

NERA also estimates that atmospheric CO<sub>2</sub> concentrations would be reduced by less than one-half of 1 percent—that is if they are successful in doing this—equating to reductions in global average temperatures of less than two one-hundredths of a degree. So all these things they say they might be able to accomplish, they have studied it and say it is just not true.

I have already talked about the fact that within the President's own administration, Lisa Jackson, the former head of the EPA, said even if they are successful, even if they are right about this, it is not going to reduce CO<sub>2</sub> emissions because this isn't where the problem is.

So this is going on right now. We have a committee that is clearly going to be working on this so the American people will be aware of what is happening. The Energy Information Administration determined that the China agreement would result in a 34-percent increase in electricity prices.

I bring this up because we heard in the President's speech on Tuesday that they were negotiating with China and some very successful negotiations took place. The Presiding Officer remembers that this was back when our Secretary of State went over and met with President Xi of China and came back and said it was a successful meeting. What came out of that negotiation? China said: Well, we will keep increasing our emissions until 2020, and then we will look at it and decide whether we want to lower it. That is not much of a negotiation, and it was not very comforting to us.

A comprehensive survey conducted by a Harvard political scientist shows that people who are worried about climate change are only willing to pay energy bills up to 5 percent higher. Whether it is global warming or climate change, the American people understand this proposal is in no way about protecting the environment or improving public health. This rule is an executive and bureaucratic power grab unlike anything this country has ever seen, and it is merely the tip of the spear in a radical war against affordable energy and fossil fuels.

At a time when domestic oil and gas prices through hydraulic fracturing continue to be one of the only bright spots in our economy, a lot of people are trying to stop this from taking place. I kind of wind up with this because I think it is important. I come from an oil State, so I have to buy it. I understand that. The process of hydraulic fracturing started in my State of Oklahoma—in Duncan, OK—in 1948. Did you know that by their own admission the EPA said there has never been a documented case of groundwater contamination since they started using hydraulic fracturing?

When the President made the statement in the State of the Union Message that the United States has dramatically increased in the last 5 years our production of oil and gas, that is

correct, but that is in spite of the President. We have enjoyed a 61-percent increase in the production of oil and gas in America in the last 5 years—61 percent. However, all of that is either on State or private land. On Federal land we have had a reduction of 6 percent. So I look at that, and I believe it when people say that if we had been able to increase production on Federal land such as we have done in the last 5 years on private land and State land, we could be totally—100 percent—dependent from any other country in developing our resources.

So I am committed to using our committee, the Environment and Public Works Committee, not only to conduct a rigorous oversight of the Obama EPA policies which are running roughshod over our economy, operating outside the scope of the law, and directly ignoring the intent of Congress but also to rein in this out-of-control agency through any and all means at our disposal.

This has been a problem. People used to say that it was just big business that wanted to reduce these regulations. That isn't true. As I mentioned before, the farmers of America—just in my State of Oklahoma—say the over-regulation of EPA is the most difficult issue they have to deal with.

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

The PRESIDING OFFICER (Mr. RUBIO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### KEYSTONE XL PIPELINE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant bill clerk read as follows:

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

Pending:

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

Fischer amendment No. 18 (to amendment No. 2), to provide limits on the designation of new federally protected land.

Sanders amendment No. 24 (to amendment No. 2), to express the sense of Congress regarding climate change.

Vitter/Cassidy modified amendment No. 80 (to amendment No. 2), to provide for the distribution of revenues from certain areas of the Outer Continental Shelf.

Menendez/Cantwell amendment No. 72 (to amendment No. 2), to ensure private property cannot be seized through condemnation or eminent domain for the private gain of a foreign-owned business entity.

Wyden amendment No. 27 (to amendment No. 2), to amend the Internal Revenue Code

of 1986 to clarify that products derived from tar sands are crude oil for purposes of the Federal excise tax on petroleum.

Lee amendment No. 71 (to amendment No. 2), to require a procedure for issuing permits to drill.

Murkowski (for Blunt/Inhofe) amendment No. 78 (to amendment No. 2), to express the sense of the Senate regarding the conditions for the President entering into bilateral or other international agreements regarding greenhouse gas emissions without proper study of any adverse economic effects, including job losses and harm to the industrial sector, and without the approval of the Senate.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we are back to continue debate and voting on amendments to this bipartisan Keystone XL bill.

