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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.

God of greatness, higher than the Heavens, may Your Name be praised. Lord, You fill our lives with good things. Fill our lawmakers with a reverence for You that will empower them to stand for right, whatever the consequences. Influence their thoughts, words, and actions, and keep them from the roads that lead to disunity. Lord, give them courage and resolve to glorify Your Name as they trust the unfolding of Your loving providence. Be their strength and shield this day and always.

We pray in Your powerful 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.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. PERDUE. Mr. President, 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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### KEYSTONE XL PIPELINE ACT— MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S. 1.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 1, S. 1, a bill to approve the Keystone XL Pipeline.

### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senators be permitted to speak as in morning business for up to 10 minutes each.

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

### SCHEDULE

Mr. MCCONNELL. Mr. President, yesterday the Senate passed a bipartisan terrorism risk insurance bill and sent it to the President for signature. We worked with our colleagues in the House and on the other side of the aisle to quickly process that bill in a timely manner, and I thank the Speaker and all Members of the Senate for granting unanimous consent to set up those votes yesterday.

This morning we will continue to debate the motion to proceed to the Keystone bill. Chairman MURKOWSKI and several members of the energy committee will be here to talk about this bipartisan infrastructure bill.

No votes are scheduled for today, but we will have a cloture vote on the motion to proceed on Monday night. It is my hope that Chairman MURKOWSKI and Senator CANTWELL can begin the amendment process under the regular order. Unfortunately, some of our colleagues on the other side of the aisle continue to block our effort to even get on the bill, and therefore the cloture vote on Monday is required.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HOEVEN. Mr. President, I am here this morning to once again talk about the Keystone XL Pipeline, the legislation we will be voting on next week. We will be voting on cloture on the motion to proceed to the legislation. Then, hopefully, we will be debating that bill and offering amendments, which is exactly what we are supposed to be doing in this Chamber.

On Thursday, yesterday, we had a hearing on the bill. In that hearing we brought the bill forward. It is a bill I have authored. JOE MANCHIN is the lead Democratic cosponsor. We have 60 cosponsors on the bill. So we have strong bipartisan support. It is the Keystone approval bill. Essentially, what it does is under the commerce clause of the Constitution of the United States, which authorizes Congress to oversee trade with foreign countries, we approve the Keystone XL Pipeline crossing the border from Canada into the United States.

A lot of people do not realize the pipeline carries domestic oil from places such as North Dakota and Montana—the Bakken region of our country—to refineries, and it carries both

• This “buller” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S121

Canadian and domestic crude. But part of the approval requires approval for crossing the border from Canada into the United States. Typically, that is done by a national interest determination by the President of the United States. But the President has been unwilling to do that now for more than 6 years.

The company that is trying to build this pipeline, TransCanada, applied for approval to build this project pursuant to other pipelines it had already built. The original Keystone had already been built. This is the Keystone XL sister pipeline. But in September 2008 they applied for approval to build the Keystone XL Pipeline and to get a cross-border permit determination by the President that, in fact, this vital energy infrastructure is in the national interest.

Well, more than 6 years have elapsed, obviously, since September 2008. The President has still not rendered a final decision, arguing that somehow the process has not been completed after more than 6 years. Of course, America was able to fight and win World War II in less than 6 years. But our President feels that somehow that process still has not been completed after more than 6 years on this project.

So, of course, the purpose of the bill is, in essence, to say: All right, Mr. President, if you will not approve this project, Congress will—under the commerce clause of the Constitution—which we have the authority to do. Earlier we passed legislation. As a matter of fact, I had written a bill in 2011, which we passed in 2012. We attached it to the payroll tax holiday, a bill that got 73 votes, as I recall, which required the President to make a decision. At that time the decision he made was no, on the basis of the route in Nebraska.

So what happened then in 2012 is that the good citizens of Nebraska went to work on a new route in Nebraska. The legislature, the Governor dealt with that new route, came up with a new route, and approved it overwhelmingly.

It was then subsequently challenged by opponents of the project. Some of the extreme environmentalists have continued to oppose the project, and so that decision went to the supreme court.

We learned today the supreme court has now decided in favor of TransCanada. The news came out this morning that yet another obstacle, after more than 6 years of obstacles, today has been taken care of. The problem is solved.

The Nebraska State Legislature ruled in favor of the Governor—Governor Dave Heineman, whom I know very well, the former Governor of Nebraska—and the legislature, and it said the way they sited this pipeline is, in fact, proper and upheld their decision. I will talk about that decision in a few minutes.

But the other thing I wish to talk about in terms of the Keystone Pipeline is the discussion we had yesterday

in the energy committee because it was an opportunity to begin the debate we are going to have on the floor next week. The proponents had an opportunity to state their positions and why, and the opponents had their opportunity to state their positions and why. So for several hours we began that debate. We then voted on the legislation and moved it out, without amendment, on a 13-to-9 vote. It was a bipartisan vote, 13 to 9, and we will have that bill for a vote on the floor Monday.

I wish to address some of the arguments the opponents put forward in opposition to this project. I will start with the Nebraska court decision because that was one of the issues brought up at our energy hearing yesterday. Some of the opponents of the project said: Well, you know what. The process hasn't been concluded—even though it has been going on for more than 6 years. I will put a diagram up here that shows the route of the pipeline.

As I mentioned, the original Keystone pipeline has already been built. That is the red. That has already been built. It was permitted. It took 2 years to permit and 2 years to build. I was actually Governor of North Dakota at that time. We can see it goes right through our State.

It seems to me that application was submitted by TransCanada in 2006. It was during the Bush administration, obviously. It was approved within 2 years, and the project was constructed within 2 years.

So from start to conclusion, 4 years to build this pipeline, which I think carries about 640,000 barrels of oil a day. It brings it down to Cushing so that oil can go into our oil refineries in the gulf. It also goes over here to Patoeka, IL, so it can go to our refineries in the East.

