full 75 percent of the pipe for the project that is going to come from North America. I think that is important. It was important enough that TransCanada announced this 3 years ago. So this is not just something they have decided in order to help facilitate this—that we are going to say 75 percent. They made this commitment a while ago.

Here in Congress we passed the Buy American Act, and that act specifically is applied to projects that are Federally funded. But keep in mind here that when we are talking about Keystone XL, this is a private project. Keystone XL gets no subsidies. It will receive no taxpayer dollars. It will be built to the government's specifications. We have seen that when you look to that final SEIS, where the additional mitigation measures are required once the permit is approved. It will be built to government specifications, but I don't think the government should decide what it is actually built with. We are going to define the parameters in terms of mitigation, but, again, this is a private project. This receives no Federal funds, and it would be somewhat precedent setting. So I asked the Congressional Research Service to see if they can identify for me any other projects where the Congress has sought to force or direct private parties or a private company to purchase domestic goods and materials—so all of the materials that go into it and not just the steel but everything else in there. They have been looking. They have some pretty sharp folks over there at CRS. So far, they have not been able to come up with an example in our laws. I am concerned about this, quite honestly. As much as I support ''Buy American'' and making sure that we receive the benefit of these jobs from creating these products, I am concerned about the Congress' setting a precedent here. I think it potentially puts us on a pretty slippery slope.

If we are going to set the precedent here for Keystone XL and say, well, you have to do it for pipelines, why wouldn't we do it for other energy sources? Is that going to be a requirement we are going to place on wind turbines?

I know some of my colleagues are in some States where they are manufacturing good made-in-America wind turbines. I am all for that, but is that a policy we are going to take on—where we are going to say, no, it is an important industry, it is an important sector, and so we are going to require that it all be made in America? If that is the case, why not on our vehicles? Why not everything?

I worry about that. I worry about the precedent. I worry about where we go beyond Keystone XL if that is the requirement. I think it is also important to listen to the industry's perspective on this position. The American Iron and Steel Institute have been a huge supporter of Keystone XL for years now. They have 19 different member companies, major producers such as U.S. Steel. They have 125 associate members.

On January 8—actually, right after we came into session—before this amendment was even filed, the American Iron and Steel Institute sent every one of us a Steelgram reiterating their support for Keystone XL, and their letter is pretty definite. They are not nuanced about it. They say:

> It is essential that Congress act to ensure the approval of the Keystone XL Pipeline without further delay.

I think we should listen to those words. Those words aren't coming from a TransCanada. They are not coming from an oil company. They are coming from associations and workers around the country who believe earnestly and honestly that construction of this pipeline will be good for this country and it will be good for these families. So let's listen to them. Let's agree that 2,310 days and counting is more than enough time to make a decision.

We saw the Nebraska Supreme Court come out with their determination that the decision that came out of Nebraska was not unconstitutional. So it clears away that excuse, if you will, or that reason to say we can't move forward.

There is really nothing holding up a decision at this point in time other than the President's unwillingness to move on this issue. I think if we want to move forward and provide good jobs—and we have had the debate about how many jobs are really created. Is it the 42,100 that the final SEIS states in terms of direct and indirect jobs?

If you want just to focus on the permanent jobs, that is definitely a much lower number—35 to 50 permanent jobs. But you know what. When you build something, there is the opportunity for good, honest work for well-paying jobs for welders, for truck drivers, for operators. People are looking for an opportunity such as this. They want to be

part of building something. I can tell you that in Alaska, when we are debating how we are going to move our natural gas to market and how we are going to build this natural gas pipeline that will move this, nobody is saying that we can't build this because it is only going to provide temporary construction jobs. That is not what we are talking about. They know that there is benefit there. They are hoping they are going to be part of that benefit.

When we talk about where we are with some of these amendments coming forward, I think it is good to have this debate. I think it is good to have this discussion, whether it is talking about exports, because that is a legitimate part of the discussion, talking about requirements that may be placed on construction. But I think we have to remember we are not the zoning board here in the Senate or in the Congress. This bill doesn't have anything to do with siting. We are not determining the route. That is what the States do and rightly so. What this 2-page, 400-word bill does is approve the issuance of that permit to allow for construction, but we are not the ones determining that this is the way the line goes.

I would urge colleagues to look critically at the language and see exactly what it does. Understand that when we are talking about the benefits and burdens of a pipeline, it is true that pipelines are not 100 percent fail-safe. Not much that we build is 100 percent fail-safe, but what we try to do at every turn and at every opportunity is to make it as close as possible. But when you look from a safety perspective, from an environmental perspective, the safest and most environmentally sound way to move this oil is in a pipeline. It is not putting it in rail to other parts of the country. It is not putting it on the roads as we are seeing. Those are the options right now. Whether people in this body or across the Chamber here object, Canada is accessing their resource. They are accessing their resource, and they will move their resource. Right now the way they are moving it is in a way, quite honestly, that adds to emissions, has greater potential for a spill and for an environmental incident. So I am looking at it from the perspective that Canada is going to move that. They have made that very clear.

In fact, there was an article just a couple of days now, in the Wall Street Journal—and it is talking about the impact of lower oil prices and the impact on what is happening in Canada as an oil producer. Are they slowing down their production in response to lower oil prices? Absolutely not. What we are seeing is almost—I don't want to describe it as a doubling down because that is an inaccurate phrase—but what we are seeing is continued effort within Canada to access their oil resources. Some of the statements that are made by some of the Canadian oil companies are really quite telling. They say that Canadian Natural is a company that will ''ensure the oil sands will continue adding to the global oil glut for a long time to come, regardless of the price of crude.'' They go on to say: ''It's not well understood just how robust the oil sands are. If you stopped expansion of the oil sands tomorrow, you would have no decline in the production base for decades . . . But few of the largest producers in Canada envision scaling back production at their oil sands operations.''

So what we are seeing is there was big investment up front with the oil sands in Canada and accessing a resource that is plentiful, but if you are to believe some of the statements from these Canadian companies, they are going to continue to produce their resource, even in the face of what we are seeing—declining world oil prices.

If Canada is going to continue to produce, how is that product going to be moved? I would rather it be moved safely through a pipeline, with fewer emissions through a pipeline, and to a part of the country where we are set up to accommodate that resource in our refineries so that we can refine that product to our benefit.

To me, that makes sense. So we will have good and—excuse the pun—energetic debate about amendments in these coming days. I think you can see from my comments we are going to have some amendments that I like and some that I am not supporting. But what I am looking forward to is the fact that we are at a point that we are describing as regular orders. We are going to be voting on amendments, perhaps quite a few, as we move toward the final passage of this bipartisan bill. I look forward to the exchange that we will have.

I thank you for your attention, and I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from North Dakota.

Mr. HOEVEN. I am very pleased to join my colleague this morning, the chairman of our energy committee. The Senator from Alaska is doing a fantastic job leading our energy committee. I so appreciate her leadership on the committee, her knowledge of energy. Her words this morning—very well spoken—I think really go to the heart of what we are trying to do with this legislation: not only pass important energy legislation for the country but have this open process, open dialogue, have a real energy debate, and not just a debate but give people the opportunity to vote.

Republican and Democrat alike, we are saying, come on down here, bring your amendments, and let's have a serious discussion about energy and about building the energy future of this country. Offer your amendments, make your case, and then let's vote. If you can get 60 people to support your amendment, if you can get 60 votes, that gets attached to the legislation. That is the way it is supposed to work around here.

So we are encouraging our colleagues to join with us and get the work done that the American people want done. So I thank our energy chairman for setting that in motion. That is the right way to do business. That is what we are elected to do. We are going to get something done for the American people, who sent us here for that very reason.

When you look at what is going on in energy today, you have to feel pretty good about it. If not, drive over to the gas station to fill your car. Gas prices at the pump are about a dollar lower than they were this time a year ago. If you equated that savings our consumers are receiving at the pump to a tax cut, it would be more than a $100 billion tax cut for hard-working Americans. That is pretty exciting. That did not just happen. It certainly did not happen because OPEC or anyone else—Venezuela or Russia or anybody—decided they wanted to cut us a break, cut hard-working Americans, hard-working taxpayers, consumers, small businesses across this country a break. It happened because we are producing more energy in this country and we are working with our closest friend and ally in the world—Canada—to produce more energy.

On a daily basis we consume about 18 million barrels of oil a day—oil and oil equivalents—and produce about 11 million of those barrels here domestically. We are up to about 3 million, so of the 7 million we import, about 3 million comes from Canada. So we are down to only importing about 4 million barrels a day from other sources. If we stay on this track, if we build the necessary energy infrastructure—such as the Keystone XL Pipeline—and we continue to build good business climates and get our companies to invest, to create jobs, and produce more energy, we can get to a point where we truly have North American energy security, meaning we produce more energy here at home and with Canada than we consume. Boy, then we will be in the driver's seat—not OPEC; America will be in the driver's seat. If we don't do it, if we block projects like we are debating right now, then we will put OPEC back in the driver's seat. So when they hear our President say he is going to continue to block this project, to veto this legislation if we are able to pass it with a strong bipartisan majority, that is music to OPEC's ears because that puts them right back in the saddle. That is what they want.

But we work for America. That is why we need to continue to move forward and build this exciting energy future for our country that we are building. It is energy. It is jobs. It is economic growth. This project will create hundreds of millions of dollars of revenue—State, local, and Federal revenue to help reduce the debt and deficit. That is a huge and important impact of the project. Of course it is about national security with energy security. So I want to emphasize that

again because that is doing the work the American people sent us here to do.

For the opponents—there are a couple of things that I heard this morning and that I hear on an ongoing basis. One is that, oh, gee, we should be doing renewable energy instead of fossil fuels.

Why not do all of it? Why are they mutually exclusive? How does doing this project in any way prevent us from doing any renewable project we ought to do? Let's do those renewable projects.

In my home State we use steam from coal plants to produce biofuels, power biofuels plants. We use the wastewater from some of our communities in those biofuels plants. We have wind energy. We have geothermal, ethanol, biodiesel. We are now the second largest oil-producing State in the country. We produce 1.2 million barrels a day—second only to Texas.

They are not mutually exclusive. Let's do it all. How does holding up one enable us to do the other? It does not. So when I hear the argument that ''Well, we ought to do all of those other things,'' good—let's do them. But doing this project helps us. It provides more energy. Heck, let's do the others too. So arguing that we should do renewables is not an argument against this project. Fine. Let's do it. Let's do them both.

The other argument that I heard this morning and that I hear, of course, a lot from the critics is the environmental argument. Again, I say look at the facts. Go back to the science. The report itself says ''no significant environmental impact.'' That is the report done by the Obama administration, the environmental impact statement that was designed to look specifically at the environmental impacts. That has been done over the course of 6 years; not one, not two, not three, but five reports—three draft reports, two final reports. The results are right in the report: The Keystone XL Pipeline will have no significant environmental impact.

In fact, we will have higher greenhouse emissions without the pipeline than we will with it because it would take 1,400 railcars a day to move all of that crude into our country, which is what will happen. If somehow the critics manage to block that, then it would go to China. We would have pipelines built to the west coast of Canada. The oil would go to China in tanker ships and be refined in refineries that have higher emissions. So however you slice it, without the pipeline, we would have higher greenhouse gas emissions.

But here is what I want to touch on for just a few minutes today. I will talk about it more next week. Canada is working aggressively to get investment in the oil sands to reduce the greenhouse gas emissions. Exxon has a major project up there. Shell has a major project up there. The Exxon project is the Kearl project. The Shell project is the Quest project. In both cases they are bringing down the greenhouse gas emissions of the oil sands buy investing in new technologies, in cogeneration, and in carbon capture and storage. Hundreds of millions—billions of dollars are being invested along with the Canadian Government in carbon reduction technologies. Not only does that reduce the carbon footprint of the oil sands, but think about it—as that technology is developed, what happens? It is adopted in other places. It is adopted here in this country. It might be adopted in China and other places around the world. So the advances they make in technology in reducing greenhouse gas emissions, in reducing the footprint of this oil production and finding better ways, more cost-effective, more efficient ways, more environmentally friendly ways to produce that energy, that technology then is adopted around the world.

