

economic espionage. They don't want people to know what they do or whom they work for. They are basically afraid of sunlight, I would guess. My amendment was adopted in the Senate on a very bipartisan basis, kind of a rare occurrence today. It simply requires registration for lobbyists who seek information from Congress in order to trade on that information.

So isn't it very straightforward if trades are taking place based upon "political intelligence"—that is their word, "economic espionage" is my word—obtained from Congress or the executive branch, people in this country should know who is gathering such information. Not requiring political intelligence professionals to register and disclose their contacts with government officials is a very gaping loophole that my amendment fixes. In fact, political intelligence firms actually brag about this loophole, and I will give an example about that bragging. This is on the Web site of an organization called the Open Source Intelligence Group, a political intelligence firm:

Our political intelligence operation differs from standard 'lobbying' in that the OSINT Group is not looking to influence legislation on behalf of clients, but rather provide unique 'monitoring' of information through our personal relationships between law-makers, staffers, and lobbyists.

Providing this service for clients who do not want their interest in an issue publicly known is an activity that does not need to be reported under the Lobbying Disclosure Act, thus providing an additional layer of confidentiality for our clients.

This service is ideal for companies seeking competitive advantage by allowing a client's interest to remain confidential . . .

Think about the words "personal relationships," "confidentiality." Basically, what they are saying is do all this under the radar.

I wish to go back, if you didn't hear it the first time, let me repeat some of this for you, a much shorter quote:

Providing this service for clients who do not want their interests in an issue publicly known is an activity that does not need to be reported under the Lobbying Disclosure Act, thus providing an additional layer of confidentiality for our clients.

We have it here on paper, and I just read it to you. This firm—probably one of many firms; I don't know how many firms are doing this—is telling potential clients: If you don't want anybody to know what you are asking of Federal officials, hire us. That is wrong, but that is why firms such as this don't want to register. If someone on Wall Street is trying to make money off conversations they had with Senators or staff, we should know who they are. It is that plain and simple.

Since the passage of my amendment, which would require political intelligence lobbyists to register as lobbyists, I have heard a great deal of "concern" from the lobbying community. Political intelligence professionals have claimed they should do their business in secret for several reasons.

Now, this is the explanation of why they need secrecy. First, they have

said if they are required to register, they will no longer be able to sell information to their clients because people will not want to hire them. That makes me wonder, what do they have to hide?

Second, they have said many of them have large numbers of clients, and it would take them a lot of time to register these large numbers of secret clients. Again, that makes me think we actually need more transparency to find out who are all of these people buying intelligence information.

Third, they have claimed it would not address the so-called "20-percent loophole" that allows people who spend less than 20 percent of their time lobbying from having to register under existing laws as lobbyists. Not too many people know of that 20-percent loophole, but that is a pretty big loophole. A person can lobby, but they don't have to register if they don't spend more than 20 percent of their time on it. Well, on this issue I have some good news for these people. We don't make the mistake that caused the 20-percent loophole. My amendment requires anyone who makes a political intelligence contact to have to register. No loopholes, no deals, no special treatment, just everyone registers.

Finally, I just want to assure people, particularly journalists, that they would not have to register. Now, that information has been floating around, and it has been floating around that some constituents looking for information in order to make a business decision might have to register. Not so. Only political intelligence brokers, people who seek information so others can trade securities, would have to register.

As I said before, if people want to trade stocks from what we do in Congress, we should know who they are. After all, the basic underlying piece of legislation prohibits Members of Congress from having insider trading information and profiting from it. We ought to know with whom we are dealing. The American people deserve a little sunshine from this industry and on this industry.

Last night, the House turned away from transparency. They supported the status quo. What we need is a full and open conference process so we can take up this very important issue once again that the House believes was somehow not very important, even though 288 Members of the House of Representatives—that is two-thirds of the House of Representatives—have signed on to this principle that these people ought to register. We can take that up then in conference, both the House and Senate, working together.

Is every word in this bill the way it ought to be? If somebody wants to point out some things that ought to be changed, I am open to that. But don't forget, 288 people in the House have signed on. It can't be too bad.

So if we don't get to conference or if we have to debate this again on the

floor of the Senate, we might not get 60 votes again. So I worry we will miss the best opportunity we have had for openness and transparency in years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

(The remarks of Mr. WYDEN pertaining to the introduction of S. 2098 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Minnesota.