Based on that project, there are 640,000 barrels a day. TransCanada wanted to build a second pipeline. This one is 830,000 barrels a day. I think it is about a \$7.9 billion project in all.

Not only does this project carry crude from Canada, our closest friend and ally, but it also brings oil out of this Bakken region in North Dakota and Montana. We put oil on it as well. So both Canadian and domestic crude are going to our refineries.

Again, it is just basic infrastructure that we need to move energy from where we produce it to where we refine it and consume it. We can't build an energy plan for this country without the necessary infrastructure. We have to have pipelines, roads, rail, and electric transmission lines to move electricity.

We cannot build what we want, which is either—some people refer to it as energy independence. I call it energy security. But, net, we produce more energy than we consume.

When we produce more energy than we consume, we get jobs, we get economic growth, we get national security because we don't have to depend on

places such as the Middle East or Venezuela or Russia—as does so much of Europe. Western Europe and Eastern Europe is dependent on Russia for their oil and gas. What a terrible situation for them. The people of this country don't want to depend on OPEC for their oil.

So we produce it here. We are doing that. You know what else. We are working with our closest friend and ally Canada, and already that is happening. We are already moving toward a situation—we already produce more natural gas, but soon, if we keep it up, we will produce more oil. Working together with Canada, we will get a little bit from Mexico, and we will produce more oil and gas than we consume.

Some call it energy independence—not really, because it is a global market for energy. But it is certainly energy security. We don't have to depend on anyone else for our energy because we have it right here.

Not only does that create jobs directly, but energy is a foundational industry for all of the other industry sectors. Think about it. If you are in manufacturing, high-tech—just name it—or if you are in farming, agriculture, you depend on energy. If you have lower costs and abundant, available energy, you are more competitive in the global economy, aren't you? So it is a foundational industry as well, and that is why we have to have this vital infrastructure as part of the energy building plan for our country.

It is working. Don't take my word for it. Drive to the gas station. Go on over there. Fill up your car. Look at the bill when you are done. It is a lot lower than it was a few years ago, right? Check it out.

Every consumer is benefiting at the pump. Small businesses are benefiting across the board. All the industry sectors benefit from lower oil and gas prices.

Why did that happen? OPEC decided to give us a Christmas present; is that what it is? I don't think so.

Russia decided: Oh, gee, to our friends in America, we better send them some oil to reduce the price at the pump. I don't think so.

It is because we are producing so much more oil and gas—not only in the Bakken and in the Eagle Ford formation in Texas, which are shale, clays for oil, but also natural gas in the Marcellus, other areas of our country—in the eastern part—and by working with our closest friend and ally, Canada. We are getting millions of barrels of oil from Canada.

So the oil we produce at home and the oil we get from Canada we don't have to get from Venezuela, we don't have to get from OPEC, we don't have to get from Russia, and we don't have to get from countries in Africa. When we send those dollars over to other countries, how are they using those dollars? Look at what is going on in Paris today.

How many of those petro dollars fund terrorist activities? Isn't it better, if

we are not going to produce that energy at home, that we get it from Canada? And isn't it better that we produce that energy at home?

How are we going to produce that energy at home if we don't have the infrastructure to move it from where it is produced to where it is consumed? Gee, then somebody will say: Well, yeah, that is just common sense, of course, right?

I mean, that is just basic common sense. Why aren't we doing it? Yet here we are in a process for more than 6 years still waiting to produce it because the extreme environmental interests have decided: Well, we just don't want to produce more oil. We don't want more oil produced in this country, and we don't want more oil produced in Canada.

Of course, you say: Well, then what? We keep buying it from Russia or we keep buying it from OPEC? Oh, no, no, no, we will just keep developing all these alternatives. I am all for developing all kinds of energy. I would say go ahead. Let's do it.

We worked hard in our State. We have not only oil and gas—we are now the second largest oil-producing State, second only to Texas, but we also produce natural gas. We have coal fired, we have solar, we have wind, we have biofuels. We have all of them. I am for all of them.

What I don't understand is how developing our oil and gas resources, building the vital infrastructure—how does that prevent us from developing any other type of energy? How does it prevent that? It doesn't.

It just makes sure that as we work on anything else, we don't have to continue to be dependent on OPEC or somebody else for our oil and gas. That is all we are doing.

So let's not sit here and pick winners and losers and do that kind of thing. Let's create the best business climate we can. Let's develop the vital infrastructure we need to move energy around our country, and let's truly become energy secure. That is what this project represents.

Make no mistake. At the end of the day, that is what this project is about. It has been held up for more than 6 years with hurdle after hurdle. Somebody says: Oh, well, gee, that is TransCanada. That is one company. Who cares about that?

Think about it. If you are going to build a pipeline or move energy around this country, if you are going to try to develop oil and gas—whether it is for Canada or anyone else—and you see a company that wants to build a simple pipeline—something that has been done, I think, 19 times before—and they have to spend billions of dollars and take years and years and years, and they still don't have it, are you still going to rush out and do that? Are you going to rush out and build a lot more infrastructure? Probably not.

So isn't this really about trying to shut her down? Isn't this the opponent

saying: No, we are going to shut down developing the energy resources in this country. We are not going to work with Canada to do it.

And then what do we end up doing? We say: Well, we will have all these other things.

Maybe we will, maybe we won't or maybe we will go right back to what has been happening—history tends to repeat itself—and we will go back to remaining dependent on OPEC oil, back to remaining dependent on OPEC. It has to be music to these guys' ears.

I wish to take a couple of minutes—I know the chairman of our energy committee will be coming to the floor and speaking on this issue as well—and work to rebut some of the other arguments that have been brought up on this issue, and some of these were brought up yesterday at our energy committee.