In other words, they are finding solutions to some of the concerns that are being raised on the environmental front by the very critics of this project. So instead of stopping that investment and that advancement, why don't we find ways to continue to develop that, which is not only a benefit in the oil sands in Alberta, but it is a benefit that we can utilize to produce energy in this country and other places around the world. That is true for oil. That is true for gas. That is true for all fossil fuel energy.

See, that is how America has always worked. We create that business climate. We encourage the investment. We get American ingenuity. We get American companies to use their entrepreneurial genius to make those investments to not only create good jobs but to produce more energy, giving us energy security, and deploy the very technologies that give us the better environmental stewardship that we want. But when we block these projects, when we prevent the investment, when we will not let them build the infrastructure, we bring all of that to a grinding stop. Why would we do that? It does not make sense.

There is not one penny of U.S. taxpayer money going into this $8 billion project. It is private investment. Why would we not want the private investment that helps build the infrastructure and develop and deploy the technology that gives us better environmental stewardship? Isn't that what it is all about? Isn't that why our powerplants and our energy production in this country are light-years ahead of what they are doing in countries around the world, where in many cases they are still using third world-type energy approaches? Let's lead the way forward in technology. Let's empower that to happen.

Because I note that the time is wrapping up here, I will come back to the floor next week. But I am going to talk about the hundreds of millions that are being invested in the Kearl project—Exxon is doing that project—and also in the Quest project, and Shell is doing that project. They are working with the provincial government in Alberta to develop carbon capture and storage. That is something we talk all the time about wanting to do. Here we have private companies working to put hundreds of millions into developing that very technology.

Since 1990 the greenhouse gas emissions for the production of oil in the oil sands has come down 28 percent—been reduced almost by one-third. They are continuing to find ways to improve the environmental stewardship and reduce the greenhouse gas emissions. Isn't that what we want versus continuing, for example, to import oil from Venezuela that has as high or a higher footprint, and you do not have that kind of investment in new technologies, that kind of investment in better environmental stewardship.

So as we talk about this issue, let's talk about it in a way where we advance the ball and we do it the right way; where we get the energy, the jobs, the economic growth; where we build our relationship with Canada rather than saying: No, we are not going to work with you guys. At the same time, we will get better environmental stewardship. We can do it. Let's do it.

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

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

CYBER SECURITY

Mr. HATCH. Mr. President, I rise to discuss the critical need for cyber security legislation.

Computers control nearly everything we use in our daily lives. They control our cars, our phones, our water supply, our power grid, our financial services, our retail networks, our food production and in many respects our military capabilities.

Fortunately, our adversaries have not yet succeeded in inflicting major physical damage on our Nation's interdependent critical infrastructure.

That is not to say however they are not vulnerable to persistent threats in cyber space. Look no further than in the ''2014 U.S. State of Cybercrime Survey.'' That is a study prepared by PricewaterhouseCoopers, the U.S. Secret Service, Carnegie Mellon University, and CSO magazine.

Of the more than 500 U.S. executives and security experts surveyed, 77 percent of businesses detected an attempted security breach in the previous 12 months, and 34 percent of these businesses said the number of security incidents detected increased over the previous year, with an average number of 135 incidents per organization.

The report makes many key observations, but let me emphasize a key finding that resonated with me. One thing

is very clear: Most organizations' cyber security programs do not rival the persistence, tactical skills, and technological prowess of today's cyber adversaries.

Cyber thieves proved their determination just last week when Russian hackers amassed over 1 billion Internet user names and passwords, the largest known collection of Internet credentials.

In the years following the September 11, 2001, attacks, the U.S. Director of National Intelligence consistently ranked terrorism as our No. 1 threat, but that started to change a few years ago. In 2012 then-FBI Director Robert Mueller predicted that ''in the not too distant future, we anticipate that the cyber threat will pose the number one threat to our country.''

He was right.

In 2013 and 2014 the intelligence community's Worldwide Threat Assessment lists cyber as the top threat to our Nation. Terrorism, nuclear proliferation, and unauthorized leaks of classified information remain grave threats to our country, but cyber is now our No. 1 threat.

Yet it is hard to believe no major cyber security legislation has been enacted since 2002, when Congress passed the Federal Information Security Management Act—or FISMA—and the Cybersecurity Research and Development Act. Of course, there have been provisions relevant to cyber security enacted in subsequent laws but nothing as significant or comprehensive as the laws passed 12 years ago.

As we begin a new Congress, let me articulate a few guiding principles that should be included in any cyber security legislation.

First, we must acknowledge the need for the government and the private sector to cooperate in order to fend off cyber attacks, but today businesses are reluctant to share critical information out of fear of legal repercussions. Congress must provide proper incentives, such as liability protection, to encourage the private sector to share cyber threat information with our government.

Next, any cyber security legislation must strike the right balance between protecting our Nation's computer infrastructure and protecting individual privacy rights.

Thus, information sharing between businesses and the government must be tailored to the recipient's actual security responsibilities. Moreover, any legislation should avoid overly broad language that could clash with privacy protections.

Furthermore, a voluntary, nonregulatory approach is most likely to yield consensus legislation. The role of DHS and other government agencies should be to provide advice and resources to improve our Nation's cyber security posture, not to pile on additional burdensome regulations.

Finally, and perhaps most important, we must build a strong cyber security workforce in the public and the private sectors. Enacting cyber security legislation will mean very little if there are no trained professionals prepared to tackle our Nation's cyber security challenges.

In order to build the enduring capabilities capable of protecting our cyber infrastructure, we must encourage young people to pursue high-tech careers and attract highly skilled workers from around the world.

Beyond the civilian realm, the cyber threats we face present critical new challenges to our national security. Arguably, we have not yet faced a similarly novel catalyst for policy formulation and change since the development of our nuclear deterrence strategy more than 60 years ago.

As we face this new world of cyber threats, the fundamental question remains the same: What is the most efficient and effective means to defend our country, the United States, while remaining true to the Constitution at the same time. Answering that question should be the cornerstone of the President's cyber security strategy.

I was encouraged to hear the President say during his visit to the National Cybersecurity Communications Integration Center earlier this week that ''cyber threats are an urgent and growing danger.'' I certainly share that assessment of the dire nature of this very real threat to our national security.

While I applaud the White House for its plans to host a conference on cyber security and consumer protection next month, the nature of the cyber security threat demands a comprehensive strategy to protect our Nation.

Much work remains to be done on this front, especially from the standpoint of the Department of Defense and the Department of Homeland Security. The urgency of this task was amplified when the Congressional Research Service concluded just this month that ''the overarching defense strategy for securing cyberspace is vague and evolving.''

As we face these threats, we must act decisively to ensure that bureaucratic barriers do not hinder the development of an effective strategy to counter threats from cyber space. As it stands, there is not a single agency primarily responsible for cyber defense.

The Department of Homeland Security is charged with protecting civilian networks and working with the private sector. The FBI and Secret Service are responsible for investigating cyber crime, and the Department of Defense is responsible for defending its own systems and partnering to protect the defense industrial base.

Critically, the Defense Department is only tasked with supporting DHS when the cyber attack is directed at our homeland. Yet these differences of responsibility can operate as artificial barriers to the efficient and effective cyber defense system.

Indeed, the lack of a single organization with direct responsibility runs counter to the basic leadership principle of unity of command. It bears remembering that these boundaries only exist for our agencies, not the hackers which seek to exploit the limitless terrain of cyber space. In a world in which the lines between cyber crime and cyber warfare are increasingly blurred, we need to ensure that all of our defensive cyber capabilities are brought to bear against the wide variety of threats facing our infrastructure, private and public, civilian and military.

Nevertheless, the need for a primary agency of responsibility does not necessarily mean the Department of Defense should be that agency, even despite its remarkable capabilities. Such a course would raise both legal and practical concerns.

Beginning with the legal issue, as the Supreme Court has stated, there is a ''traditional and strong resistance of Americans to any military intrusion into civilian affairs.''

The use of the military to enforce the law, with respect to domestic hackers or to virtually patrol on private networks is problematic because of the provisions of 18 U.S.C. section 1835.

In addition, the Defense Department's organization to defend against cyber attacks might not be the most efficient. Currently, U.S. Cyber Command, which is responsible for the training and equipping of our cyber warriors, is also entrusted with the Department's operational activities in cyber space. Such a construct makes sense. Yet unlike a unified combatant command, Cyber Command is a subunified command under U.S. Strategic Command. Though this configuration has been considered and agreed to by the Senate Armed Services Committee, I am still not convinced of its value. Therefore, I also hope the President addresses how our military forces can best be aligned to facilitate the most efficient and effective cyber defense possible.

But returning to the larger question, if concentrating our efforts entirely in the hands of the Defense Department is not advisable, what are we to do?

One possible solution has been presented by Richard Clarke, the noted former member of the National Security Council, in his book, ''Cyber War.''

To be clear, I am not endorsing Mr. Clarke's proposal. We surely do not need another government bureaucracy, but I do believe it is an important concept to be discussed during future debates on cyber security. Specifically, Mr. Clarke argues for a civilian cyber defense administration which would be responsible for protecting ''the dot-gov domain and critical infrastructure during an attack.'' As well as assigning those Federal law enforcement agencies personnel responsible for cyber crime to this centralized cyber defense administration, it would only be logical to ask if such an agency could provide other cyber defense functions.

Accordingly, addressing proposals such as this as part of answering the

question as to what is the most effective organization we can employ for cyber security should be a focal point of the President's address.

But we should not just place these questions at the President's door. The Senate itself must consider modifying the way it considers cyber security legislation and issues.

Currently, there are at least five separate Senate committees which are responsible for various aspects of cyber security. Therefore, we, too, have a unity-of-effort issue, and the Senate should consider means to concentrate this body's expertise on this critical matter.

In conclusion, there are a myriad of questions which our government must address before we are able to state we have the most effective, efficient, and constitutional cyber security defense possible.

I hope the President fully utilizes the opportunity presented to him in his State of the Union Address to answer these important questions—and if he doesn't, we have to. So we better solve these problems. I presume the President will speak intelligently on these issues and hopefully in a way that will unify the country, unify the Congress, and get us all working in the same way.

We can't afford to let this drag any longer. This is one of the most important sets of issues we have in our country. It may be one of the most important issues or sets of issues in the world at large.

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. 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 therein for up to 10 minutes each.

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

SAUDI ARABIA

Mr. LEAHY. Mr. President, on January 12 in Saudi Arabia a prominent human rights lawyer, Mr. Waleed Abu al-Khair, was handed a 5-year extension to his 10-year prison sentence. Mr. Abu al-Khair, who is the founder and director of the watchdog group Monitor of Human Rights in Saudi Arabia, was also fined, banned from travel outside the county for 15 years after his release, and his websites will be shut down. What were the crimes that brought about this sentence? He was charged with harming the kingdom's reputation and insulting judicial authority, among other violations related to his non-violent activism.

This case and others like it certainly have harmed the kingdom's reputation, and insulted its judicial system, but the fault is not Mr. Abu al-Khair's.

After years of defending human rights activists as a legal advocate in Saudi courts, he was called in front of a terrorism tribunal at the end of 2013 for a trial that from its earliest days was declared a farce by human rights organizations. This was not the first time Mr. Abu al-Khair was made a target of the justice system, having first faced trial in 2011 for signing a petition that called for government reform.

During the fifth hearing in front of the terrorism tribunal he was jailed mid-trial under the January 2014 anti-terrorism law, which covers verbal acts that harm the reputation of the state. Mr. Abu al-Khair was eventually sentenced to 10 years for his activism amid growing international condemnation of Saudi repression. His decision not to disavow his beliefs led to this week's further sentencing.

Unfortunately, Mr. Abu al-Khair's case is not unique. As more Saudis have begun to speak out against government repression, the monarchy has responded by escalating its crackdown on dissent, including by using the already dubious terrorism tribunal system to punish human rights defenders.

It is ironic that while Saudi officials condemned the brutal killings of journalists at Charlie Hebdo, and their Ambassador attended the rally in Paris, their Justice Ministry was preparing to carry out the first of 1,000 public lashings of Raif Badawi. Like the cartoonists, Mr. Badawi has been accused of insulting Islam, and like them and his former lawyer, Mr. Abu al-Khair, he was simply exercising his nonviolent right of freedom of expression. Needless to say, his persecution has drawn an international outcry, including by many of those who joined the Saudi government in denouncing the attacks in Paris.