I will focus on two main subjects today. The first is to speak to what I think is the good progress we have made on this bill, moving us toward ultimately a final vote and final passage. I believe we probably surprised a few people yesterday by adopting an amendment on climate change that few thought would be adopted. We have now processed a total of nine amendments. Some would say, well, nine is not much, but just to put it into context, last year, the Senate held just 15 rollcall votes on amendments. That was in all of 2014. Over just a couple of days here in this new Congress, we are already at 60 percent of last year's total, and it is still January. We have eight amendments that are pending at this moment and set to be voted on today. We will work out the timing and order of those votes. My hope is that we will exceed last year's total today.

I believe our productivity has been good. I appreciate the cooperation of the ranking member on the committee. What we have been able to do with this measure is important because I think it stands in pretty stark contrast to what we have seen in recent years and, quite honestly, to the delays the Keystone XL Pipeline has faced over those years.

The second part of my comments this morning—I wish to provide a little bit of perspective about how long this cross-border permit has been pending, awaiting a final decision by the President.

Sometimes when we talk in terms of the raw numbers, some ask: What does that really mean? What does it mean to be on the 2,316th day that has passed since the company seeking to build this pipeline first filed its first permit with the State Department?

It has been more than 6 years, more than 76 months, and more than 330 weeks.

The President noted in his State of the Union Address this week that Keystone XL was just a single oil pipeline. And he is right—it is just a single oil pipeline. We have multiple pipelines that cross the border. We have hundreds of pipelines that cross the country. So it begs the question: How and why has it taken so long to get action

on just one single pipeline? Why has it taken so long?

There have been a lot of examples we have heard on floor. I mentioned yesterday that President Obama was still a sitting Senator when the permit application was filed. Others have said the iPad was not even out on the market when the first permit was filed. We heard that 2,300 days is longer than it took the United States to win World War II, longer than Louis and Clark's expedition to explore the West, and longer than Project Mercury, which put the first American into space. There have been a lot of comparisons in terms of what it really means to be longer than 2,300 days.

I mentioned on the floor many times that in Alaska we are seeking to try to advance our natural gas resource, and in order to do so we need a big pipeline to move from the North Slope down to tidewater, and so we are working to train welders because we know that when that day comes and we have the opportunity to build that line, we are going to want Alaskans to have those jobs. They may be temporary in that you don't weld a pipeline forever, you do it until the job is complete, but those are good jobs for those Alaskans and for people who come up to our State.

The Fairbanks Pipeline Training Center in Alaska does a fabulous job. In my opinion, it is the best pipeline training facility we have in the country. Every year, graduates from the training center are sent out, ready to go to work on projects such as Keystone XL. We are probably talking about seven sets of welders who have graduated at this point, and we need to keep approving projects that can help these young people or those who have been retrained as welders to get jobs. That is what they are waiting for.

We can even think about this length of time which has ensued since the first permit application has been pending in terms of flying to Mars and back. We could probably complete about three roundtrips from here to Mars and back, depending, of course, on the distance between the planets, but I am just putting it in context.

If we wanted to stay closer to home, we could describe those 2,300 days in terms of how many times we could hike the Appalachian Trail—probably 10 or 12 depending on the weather. One of these days I would like to hike the Appalachian Trail. I don't know that I have the time, it is one of those issues when you think about how long this has been pending before this administration.

Today I will add one more example to show the comparison. At this time in the football season, we are all focused on what is going on with Super Bowl XLIX, which is coming up in 10 days now. We will see Super Bowl XLIX pit the reigning NFL champions, the Seattle Seahawks—in Alaska we don't have our own professional football team, so we kind of adopted the

Seahawks. I will let my colleagues know that I will be standing with the ranking member in rooting for the Seahawks on the big day next week. A lot of folks are excited about it, and we will be watching it. The game will be played next Sunday.