The first one, as I say, was: Well, look, the process isn't done because the decision in Nebraska hasn't been made.

Well, in fact, the decision in Nebraska has been made several times. Now the Nebraska Supreme Court put out a ruling today saying that it is fine. All the work the legislature in Nebraska did, all the work the Governor in Nebraska did—the rerouting in Nebraska is upheld.

That is done. That excuse is gone. As the House works to pass this bill today, and as we work to pass it next week, that argument is off the table. That has been taken care of.

The biggest argument is the environmental argument. The opponents say: Oh, well, it will produce greenhouse gas emissions. They are opposed to oil development because it produces greenhouse gas emissions.

Yet the environmental impact statement—I should say the multiple environmental impact statements done by the State Department—this is what they say. Understand there have been five different reports—three draft reports and two final reports—over a 6-year timeframe. The State Department has done this not once, not twice, but three times in draft form and two times in final form. They have gone in, and they have analyzed the environmental impact of this project.

When you read the report, do you know what it says? “No significant environmental impact” is what it says. That is the Obama administration's State Department environmental impact statement, after 6 years of study—not once, not twice, but five times between three draft statements and two final statements—“No significant environmental impact.” That is what it says.

It just stands to reason because if we don't build the pipeline, they pointed out, then what happens? Well, if you don't have this pipeline, the environmental impact statement pointed out that it will take 1,400 railcars a day to move that oil. So instead of moving that oil from Canada, not even counting—I mean, we have to move our oil

too. If we don't have the pipeline to move that oil in the safest, most cost-effective and efficient way, then it has to be moved by rail. If you don't have a pipeline, you have to move it by rail. Now you have 1,400 railcars a day creating congestion on the rail.

That creates more greenhouse gas, that creates more congestion, more difficulty in moving our ag products and other products.

We are already seeing that. We already have congestion on our rail that is backing up the shipment of other goods. We had a tremendous problem moving our ag goods this year. So are we going to have another 1,400 railcars on a railroad system that is already overloaded? It doesn't make much sense.

You know what. It creates more greenhouse gas. So by not having the pipeline, you increase the greenhouse gas emissions. I suppose Canada could say—although it is unlikely because they are already moving it by rail.

In my home State of North Dakota we are already moving 700,000 barrels a day by railcar because we can't get enough pipeline, and we are producing more oil. We are up to 1.2 million barrels a day, moving 700,000 barrels by railcars because we can't move it by pipeline, benefiting the rest of our country—light, sweet Bakken crude.

The other thing with Canada is they say: If we can't bring the pipeline down and work with our closest friend and ally, the United States, if they would rather work with—I don't know—OPEC than Canada—we can't figure that one out. I am sure Prime Minister Harper is saying: Oh, boy, that is unbelievable. But OK, then I guess what we will have to do is we will build these pipelines—and they are already in the process of doing so—to the west coast of Canada. We will load that oil on tankers, and we will send it all to China because China wants it. They are not only willing to buy the oil, but they are trying to buy the source of the oil.

So then it gets on the pipeline, and then it goes on tankers over to China. Well, those tankers produce greenhouse gas emissions as they haul that oil to China. In China the refineries have much higher greenhouse gas emissions. They are much less efficient. They are much less environmentally sound than our refineries in this country. So what do we end up with? We end up with much higher greenhouse gas emissions because we didn't have the pipeline.

Oh, and by the way, instead of us then refining it, tankers have to bring that petroleum to us from OPEC, from Russia, heavy crude from Venezuela, creating some more greenhouse gas. So the net effect is we have increased the environmental impacts by not allowing the pipeline. It increases it. It doesn't reduce it, it increases it.

Furthermore, Canada's laws, in terms of environmental stewardship, are tougher than ours, but they are continuing to move to what is called in situ development in the oil sands. What

is in situ development? In situ development is drilling and then the use of steam to bring up the oil rather than excavating, which is the traditional way they produce oil up here. So the greenhouse gas footprint is very similar to drilling in the United States. In fact, it has a lower footprint than the heavy crude that comes out of California—a very environmentally conscious State.

Again, when we talk about the environmental impact, let's talk about the facts. Let's talk about reality, and those are the facts. That is what it is truly about.

Safety is another thing they brought up. Something could happen with the pipeline. That is true, and we always have to work on safety. It is very important we always address safety in whatever we do. The best way to have a safe infrastructure system to move energy around this country is to have the right mix of pipelines and roads and rail—the right mix along with transmission lines—so we move all types of energy as safely and as effectively as possible.

This graph reflects the pipeline system in our country. Oil and gas are moving through millions and millions of miles of pipelines in our country. This pipeline is going to be the newest, with the latest and the best technology. Oh, by the way, if we don't have the pipeline, as I mentioned just a minute ago, we are adding 1,400 railcars a day. Everyone can do their own calculation, but do we think we are safer and more likely to have less accidents with another pipeline—with the latest, greatest technologies and safeguards—or would we rather have 1,400 railcars a day going through our communities loaded with oil? Common sense again, and the statistics support it.

There is more. They brought up more concerns, but I am nearing the end of my time, in terms of floor time right now, and I know our chairman is coming down, so I will have to wrap this up. I went a little longer on some of these issues they brought up, and they brought up others, but here is the good news. We are going to vote on a cloture motion to proceed to the bill on Monday. I am hopeful, with our 60 sponsors on this legislation—we will have 60, maybe 63 votes based on what people have indicated to me as to how they will vote right now—that after the vote on Monday we will be on the bill.

Unlike the past several years in the Senate, once we are on the bill, we will be open for business, and we are welcoming amendments. We are saying to Republicans and Democrats alike: Bring them on. Bring on your amendments. If you have a good idea, come on down. If you have a good idea, come on down and let's talk about your amendment. Let's debate your amendment, and you know what. You are going to get a vote, and if you get 60 votes in support of your amendment, then we will make it part of this legislation.

