Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, Mr. MCCONNELL, Mr. JOHANNS, Mr. PORTMAN, Mr. BARRASSO, Mr. MCCAIN, Mr. CORNYN, Mrs. HUTCHISON, Mr. THUNE, Mr. SESSIONS, Mr. ALEXANDER, Mr. MORAN, Ms. AYOTTE, Mr. BOOZMAN, Mr. DEMINT, Mr. PAUL, Ms. MURKOWSKI, Mr. KYL, Mr. MANCHIN, Mr. LEE, Mr. BLUNT, Mr. INHOFE, Mr. TOOMEY, Mr. HATCH, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. CORKER, Mr. COBURN, Mr. COCHRAN, Mr. CRAPO, Mr. GRAHAM, Mr. ENZI, Mr. GRASSLEY, Mr. HELLER, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SHELBY, Mr. WICKER, and Mr. BROWN of Massachusetts):

S. 2041. A bill to approve the Keystone XL pipeline project and provide for environmental protection and government oversight; read the first time.

Mr. HOEVEN. Mr. President, I rise today to speak about legislation I am introducing. I am pleased to introduce this legislation, along with 43 cosponsors, making that 44 Members of the Senate sponsoring legislation to improve the Keystone XL project.

This legislation would approve Keystone XL under article 1, section 8 of the Constitution. That provision, the commerce clause, gives Congress the authority to regulate commerce with foreign countries, and that is the authority Congress needs to use, just as Congress used that authority in 1973 to approve the Alaskan Pipeline.

Moving forward with the Keystone project will create tens of thousands of jobs—tens of thousands of jobs at a time when our country badly needs those jobs, at a time when we have more than 13 million people out of work, or 8½ percent unemployment. It will create those jobs without spending one Federal taxpayer dollar. Not one. This is private sector investment—more than $7 billion that will help generate tens of thousands of jobs at a time when our economy badly needs them and when we need to get people back to work.

Also, this will reduce our dependence on oil from the Middle East—830,000 barrels a day. The Keystone XL Pipeline will move 830,000 barrels of oil a day from Canada and from States such as my own, the State of North Dakota. That is 830,000 barrels of oil a day we don't have to get from the Middle East at a time when we have rising tensions in the Middle East, at a time when Iran is threatening to close the Strait of Hormuz, at a time when we could see gas prices going to $4, maybe even $5 a gallon.

The reality is, even if we don't build the project, the oil will still be produced. The oil in Canada will still be produced. It is just that it would not come to the United States. It will go to China, and we will have worse environmental stewardship, not better. Building the project will actually help us provide better environmental stewardship because we don't need to haul that oil overseas, around the world. We would not need to continue bringing in oil from the Middle East. That 830,000 barrels a day will go to our refineries where there are higher standards with better environmental stewardship.

President Obama recently turned down this project. He turned down the project because he said he couldn't make a decision in 60 days. He said he couldn't make a decision on the project in 60 days. That was too soon. But the project has been under review for more than 3 years. Let me repeat that. This project has been under review by the administration for more than 3 years. The EPA and the State Department have been reviewing the project.

In our legislation we simply say this has been under review for more than 3 years, and it is time to make a decision. It is time to move forward. Furthermore, for the one portion of the route that was contested, the Nebraska portion, we say: Take as much time as you need to reroute in Nebraska—after 3 years—to make sure we provide enough time for the decision.

I have a chart here that shows this timeline. Let's take a minute and go through it.

The application was originally submitted in September of 2008. September of 2008 is when the process started. So as you can see, it has been under review in 2008, 2009, 2010, 2011.

The State Department itself, EPA through the NEPA process and the State Department, has responsibility to make a decision on the project and, as you can see, on their own timeline they had planned to render a decision before the end of last year. As a matter of fact, I received a letter from Secretary of State Clinton indicating they intended to have a final decision before the end of the year. Yet, when we passed our earlier legislation, the President said, Well, we can't make a decision in 60 days.

Do you mean 3 years and 60 days? How long does it take to study this process and make a decision—particularly when in the last bill which we passed 89–10 by this body, and now in this legislation again we say, as to the only contested portion of the rule where you may want to reroute through Nebraska due to the Oglala aquifer, we provide as much time as needed to do the rerouting. But at some point we have got to make a decision to move forward with the project.

So maybe you say, Well, okay, it has been studied for 3 years, but more time is needed somehow because it is a unique project. Actually, it is not a unique project.