For the moment, let's look back to September 19, 2008, when the first cross-border permit for the Keystone XL Pipeline was first submitted to the State Department. Let's specifically focus on the Seahawks because they provide a pretty good example of how much has changed over the past 6 years. Back in September of 2008, the Seahawks were about to start a season in which they would have a record of just 4 and 12—winning 4 games and losing 12. At that point they were still a good team and we were still rooting for them, but they were a pretty different team. For starters, the Seahawks had a head coach. Their current coach, Pete Carroll, was still at the University of Southern California coaching the Trojans. Their star running back, Marshawn Lynch, was about to start his second year in the NFL as a member of the Buffalo Bills. It would be another 2 years before Lynch joined the Seahawks and just over 3 years before the Nation discovered his love of Skittles during the game against the Philadelphia Eagles.

The most famous members of the Seahawks secondary—the Legion of Boom—are Richard Sherman and Earl Thomas. Back in September of 2008, both were still in college, respectively playing for Stanford and the University of Texas.

Of course, we cannot forget Russell Wilson. A lot of Alaskans are rooting for him to get a second consecutive Super Bowl as the starting quarterback for the Seahawks. Back in September of 2008—he played just a handful of college games at that time. He was a red-shirt freshman at North Carolina State.

My point here is not necessarily about football—although that is what a lot of us are talking about—it is to demonstrate that a lot can happen over the course of 2,300 days, and it does, whether we are talking about what goes on in politics, in world events, or the world of sports. My point is that it should probably take the Federal Government less time to approve an important infrastructure project—what the President himself has called just a single oil pipeline—than it takes to build an NFL championship team.

I would like us to get to the point where we are done discussing the merits of this important project and be done in the sense that we can move forward not only with Keystone XL but move forward as a nation when it comes to North American energy independence and providing jobs and greater economic benefit to this country.

I am pleased with the process we have had on the floor over the past couple of days. I look forward to the series of amendments on which we will

have votes this afternoon—likely after lunch—and the opportunity to be in further discussion about these issues that I think have been pent-up for a period of time.

With that, I acknowledge my colleague on the energy committee and co-fan of the Seattle Seahawks.

Ms. CANTWELL. Mr. President, I thank the Senator from Alaska. I am certainly tired of hearing about deflate-gate. I don't know if our bantering on the floor can keep the focus on the real talent of the football team and the individuals, but I certainly want to say that she has proven she is a true 12, and that is important to us in the Northwest. I thank the Senator for her comments.

We are here today to continue the debate on the Keystone XL Pipeline, and I see my colleague from Vermont is here, and he probably wishes to give comments about his amendments. Hopefully we will be voting later today on the various amendment proposals we discussed yesterday. We will be talking to Members about other amendments they would like to see on this legislation.

Before I turn it over to Senator SANDERS, I wish to draw focus for a few minutes to the fact that this process, debate, and discussion about the protection of environmental issues, property rights, and environmental laws is incredibly important in the United States of America. I say that because I want to submit for the RECORD two news articles that just came out today. One is entitled "Montana oil spill renews worries over safety of old pipelines," and the other story is headlined "Cleanup Underway for Nearly 3M-Gallon Saltwater Spill In ND."

The reason I bring that up is that as we are sitting here today discussing whether we are going to override current environmental law and give special carve-out exceptions to a foreign company to basically build a pipeline through the United States of America, the fundamental question in my mind is, What is the hurry in giving them exemptions to these various laws as a way to get the pipeline built? These are things U.S. businesses don't get. They don't get these exemptions and they certainly don't get the U.S. Senate voting to basically override the President's authority—I should say to pass a bill that would basically prohibit the President from using his authority on what is in the national interest.

To me, the Montana spill in the Yellowstone River is similar to our current pipeline debate on Keystone XL and whether we have the right safety provisions in place. So, if anything, we should be discussing what we can do to further pipeline safety in the United States of America and not let a foreign company roll back existing U.S. laws on environmental issues that they should be complying with.

This is such a beautiful part of our country, and this article talks about how oil is floating 28 miles downstream

from the Poplar Pipeline spill. This is an issue we should be really thinking about.

I get that there has been an explosion of both tar sands and Bakken oil. The question is not are we going to rush to try to help these companies override rules; the question is whether they comply with rules and whether the United States of America has enough protections in place to make sure the safety and security of our citizens as this new opportunity and explosion of product is occurring.

I can say from my perspective in my State, I have worked with practically every city council in the State about how they want new safety regulations for crude oil transported by rail—something they are very concerned about, given the explosions that have happened on oil railcars.