#### NEW ENERGY AGENDA

Ms. KLOBUCHAR. Mr. President, I am on the floor today to discuss something that has been a top priority for me in the Senate; that is, the critical need to get serious about building a new energy agenda for America, one that keeps our businesses competitive in the global economy, preserves the integrity of our environment, and restarts the engine that has always kept our country moving forward—and that is innovation. I am specifically focused on the energy tax extenders, those that are so necessary for us to keep going in the area of homegrown and renewable energy.

We all know there is no single solution for getting us there. What we need is not a silver bullet; we need a silver buckshot, as we like to say in Minnesota.

I have talked about the need with many of my colleagues to continue developing alternative resources such as hydro, geothermal, biofuels, solar, wind, and we have also talked about how we need to continue to develop existing technologies such as domestic oil and gas production while enforcing appropriate safeguards. This is the very "all-of-the-above" approach we need to take in order to keep all options on the table.

This means exploring some of the new proposals we have seen with promising technologies such as the smart grid. But it also means extending the critical tax incentives that have been so important in advancing the development of the next generation of biofuels and the next generation of renewable energy. That is why I have pushed to ensure that we have the right policies in place for encouraging clean energy innovation, including the biodiesel tax credit which supports over 31,000 jobs and has allowed domestic production to more than double since 2011. It means the production tax credit, which made it possible for wind power to represent over one-third of all new electricity generation capacity in the United States last year.

Think of that figure. Think of the strides we have made and where we can go in the future. The advanced energy manufacturing tax credit has leveraged

\$5.4 billion in private investment, boosting growth and creating new U.S. manufacturing jobs by producing components and equipment for the burgeoning global renewable energy industry.

Extending these critical tax credits will help strengthen our country's clean energy businesses so they can continue to grow and thrive. But they are just one part of the equation. Again, there is no silver bullet solution to our Nation's energy challenges, and that is why we need to be willing to come together to hammer out a comprehensive strategy for moving forward. We cannot afford to keep our heads buried in the sand. We cannot afford to let yet another golden opportunity pass us by. Sadly, too many have already come and gone.

Over the years, I believe there have been—especially in this last decade—several moments when we could have acted but didn't when we had the full support of the American people who had wanted a new direction in energy policy. The first was immediately after 9/11 when President Bush—if he had made a new energy policy one of the challenges to the country in addition to invading Afghanistan and combating terrorism, I believe we could have moved forward. But that didn't happen, and there is no need to dwell on it today.

The second moment was before the arrival of the Presiding Officer in the Congress, and that was in the summer of 2008 when we did take action to raise gas mileage and energy-efficiency standards—something I like to call building a bridge to the next century—but we didn't make the kind of comprehensive progress on a comprehensive energy plan that we should have made.

The third moment was when President Obama first came into office. At that time, I advocated for a clean energy standard that I believe could have passed in the first 6 months. It could have been combined with some of the other comprehensive things we were talking about. We had a bipartisan group going at the time, a group of 14 of us. But, instead, a decision was made to focus on cap and trade later, instead of starting with that clean energy standard and building from that.

Those were missed opportunities, a chain of missed opportunities. But until we get serious about building a newer energy agenda for America, we are going to continue to struggle with the consequences which have created a vicious cycle of economic and environmental costs, not least of all those caused by climate change.

Climate change, as the Presiding Officer knows, is not just about melting glaciers and rising ocean levels. Shifting global trends have the potential to wreak intense havoc on local economies, particularly those anchored in agricultural. The facts stand for themselves.

In January 2010, the U.S. Securities and Exchange Commission said for the

first time that public companies should add climate change to the list of possible financial or legal impacts that they actually disclose to investors.

The Bureau of Economic Analysis, at the Department of Commerce, estimates that at least one-third of the U.S. gross domestic product is weather and climate sensitive, with a potential economic impact of \$4 trillion a year. Much of that impact would be wrung out of our farm communities and from States with large rural populations, such as my own. Any farmer will tell you a change in weather can mean the difference between a bumper crop and a complete disaster—regardless of how hard that farmer works. So it goes without saying that any kind of significant swing in climate—paired with increasingly unpredictable rainfall—could pose a problem to Americans who make their living off the land.

In 2008, Minnesota's farms, forests, and ranches produced \$18 billion in goods and exported close to one-third of that. This is a sector that is critically important to our economy, and we cannot afford for it to be jeopardized. We also cannot afford the rising costs of fire management, as forest fires have become increasingly intense in recent years.

The current path is not sustainable. That is why I am on the floor, in the hope that we can spark a meaningful conversation, but, most specifically, that we look at extending those energy tax credits.

I believe we can take a page from our State, the State of Minnesota.