The United States and Saudi Arabia have long been strategic allies, and we want that relationship to continue. But the fundamental right of free expression cannot be a casualty of convenience. The injustices I have described must be addressed. Not only do these actions violate the Saudi government's stated policy and its commitment as a member of the UN Human Rights Council to protect human rights, but they are a flawed strategy for discouraging dissent. Ominously, as we have seen in many countries, they may cause critics of the government to resort to violence to achieve their goals.

I urge the Saudi government to release Mr. Abu al-Khair and Mr. Badawi and dismiss the spurious charges against them. This kind of repression and barbarity have no place in the 21st century.

CORN ETHANOL MANDATE ELIMINATION ACT

Mrs. FEINSTEIN. Mr. President, I wish to submit an amendment with my colleagues, Senators TOOMEY and FLAKE to correct a major problem with the current Renewable Fuel Standard: the mandate for corn ethanol. We see two major problems with continuing to mandate the consumption of so much corn ethanol each year. The statute currently mandates more corn ethanol than can be used by the current vehicle fleet and gas stations. Roughly 40 percent of the U.S. corn crop is now used to produce ethanol, artificially pushing up food and feed prices while damaging the environment. This amendment offers a simple fix that addresses both problems: elimination of the corn ethanol mandate.

Also, the amendment leaves in place the requirement that oil companies purchase and use low-carbon advanced biofuels, including cellulosic ethanol and biodiesel. This allows the program to focus on the fuels that best address climate change and do not compete with the food supply.

Let me highlight a few of the unintended consequences of the corn ethanol mandate. The policy has led us to use roughly 40 percent of the U.S. corn crop not for food but for fuel, nearly twice the rate in 2006. Using more and more corn for ethanol—in drought years as well as years with bumper crops—places unnecessary pressure on the price of corn.

The Congressional Budget Office estimated in June 2014 that escalating the volume of corn ethanol as currently required by statute would raise the average price of corn about 6 percent by 2017. That would increase food expenditures by $3.5 billion per year by 2017, the equivalent of about $10 per person, which most directly affects families living on the margin.

Internationally, according to Tufts University researchers, the corn ethanol mandate has cost net corn importing countries $11.6 billion in higher corn prices, with more than half that cost, $6.6 billion, borne by developing countries. Higher corn prices also raise prices throughout the food supply chain by raising the cost of animal feed. For the turkey industry alone, the Renewable Fuel Standard raised feed expenses by $1.9 billion in 2013, according to the President of the National Turkey Federation. For the restaurant industry, a recent Price-Waterhouse-Coopers study projects that the corn ethanol mandate would increase costs by up to $3.2 billion a year. For the milk industry, the Western United Dairyman reported in 2013 that a combination of high feed costs and low milk prices put 105 dairies out of business in one year alone.

The corn ethanol mandate also has unintended environmental consequences. In 2013, an investigative report from the Associated Press found using government satellite data that 1.2 million acres of virgin land in Nebraska and the Dakotas alone were

converted to fields of corn and soybeans since 2006. Putting virgin land under cultivation has environmental consequences, including greater runoff, greater use of fertilizer, and less land available for conservation.

Another consequence of the corn ethanol mandate is that it places a regulatory requirement on oil refiners that cannot actually be satisfied—it requires more ethanol than the auto fleet and existing gas stations can accommodate, a concept called the blend wall. Under the RFS, oil refineries are required to blend 15 billion gallons of corn ethanol into the fuel supply in 2015. This far exceeds the roughly 13.5 billion gallons that our current infrastructure can accommodate. According to the Environmental Protection Agency's final 2013 rule, the ''EPA does not currently foresee a scenario in which the market could consume enough ethanol to meet the volumes stated in the statute.'' The Congressional Budget Office confirmed this judgment in its June 2014 report, saying that the statutory goal of escalating corn ethanol volumes would be ''very hard to meet in future years.''

Chevron, which operates oil refineries in my home State, is also concerned that the statutory mandate requires too much ethanol. It is Chevron's judgment that ''the required volume of renewable fuel exceeds the amount that can be safely blended into transportation fuels used by consumers.'' Facing this difficulty, the EPA has been unable to finalize the volume requirements for 2014 or 2015. This leaves the businesses seeking to develop advanced biofuel ventures without any certain prospects to guide their investments and undermines the primary purpose of the Renewable Fuel Standard.

The Corn Ethanol Mandate Elimination Act would address the blend wall directly, thereby allowing EPA to continue increasing volumes of low carbon advanced biofuel.

The corn industry, by contrast, does not depend on the RFS for its livelihood. In fact, the Congressional Budget Office predicts that refiners will continue to blend corn ethanol into the fuel supply in the absence of a mandate, because ethanol is the oil refiner's preferred octane booster and oxygenate.

Ultimately, I believe that this bill would better serve the advanced biofuel industry by removing the blend wall as an obstacle to the industry's expansion, and providing the regulatory certainty that they need to guide their investments. These advanced biofuels have none of the same problems as corn ethanol. They do not compete directly with food, and they reduce greenhouse gas emissions by at least 50 percent compared to petroleum.

I am also fundamentally committed to the vitally important public health and climate protections provided by the Clean Air Act. That is why I would like to make it crystal clear that this legislation is a narrow bill repealing the corn ethanol mandate. The bill's language explicitly clarifies that the legislation has no effect on the low-carbon advanced biofuel provisions in the Renewable Fuel Standard, and I would oppose any bill that would amend, revise or weaken the advanced biofuel provisions or other public health protections provided by the Clean Air Act.

The elimination of the corn ethanol mandate is a smart, simple reform with support from the prepared food industry, the dairy, beef, and poultry industries, the oil and gas industries, hunger relief organizations, and environmental groups.

The bill solves the problems of the Renewable Fuel Standard while maintaining the provisions that encourage the development, growth, and deployment of cellulosic ethanol, algae-based fuel, biodiesel, and other low-carbon advanced biofuels.

I urge my colleagues to support this legislation.

ADDITIONAL STATEMENTS

JOHNSON CITY CHAMBER OF COMMERCE CENTENNIAL CELEBRATION

● Mr. ALEXANDER. Mr. President, this year marks the centennial year of the establishment of the Johnson City Chamber of Commerce.

Since its establishment on July 6, 1915, the chamber has served as the leading voice for local business and community development. The chamber has been instrumental in transforming Johnson City from a small rail-shipping town in the early 1900s to a distinguished medical community over the past several decades and continues to lead the way for new business, trade, and growth in upper East Tennessee.

As we see around the country, the Federal Government has been throwing a big, wet blanket of burdensome regulations on businesses and the economy, and chambers of commerce around the Nation have been leaders in advocating to get Washington out of the way and unleash our free enterprise system. The best thing we can do for job creation is to remove these regulations so businesses and entrepreneurs will be able to get our economy moving again.

We need to be working to help our job creators put people back to work, and we thank the Johnson City chamber for its work to help Tennessee businesses and employees, and for all it has done to help Johnson City succeed and continue to thrive.

With a new Republican majority, we will work with the chamber to advance our shared goals to jump-start our economy and liberate our free market so businesses in Tennessee and around the Nation will have the freedom they need to get our economy going in the right direction.●

VERMONT ESSAY WINNERS

● Mr. SANDERS. Mr. President, since 2010 I have sponsored a State of the Union essay contest for Vermont students. The contest, now in its fifth year, is an opportunity for Vermont students to articulate what issues they would prioritize if they were President of the United States. A panel of Vermont teachers reviewed all of the essays submitted and selected the top twenty. I am proud to say that more than 400 students wrote essays for this year's State of the Union contest.

I would like to congratulate each and every finalist, and to specifically acknowledge Leo Lehrer-Small as this year's winner of the contest. I would also like to recognize Ryan Taggard for placing second and Craig Pelsor and Hadley Menk for placing third. I ask to have printed in the RECORD the winning essays.

The essays follow.

LEO LEHRER-SMALL, MOUNT MANSFIELD UNION HIGH SCHOOL (WINNER)

As we enter the year of 2015, there is one issue in particular that our government, in conjunction with global policy makers, need to address with attention and urgency. This issue, quite simply, is the safety of our planet: global climate change is already affecting the environment through droughts, increasingly frequent heat waves, and rising sea levels. It is a scientific fact that climate change is man-made, even though some politicians still deny the part that humans play in the issue.

As the most powerful country in the world, the US must be a driving force in halting global climate change. The question is: how do we go about doing this? In order to fix our growing crisis, we must first understand the roots of the problem. Last year's report released by the Intergovernmental Panel on Climate Change showed that the recent rise of temperature is due to an excess of greenhouse gases that humans have released into our atmosphere. And to quote the Environmental Protection Agency, ''The largest source of greenhouse gas emissions from human activities in the United States is from burning fossil fuels for electricity, heat, and transportation.'' So it is clear; the root of our problem is our overuse of fossil fuels.

We must take drastic measures to reduce our fossil fuel consumption. Congress must make and pass bills that finance green energy projects. Government subsidies which are currently being given to the oil and gas industries should be given to the renewable energy industry. This boost would allow renewable and clean energy sources such as wind and solar to provide more of the nation's energy, and in return lower our usage of fossil fuels. The growth of clean energy usage in the US would not only play a role in climate change reversal, but also provide millions of safe jobs for American workers.

Furthermore, our government should heavily tax the large greenhouse gas producers; companies that burn cheap fossil fuels to make massive amounts of money. These are the main contributors to climate change. These are the corporations that we must limit through a tax on carbon dioxide. Such a tax would not only discourage the burning of fossil fuels, but the money may also be invested in the redevelopment of clean energy.

And as one of the leaders in our global economy, the rest of the world will look to us to initiate the transition towards clean energy usage. We have the opportunity to

globally legitimize renewable energy, which is a vital step towards ending climate change. The action that our country takes on this problem will be a model for the rest of the world, which makes it the most important issue that should be addressed by the United States. Not taking care of the planet is not taking care of the people.

RYAN TAGGARD, BRATTLEBORO UNION HIGH SCHOOL (SECOND PLACE)

The state of our country has seen marked improvement over the last year. Unemployment is at its lowest level since before the recession, the stock market is setting record highs, and a manufacturing sector that has added jobs for the first time in nearly two decades. But we're working to regain lost ground, while neglecting the importance of innovating, creating, and aspiring—the very aspects that once made our country great.

Throughout the 60's and 70's, America was the planet's premier superpower. Despite the threat of an aggressive U.S.S.R. looming on the horizon, campus unrest, the conflict in Vietnam, and the civil rights movement playing out in confrontations on the street, we found time to dream about tomorrow. The engine of this growth was the relentless advancement of science and technology. Our crowned jewel, NASA, was among the most powerful agencies the world had ever seen, and promised us a future full of plenty. We didn't outsource jobs, because no other nation could do what America could. We spawned entire industries built around new inventions. And most importantly, we gained a technological edge, strengthening our military, infrastructure, and economy.

MRIs, GPS receivers, cochlear implants, Lasik surgery, catalytic converters, the first fuel cells, cordless tools, cell phones, and the microprocessors that enable our lives are all direct results of our first forays into the abyss of space. Due to our curiosity, hundreds of thousands of lives were saved. Patients who were born deaf were given the ability to hear. The blind could see. The environment was restored in numerous and invaluable ways, and communication became constant and universal. Curiosity enabled our nation to perform miracles.

Unfortunately for our nation, NASA was formed in the midst of a panic induced by the launch of the Soviet's Sputnik. Once the American government saw that the U.S.S.R. wasn't ready to go to the moon, they ceded their push to move forwards. Today NASA's spending represents 0.49% of our federal budget. This half a penny off the tax dollar pays for all of NASA's operations: the International Space Station, Hubble telescope, Curiosity rover, all the astronauts, and more. With only a slight increase in funding, we could go back to the moon, send men to Mars, and journey on to explore asteroids and alien worlds.

The incentives for raising NASA's budget are diverse, powerful, and irrespective of party. As well as providing an opportunity for our government to assume a leadership position, the economic stimulus that accompanies a revived space industry would create new jobs, the technologies developed would improve our lives, and the cultural shift that occurred in the 60's and 70's would once again become the norm. Students would aspire to become scientists, engineers, mathematicians, and technologists. We as a nation would reclaim our former spot at the very forefront of innovation. And America would reap the benefits of an educated, industrial, and forward thinking workforce.