We are hopeful that in allowing amendments, we can improve the legislation, we can make it more bipartisan, and we can get more supporters, so if in fact the President does decide to veto it, we will have 67 votes instead of 60 or 63 votes. That is how the process is supposed to work. We are supposed to be able to have that debate, offer those amendments, and produce the best product we can. That is what we are hoping to do with this legislation.

We are also hoping that will not only generate more bipartisan support on this issue, on this legislation, but on other energy legislation and other legislation of all types so we can get the important work of the American people done in this body. That is what it is all about: finding a way to get things done—get the job done for the American people.

With that, 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, yesterday morning those of us on the Energy and Natural Resources Committee had an opportunity for good discussion about our Nation's energy future. More specific to the agenda of yesterday's business meeting was a bill that would allow for a much-delayed project—the Keystone XL Pipeline—to advance. It moved through the committee favorably. It moved through the committee with bipartisan support.

As I noted to several colleagues yesterday, the discussion we had in the committee about the significance of this pipeline—the significance of its contribution to our Nation's economy from a jobs perspective and from a resource perspective is considerable. Obviously there was debate on both sides—I think good, healthy debate—and it is debate I hope we will see reflected on this floor in the next week and perhaps the week following as we have an opportunity to debate. But first we have to get onto that bill. We have that process in place. We will have a vote on the motion to proceed the first of next week.

I am anxious, as the new chair of the energy committee, to move the debate here in the Senate on issues that are so important to us in this Nation. When we think about our Nation's security—national security and energy security—and when we think about our Nation's economy and prosperity, so much of it comes back to energy, access to energy that is abundant, affordable, clean, diverse, and secure. These are principles I have laid out about my views of energy. I am hopeful that the discussion we will have on this floor will help advance us as a Senate, as a Congress, and really as a country in moving for-

ward on those policies that will only make us stronger and more secure.

I felt the debate yesterday in committee was kind of a precursor of some of the agenda items we will see on this floor that will be brought forward by way of amendments. I would encourage colleagues, as they think about next week and as they think about the debate we will have on energy, let's stick to energy. We haven't had a good, robust debate on energy in a long while.

We have a lot of other concerns. We have colleagues who want to bring up the President's initiatives as they relate to immigration or perhaps health care. We will have plenty of opportunity here in the Senate under Leader MCCONNELL's management to hear and debate issues that are of great substance and weight. But we have waited far too long for our energy issues to be fully debated on the floor, so I am welcoming that discussion.

We heard a lot of good reasons within the committee and we have heard a lot of good reasons here on the floor why the Keystone XL Pipeline is significant, is important to this country. This morning I wish to take a few moments to discuss some of the arguments that have been made against it and perhaps provide some context, some rebuttal, because I think it is fair to acknowledge that the Keystone XL Pipeline evokes some strong feelings, but not all of what we have heard is perhaps as factual as we would like it to be. As we note often around here, people are entitled to their own opinions, but they are not entitled to their own facts. So I would like to address some of the responses.

One of the issues we heard yesterday was that this bill is almost too much. Well, if those on the committee and on the floor would look directly to the language of the bill, it is pretty simple. The text of the full bill takes up fewer than two pages. It is roughly 400 words long. It doesn't take long to read or understand. It is pretty simple. It is a pretty simple measure. It approves this long-delayed cross-border permit that is needed to construct the Keystone XL Pipeline. That is all it does. It approves a permit. It doesn't give some grand sweetheart deal to a foreign company. It doesn't feather the nest of oil companies. It allows for a permit to cross the border between the United States and Canada to allow for a construction project, and it does this while protecting private property rights.

It allows Nebraska to find the best possible route for the pipeline, and it requires all State and local obligations to be fully met. This bill does not deal with routing through the States. It was suggested that somehow or other we here in the Senate and the House are kind of like a zoning committee. That is not what is happening. It doesn't deal with the routing. As we know, that discussion took place at the State level—and appropriately so. So what this measure does is it just allows for that cross-boundary permit.

Some of the other points raised were that somehow or other this bill provides subsidies—subsidies—whether to TransCanada or to others. It does not authorize a single taxpayer dollar for any purpose. It doesn't create any new tax credits. It doesn't reduce current tax rates. The bill is simply about approving the Keystone XL Pipeline. It is that simple.

I would encourage you to read it. Again, it is pretty brief.

Another question raised yesterday in committee: Why the urgency? Why the push right now? We are just in the first week of the 114th Congress. Why are we pushing so quickly to advance this?

Well, for new Members, such as the Presiding Officer, here today, this is the first opportunity you will have had to weigh in on the Senate floor on this very important legislation, but many of us who were here in the 113th Congress recall that it was just about 6 or 7 weeks ago that this same measure—in fact, the same language of this bill is what we had on this floor just before we departed at the end of the 113th Congress. We fell one vote short of cloture. We had 59 supporters in the Senate. We obviously had very significant Democratic support. Coming up with 59 votes was substantive. I think folks would remember that.

In effect, this is a little bit about unfinished business. We were working on it less than 2 months ago—a month and a half ago. We are now back in the 114th Congress. So what has changed? Well, what has changed is that the Presiding Officer is now a Member of the Republican Party, and our leader, Senator MCCONNELL, is leading the Senate. We are now in a new Congress with new leadership, and the bill that has been introduced by my friend and colleague from North Dakota has 60 cosponsors—60 cosponsors—not people who have said: Yes, I think I am going to vote for this bill. These are 60 who have committed and signed their names, and we now have enough votes to pass it in this Chamber. So I think that is a good sign.