My home State is proof that policies promoting homegrown energy can also promote business growth and job creation. The unemployment rate in the State of Minnesota is 5.7 percent—well below the national average—and part of that is thanks to our energy policies. In fact, a recent report by the Pew Charitable Trust showed that in the last decade Minnesota jobs in this sector grew by 11.9 percent, compared to 1.9 percent for jobs overall.

As I travel around the State, I can see the progress that has been made. I think of places I have visited, such as Sebeka, MN, where a small telephone company felt their customers who were in extremely rural areas needed backup power supplies. So what did they do? They found a way to combine wind turbines and solar panels so their customers could actually purchase backup power. They did it themselves, and they sold it to their customers.

It was very popular, and at one point an 80-year-old man came to see them, and he said: I would like to purchase more. I want to do my whole house in solar. The telephone company said: Sir, you can do that, but it will take you about 10 years to get your investment back, but it is going to be worth it. Do you mind if we ask how old you are? The man said: I am 80 years old but I want to go green.

That is one of those true stories from the State of Minnesota.

Then there is Pentair, a Minneapolis-based water solutions company that has donated a custom-designed Rain Water Recycling System to the new and great Target baseball field. That technology will capture, conserve, and reuse rainwater, saving the ballpark more than 2 million gallons of water each year.

In one of General Mills' manufacturing plants, they have developed their own innovative way to reuse water—diverting it to the local municipal golf course to water the grass.

These are just a few examples of Minnesota's commitment to energy innovation. There are countless stories out there, but it is not just a Minnesota story, it is an American story.

I would note that the renewable energy standard in Minnesota—25 by 25—is one of the most aggressive in the country—30 percent for Xcel—and yet our unemployment rate is so much better than the rest of the country.

The quest to develop clean, sustainable, homegrown energy is not specific to just one part of the country or, for that matter, just one political party. Our renewable energy standard was actually nearly unanimously adopted by the legislature—Democrats and Republicans—and signed into law by a Republican Governor, Governor Pawlenty. This is an issue I believe can and should unite us, and it is a way to address these concerns because it builds a coalition across a broad spectrum; that is, energy policy. It saves money. It is better for the environment. It is certainly better for our national security, producing our own homegrown energy.

In the past, Democrats and Republicans have managed to come together to confront tough challenges—from the Civil Rights Act in the 1960s, to keeping Social Security solvent in the 1980s, to welfare reform in the 1990s.

But perhaps the most fitting example, in the context of combating climate change, is the Clean Air Act. As the Presiding Officer knows, that landmark bill took the first steps to address acid rain and expanded efforts to control toxic air pollutants.

When the bill passed in the 1990s, it had strong bipartisan support from Democrats and Republicans alike. It is worth mentioning that all 10 Members of the Minnesota delegation at the time, which included 5 Democrats and 5 Republicans—that was our Federal delegation—supported the bill, including Republican Senator Dave Durenberger, who was among its chief authors and staunchest supporters.

Since then, the Clean Air Act has helped prevent more than 18 million child respiratory illnesses and 300,000 premature deaths.

Policies to protect our rivers, lakes, and streams have also had a positive impact on people's health.

Coming from the "Land of 10,000 Lakes," I have a unique appreciation for the importance of clean water. It is the resource that sustains our lakes and rivers, that provides critical habitat to countless fish and millions of

migratory birds, that fuels our thriving outdoor economy.

Hunting and fishing are more than just hobbies in our State, I say to the Presiding Officer. They are a way of life, and they are critically important to our economy.

Every year, nearly 2 million people fish our lakes and our streams, and close to 700,000 people hunt our fields and forests.

Nationwide, the hunting and fishing industry is valued at \$95.5 billion a year, and it brings in \$14 billion in revenue. Clean water is a fundamental pillar in supporting this economic sector and protecting people against dangerous toxins such as mercury.

Minnesota has passed some of the most stringent mercury rules in the country. In 2006, our State legislature passed laws requiring our largest powerplants to cut mercury emissions 90 percent by 2015. The Federal Government is finally catching up and will publish a requirement in coming days to make similar reductions by 2016.

Yet despite everything we have done to combat mercury pollution, we are still grappling with its consequences. A recent analysis of 25 years of data has found an unexpected rise in average mercury levels in northern pike and walleye from Minnesota lakes. After declining by 37 percent from 1982 to 1992, average mercury concentrations in these fish began to increase in the mid 1990s.

During the last decade of that period, 1996 to 2006, average mercury concentrations increased 15 percent. These numbers make one of the clearest possible arguments for supporting Federal protection, because we all have a stake in protecting the health of our fish and wildlife, and we cannot do that if we cannot keep dangerous toxins out of our air and water supply.