HADLEY MENK, CHAMPLAIN VALLEY UNION HIGH SCHOOL (THIRD PLACE)

The future of our great nation is being threatened at this very moment, and the foe may not be what you suspect. The current states of our agricultural practices are harming our country's future in catastrophic ways. Before a country can focus on issues like health care, gun control, abortion, or even the functioning of its own government, it must make sure the people's basic needs are met. And nothing is more basic or essential than food.

The United Nations Food and Agriculture Organization estimates that the world's population will reach 9 billion people within the next 40 years. To meet this need, global agricultural production must increase by 70%. Elected officials of the United States must take this seriously. Fortunately, agriculture is a subject in which Vermont is well versed. It is time for Vermont to lead the way in advocating for more efficient, effective, and sustainable agriculture. Investing in agriculture is one of the simplest but most effective ways for the United States to protect its future as a nation and as a world leader.

There are several interconnected issues currently facing our agriculture industry, the most important of which are affordability, water, and land management. Food prices tend to fluctuate depending on the price of oil, as petroleum products are widely used in almost all aspects of food production. From trucks and equipment to synthetic fertilizers and pesticides, petroleum plays too large a role in our food. Emphasis must be placed on finding more natural alternatives to petroleum. Water and land management are also major issues. As is evidenced by the crisis in California, more needs to be done in terms of finding ways to better conserve water for agriculture. According to the Index Mundi, in North America in 1961, the amount of arable land per person was 1.1 hectares. In 2009, that number had decreased to .61 per person, due to land misuse. Legislators on a local, state, and national level need to work with scientists to solve these potentially catastrophic problems.

Without agriculture, it is impossible for any country to survive. Widespread food shortages can cause not only starvation but also corruption in the government. Investing in food production benefits everyone, regardless of race, gender, socioeconomic status, or political party, and yet agriculture is not treated with as much attention as issues like gun control and immigration in the media.

In order to preserve the future of the United States, we as Vermonters must lead the way in urging legislators to endorse measures that will improve agricultural methods and help farmers be more sustainable. In a letter to George Washington dated August 14, 1787, Thomas Jefferson stated that ''Agriculture . . . is our wisest pursuit, because it will in the end contribute most to real wealth, good morals and happiness.''

CRAIG PELSOR, MILTON HIGH SCHOOL (THIRD PLACE)

The United States of America is without a doubt in a better position now than it was ten years ago. The economy has rebounded and the few lingering effects of the ''Great Recession'' are being mended. The national unemployment rate stands at 5.9% as of September, the lowest it's been since 2008. The United States is producing more oil, natural gas and energy from renewable resources than ever before, which seeks to further the eventual dream of an energy independent America. In addition, rates for violent and property crimes continue to decline and our national GDP continues to outpace every other nations.

Even with the future seeming so bright, there remains still pressing issues to which we must give our full attention.

As the economy has recovered and grown, so has the gap between the rich and the poor, and even the rich and the super-rich. We hear of the wealthiest one percent's still growing fortunes while those in the 30th or 10th percentile are still waiting for the wealth to trickle down. That has not worked, and we must do something to stem the tide of this growing inequality. To do this we must raise the minimum wage until it is a livable wage in all fifty states, as well as reorganizing our tax structure so that those with the most wealth are contributing more than those without. There is also the issue of massive student loan debts which dampen the potential success of graduates. With the average student loan debt growing, there are a number of steps we could take to make paying for higher education less of a financial burden. Expand the federal student loan program to grant more money to those who need it, while at the same time ensuring public colleges and universities do not raise their tuitions. The system of federally subsidized Universities used in Canada and some Europeans nations could easily be adopted in the United States in order to keep the working costs of our colleges and universities at a level where they will not need to raise their tuition costs every year.

On a global front, there continues the troubles in the Middle East and abroad, for which America has a duty to respond with both humanitarian aid and military force to ensure a lasting peace in the region. The arming of so called ''moderate'' rebels in conflicts in Syria have proven of little aid to America or its interests as well as the weapons and intelligence we provide ending up in unintended hands. Also, the billions of dollars of military aid to countries such as Israel which has become a massively unnecessary expenditure. In light of this, America should adopt a renewed focus on bettering education opportunities and the general standards of living in the Middle East and avoid joining any new conflicts. The containment and destruction of ISIS should remain a top priority, although the commitment of ground troops to the area should be withheld unless the situation gets far worse.

A chasm of trust has grown between American citizens and those put in charge of their protection, law enforcement, due to a lack of transparency and discretion. To that end, the United States government must provide the states with incentive to equip local law enforcement with things such as body cameras instead of armored vehicles and assault rifles, as well as further training in dealing with the mentally ill and minorities where it is most needed. Until the people feel like police officers are being held accountable for their actions, we cannot expect to further improve the nation.

Another small change which may help stem the continuing rise in prescription drug abuse would be the outlawing of television, radio and internet advertising for all prescription drugs. With this people will be less likely to believe that they need all of the drugs that they see on television and that they are all safe because they are being publicly advertised.

There is no one solution to all the nation's problems, but through many small steps and congressional efforts like the ones that I have mentioned can make the United States of America a much stronger and prosperous nation.●

RECOGNIZING S&W WHOLESALE FOODS

● Mr. VITTER. Mr. President, one of the most important advantages of small businesses is their unparalleled devotion to their customers and communities. Small business owners are

the most qualified to truly recognize and meet the needs of their local regions. Having a local presence can make all the difference when it comes to building up a community, providing essential goods and services, as well as giving back to those starting new ventures. For my second Small Business of the Week, I am honored to recognize S & W Wholesale Foods for its success and commitment to serving southeast Louisiana and parts of the Mississippi Gulf Coast.

Family owned and operated, Frank Spalitta and Richard Willams opened S & W Wholesale Foods in 1978. Over the years, it has grown from a 5,000 square foot operation to two locations in Hammond, LA, and Baton Rouge, LA. While S & W Wholesale Foods is well-known for distributing fresh food products such as meats, seafood, and produce, it also stocks complementary supplies, including plasticware, chemical and cleaning supplies, and paper products to surrounding restaurants, bakeries, childcare centers, convenience stores, and other local businesses. When Frank retired in 2006, his son and daughter-in-law, Paul and Tiffany Spalitta, purchased the business in order to keep the family tradition alive.

S & W Wholesale Foods has made a commitment to provide the best available products to its customers, while also supporting an environment in which local restaurants and businesses work together to succeed. As a shareholder in one of the largest foodservice distribution cooperatives, Unipro Foodservice, S & W Wholesale Foods is able to supply high-quality products and services for its customers, which in turn supply Louisianians and residents of the Mississippi Gulf Coast. Even more inspiring is that S & W Wholesale Foods incorporates Louisiana brands, including New Orleans Roast and Zatarain's, to its larger product base. One of the more unique aspects of the company is the quarterly brochure that shares seasonal recipes and localized tips and ideas to help readers build up and maintain their own businesses.

S & W Wholesale Foods is a great example of how hard work and quality products can lead to a successful small business. The company's motto truly sums up the undeniable foundation of its priorities, ''Large Enough to Serve . . . Small Enough to Care.'' It is my honor to recognize this company that works so diligently to promote the businesses of the customers they serve. Once again, I congratulate S & W Wholesale Foods for being recognized as this week's ''Small Business of the Week'' and wish them all of the best in the future. ●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 9:38 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 37. An act to make technical corrections to the Dodd-Frank Wall Street Reform and Consumer Protection Act, to enhance the ability of small and emerging growth companies to access capital through public and private markets, to reduce regulatory burdens, and for other purposes.

H.R. 185. An act to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

H.R. 240. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 37. An act to make technical corrections to the Dodd-Frank Wall Street Reform and Consumer Protection Act, to enhance the ability of small and emerging growth companies to access capital through public and private markets, to reduce regulatory burdens, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 185. An act to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 33. An act to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 240. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

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 Mrs. GILLIBRAND (for herself and Mr. PAUL):

S. 180. A bill to amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for child care expenses, and for other purposes; to the Committee on Finance.

By Mr. MORAN (for himself, Mr. WARNER, Mr. COONS, Mr. BLUNT, Ms. KLOBUCHAR, and Mr. KAINE):

S. 181. A bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. GRASSLEY, Mr. INHOFE, and Mr. PORTMAN):

S. 182. A bill to amend the Elementary and Secondary Education Act of 1965 to prohibit Federal education mandates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Mr. HATCH, Mr. ALEXANDER, Ms. AYOTTE, Mr. BLUNT, Mr. BURR, Mr. COATS, Mr. CRAPO, Mrs. FISCHER, Mr. FLAKE, Mr. GARDNER, Mr. INHOFE, Mr. ISAKSON, Mr. KIRK, Mr. MORAN, Mr. ROBERTS, Mr. RUBIO, Mr. SCOTT, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S. 183. A bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. HOEVEN (for himself and Mr. TESTER):

S. 184. A bill to amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings, and for other purposes; to the Committee on Indian Affairs.

By Mr. HATCH (for himself and Mr. BENNET):

S. 185. A bill to create a limited population pathway for approval of certain antibacterial drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FISCHER (for herself, Mr. BLUNT, Mr. BOOZMAN, and Mr. INHOFE):

S. 186. A bill to improve transparency and efficiency with respect to audits and communications between taxpayers and the Internal Revenue Service; to the Committee on Finance.

By Mr. MARKEY (for himself, Mr. WHITEHOUSE, and Mr. MERKLEY):

S. 187. A bill 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, and for other purposes; to the Committee on Finance.

By Mr. MARKEY:

S. 188. A bill to ensure that oil transported through the Keystone XL pipeline into the United States is used to reduce United States dependence on Middle Eastern oil; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself and Mr. REID):

S. Res. 27. A resolution to authorize testimony and representation in United States of America v. Jeffrey A. Sterling; considered and agreed to.

ADDITIONAL COSPONSORS

S. 125

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 125, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2020, and for other purposes.

S. 153

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 153, a bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

S. 165

At the request of Ms. AYOTTE, the names of the Senator from Illinois (Mr. KIRK), the Senator from Nebraska (Mrs. FISCHER), the Senator from Kansas (Mr. MORAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Texas (Mr. CRUZ) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors 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 New Jersey (Mr. BOOKER) was added as a cosponsor of S. 166, a bill to stop exploitation through trafficking.

S. 167

At the request of Mr. BLUMENTHAL, the names of the Senator from Connecticut (Mr. MURPHY), the Senator from Michigan (Mr. PETERS) and the Senator from Rhode Island (Mr. REED) 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 California (Mrs. BOXER) 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. 171

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 171, a bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel in connection with certain special disabilities rehabilitation, and for other purposes.

AMENDMENT NO. 13

At the request of Mr. MARKEY, the names of the Senator from Florida (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 13 proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 17

At the request of Mr. FRANKEN, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 17 proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 19

At the request of Mrs. FISCHER, the names of the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 19 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 25

At the request of Mr. MARKEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 25 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 27—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES OF AMERICA V. JEFFREY A. STERLING

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 27

Whereas, in the case of *United States of America v. Jeffrey A. Sterling*, Cr. No. 10–485, pending in the United States District Court for the Eastern District of Virginia, testimony has been requested from Julie Katzman, a former employee of the Senate Committee on the Judiciary;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current or former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Julie Katzman is authorized to testify in the case of *United States of America v. Jeffrey A. Sterling*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Ms. Katzman in connection with the production of evidence authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 35. Ms. COLLINS (for herself and Mr. WARNER) 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.