I think it is not a bad sign that what we are starting with is a bill that is unfinished business but also a bill that has strong bipartisan support, with 60 cosponsors. It is not very often in this body that we have legislation that has that level of support. So why not start this new Congress off with something that enjoys bipartisan support? I don't think it was the intention of our leader to start off saying: By gosh, it is going to be Republican ideas only. We are trying to find those ideas and those issues that will advance our country. I believe that moving forward with the Keystone XL Pipeline is something that will advance the best interests of our country.

So when we talk about timing, I think it is important to note that this is not only a good time, it is the best time to bring up Keystone XL. Our colleagues on the other side of the building are taking up the Keystone XL Pipeline today.

We had, of course, good news coming out of Nebraska this morning with the announcement that that litigation has been resolved, if you will, with the courts effectively upholding the pipeline route.

There have been some on the other side of the aisle who have suggested that we shouldn't cut off a process, that we shouldn't move until things have been resolved in Nebraska. And there are some who would say: Well, OK, that is something we do need to consider. It has been suggested that until that has been resolved, action on the Keystone XL Pipeline is somehow or other premature or untimely.

I want to speak to the aspect of timeliness and whether we are moving too quickly. The Presidential approval process is actually another reason we are starting on this bill in this Congress. A final "yes" or "no" decision has now been delayed by more than 2,300 days. I think the exact number is 2,303, and we are counting. That is more than 6 years—not to build a pipeline; we are not talking about it taking 6 years to build the pipeline; we are talking about 6 years to approve a permit to cross from the Canadian side to the U.S. side. The energy committee is on its fourth chairman since the initial cross-border application was filed.

We have seen a lot of process. We have seen a lot of talk here in this body. Literally everything that has happened during the Obama administration—the legislation that has moved, regulations, all of the extra-curricular stuff that goes on outside—that has all happened while the Keystone XL permit has been pending. One has to look at this and say: 2,300 days and counting, over 6 years—it is pretty clear to me that the President really doesn't want to make this decision, and so if the Congress can step in and make it happen, the Congress should step in and make it happen.

I mentioned the decision coming out of Nebraska this morning and the fact that it allows—the pipeline route was effectively upheld. So that aspect of the process that individuals have been waiting for I think we can fairly say has been resolved.

In the Statement of Administration Policy—effectively the veto threat the President has issued on Keystone XL that I would note he issued the day we gavelled into the 114th Congress, before we started any of our business. In his veto message, the President said the legislation would cut short consideration of important issues relevant to the national interests. Again, I would just ask anyone, really? Some 2,303 days and we think we are somehow or other cutting short a process?

In his veto SAP, he states further that "the bill would also authorize the project despite uncertainty due to ongoing litigation in Nebraska." Well, it looks as though that part of it has been resolved, so that can't be used as the excuse.

It is not just in that Statement of Administration Policy. Back in April

the Press Secretary for the President, Mr. Carney, stated, "Absent a definite route from Nebraska, the decision, as I understand, by State is that that can't continue until the situation in Nebraska is resolved." OK. We are letting you know now that the situation in Nebraska has been resolved.

Further, there was a statement that came out of the State Department on April 18 in which they note that a core reason for the delay is "the potential impact of the Nebraska Supreme Court case which could ultimately affect the pipeline route." All right. The State Department also has word now that we are no longer waiting for that.

So when one talks about timeliness, when one talks about why it is imperative that we allow this permit to proceed, it is because it has been 6 years. It is because the decks have been cleared. It is an infrastructure that will benefit our Nation as well as our friends to the northern border.

I would like to talk about the issue of job creation. We have talked a lot about the jobs that are created with a potential Keystone XL project. We heard in the committee discussion yesterday that, hey, this is not as advertised. There are only going to be about 55 permanent jobs and only 4,000 construction jobs that will be created.

We have been saying it is closer to 42,000 jobs. There is a lot of water in between 4,000 and 42,000. Who is correct? I think it is important to note that the numbers we are talking about are drawn from the State Department's final supplemental EIS. It is one of those situations where if you are opposed to it you are going to grab some low numbers, and if you are supportive of it you might grab the high numbers. But I think you need to read the whole thing in context, my friends.

The final supplemental EIS goes on to say:

Construction contracts, materials, and support purchased in the United States would total approximately \$3.1 billion, with another \$233 million spent on construction camps. During construction, this spending would support a combined total of approximately 42,100 average annual jobs and approximately \$2 billion in earnings throughout the United States.

It goes on further to say:

Approximately 16,100 would be direct jobs at firms that are awarded contracts for goods and services, including construction directly by Keystone. The other approximately 26,000 jobs would result from indirect and induced spending; this would consist of goods and services purchased by the construction contractors and spending by employees working for either the construction contractor or for any supplier of goods and services required in the construction process.

So, again, these aren't LISA MURKOWSKI's numbers that are drawn from the air or Senator HOEVEN, the sponsor of this bill, conjuring up these numbers. These are the numbers that come from the State Department's final supplemental EIS. This is what they are saying—42,100 average annual jobs, \$2 billion in earnings, 16,000 direct jobs,

26,000 jobs from indirect and induced spending.

The State Department estimates construction workers on a seasonal basis—4 to 8 months per period. On an annual basis that is 1,950 jobs per year for 2 years, and that is where they get the 4,000 construction jobs.

But think about it. The nature of the construction business is not that these are jobs in perpetuity. That means you build things, and once they are built you move on to build something else. Of course they are not permanent jobs because we are not in a permanent state of construction. The key here is to approve projects in a timely manner so that these good, skilled, qualified workers can go from one job to the next and have permanent, stable employment—not necessarily on the same project for their entire lifetime but to be able, as a welder, as a skilled technician, to move from one project to another.

