

FOR) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Energy and Natural Resources.

EC-4779. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Protection Against Turbine Missiles" (Regulatory Guide 1.115, Revision 2) received in the Office of the President of the Senate on January 23, 2012; to the Committee on Environment and Public Works.

EC-4780. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Infrastructure Requirements for 1997 8-Hour Ozone and the 1997 and 2006 PM<sub>2.5</sub>NAAQS" (FRL No. 9622-5) received in the Office of the President of the Senate on January 24, 2012; to the Committee on Environment and Public Works.

EC-4781. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Consumer and Commercial Products" (FRL No. 9620-9) received in the Office of the President of the Senate on January 24, 2012; to the Committee on Environment and Public Works.

EC-4782. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina; Approval of Section 110(a) (1) Maintenance Plan for Greensboro-Winston-Salem-High Point 1-Hour Ozone Maintenance Area to Maintain the 1997 8-Hour Ozone Standards" (FRL No. 9621-8) received in the Office of the President of the Senate on January 24, 2012; to the Committee on Environment and Public Works.

EC-4783. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of West Virginia; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Unites, Plan Revisions" (FRL No. 9620-6) received in the Office of the President of the Senate on January 24, 2012; to the Committee on Environment and Public Works.

EC-4784. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Gravesite Accountability Study Findings at Arlington National Cemetery; to the Committee on Veterans' Affairs.

EC-4785. A communication from the Director of the Office of Management and Budget (OMB), Executive Office of the President, transmitting, pursuant to law, the "OMB Final Sequestration Update Report for Fiscal Year 2012", referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Agriculture, Nutrition, and Forestry; Appropriations; Armed Services; Banking, Housing, and Urban Affairs; the Budget; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Health, Education, Labor, and Pensions; Homeland Security and Governmental Affairs; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; and Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1401. A bill to conserve wild Pacific salmon, and for other purposes (Rept. No. 112-140).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1657. A bill to amend the provisions of law relating to sport fish restoration and recreational boating safety, and for other purposes (Rept. No. 112-141).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 890, a bill to establish the supplemental fraud fighting account, and for other purposes (Rept. No. 112-142).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, Mr. MCCONNELL, Mr. JOHANNES, 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.

By Mr. TESTER:

S. 2042. A bill to reinstate the reporting provision relating to fees and expenses awarded to prevailing parties in civil actions involving the United States; to the Committee on the Judiciary.

By Mr. RUBIO:

S. 2043. A bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. FEINSTEIN (for herself, Mr. LIEBERMAN, Mr. RUBIO, Mrs. BOXER, Mr. DURBIN, Mr. MCCAIN, Mr. WEBB, and Mr. UDALL of Colorado):

S. Res. 356. A resolution expressing support for the people of Tibet; to the Committee on Foreign Relations.

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

S. Res. 357. A resolution commemorating the 150th anniversary of the Battle of Mill Springs and the significance of the battle to the Civil War; considered and agreed to.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LEAHY, Mr. BEGICH, Ms. KLOBUCHAR, Mr. UDALL of New Mexico, Mr. PRYOR, and Mrs. BOXER):

S. Res. 358. A resolution expressing support for the designation of January 28, 2012, as "National Data Privacy Day"; considered and agreed to.

By Mr. RUBIO (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. KYL, Mr. CASEY, Mr. CARDIN, Mr. INHOFE, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. DURBIN, Mr. BARRASSO, Mr. CORNYN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mr. ISAKSON, Mr. MCCAIN, and Mr. GRAHAM):

S. Con. Res. 34. A concurrent resolution expressing the sense of Congress in honor of the life and legacy of Vaclav Havel; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 593

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

S. 598

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 704

At the request of Mr. WYDEN, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 738, a bill to amend title

XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 750

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 750, a bill to reform the financing of Senate elections, and for other purposes.

S. 816

At the request of Mr. BROWN of Ohio, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 816, a bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes.

S. 835

At the request of Mr. CRAPO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 835, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes.

S. 1023

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1023, a bill to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1299

At the request of Mr. MORAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1309

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1309, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 1368

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor

of S. 1368, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 1486

At the request of Mr. ROBERTS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1486, a bill to amend title XVIII of the Social Security Act to clarify and expand on criteria applicable to patient admission to and care furnished in long-term care hospitals participating in the Medicare program, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1600

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1600, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1606

At the request of Mr. PORTMAN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1606, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1629

At the request of Mr. TESTER, his name was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

At the request of Mrs. GILLIBRAND, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1629, *supra*.

S. 1755

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1755, 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 for certain special disabilities rehabilitation, and for other purposes.

S. 1796

At the request of Mr. PRYOR, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1796, a bill to make permanent the Internal Revenue Service Free File program.

S. 1832

At the request of Mr. ENZI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1882

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1882, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the name of the Senator from South Dakota (Mr. JOHNSON) was withdrawn as a cosponsor of S. 1930, a bill to prohibit earmarks.

At the request of Mr. TOOMEY, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1930, *supra*.

S. 2010

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the

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. JOHANNIS, 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,