SA 36. Mr. GARDNER (for himself 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 37. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 38. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 39. Mr. ENZI (for himself, Mr. BARRASSO, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 40. Mr. TOOMEY (for himself, Mrs. FEINSTEIN, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 41. Mr. TOOMEY (for himself, Mr. CASEY, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 42. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 43. Mr. HOEVEN (for himself and Mr. DONNELLY) 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 44. Mr. HATCH 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 45. Mr. HATCH 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 46. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 47. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 48. Mrs. GILLIBRAND 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 49. Mr. SANDERS (for himself, Mr. TESTER, Mr. MARKEY, Ms. BALDWIN, Ms. WARREN, Mr. LEAHY, Mr. FRANKEN, Mr. UDALL, Ms. STABENOW, and Mr. MURPHY) 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 50. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 51. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 52. Ms. KLOBUCHAR (for herself and Mr. HOEVEN) 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 53. Mr. WARNER (for himself and Mr. ALEXANDER) 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 54. Mr. MARKEY 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 55. Mr. PETERS (for himself and Ms. STABENOW) 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 56. Mr. TESTER (for himself and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 35. Ms. COLLINS (for herself and Mr. WARNER) 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. ___. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

(a) DEFINITIONS.—In this section:

(1) SCHOOL.—The term ''school'' means—

(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(C) a school of the defense dependents' education system under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

(D) a school operated by the Bureau of Indian Affairs;

(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) DESIGNATION OF LEAD AGENCY.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall act as the lead Federal agency for coordinating and disseminating information on existing Federal programs and assistance that may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

(c) REQUIREMENTS.—In carrying out coordination and outreach under subsection (b), the Secretary shall—

(1) in consultation and coordination with the appropriate Federal agencies, carry out a review of existing programs and financing mechanisms (including revolving loan funds and loan guarantees) available in or from the Department of Agriculture, the Department of Energy, the Department of Education, the Department of the Treasury, the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal agencies with jurisdiction over energy financing and facilitation that are currently used or may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools;

(2) establish a Federal cross-departmental collaborative coordination, education, and outreach effort to streamline communication and promote available Federal opportunities and assistance described in paragraph (1) for energy efficiency, renewable energy, and energy retrofitting projects that enables States, local educational agencies, and schools—

(A) to use existing Federal opportunities more effectively; and

(B) to form partnerships with Governors, State energy programs, local educational, financial, and energy officials, State and local government officials, nonprofit organizations, and other appropriate entities to support the initiation of the projects;

(3) provide technical assistance for States, local educational agencies, and schools to help develop and finance energy efficiency, renewable energy, and energy retrofitting projects—

(A) to increase the energy efficiency of buildings or facilities;

(B) to install systems that individually generate energy from renewable energy resources;

(C) to establish partnerships to leverage economies of scale and additional financing mechanisms available to larger clean energy initiatives; or

(D) to promote—

(i) the maintenance of health, environmental quality, and safety in schools, including the ambient air quality, through energy efficiency, renewable energy, and energy retrofit projects; and

(ii) the achievement of expected energy savings and renewable energy production through proper operations and maintenance practices;

(4) develop and maintain a single online resource website with contact information for relevant technical assistance and support staff in the Office of Energy Efficiency and Renewable Energy for States, local educational agencies, and schools to effectively access and use Federal opportunities and assistance described in paragraph (1) to develop energy efficiency, renewable energy, and energy retrofitting projects; and

(5) establish a process for recognition of schools that—

(A) have successfully implemented energy efficiency, renewable energy, and energy retrofitting projects; and

(B) are willing to serve as resources for other local educational agencies and schools to assist initiation of similar efforts.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

SA 36. Mr. GARDNER (for himself 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, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.

(a) FINDINGS.—Congress finds that—

(1) private sector funding and expertise can help address the energy efficiency challenges facing the United States;

(2) the Federal Government spends more than $6,000,000,000 annually in energy costs;

(3) reducing Federal energy costs can help save money, create jobs, and reduce waste;

(4) energy savings performance contracts and utility energy service contracts are tools for using private sector investment to upgrade Federal facilities without any up-front cost to the taxpayer;

(5) performance contracting is a way to retrofit Federal buildings using private sector investment in the absence of appropriated dollars; and

(6) retrofits that reduce energy use also improve infrastructure, protect national security, and cut facility operations and maintenance costs.

(b) ENERGY MANAGEMENT REQUIREMENTS.—Section 543(f)(4) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking ''Not later than'' and inserting the following:

''(A) IN GENERAL.—Not later than''; and

(3) by adding at the end the following:

''(B) MEASURES NOT IMPLEMENTED.—Each energy manager, as part of the certification system under paragraph (7) and using guidelines developed by the Secretary, shall provide an explanation regarding any life-cycle cost-effective measures described in subparagraph (A)(i) that have not been implemented.''.

(c) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5)(A) the status of the energy savings performance contracts and utility energy service contracts of each agency;

''(B) the investment value of the contracts;

''(C) the guaranteed energy savings for the previous year as compared to the actual energy savings for the previous year;

''(D) the plan for entering into the contracts in the coming year; and

''(E) information explaining why any previously submitted plans for the contracts were not implemented.''.

(d) DEFINITION OF ENERGY CONSERVATION MEASURES.—Section 551(4) of the National Energy Conservation Policy Act (42 U.S.C. 8259(4)) is amended by striking ''or retrofit activities'' and inserting ''retrofit activities, or energy consuming devices and required support structures''.

(e) AUTHORITY TO ENTER INTO CONTRACTS.—Section 801(a)(2)(F) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) limit the recognition of operation and maintenance savings associated with systems modernized or replaced with the implementation of energy conservation measures, water conservation measures, or any combination of energy conservation measures and water conservation measures.''.

(f) MISCELLANEOUS AUTHORITY.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

''(H) MISCELLANEOUS AUTHORITY.—Notwithstanding any other provision of law, a Federal agency may sell or transfer energy savings and apply the proceeds of the sale or transfer to fund a contract under this title.''.

(g) PAYMENT OF COSTS.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by striking ''(and related operation and maintenance expenses)'' and inserting '', including related operations and maintenance expenses''.

(h) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) in subparagraph (A), by striking ''federally owned building or buildings or other federally owned facilities'' and inserting ''Federal building (as defined in section 551)'' each place it appears;

(2) in subparagraph (C) , by striking ''; and'' and inserting a semicolon;

(3) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(E) the use, sale, or transfer of energy incentives, rebates, or credits (including renewable energy credits) from Federal, State, or local governments or utilities; and

''(F) any revenue generated from a reduction in energy or water use, more efficient waste recycling, or additional energy generated from more efficient equipment.''.

SA 37. Mr. MANCHIN 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. 3. APPLICABILITY OF LIMITATIONS ON EXPORTATION OF DOMESTIC CRUDE OIL TO FOREIGN CRUDE OIL IMPORTED INTO THE UNITED STATES BY PIPELINE.

(a) IN GENERAL.—On and after the date of the enactment of this Act, crude oil imported into the United States by pipeline shall be subject to the limitations described in subsection (b) and the licensing requirements described in subsection (c) to the same extent and in the same manner as those limitations and requirements apply to crude oil produced in the United States.

(b) LIMITATIONS DESCRIBED.—The limitations described in this subsection are the limitations on the exportation of crude oil produced in the United States under section 103(b) of the Energy Policy and Conservation Act (42 U.S.C. 6212(b)), section 28(u) of the Mineral Leasing Act (30 U.S.C. 185(u)), and section 28 of the Outer Continental Shelf Lands Act (43 U.S.C. 1354).

(c) LICENSING REQUIREMENTS DESCRIBED.—The licensing requirements described in this subsection are the licensing requirements applicable to crude oil produced in the United States under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

SA 38. Mr. MANCHIN 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, add the following:

SEC. _____. CLARIFICATION OF OIL 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, bitumen, and bituminous mixtures.''.

(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 take effect on the date of the enactment of this Act.

SA 39. Mr. ENZI (for himself, Mr. BARRASSO, and Mr. FLAKE) 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. ___. REGIONAL HAZE PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall not reject or disapprove, in whole or in part, a State implementation plan addressing any regional haze regulation of the Environmental Protection Agency (including the regulations described in sections 51.308 and 51.309 of title 40, Code of Federal Regulations (or successor regulations)), if—

(1) the State—

(A) has submitted to the Administrator a State implementation plan for regional haze that considers the factors identified in section 169A of the Clean Air Act (42 U.S.C. 7491); and

(B) substantially applied the relevant laws (including regulations) in determining the final plan to be selected;

(2) the Administrator cannot demonstrate, using the best available science, that a Federal implementation plan action governing a specific emissions source or emissions unit, when compared to the State plan, will result in greater than a 1.0 deciview improvement from any new emissions control in any single class I area (as classified under section 162 of the Clean Air Act (42 U.S.C. 7472)), based on a 3-year average of the maximum 98th-percentile impact; or

(3) implementation of the Federal implementation plan, when compared to the State plan, will result in an economic cost to the State or to the private sector of greater than $100,000,000 in any fiscal year or $300,000,000 in the aggregate.

(b) APPLICABILITY.—This section applies to all State implementation plans described in subsection (a) submitted to the Administrator before, on, or after the date of enactment of this Act.

SA 40. Mr. TOOMEY (for himself, Mrs. FEINSTEIN, and Mr. FLAKE) 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. ___. ELIMINATION OF CORN ETHANOL MANDATE FOR RENEWABLE FUEL.

(a) REMOVAL OF TABLE.—Section 211(o)(2)(B)(i) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)(i)) is amended by striking subclause (I).

(b) CONFORMING AMENDMENTS.—Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)) is amended—

(1) in clause (i)—

(A) by redesignating subclauses (II) through (IV) as subclauses (I) through (III), respectively;

(B) in subclause (I) (as so redesignated), by striking ''of the volume of renewable fuel required under subclause (I),''; and

(C) in subclauses (II) and (III) (as so redesignated), by striking ''subclause (II)'' each place it appears and inserting ''subclause (I)''; and

(2) in clause (v), by striking ''clause (i)(IV)'' and inserting ''clause (i)(III)''.

(c) ADMINISTRATION.—Nothing in this section or the amendments made by this section affects the volumes of advanced biofuel, cellulosic biofuel, or biomass-based diesel that are required under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

SA 41. Mr. TOOMEY (for himself, Mr. CASEY, and Mr. HATCH) 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. ___. STANDARDS FOR COAL REFUSE POWER PLANTS.

(a) FINDINGS.—Congress finds that—

(1) 19th-century mining operations left behind more than 2,000,000,000 tons of coal refuse on surface land in various coal mining regions of the United States;

(2) coal refuse piles—

(A) pose significant environmental risks;

(B) have contaminated more than 180,000 acres of land and streams; and

(C) are susceptible to fires that endanger public health and emit an estimated 9,000,000 tons of carbon dioxide each year, in addition to other uncontrolled pollutants;

(3) the Environmental Protection Agency, the Office of Surface Mining Reclamation and Enforcement, and the Department of Environmental Protection of the State of Pennsylvania recognize the significant public

health benefits of power plants that use coal refuse as fuel;

(4) since the inception of coal refuse power plants, the plants have removed 210,000,000 tons of coal refuse and restored 8,200 acres of contaminated land; and

(5) due to the unique nature of coal refuse and the power plants that use coal refuse as a fuel, those plants face distinct economic and technical obstacles to achieving compliance with regulatory standards established for traditional coal-fired power plants.

(b) DEFINITION OF COAL REFUSE.—In this section, the term ''coal refuse'' means any byproduct of coal mining, physical coal cleaning, or coal preparation operations that contains coal, matrix material, clay, and other organic and inorganic material.

(c) EMISSION LIMITATIONS FOR CERTAIN ELECTRIC UTILITY STEAM GENERATING UNITS.—

(1) IN GENERAL.—The general emission limitations established by the Environmental Protection Agency in the final rule entitled ''Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals'' (76 Fed. Reg. 48208 (August 8, 2011)) (or a successor regulation) shall not apply to an electric utility steam generating unit described in paragraph (3).

(2) HYDROGEN CHLORIDE AND SULFUR DIOXIDE.—The emission limitations for hydrogen chloride and sulfur dioxide contained in table 2 of subpart UUUUU of part 63 of title 40, Code of Federal Regulations (or successor regulations), entitled ''Emission Limits for Existing EGUs'' shall not apply to an electric utility steam generating unit described in paragraph (3).

(3) DESCRIPTION OF ELECTRIC UTILITY STEAM GENERATING UNITS.—An electric utility steam generating unit referred to in paragraphs (1) and (2) is an electric utility steam generating unit that—

(A) is in operation as of the date of enactment of this Act;

(B) uses fluidized bed combustion technology to convert coal refuse into energy; and

(C) uses coal refuse as at least 50 percent of the annual fuel consumed, by weight, of the unit.