I would support this project even if it were just 4,000 temporary jobs, but it is not. What we are talking about is supporting over 42,000 workers over a 2-year period. That is significant. It is significant given the unemployment levels we are at—we are at 5.6 percent now. Isn't this what we are wanting to do, to bring on new jobs?

In my State right now we are trying to figure out how we can move Alaska's natural gas to market, not only to benefit our State with revenues but to benefit jobs. We don't have a deal yet that allows us to build that pipeline, although our Governor today and our previous Governor and Governors before them have been working diligently to make that happen, and one of these days we are going to see it. But in the meantime, do you think Alaskans are saying: Well, we are not so sure we want this because these are only going to be temporary construction jobs. Absolutely not. We are building training facilities. We are getting our workforce kind of teed up for that day so that when it comes, we are ready because we want those construction jobs. We recognize it will be a construction project, and by its very definition it is not permanent.

Don't you think that bolsters my State's economy? Don't you think we are hoping every day that we are going to get moving on this project? Absolutely. Is it going to benefit my State? Yes. Is it going to benefit this country? Yes. Let's get moving on it, and let's get moving on Keystone XL.

I get a little frustrated when we talk about the jobs, and we have those who say we should dismiss the fact that if we can't get to a certain number of jobs, the project is not worthwhile. What we are doing is approving a non-subsidized, nonfederally funded project. This is not costing us anything. This will be a benefit to us. It is not an entire industry, nor is it a multiple-year funding authorization for transportation projects around the country. I think those kinds of comparisons are

inaccurate and to a certain extent unfair.

I suggest to those who criticize Keystone XL's job-creating potential to be careful. We don't want to put ourselves in a position where we are going to wind up opposing nearly all individual projects for any purpose all across the country just because they don't create enough jobs.

Take the Department of Energy's Loan Guarantee Program. It has funded some good programs, in my view, over the years. We have seen some renewable energy projects in recent years that I think have been beneficial to our region. By our count, more than one dozen of these projects would create less than 50 permanent jobs. We are not creating hundreds or even thousands of jobs. It will create less than 50 permanent jobs. One solar project created 7 permanent jobs, a wind project created 10, a geothermal project created 14, and we had a transmission line that created 15 permanent jobs. I think the question that has to be asked is: Should we have opposed these projects based on the number of permanent jobs that are associated with them? Is there a minimum number of jobs we are going to use as a benchmark for approval or denial or should we just be glad and encouraged when any new job is created because it means Americans have found steady work? This is what I thought we were working toward.

Keep in mind Keystone XL is one project. It is one project. It is one pipeline. There is one connector between Canada and the United States that connects up to a pipeline that has already been built in the South and will feed into our existing system. This is not brandnew frontier. We are allowing for a connector between Canada and the systems we have in the United States.

Keystone XL is one project. It is one small part of the employment that energy production and infrastructure development can provide for our Nation. We already have 19 cross-border oil pipelines. This is coming down from Canada in the North and coming up from Mexico in the South. We are already building up our LNG export capability and so much more.

Again, keep in mind this is not the first time there has been a request for a cross-border pipeline. We have 19 that are already in place. What makes this one so special?

I will have more to say on that issue in the future. I know our leaders are expected to come down to the floor shortly. I look forward to a good, honest debate about our energy resources, our energy opportunities, and our energy challenges. I think the American public is ready for this discussion.

I don't know what happens around the dinner table in the hometowns of Georgia, but I can tell you in Alaska we talk a lot about energy, and we don't talk about it because we are an energy-producing State. We talk about it because it costs us a lot of money to keep warm in a cold place. It costs us

a lot of money because we are not part of anybody else's energy infrastructure.

We don't have transmission lines that connect us from one place to the other. We have what we have, and we are thankful to have it. We are ready to share it with others around the country and around the globe, but we in Alaska talk a lot about the affordability of our energy resources. We talk a lot about how we can access our abundant resources. We talk a lot about how to use our ingenuity and technology to advance us so we can have cleaner energy sources and move to a world of renewable energy, and that is so exciting for us.

We have a lot of fossil fuel in Alaska—and we have a lot of everything else—and we are excited to be developing our geothermal, our marine hydrokinetic, our biomass, our wind potential, and our solar potential. It is a little dark there now, but our solar potential in the summer is second to none.

We are excited as to what we might be able to do in understanding how we can tap into ocean energy resources. It is exciting. We need to do more as a nation when it comes to efficiency and conservation. We should be leading in that way, and that is why I am pleased we will have an opportunity to again revisit the merits of the legislation my friends Senator PORTMAN and Senator SHAHEEN have been working on so long as it relates to energy efficiency and taking that up as an opportunity for amendment. We have such good issues to talk about—issues that the American public is talking about because it impacts them, and it impacts their family budget. It impacts their opportunities for jobs, and it impacts our Nation's security.

I have not talked today about the security aspects of it, but it doesn't take a foreign policy analyst to understand that gaining the benefit from an energy resource from our friends in Canada is better than asking for that same resource from the OPEC nations or Venezuela or from any nation that might not like us. That is a debate that again is so core to what we are talking about with Keystone XL.

We have a healthy relationship with Canada. It is important because when someone drives to my State, which is a heck of a long drive, they have to go through more of Canada than anyplace else. I want to have a good relationship with Canada, but I can tell you our friends on the Canadian border are wondering what is happening in the United States. It has been 2,303 days, and we can't make a decision on whether we should benefit from a jobs perspective, an economic perspective, and a national security perspective.

I look forward to the discussion next week, and I look forward to a robust and full debate on good energy amendments that will be coming before this body.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Ms. CANTWELL. Mr. President, I come to the floor this morning to talk about the Keystone XL Pipeline. I see my colleague from Alaska is here this morning, and I think she and I were thinking we would be continuing this debate next Monday as the Senate moves forward on the motion to proceed to rule XIV of the bill that relates to this issue. Obviously we had committee action yesterday, but we are both here this morning.