Before coming to the Senate last year, I was the Governor of North Dakota for 10 years. While I was Governor, TransCanada built a very similar project. The red line here is the Keystone project. It goes from Calgary down to Patoka, IL, much the same route, bringing oil from Canada into our refineries. That was permitted, not in 3 years, that was permitted in 2 years. In 2 years, that was permitted. We have been studying Keystone XL, a sister pipeline—very similar. It goes down to Cushing into the refineries along the gulf coast. We have been studying for 3 years a very similar project already approved in 2.

You may say, Well, I don't know. Still, you only have one kind of project there and maybe there is some new or challenging thing you have to take into account. So, yes, we have been studying it for 3 years and you need that kind of time because somehow we are recreating the wheel or doing something new and different. Well, that is not quite the case, either.

Let's go to my third chart. These are the oil and gas pipelines in the United States. All these red lines show oil and gas pipelines throughout our country, already existing, already in place, already moving oil and gas around the country. So now we are going to bring another one through here with all these pipelines, with the latest technology, the latest safeguards. And you mean to say that, after 3 years, that is not time to figure out whether we can approve another pipeline when we have hundreds of pipelines all over this country that people count on every day for their supply of oil? For their supply of gas? That is the situation.

Clearly, we can make this decision. Clearly, after more than 3 years of study, it doesn't make sense to not move forward, particularly when we are talking about tens of thousands of jobs that we need. Not only will it not cost our Federal Government revenue, it will generate hundreds of millions in revenue back to local, State, and Federal Government.

In addition to creating jobs, it reduces our dependence on Middle East oil. And if we don't do it, the oil goes to China. It is still produced, but it goes to China. So, actually, we have better environmental stewardship with the project.

The U.S. Chamber of Commerce last year did a study. In that study, they cited 351 infrastructure projects that are being held up in the country right now—351 infrastructure projects that are being held up in the country right now due to regulations and bureaucratic delays. If we can get those projects going, based on the study the U.S. Chamber did, that would generate almost $1.1 trillion in gross domestic product for our country. It would generate—their estimate—1.9 million jobs,

not with more government spending, but enabling the private investment to go forward by taking the bureaucratic delays out of the way, by reducing the regulatory burden, by green-lighting projects like Keystone XL, which has been under study for more than 3 years.

Back to one of these earlier charts. In my home State of North Dakota, we now produce more than 500,000 barrels of oil a day. We need to put 100,000 barrels a day into this pipeline so we can get it to market, so we can get it to consumers and companies throughout this country. That is 100,000 barrels a day right now that we have to move through other means, such as truck or rail. That is equal to 500 truckloads a day, or 17 million truck miles a year. Think of the toll on our roads, think of the traffic fatalities that result when that product should be going through pipeline. And at the same time that we have less traffic safety, tremendous wear and tear on our roads, we suffer a discount. Our companies, our mineral owners, our people suffer a discount because it is more expensive to transport that product by rail and by truck. Those are the realities of getting our economy going.

Again, I go back to the national security concern: 830,000 barrels a day that we have got to get from the Middle East.

With these kinds of developments, with this kind of infrastructure, together with Canada and some oil that we get from Mexico, by building Keystone XL Pipeline we can produce more than 80 percent of the oil we consume right here in our country. That means we don't have to get it from the Middle East. And look what is going on in the Middle East. Look at Iran, threatening to blockade the Strait of Hormuz. That is a fundamental national security issue.

Unions across this country have said, Hey, we need these jobs. We support this project. We want to move forward with this and other infrastructure projects. But it is not just about the jobs and the economy, although that is vitally important to all the people who are out of work; it is a vital and national security issue, and it is going to continue to be a more important national security issue as we continue to see gas prices rise and as we continue to see instability in the Middle East.

Again, back to the environmental issues. This oil will be produced. It is either going to China or it is coming here. If we bring it here, we have better environmental stewardship because it goes in a pipeline to refineries that have the lowest emission standards. If we don't, the pipeline goes to the west coast. They load it on tankers. You have to haul it to places such as China where it is refined in refineries with higher emissions. And then, guess what. We have to ship oil from the Middle East—generating more emissions—to bring to our refineries. Again, it makes no sense. It is time to move forward.