(d) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, this section takes effect on the date of enactment of this Act.

SA 42. Mr. TOOMEY 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 REQUIRED.

(a) IN GENERAL.—

(1) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete a study on the possible impediments to transitioning the entire Federal fleet (as that term is defined in section 303(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(3)) and vehicles of the United States Postal Service to vehicles fueled by natural gas.

(2) CRITERIA.—The study required under paragraph (1) shall specifically examine—

(A) the status of refueling infrastructure;

(B) the ability of private vendors to supply adequate numbers of natural gas vehicles, including the necessary accessories; and

(C) any new maintenance requirements, including technical training for employees of the Federal Government, that the transition would require.

(b) REPORT.—On completion of the study required under subsection (a), the Comptroller General of the United States shall submit to Congress a report on the results of the study.

SA 43. Mr. HOEVEN (for himself and Mr. DONNELLY) 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:

TITLE II—NORTH AMERICAN ENERGY INFRASTRUCTURE

SEC. 201. SHORT TITLE.

This title may be cited as the ''North American Energy Infrastructure Act''.

SEC. 202. FINDING.

Congress finds that the United States should establish a more uniform, transparent, and modern process for the construction, connection, operation, and maintenance of oil and natural gas pipelines and electric transmission facilities for the import and export of oil and natural gas and the transmission of electricity to and from Canada and Mexico, in pursuit of a more secure and efficient North American energy market.

SEC. 203. AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT THE NATIONAL BOUNDARY OF THE UNITED STATES.

(a) AUTHORIZATION.—Except as provided in subsection (c) and section 207, no person may construct, connect, operate, or maintain a cross-border segment of an oil pipeline or electric transmission facility for the import or export of oil or the transmission of electricity to or from Canada or Mexico without obtaining a certificate of crossing for the construction, connection, operation, or maintenance of the cross-border segment under this section.

(b) CERTIFICATE OF CROSSING.—

(1) REQUIREMENT.—Not later than 120 days after final action is taken under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a cross-border segment for which a request is received under this section, the relevant official identified under paragraph (2), in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the cross-border segment unless the relevant official finds that the construction, connection, operation, or maintenance of the cross-border segment is not in the public interest of the United States.

(2) RELEVANT OFFICIAL.—The relevant official referred to in paragraph (1) is—

(A) the Secretary of State with respect to oil pipelines; and

(B) the Secretary of Energy with respect to electric transmission facilities.

(3) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for a certificate of crossing for the construction, connection, operation, or maintenance of a cross-border segment of an electric transmission facility, the Secretary of Energy shall require, as a condition of issuing the certificate of crossing for the request under paragraph (1), that the cross-border segment of the electric transmission facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(A) the Electric Reliability Organization and the applicable regional entity; and

(B) any Regional Transmission Organization or Independent System Operator with operational or functional control over the cross-border segment of the electric transmission facility.

(c) EXCLUSIONS.—This section shall not apply to any construction, connection, operation, or maintenance of a cross-border segment of an oil pipeline or electric transmission facility for the import or export of oil or the transmission of electricity to or from Canada or Mexico—

(1) if the cross-border segment is operating for such import, export, or transmission as of the date of enactment of this Act;

(2) if a permit described in section 206 for such construction, connection, operation, or maintenance has been issued;

(3) if a certificate of crossing for such construction, connection, operation, or maintenance has previously been issued under this section; or

(4) if an application for a permit described in section 206 for such construction, connection, operation, or maintenance is pending on the date of enactment of this Act, until the earlier of—

(A) the date on which such application is denied; or

(B) July 1, 2016.

(d) EFFECT OF OTHER LAWS.—

(1) APPLICATION TO PROJECTS.—Nothing in this section or section 207 shall affect the application of any other Federal statute to a project for which a certificate of crossing for the construction, connection, operation, or maintenance of a cross-border segment is sought under this section.

(2) ENERGY POLICY AND CONSERVATION ACT.—Nothing in this section or section 207 shall affect the authority of the President under section 103(a) of the Energy Policy and Conservation Act.

SEC. 204. IMPORTATION OR EXPORTATION OF NATURAL GAS TO CANADA AND MEXICO.

Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by striking, ''For purposes of subsection (a) of this section'' and inserting the following:

''(1) IN GENERAL.—For purposes of subsection (a)''; and

(2) by adding at the end the following:

''(2) DEADLINE FOR APPROVAL OF APPLICATIONS RELATING TO CANADA AND MEXICO.—In the case of an application for the importation or exportation of natural gas to or from Canada or Mexico, the Commission shall approve the application not later than 30 days after the date of receipt of the application.''.

SEC. 205. TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.

(a) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) STATE REGULATIONS.—Section 202(f) of the Federal Power Act (16 U.S.C. 824a(f)) is amended by striking ''insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)''.

(2) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking ''the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act'' and all that follows through the period at the end and inserting ''the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or

would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.''.

SEC. 206. NO PRESIDENTIAL PERMIT REQUIRED.

No Presidential permit (or similar permit) required under Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), section 301 of title 3, United States Code, Executive Order No. 12038, Executive Order No. 10485, or any other Executive order shall be necessary for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any cross-border segment thereof.

SEC. 207. MODIFICATIONS TO EXISTING PROJECTS.

No certificate of crossing under section 203, or permit described in section 206, shall be required for a modification to the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility—

(1) that is operating for the import or export of oil or natural gas or the transmission of electricity to or from Canada or Mexico as of the date of enactment of the Act;

(2) for which a permit described in section 206 for such construction, connection, operation, or maintenance has been issued; or

(3) for which a certificate of crossing for the cross-border segment of the pipeline or facility has previously been issued under section 203.

SEC. 208. EFFECTIVE DATE; RULEMAKING DEADLINES.

(a) EFFECTIVE DATE.—Sections 203 through 207, and the amendments made by such sections, shall take effect on July 1, 2015.

(b) RULEMAKING DEADLINES.—Each relevant official described in section 203(b)(2) shall—

(1) not later than 180 days after the date of enactment of this Act, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of section 203; and

(2) not later than 1 year after the date of enactment of this Act, publish in the Federal Register a final rule to carry out the applicable requirements of section 203.

SEC. 209. DEFINITIONS.

In this title—

(1) the term ''cross-border segment'' means the portion of an oil or natural gas pipeline or electric transmission facility that is located at the national boundary of the United States with either Canada or Mexico;

(2) the term ''modification'' includes a change in ownership, volume expansion, downstream or upstream interconnection, or adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations);

(3) the term ''natural gas'' has the meaning given that term in section 2 of the Natural Gas Act (15 U.S.C. 717a);

(4) the term ''oil'' means petroleum or a petroleum product;

(5) the terms ''Electric Reliability Organization'' and ''regional entity'' have the meanings given those terms in section 215 of the Federal Power Act (16 U.S.C. 824o); and

(6) the terms ''Independent System Operator'' and ''Regional Transmission Organization'' have the meanings given those terms in section 3 of the Federal Power Act (16 U.S.C. 796).

SA 44. Mr. HATCH 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. ___. PROTECTION OF EXISTING GRAZING RIGHTS.

(a) IN GENERAL.—Notwithstanding any rule or regulation of the Bureau of Land Management, within the Grand Staircase-Escalante National Monument, in areas administered by the Bureau of Land Management, any grazing of livestock that was established as of September 17, 1996, or the date that is 1 day before the designation of the Grand Staircase-Escalante National Monument in accordance with Presidential Proclamation Number 6920 (whichever is earlier), and any grazing of livestock that has been established since that date, shall be allowed to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers to be necessary, on the condition that the Secretary shall allow the grazing levels to continue at current levels to the maximum extent practicable.

(b) PERMITS.—In carrying out subsection (a), the Secretary of the Interior may issue new permits (or renew permits) for the grazing of livestock in the areas described in subsection (a).

SA 45. Mr. HATCH 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. ___. PRIORITIZATION OF CERTAIN FEDERAL REVENUES.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) by striking the section designation and all that follows through ''All money received'' in the first sentence of subsection (a) and inserting the following:

''SEC. 35. DISPOSITION OF MONEY RECEIVED.

''(a) DISPOSITION.—

''(1) IN GENERAL.—All money received'';

(2) in subsection (a)—

(A) in the second sentence, by striking ''All moneys received'' and inserting the following:

''(2) AMOUNTS TO MISCELLANEOUS RECEIPTS.—

''(A) IN GENERAL.—All money received'';

(B) in the third sentence, by striking ''Payments to States'' and inserting the following:

''(3) DEADLINES.—Payments to States''; and

(C) in paragraph (2) (as designated by subparagraph (A)), by adding at the end the following:

''(B) PRIORITIZATION OF REVENUES.—

''(i) IN GENERAL.—Notwithstanding any other provision of this Act, if, after the date of enactment of the Keystone XL Pipeline Act, the Secretary or Congress increases a royalty rate under this Act (as in effect on the day before the date of enactment of the Keystone XL Pipeline Act), of the amount described in clause (ii), there shall be deposited annually in a special account in the Treasury only such funds as are necessary to fulfill the staffing requirements of the agencies responsible for activities relating to—

''(I) coordinating or permitting Federal oil and gas leases;

''(II) permits to drill and applications for permits to drill (APDs); and

''(III) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(ii) DESCRIPTION OF AMOUNT.—The amount referred to in clause (i) is an amount equal to the difference between—

''(I) the amounts credited to miscellaneous receipts under paragraph (1), taking into account the increased royalty rate under this Act, as described in clause (i); and

''(II) the amounts credited to miscellaneous receipts under paragraph (1), as in effect on the day before the effective date of such an increased royalty rate.''; and

(3) in subsection (c)(2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(B) by striking ''(2) Of'' and inserting the following:

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—Of''; and

(C) by adding at the end the following:

''(B) PRIORITIZATION.—

''(i) IN GENERAL.—Notwithstanding any other provision of this Act, if, after the date of enactment of the Keystone XL Pipeline Act, the Secretary or Congress increases a rental rate under this Act (as in effect on the day before the date of enactment of the Keystone XL Pipeline Act), of the money deposited in the Fund under subparagraph (A)(ii), only such funds as are necessary from the amount described in clause (ii) shall be used to fulfill the staffing requirements of the agencies responsible for activities relating to—

''(I) coordinating or permitting Federal oil and gas leases;

''(II) permits to drill and applications for permits to drill (APDs); and

''(III) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(ii) DESCRIPTION OF AMOUNT.—The amount referred to in clause (i) is an amount equal to the difference between—

''(I) the amounts deposited in the Fund under subparagraph (A)(ii), taking into account the increased rental rate under this Act, as described in clause (i); and

''(II) the amounts of the money deposited in the Fund under subparagraph (A)(ii), as in effect on the day before the effective date of such an increased rental rate.''.

SA 46. Mr. HATCH 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. ____. STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

''SEC. 44. STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

''(a) DEFINITION OF HYDRAULIC FRACTURING.—In this section the term 'hydraulic fracturing' means the process by which fracturing fluids (or a fracturing fluid system) are pumped into an underground geologic formation at a calculated, predetermined rate and pressure to generate fractures or cracks in the target formation and, as a result, increase the permeability of the rock near the wellbore and improve production of natural gas or oil.

''(b) PROHIBITION.—The Secretary of the Interior shall not enforce any Federal regulation, guidance, or permit requirement regarding hydraulic fracturing, or any component of hydraulic fracturing, relating to oil, gas, or geothermal production activities on or under any land in any State that has regulations, guidance, or permit requirements for hydraulic fracturing.

''(c) STATE AUTHORITY.—The Secretary shall recognize and defer to State regulations, guidance, and permitting for all activities regarding hydraulic fracturing, or any component of hydraulic fracturing, relating to oil, gas, or geothermal production activities on Federal land regardless of whether the regulations, guidance, and permitting are duplicative, more or less restrictive, have different requirements, or do not meet Federal regulations, guidance, or permit requirements.''.

SA 47. Mr. HATCH 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. ___. CATEGORICAL EXCLUSION FOR PINYON-JUNIPER TREE REMOVAL.