I wish to say to my colleague before she leaves the floor that I do look forward to the opportunity where she and I can sit down and talk about an energy strategy and other issues that will help move our country forward so we can produce jobs.

I had a chance to work with Senator MURKOWSKI's father and other Republicans on the energy committee. We produced some very good energy legislation in both 2005 and 2007 that did result in moving our country forward. It was bipartisan legislation and definitely not unanimous. I mean, there was a great deal of debate about them, but we got them done nonetheless. I am looking forward to working with the Senator from Alaska on these issues.

It is probably safe to say the Senator from Alaska and I had plans this morning other than coming to the Senate floor; nonetheless, I am more than happy to talk about the recent decision by the Nebraska Supreme Court and how Congress will continue to discuss the issue of Keystone XL approval. Many of my colleagues probably know that the House will take up this action sometime today. The President has consistently said he is interested in having the process play out in Nebraska before he makes a decision about whether this pipeline is in the national interest. The President of the United States and the State Department have the authority and responsibility to look at this issue as it relates to what is in the national interest of the United States of America.

This decision by the Nebraska Supreme Court today is a very interesting decision. It is a very interesting decision because a majority of the Nebraska Supreme Court, four out of the seven justices on the court, said this law was unconstitutional—this attempt to circumvent the public interest process by which the citizens of Nebraska can raise concerns about a pipeline going through their community. The majority of the supreme court said, yes, that decision to short circuit the public process in Nebraska was unconstitutional.

Unfortunately for those citizens in Nebraska and those citizens in the

United States of America who want to make sure the environmental security issues and economic issues are fully discussed, they are getting shut down by a supermajority of the Nebraska Supreme Court. They failed to get five out of the seven supreme court justices to side with them. Nonetheless, I think there is a lot in this decision for all of us to think about; that is, just how much this process has been circumvented.

To me it is very unusual that the Senate would be asked to vote on a bill that would expedite the siting of a pipeline through the United States of America simply because a Canadian company wants us to do so. It is perplexing to me because I hear a lot of people talk about our neighbors, and I definitely value the relationship that the United States and Canada have. We are in the process of a major discussion with them on issues that impact the Pacific Northwest, and we have to work with our neighbors.

I am struck that my state has a great relationship with British Columbia, which is Washington's neighbor to the north. Sixty-eight percent of British Columbian residents oppose a tar sands pipeline across their province. That is right, a Canadian province definitely does not want a tar sands pipeline going through their neighborhood.

We have First Nations all across Canada who don't want tar sands development and pipelines across Canada. In addition, there are a lot of concerns about environmental practices for tar sands production that are in place in Alberta.

People should know that the oil and gas producing province of Alberta, not the federal government of Canada, regulates tar sands development. Alberta does not require what we in the U.S. would consider "best practices" for development of some of the dirtiest oil production in the world. In the U.S., we actually have federal laws that make oil production cleaner than in Alberta.

There is a lot of concern about these not only tar sands production, but also about byproducts, such as pet coke. As my colleague from Michigan stated in our business meeting yesterday, uncovered pet coke mounds, which could just blow around in the wind, caused serious environmental concerns in Michigan and Illinois. In addition, I am sure my colleague from California has been down here talking about benzene, which is a byproduct that is left behind and can adversely affect individuals.

To say that just because this Nebraska court decision became final today, that all those environmental issues and public safety issues have gone away, is surely a misstatement. Congress is being pressured to make a sweetheart deal for a business interest.

I believe tar sands producers should pay into the oil spill liability trust fund, just as companies that produce other oil products have to do. This is a very important issue for me because oilspills are a situation that we in the

Pacific Northwest have cared about for a long period of time. In fact, the Commandant of the Coast Guard appeared before the Senate commerce committee last year, and I had a chance to ask the commandant whether the Coast Guard had a way to respond to a tar sands oilspill, and he basically told me that, no, they didn't.

So, to me, there are a lot of environmental issues, a lot of process issues, and issues of paying a fair share for helping to clean up oilspills—and these issues all add up to serious concerns with legislatively approving a construction project. My colleagues on the other side want to turn Congress into a siting commission, to give a special interest the certainty to move forward on a project that needs to go through the proper process and channels.

In the State of Nebraska, the public said we have concerns about a tar sands pipeline running through our state, straight through the environmentally sensitive Sand Hills region and the Ogallala Aquifer, which provides drinking water to six states. Instead of dealing with those environmental issues, the company and its advocates came to the Congress and tried to get that route approved. This is why the President had to reject the proposal in 2012—because TransCanada did not want to do right by the citizens of Nebraska or the environment.

The long and short of it is, if TransCanada had been successful in getting the original route approved, that pipeline would go across the Ogallala Aquifer. There is now a broad consensus that this would have been the wrong route, endangering the water supply in America's agricultural heartland.

So, thank God, Congress, which tried to act and give a sweetheart deal to TransCanada, was thwarted by the President. The President said, I cannot approve this project now. And guess what happened. The company said, yes, that is right; we have to figure out a better route for the pipeline. And TransCanada had to start the process all over with a new application for a better route through Nebraska.

In my State, a utility and transportation commission—in the State of Nebraska I think it is called a public service commission—oversees the siting process for these kinds of infrastructure projects. That commission has a public process and answers all of the questions the public raises, debates the issues that are before the public and makes sure those issues are taken into account—I know many of my colleagues probably can relate to this more from the perspective of siting transmission lines or a grid system. I am sure people have seen a neighborhood complaining about a transmission line going through their neighborhood. This is a pipeline, and for us pipelines are very important in the Pacific Northwest. We had a natural gas pipeline that blew up, killing some young children in the Bellingham area. So, for me, pipeline siting, and the process



that goes into assuring the safety and security of the siting, should be decided in the broad daylight of public discussion through the proper channels. In this case, people circumvented that public commission process in Nebraska, circumvented what would have been a utilities and transportation commission process, and let the Governor decide the route. Then the decision was sent to the Nebraska Supreme Court to determine whether in fact the Governor had the authority to do that. Four of those seven justices said it was unconstitutional—not the supermajority for sure, but four of them said it was unconstitutional. But nothing in that decision corrected the original problem of them circumventing the environmental and economic and security issues that a public commission is supposed to go through in this process.