There is clear precedence and clear authority. Article 1, section 8 of the Constitution gives Congress the constitutional authority to act under the commerce clause. Congress exercised that authority in 1973 for the Alaskan pipeline. It is time for Congress to exercise its authority again for the good of our economy and for the good of our country.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 356—EXPRESSING SUPPORT FOR THE PEOPLE OF TIBET

Mrs. FEINSTEIN (for herself, Mr. LIEBERMAN, Mr. RUBIO, Mrs. BOXER, Mr. DURBIN, Mr. MCCAIN, Mr. WEBB, and Mr. UDALL of Colorado) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 356

Whereas Tibet is the center of Tibetan Buddhism, and His Holiness the Dalai Lama, Tenzin Gyatso, is the most revered figure in Tibetan Buddhism;

Whereas the Government of the People's Republic of China continues to enforce policies that infringe on fundamental freedoms of Tibetans, including punitive security measures against monasteries, mass arrests, and restrictions on freedom to practice religion;

Whereas both the Dalai Lama and the Kalon Tripa, Dr. Lobsang Sangay, the prime minister democratically elected by the Tibetan exile community, have specifically stated that they do not seek independence for Tibet from China;

Whereas, in his inaugural address on August 8, 2011, Kalon Tripa Sangay stated that he will "continue the Middle-Way policy, which seeks genuine autonomy for Tibet within the People's Republic of China";

Whereas, according to the Department of State's 2011 Report on Tibet Negotiations, since 2002, nine rounds of talks between the Government of the People's Republic of China and envoys of the Dalai Lama "have not borne concrete results";

Whereas, despite persistent efforts by the Dalai Lama and his representatives, the Government of the People's Republic of China and envoys of the Dalai Lama have not held any formal dialogue since January 2010;

Whereas, since March 2011, at least 16 Tibetans have set themselves on fire, and at least 12 have died;

Whereas the repressive policies of the Government of the People's Republic of China have created an environment of despair, hopelessness, and frustration among many Tibetans;

Whereas, on November 1, 2011, the United Nations Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, expressed concern over "restrictive measures" implemented by the Government of the People's Republic of China in Tibetan monasteries, stating that such measures "not only curtail the right to freedom of religion or belief, but further exacerbate the existing tensions, and are counterproductive" and affirming that "the right of members of the monastic community, and the wider community to freely practice their religion, should be fully respected and guaranteed by the Chinese Government";

Whereas, on January 24, 2012, Maria Otero, Under Secretary for Civilian Security, Democracy and Human Rights, and United States Special Coordinator for Tibetan Issues, issued a statement expressing concern about "reports of violence and continuing heightened tensions in Tibetan areas of China, including reports of security forces in Sichuan province opening fire on protesters, killing some and injuring others";

Whereas the Constitution of the People's Republic of China guarantees freedom of religious belief for all citizens, but the July-December 2010 International Religious Freedom Report of the Department of State states that "the [Chinese] government's repression of religious freedom remained severe in the Tibet Autonomous Region and other Tibetan areas";

Whereas, on March 10, 2011, His Holiness the Dalai Lama announced that he would relinquish his last remaining governmental duties in the Central Tibetan Administration, and would turn over political authority to the leadership democratically elected by Tibetans in exile;

Whereas, on March 20, 2011, the Tibetan government in exile conducted competitive democratic elections that were monitored by international observers and deemed free, fair, and consistent with international standards;

Whereas nearly 50,000 people in over 30 countries, more than half of all the eligible Tibetan exiles voters, participated in the March 20, 2011 elections;

Whereas Dr. Lobsang Sangay was elected Kalon Tripa, or prime minister, of the Central Tibetan Administration after receiving 55 percent of votes in the March 20, 2011, election and was inaugurated on August 8, 2011;

Whereas Kalon Tripa Sangay was selected to study in the United States under the Department of State's Tibetan Scholarship Program, earning a doctorate in law from Harvard University, and served as a Senior Fellow at the East Asian Legal Studies Program at Harvard Law School;

Whereas Kalon Tripa Sangay, while at Harvard University, promoted dialogue among Tibetan exiles and Chinese students and visiting Chinese scholars to enhance mutual understanding and advance the prospects for reconciliation; and

Whereas it is the objective of the United States Government, consistent across administrations of different political parties and as articulated in the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107–228; 22 U.S.C. 6901 note) to promote a substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives in order to secure genuine autonomy for the Tibetan people within China: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the death of Tibetans who have self-immolated and deplores the repressive policies targeting Tibetans;

(2) calls on the Government of the People's Republic of China to suspend implementation of religious control regulations, reassess religious and security policies implemented since 2008 in Tibet, and resume a dialogue with Tibetan Buddhist leaders, including the Dalai Lama or his representatives, to resolve underlying grievances;

(3) calls on the Government of the People's Republic of China to release all persons that have been arbitrarily detained; to cease the intimidation, harassment and detention of peaceful protestors; and to allow unrestricted access to journalists, foreign diplomats, and international organizations to Tibet;

(4) calls on the Secretary of State to seek from the Government of the People's Republic of China a full accounting of the forcible