Notwithstanding any other provision of law, a vegetation management project by the Director of the Bureau of Land Management or the Chief of the Forest Service involving removal or treatment of any Pinyon or Juniper tree for the purpose of conserving or restoring the habitat of the greater sage–grouse or mule deer shall be eligible to be a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation)) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SA 48. Mrs. GILLIBRAND 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. ___. DEFINITION OF UNDERGROUND INJECTION.

Section 1421(d)(1) of the Safe Drinking Water Act (42 U.S.C. 300h(d)(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) includes the underground injection of natural gas for purposes of storage.''.

SA 49. Mr. SANDERS (for himself, Mr. TESTER, Mr. MARKEY, Ms. BALDWIN, Ms. WARREN, Mr. LEAHY, Mr. FRANKEN, Mr. UDALL, Ms. STABENOW, and Mr. MURPHY) 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. ___. PROTECTING THE UNITED STATES POSTAL SERVICE.

(a) MORATORIUM ON CLOSING OR CONSOLIDATING POSTAL FACILITIES.—During the 2-year period beginning on the date of enactment of this Act, the United States Postal Service may not close or consolidate any processing and distribution center, processing and distribution facility, network distribution center, or other facility that is operated by the United States Postal Service, the primary function of which is to sort and process mail.

(b) MORATORIUM ON CHANGES TO SERVICE STANDARDS.—During the 2-year period beginning on the date of enactment of this Act, the United States Postal Service shall apply the service standards for first-class mail and periodicals under part 121 of title 39, Code of Federal Regulations, that were in effect on July 1, 2012.

SA 50. Mr. HATCH 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. ____. 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—

''(A) crude oil condensates and natural gasoline, and

''(B) in the case of any calendar quarter beginning more than 60 days after the date on which the certification under subsection (g) is made, 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 adding at the end the following new sentence: ''In the case of any calendar quarter beginning more than 60 days after the date on which the certification under subsection (g) is made, the preceding sentence shall be applied without regard to whether the crude oil is produced from a well.''.

(c) CERTIFICATION THAT MODIFICATION WILL NOT INCREASE PRICE OF GASOLINE.—Section 4612 of such Code is amended by adding at the end the following new subsection:

''(g) SPECIAL RULE RELATING TO DEFINITION OF CRUDE OIL.—The Secretary shall not make a certification under this subsection unless the Secretary, in consultation with the Secretary of Commerce, determines that the provisions of subparagraph (B) of subsection (a)(1) and the second sentence of subsection (a)(2) will not result in any increase in the retail price of gasoline in the United States.''.

SA 51. Ms. KLOBUCHAR 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:

At the end, add the following:

TITLE II—METAL THEFT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Metal Theft Prevention Act of 2015''.

SEC. 202. DEFINITIONS.

In this title—

(1) the term ''critical infrastructure'' has the meaning given the term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e));

(2) the term ''recycling agent'' means any person engaged in the business of purchasing specified metal for reuse or recycling, without regard to whether that person is engaged in the business of recycling or otherwise processing the purchased specified metal for reuse; and

(3) the term ''specified metal'' means metal that—

(A)(i) is marked with the name, logo, or initials of a city, county, State, or Federal government entity, a railroad, an electric, gas, or water company, a telephone company, a cable company, a retail establishment, a beer supplier or distributor, or a public utility; or

(ii) has been altered for the purpose of removing, concealing, or obliterating a name, logo, or initials described in clause (i) through burning or cutting of wire sheathing or other means; or

(B) is part of—

(i) a street light pole or street light fixture;

(ii) a road or bridge guard rail;

(iii) a highway or street sign;

(iv) a water meter cover;

(v) a storm water grate;

(vi) unused or undamaged building construction or utility material;

(vii) a historical marker;

(viii) a grave marker or cemetery urn;

(ix) a utility access cover; or

(x) a container used to transport or store beer with a capacity of 5 gallons or more;

(C) is a wire or cable commonly used by communications and electrical utilities; or

(D) is copper, aluminum, and other metal (including any metal combined with other materials) that is valuable for recycling or reuse as raw metal, except for—

(i) aluminum cans; and

(ii) motor vehicles, the purchases of which are reported to the National Motor Vehicle Title Information System (established under section 30502 of title 49, United States Code).

SEC. 203. THEFT OF SPECIFIED METAL.

(a) OFFENSE.—It shall be unlawful to knowingly steal specified metal—

(1) being used in or affecting interstate or foreign commerce; and

(2) the theft of which is from and harms critical infrastructure.

(b) PENALTY.—Any person who commits an offense described in subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

SEC. 204. DOCUMENTATION OF OWNERSHIP OR AUTHORITY TO SELL.

(a) OFFENSES.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for a recycling agent to purchase specified metal described in subparagraph (A) or (B) of section 202(3), unless—

(A) the seller, at the time of the transaction, provides documentation of ownership of, or other proof of the authority of the seller to sell, the specified metal; and

(B) there is a reasonable basis to believe that the documentation or other proof of authority provided under subparagraph (A) is valid.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth a requirement on recycling agents to obtain documentation of ownership or proof of authority to sell specified metal before purchasing specified metal.

(3) RESPONSIBILITY OF RECYCLING AGENT.—A recycling agent is not required to independently verify the validity of the documentation or other proof of authority described in paragraph (1).

(4) PURCHASE OF STOLEN METAL.—It shall be unlawful for a recycling agent to purchase

any specified metal that the recycling agent—

(A) knows to be stolen; or

(B) should know or believe, based upon commercial experience and practice, to be stolen.

(b) CIVIL PENALTY.—A person who knowingly violates subsection (a) shall be subject to a civil penalty of not more than $10,000 for each violation.

SEC. 205. TRANSACTION REQUIREMENTS.

(a) RECORDING REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a recycling agent shall maintain a written or electronic record of each purchase of specified metal.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth recording requirements that are substantially similar to the requirements described in paragraph (3) for the purchase of specified metal.

(3) CONTENTS.—A record under paragraph (1) shall include—

(A) the name and address of the recycling agent; and

(B) for each purchase of specified metal—

(i) the date of the transaction;

(ii) a description of the specified metal purchased using widely used and accepted industry terminology;

(iii) the amount paid by the recycling agent;

(iv) the name and address of the person to which the payment was made;

(v) the name of the person delivering the specified metal to the recycling agent, including a distinctive number from a Federal or State government-issued photo identification card and a description of the type of the identification; and

(vi) the license plate number and State-of-issue, make, and model, if available, of the vehicle used to deliver the specified metal to the recycling agent.

(4) REPEAT SELLERS.—A recycling agent may comply with the requirements of this subsection with respect to a purchase of specified metal from a person from which the recycling agent has previously purchased specified metal by—

(A) reference to the existing record relating to the seller; and

(B) recording any information for the transaction that is different from the record relating to the previous purchase from that person.

(5) RECORD RETENTION PERIOD.—A recycling agent shall maintain any record required under this subsection for not less than 2 years after the date of the transaction to which the record relates.

(6) CONFIDENTIALITY.—Any information collected or retained under this section may be disclosed to any Federal, State, or local law enforcement authority or as otherwise directed by a court of law.

(b) PURCHASES IN EXCESS OF $100.—

(1) IN GENERAL.—Except as provided in paragraph (2), a recycling agent may not pay cash for a single purchase of specified metal of more than $100. For purposes of this paragraph, more than 1 purchase in any 48-hour period from the same seller shall be considered to be a single purchase.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth a maximum amount for cash payments for the purchase of specified metal.

(3) PAYMENT METHOD.—

(A) OCCASIONAL SELLERS.—Except as provided in subparagraph (B), for any purchase of specified metal of more than $100 a recycling agent shall make payment by check that—

(i) is payable to the seller; and

(ii) includes the name and address of the seller.

(B) ESTABLISHED COMMERCIAL TRANSACTIONS.—A recycling agent may make payments for a purchase of specified metal of more than $100 from a governmental or commercial supplier of specified metal with which the recycling agent has an established commercial relationship by electronic funds transfer or other established commercial transaction payment method through a commercial bank if the recycling agent maintains a written record of the payment that identifies the seller, the amount paid, and the date of the purchase.

(c) CIVIL PENALTY.—A person who knowingly violates subsection (a) or (b) shall be subject to a civil penalty of not more than $5,000 for each violation, except that a person who commits a minor violation shall be subject to a penalty of not more than $1,000.

SEC. 206. ENFORCEMENT BY ATTORNEY GENERAL.

The Attorney General may bring an enforcement action in an appropriate United States district court against any person that engages in conduct that violates this title.

SEC. 207. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—An attorney general or equivalent regulator of a State may bring a civil action in the name of the State, as parens patriae on behalf of natural persons residing in the State, in any district court of the United States or other competent court having jurisdiction over the defendant, to secure monetary or equitable relief for a violation of this title.

(b) NOTICE REQUIRED.—Not later than 30 days before the date on which an action under subsection (a) is filed, the attorney general or equivalent regulator of the State involved shall provide to the Attorney General—

(1) written notice of the action; and

(2) a copy of the complaint for the action.

(c) ATTORNEY GENERAL ACTION.—Upon receiving notice under subsection (b), the Attorney General shall have the right—

(1) to intervene in the action;

(2) upon so intervening, to be heard on all matters arising therein;

(3) to remove the action to an appropriate district court of the United States; and

(4) to file petitions for appeal.

(d) PENDING FEDERAL PROCEEDINGS.—If a civil action has been instituted by the Attorney General for a violation of this title, no State may, during the pendency of the action instituted by the Attorney General, institute a civil action under this title against any defendant named in the complaint in the civil action for any violation alleged in the complaint.

(e) CONSTRUCTION.—For purposes of bringing a civil action under subsection (a), nothing in this section regarding notification shall be construed to prevent the attorney general or equivalent regulator of the State from exercising any powers conferred under the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

SEC. 208. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission, shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to a person convicted of a criminal violation of section 203 of this Act or any other Federal criminal law based on the theft of specified metal by such person.

(b) CONSIDERATIONS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the—

(A) serious nature of the theft of specified metal; and

(B) need for an effective deterrent and appropriate punishment to prevent such theft;

(2) consider the extent to which the guidelines and policy statements appropriately account for—

(A) the potential and actual harm to the public from the offense, including any damage to critical infrastructure;

(B) the amount of loss, or the costs associated with replacement or repair, attributable to the offense;

(C) the level of sophistication and planning involved in the offense; and

(D) whether the offense was intended to or had the effect of creating a threat to public health or safety, injury to another person, or death;

(3) account for any additional aggravating or mitigating circumstances that may justify exceptions to the generally applicable sentencing ranges;

(4) assure reasonable consistency with other relevant directives and with other sentencing guidelines and policy statements; and

(5) assure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 209. STATE AND LOCAL LAW NOT PREEMPTED.

Nothing in this title shall be construed to preempt any State or local law regulating the sale or purchase of specified metal, the reporting of such transactions, or any other aspect of the metal recycling industry.

SEC. 210. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

SA 52. Ms. KLOBUCHAR (for herself and Mr. HOEVEN) 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. _____. ENERGY EFFICIENCY RETROFIT PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPLICANT.—The term ''applicant'' means a nonprofit organization that applies for a grant under this section.

(2) ENERGY-EFFICIENCY IMPROVEMENT.—

(A) IN GENERAL.—The term ''energy-efficiency improvement'' means an installed measure (including a product, equipment, system, service, or practice) that results in a reduction in use by a nonprofit organization for energy or fuel supplied from outside the nonprofit building.

(B) INCLUSIONS.—The term ''energy-efficiency improvement'' includes an installed measure described in subparagraph (A) involving—

(i) repairing, replacing, or installing—

(I) a roof or lighting system, or component of a roof or lighting system;

(II) a window;

(III) a door, including a security door; or

(IV) a heating, ventilation, or air conditioning system or component of the system

(including insulation and wiring and plumbing improvements needed to serve a more efficient system);

(ii) a renewable energy generation or heating system, including a solar, photovoltaic, wind, geothermal, or biomass (including wood pellet) system or component of the system; and

(iii) any other measure taken to modernize, renovate, or repair a nonprofit building to make the nonprofit building more energy efficient.

(3) NONPROFIT BUILDING.—

(A) IN GENERAL.—The term ''nonprofit building'' means a building operated and owned by a nonprofit organization.