I ask my colleagues, why are we in such a big hurry to make this decision on behalf of a utility commission and on behalf of the President of the United States when there are real issues of safety and security that need to be discussed?

Next week my colleagues are going to have a lot of discussion on a lot of different amendments, but I still advocate that Congress has no business deciding for a special interest where a pipeline should go without the due process of citizens who are affected by pipeline having input to the decision.

I hope my colleagues will continue to let the process play out. I hope my colleagues will care more about public process and public interest than special interest. There is a great article, which I will submit for the RECORD, in Business Week citing welding issues with the current Keystone Pipeline. That existing pipeline has had safety problems.

We in the Pacific Northwest celebrate that we are a gateway to Asia, and we celebrate the fact that a lot of people will want to use that gateway. But we are very concerned about due process for infrastructure projects. We see other countries wanting to move energy and other products through our gateway when safety, security, environmental, and public issues are not being fully addressed.

I hope my colleagues will continue to make sure due process is given and that we will continue to make sure all of these public interest and environmental issues are addressed.

I thank the Presiding Officer, and I yield the floor.

I see the leader on the floor, so I will not suggest the absence of a quorum.

#### 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.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING FACTORY SERVICE AGENCY

• Mr. VITTER. Mr. President, Louisianians are well-known for our delicious food, rich cultural traditions, and enthusiasm for football. Less well known, but just as important, is our deep appreciation for reliable air conditioning. During the muggy summer months, every Louisianian needs a reliable air conditioning contractor on speed dial. As the newly elected chairman of the Senate Small Business and Entrepreneurship Committee, I am honored to recognize a small business from my State that provides this vital service to its customers—the Factory Service Agency—which is celebrating its 40th year of operation this year.

Based out of Metairie, LA, Factory Service Agency serves the entire New Orleans metro area. While the business encompasses a multitude of mechanical and general contracting specialties, the primary focus is on the installation, service, and maintenance of heating, ventilation, and air conditioning equipment. This longstanding Louisiana business emphasizes its middle name—“service”—and truly provides outstanding customer service, including 24-hour emergency assistance and maintenance for airflow and ductwork problems. For four decades, Factory Service Agency has gone above and beyond to supply quality products and service to local hospitals, universities, manufacturing facilities, nursing homes, and more.

Small businesses provide the backbone for our economy, and their successes would not be possible without the direction of exceptional leaders. Mike Mitternacht, the owner of Factory Service Agency, is not only responsible for all operations of the business, but also makes representing small businesses across the State a top priority. Over the years, Mike Mitternacht has served on a variety of notable government and business organizations. In addition to his chairmanship of the statewide Louisiana Economic Development Small Business Advisory Council, he has served as the chairman of the Louisiana Association of Business and Industry and as a member of the National Federation of Independent Business, Louisiana Workforce Investment Council, and the National Small Business Association, the last of which he was named the 2010 Advocate of the Year. Small businesses across the country are fortunate to have a strong proponent with such valuable experience in each aspect of business operations, including financial management, job coordination, and project management.

For my first small business of the week as chairman of the Senate Committee on Small Business and Entrepreneurship, I am honored to recognize a local business that has not only flourished, but has been an inspiration

for entrepreneurs in Louisiana and across the country. Small businesses consistently provide unmatched attention, communication, and results to their customers, and I am proud to advocate for them. Once again, I congratulate Factory Service Agency on an exceptional 40 years and wish them continued success in the future.●

##### REMEMBERING SERGEANT STEPHEN R. PAQUIN

• Mrs. SHAHEEN. Mr. President, today I have the solemn duty of memorializing SGT Stephen R. Paquin, a soldier and native of Nashua, NH, who passed away on December 16 at the age of 27. After serving two tours in Afghanistan and a tour in Europe, Sergeant Paquin had recently transitioned from active duty into the U.S. Army Reserves and was training to become a drill sergeant with 1st Battalion, 304th Regiment in Londonderry. Born and raised in Nashua by his parents Kenneth and Paula alongside his brother Shawn, he was a graduate of the University of New Hampshire and Nashua High School South, where in his senior year Stephen was a member of the Purple Panthers 2005 State championship baseball team.

Stephen will forever be a member of the special community of Americans who selflessly defend our country so that the rest of us may continue to live in peace and freedom. He bravely joined the military at a time when it was almost guaranteed that new recruits would be called on to serve in a dangerous warzone far from home. It is my hope that during this extremely difficult time, Stephen's family and friends will find comfort in knowing that Americans everywhere deeply appreciate his commitment to our Nation.

Stephen is survived by his parents, Kenneth and Paula, his brother Shawn D. Paquin, and Christine Smith of Waltham, MA, his grandmothers Gloria Paquin of Nashua and Carol Mulligan of Dracut, MA, many aunts, uncles, cousins, and friends. This patriot will be missed by all.

On behalf of the people of New Hampshire, I ask my colleagues and all Americans to join me in honoring the life and service of this brave American, SGT Stephen Paquin.●

#### MESSAGE FROM THE HOUSE

At 11:55 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 bill, in which it requests the concurrence of the Senate:

H.R. 30. An act to amend the Internal Revenue Code of 1986 to repeal the 30-hour threshold for classification as a full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act and replace it with 40 hours.