This is important to our economy, but it is also important to maintaining a certain way of American life, a way of life that many of us grew up with that we ought to be able to pass on to future generations. I grew up in a family that valued the outdoors. I was 18 years old before I took any vacation that did not involve a tent or a camper in one way or another.

This did not just start with my parents. My grandpa was an avid hunter and fisherman. He worked 1,500 feet underground in the mines in Ely, MN. You can imagine why for him hunting was his way of life. This was his way out. When he got above ground from those mines, it was something he loved to do. I want future generations of Minnesotans to be able to enjoy these same pastimes. I want them to be able to fish in clean water, to hunt in abundant forests, and to camp out in our beautiful wilderness. But I also want them to know the same America we know, an America that is innovative, that is forward thinking, that is willing to come together and hammer out hard-won solutions to tough challenges.

Nowhere is this more important than our quest to move America forward through smarter energy and environmental policies. I cannot help but think, this is our generation's version of the space race and energy race. But the finish line will not be Neil Armstrong placing a flag on the Moon. It will be building the next generation of energy-efficient windows, and doing it in northern Minnesota instead of in China, or an electric car battery factory in Memphis, TN, instead of Mumbai, India, or a wind turbine manufacturer in San Jose, CA, instead of Sao Paulo, Brazil.

This is my vision for an energy America that is energy independent, a stronger, more innovative America. I know you all want to same thing. That is why I am here on the floor today, because I know we cannot continue to get by with piecemeal energy policy. We cannot play red light-green light with our tax incentives as we are doing this year, and that is why we have to put them in place again.

What we need now is a comprehensive national blueprint for energy policy, a solution that will serve the integrity of our air, of our water and natural resources, that gives businesses the incentives to research and develop new sources of energy that invest in the next generation of American innovation.

That is our challenge. It is not going to happen overnight, but I believe we will get it done. We have before; we will do it again. One way to start is to make sure we extend these energy tax credits.

I yield the floor.

THE PRESIDING OFFICER. The Senator from South Dakota.

#### RELIGIOUS LIBERTY

Mr. THUNE. Mr. President, there is an old political axiom that is attributed to Thomas Jefferson, more recently to Gerald Ford, that says: A government that is big enough to give you everything you want is also big enough to take it all away.

Those words took on a whole new meaning this last week when we found out the Secretary of the Health and Human Services Department, Kathleen Sebelius, was issuing new regulations with regard to the health care act that passed last year that would apply to religious-affiliated universities, charities, and hospitals.

I think we have to remember exactly why it was that many of our forefathers came to this country in the first place. They came, in many cases, because they were trying to get away from religious persecution in their homelands. So they came to the United States with the desire to start anew and to assert that in this new government they formed that they would protect freedoms, basic freedoms, such as religious liberty.

So in the Declaration of Independence they said:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are [the rights to] Life, Liberty, and the pursuit of Happiness.—[In order] to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

So that was a foundational principle of our democracy, and it was enshrined, when they wrote the Constitution, in the first amendment of the Bill of Rights, when they said:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .

It was the very first right they enshrined in the Bill of Rights in the Constitution of the United States. That was the weight they attached to the important issue of religious liberty, and it was consistent with the statement in the Declaration of Independence, where it says that those rights are endowed by our Creator. They are not given to us by a State. They are not given to us by government. They are something that is endowed by our Creator. The government is here to protect those rights.

So when this issue popped up on many people's radar screen—and, of course, it has been percolating out there for quite a while, but there had been an opportunity to weigh in and to provide comments, with the hope that the Department of Health and Human Services would come to the right conclusion and exempt religious-affiliated schools, hospitals, and charities—when that was not going to be the case and they were going to require these very organizations to do something that violated their consciences and violated the teachings and the practices of their faith, many people across this country—we have all heard from them—got very engaged on this issue.

It seems to me, at least, there is a very simple answer to this; that is, the administration could go back and revisit this issue and more broadly make this exemption not just for churches—which is where it is today—but also for church schools, church hospitals, church universities.

It was interesting, Tuesday morning the minority leader in the Senate, Senator McCONNELL, was out here talking about this issue, and he mentioned:

One out of six patients in America is treated at a Catholic hospital. Catholic Charities is the largest private provider of social services to poor children, families, and individuals in America. The Catholic Church runs the largest network of private schools in the country.

He goes on to say:

These institutions have thrived because they have been allowed to freely pursue their religious convictions in a country that, until now, respected their constitutional right to do so.

He went on to say in that statement:

If the rights of some are not protected, the rights of all are in danger.

I think what has many of the churches across this country and many of the