(B) INCLUSIONS.—The term ''nonprofit building'' includes a building described in subparagraph (A) that is—

(i) a hospital;

(ii) a youth center;

(iii) a school;

(iv) a social-welfare program facility;

(v) a faith-based organization; and

(vi) any other nonresidential and noncommercial structure.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to award grants for the purpose of retrofitting nonprofit buildings with energy-efficiency improvements.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary may award grants under the program established under subsection (b).

(2) APPLICATION.—The Secretary may award a grant under this section if an applicant submits to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

(3) CRITERIA FOR GRANT.—In determining whether to award a grant under this section, the Secretary shall apply performance-based criteria, which shall give priority to applications based on—

(A) the energy savings achieved;

(B) the cost-effectiveness of the energy-efficiency improvement;

(C) an effective plan for evaluation, measurement, and verification of energy savings;

(D) the financial need of the applicant; and

(E) the percentage of the matching contribution by the applicant.

(4) LIMITATION ON INDIVIDUAL GRANT AMOUNT.—Each grant awarded under this section shall not exceed—

(A) an amount equal to 50 percent of the energy-efficiency improvement; and

(B) $200,000.

(5) COST SHARING.—

(A) IN GENERAL.—A grant awarded under this section shall be subject to a minimum non-Federal cost-sharing requirement of 50 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of in-kind contributions of materials or services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2016 through 2020, to remain available until expended.

(e) OFFSET.—Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking ''$250,000,000'' and inserting ''$200,000,000''.

SA 53. Mr. WARNER (for himself and Mr. ALEXANDER) 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. ___. QUADRENNIAL ENERGY REVIEW.

(a) FINDINGS.—Congress finds that—

(1) the President's Council of Advisors on Science and Technology recommends that the United States develop a Governmentwide Federal energy policy and update the policy regularly with strategic Quadrennial Energy Reviews similar to the reviews conducted by the Department of Defense;

(2) as the lead agency in support of energy science and technology innovation, the Department of Energy has conducted a Quadrennial Technology Review of the energy technology policies and programs of the Department;

(3) the Quadrennial Technology Review of the Department of Energy serves as the basis for coordination with other agencies and on other programs for which the Department has a key role;

(4) a Quadrennial Energy Review would—

(A) establish integrated, Governmentwide national energy objectives in the context of economic, environmental, and security priorities;

(B) coordinate actions across Federal agencies;

(C) identify the resources needed for the invention, adoption, and diffusion of energy technologies; and

(D) provide a strong analytical base for Federal energy policy decisions;

(5) a Quadrennial Energy Review should be established taking into account estimated Federal budgetary resources;

(6) the development of an energy policy resulting from a Quadrennial Energy Review would—

(A) enhance the energy security of the United States;

(B) create jobs; and

(C) mitigate environmental harm; and

(7) while a Quadrennial Energy Review will be a product of the executive branch, the review will have substantial input from—

(A) Congress;

(B) the energy industry;

(C) academia;

(D) nongovernmental organizations; and

(E) the public.

(b) QUADRENNIAL ENERGY REVIEW.—

(1) IN GENERAL.—Section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) is amended to read as follows:

''SEC. 801. QUADRENNIAL ENERGY REVIEW.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Science and Technology Policy within the Executive Office of the President.

''(2) FEDERAL LABORATORY.—

''(A) IN GENERAL.—The term 'Federal Laboratory' has the meaning given the term 'laboratory' in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

''(B) INCLUSION.—The term 'Federal Laboratory' includes a federally funded research and development center sponsored by a Federal agency.

''(3) INTERAGENCY ENERGY COORDINATION COUNCIL.—The term 'interagency energy coordination council' means a council established under subsection (b)(1).

''(4) QUADRENNIAL ENERGY REVIEW.—The term 'Quadrennial Energy Review' means a comprehensive multiyear review, coordinated across Federal agencies, that—

''(A) focuses on energy programs and technologies;

''(B) establishes energy objectives across the Federal Government; and

''(C) covers each of the areas described in subsection (d)(2).

''(b) INTERAGENCY ENERGY COORDINATION COUNCIL.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Keystone XL Pipeline Approval Act, and every 4 years thereafter, the President shall establish an interagency energy coordination council to coordinate the Quadrennial Energy Review.

''(2) CO-CHAIRPERSONS.—The appropriate senior Federal Government official designated by the President and the Director shall be co-chairpersons of the interagency energy coordination council.

''(3) MEMBERSHIP.—The interagency energy coordination council shall be comprised of representatives at level I or II of the Executive Schedule of—

''(A) the Department of Energy;

''(B) the Department of Commerce;

''(C) the Department of Defense;

''(D) the Department of State;

''(E) the Department of the Interior;

''(F) the Department of Agriculture;

''(G) the Department of the Treasury;

''(H) the Department of Transportation;

''(I) the Office of Management and Budget;

''(J) the National Science Foundation;

''(K) the Environmental Protection Agency; and

''(L) such other Federal organizations, departments, and agencies that the President considers to be appropriate.

''(c) CONDUCT OF REVIEW.—Each Quadrennial Energy Review shall be conducted to provide an integrated view of important national energy objectives and Federal energy policy, including the maximum practicable alignment of research programs, incentives, regulations, and partnerships.

''(d) SUBMISSION OF QUADRENNIAL ENERGY REVIEW TO CONGRESS.—

''(1) IN GENERAL.—Not later than August 1, 2016, and every 4 years thereafter, the President shall publish and submit to Congress a report on the Quadrennial Energy Review.

''(2) INCLUSIONS.—The report described in paragraph (1) should include, as appropriate—

''(A) an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

''(B) anticipated Federal actions (including programmatic, regulatory, and fiscal actions) and resource requirements—

''(i) to achieve the objectives described in subparagraph (A); and

''(ii) to be coordinated across multiple agencies;

''(C) an analysis of the prospective roles of parties (including academia, industry, consumers, the public, and Federal agencies) in achieving the objectives described in subparagraph (A), including—

''(i) an analysis, by energy use sector, including—

''(I) commercial and residential buildings;

''(II) the industrial sector;

''(III) transportation; and

''(IV) electric power;

''(ii) requirements for invention, adoption, development, and diffusion of energy technologies that are mapped onto each of the energy use sectors; and

''(iii) other research that inform strategies to incentivize desired actions;

''(D) an assessment of policy options to increase domestic energy supplies and energy efficiency;

''(E) an evaluation of energy storage, transmission, and distribution requirements, including requirements for renewable energy;

''(F) an integrated plan for the involvement of the Federal Laboratories in energy programs;

''(G) portfolio assessments that describe the optimal deployment of resources, including prioritizing financial resources for energy programs;

''(H) a mapping of the linkages among basic research and applied programs, demonstration programs, and other innovation mechanisms across the Federal agencies;

''(I) an identification of, and projections for, demonstration projects, including timeframes, milestones, sources of funding, and management;

''(J) an identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees;

''(K) an assessment of global competitors and an identification of programs that can be enhanced with international cooperation;

''(L) an identification of policy gaps that need to be filled to accelerate the adoption and diffusion of energy technologies, including consideration of—

''(i) Federal tax policies; and

''(ii) the role of Federal agencies as early adopters and purchasers of new energy technologies;

''(M) a priority list for implementation of objectives and actions taking into account estimated Federal budgetary resources;

''(N) an analysis of—

''(i) points of maximum leverage for policy intervention to achieve outcomes; and

''(ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and

''(O) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policies.

''(e) INTERIM REPORTS.—The President may prepare and publish interim reports as part of the Quadrennial Energy Review.

''(f) EXECUTIVE SECRETARIAT.—

''(1) IN GENERAL.—The Secretary of Energy shall provide the Quadrennial Energy Review with an Executive Secretariat who shall make available the necessary analytical, financial, and administrative support for the conduct of each Quadrennial Energy Review required under this section.

''(2) COOPERATION.—The heads of applicable Federal agencies shall cooperate with the Secretary and provide such assistance, information, and resources as the Secretary may require to assist in carrying out this section.''.

(2) ADMINISTRATION.—Nothing in this section or an amendment made by this section supersedes, modifies, amends, or repeals any provision of Federal law not expressly superseded, modified, amended, or repealed by this section.

SA 54. Mr. MARKEY 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. _____. ENSURING PERMANENT EXTENSION OF THE WIND PRODUCTION TAX CREDIT.

This Act shall not take effect prior to the date that, pursuant to an Act of Congress, the credit allowed under section 45 of the Internal Revenue Code of 1986 is permanently extended for facilities described in subsection (d)(1) of such section.

SA 55. Mr. PETERS (for himself and Ms. STABENOW) 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. ___. STUDY OF BY-PRODUCT ENVIRONMENTAL IMPACT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall complete and make publicly available on the Internet a study assessing the potential environmental impact of by-products generated from the refining of oil transported through the pipeline referred to in section (2)(a), including petroleum coke.

(b) REPORT.—On completion of the study required under subsection (a), the Administrator of the Environmental Protection Agency shall submit to Congress a report on the results of the study, including a summary of best practices for the transportation, storage, and handling of petroleum coke.

SA 56. Mr. TESTER (for himself and Mr. DAINES) 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:

On page 3, between lines 19 and 20, insert the following:

SEC. ___. PROHIBITION ON PROPOSED POWDER RIVER 3 LOW MILITARY OPERATIONS AREA.

The Secretary of the Air Force may not approve the proposed Powder River 3 Low Military Operations Area (MOA), described in the final environmental impact statement for the Powder River Training Complex as ''500 feet altitude above ground level (AGL) up to, but not including, 12,000 feet MSL'' in the Powder River 3 section of the Powder River Training Complex.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2014 fourth quarter Mass Mailing report is Monday, January 26, 2015. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Senate Office of Public Records will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224–0322.

AUTHORIZING SENATE LEGAL COUNSEL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 27, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 27) to authorize testimony and representation in United States of America v. Jeffrey A. Sterling.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, this resolution concerns a request for testimony in a criminal case under way in the United States District Court for the Eastern District of Virginia. In this case, a former CIA officer has been charged with unlawfully disclosing classified information. In 2010, the Senate agreed to S. Res. 600, in the 111th Congress, which authorized the Senate Select Committee on Intelligence to provide evidence in the investigation that preceded this indictment.

In addition to Senate Intelligence Committee staff, testimony as a fact witness has been requested from a former employee of the Senate Judiciary Committee. The chairman and ranking minority member of the Judiciary Committee would like to cooperate with the request for testimony in this case.

Accordingly, this resolution would authorize the former Judiciary Committee employee to testify at trial with representation by the Senate Legal Counsel.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 27) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.)

MEASURE READ THE FIRST TIME—H.R. 240

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 240) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

Mr. MCCONNELL. I now ask for a second reading and, in order to place

the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

AUTHORIZING APPOINTMENT OF ESCORT COMMITTEE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. on Tuesday, January 20, 2015.

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

ORDERS FOR TUESDAY, JANUARY 20, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, January 20, 2015; 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 proceed to a period of morning business for 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; that following morning business, the Senate then resume consideration of S. 1; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference lunches.

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

PROGRAM

Mr. MCCONNELL. Senators should anticipate votes on pending amendments to the bill starting shortly after lunch on Tuesday. Senators MURKOWSKI and CANTWELL are working with Members on both sides of the aisle to debate and offer amendments to the bill. Now that we have overcome the Democratic filibuster on the motion to proceed to this bill, Senators are free to come to offer their amendments. The tree has not been filled and Chairman MURKOWSKI is managing an orderly process to alternate amendments between the two sides.

ADJOURNMENT UNTIL TUESDAY, JANUARY 20, 2015, AT 10 A.M.

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.

There being no objection, the Senate, at 1:33 p.m., adjourned until Tuesday, January 20, 2015, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SECURITIES INVESTOR PROTECTION CORPORATION

JOHN E. MENDEZ, OF CALIFORNIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2015, VICE SHARON Y. BOWEN, RESIGNED.

JOHN E. MENDEZ, OF CALIFORNIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2018. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

ADEWALE ADEYEMO, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE MARISA LAGO.

DEPARTMENT OF STATE

BRIAN JAMES EGAN, OF MARYLAND, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE, VICE HAROLD HONGJU KOH, RESIGNED.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

MATTHEW T. MCGUIRE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS, VICE IAN HODDY SOLOMON, TERM EXPIRED.