Again, regarding this particular issue, I know my colleague from North Dakota thinks that somehow this alleviates the Northwest from having trains go through there, but I assure him it doesn't. So we will still have concerns about the safety of our citizens as more crude oil is being transported by rail.

But we shouldn't now be trying to exempt a foreign company from complying with U.S. laws; we should be saying they should follow the rules. In the meantime, we should be asking the NTSB—we should be asking our agencies—whether there are enough safety protections in place, given the large amount of crude that is now moving and the issues we have seen as a result. There is nothing more important to me than protecting farmers and landowners to make sure they are actually treated fairly, and to make sure that resources such as clean water are protected.

Just because the discussion has been going on for a long time doesn't mean we should overrule existing environmental laws and exempt a foreign company from complying with it. I would rather them follow the rules all the way through the process.

So, with that, I yield the floor. I see my colleague from Vermont is here to discuss his amendment.

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

[From the Associated Press, Jan. 22, 2015]  
MONTANA OIL SPILL RENEWS WORRY OVER  
SAFETY OF OLD PIPELINES  
(By Matthew Brown)

BILLINGS, MT.—A second large oil spill into Montana's Yellowstone River in less than four years is reviving questions about oversight of the nation's aging pipeline network.

Investigators and company officials on Wednesday were trying to determine the cause of the 40,000-gallon spill that contaminated downstream water supplies in the city of Glendive.

Sen. Jon Tester said Saturday's spill from the decades-old Poplar Pipeline was avoidable, but "we just didn't have the folks on the ground" to prevent it.

The Montana Democrat told The Associated Press that more frequent inspections by

regulators are needed, and older pipelines should face stricter safety standards.

"We need to take a look at some of these pipelines that have been in the ground for half a century and say, 'Are they still doing a good job?'" Tester said.

The latest spill comes as Republicans and some Democrats, including Tester, want the Obama administration to approve TransCanada's Keystone XL pipeline from Canada to the Gulf.

Keystone would cross the Yellowstone roughly 20 miles upstream of the Poplar Pipeline spill.

In 2011, an ExxonMobil pipeline break spilled 63,000 gallons of oil during flooding on the Yellowstone near Billings. The break was blamed on scouring of the river bottom that exposed the company's Silvertip line to floodwaters.

Officials involved in the Poplar Pipeline spill have said it's too soon to say if that line also was exposed.

Poplar, owned by Wyoming-based Bridger Pipeline, was constructed in the 1950s. The breached section beneath the Yellowstone was replaced at least four decades ago, in the late 1960s or early 1970s, according to the company.

Based on the number of miles of pipelines in the U.S. that carry oil, gasoline and other hazardous liquids, just over half were installed prior to 1970, according to the U.S. Department of Transportation.

The agency's Office of Pipeline Safety has roughly 150 inspectors overseeing 2.6 million miles of gas, oil and other pipelines.

That number is slated to increase by another 100 inspectors under a \$27 million budget increase approved last year. That would still leave inspectors stretched thin given the mileage of pipelines.

Dena Hoff, a farmer and rancher whose land borders the site of the Poplar accident, said she's had a good working relationship with Bridger Pipeline, and she commended the company for taking responsibility for the spill.

But Hoff said the spill should spur second thoughts about Keystone and whether it's a good idea to have pipelines that cross beneath surface waters.

"It's the nature of the beast. Pipelines leak and pipelines break. We're never going to get around that," she said. "We have to decide if water is more valuable than oil."

Authorities continue work to clean up Glendive's public water supply after cancer-causing benzene was detected in water coming from the city's treatment plant. The plant draws directly from the Yellowstone.

Bridger Pipeline has committed to providing bottled water for Glendive's roughly 6,000 residents until the water-treatment plant is running again.

Late Wednesday night, Dawson County Disaster and Emergency Services Coordinator Mary Jo Gehmert said in an email that the plant has been decontaminated. If tests conducted Thursday show that the plant's water is safe to use, county workers will give information to the public on how to flush the water in homes and businesses, Gehmert said.

Workers late Tuesday recovered about 10,000 gallons of oil that was still in the Poplar line after it was shut down because of the breach.

Bridger Pipeline Co. spokesman Bill Salvin said Wednesday only a "very small" amount of oil has been siphoned from the river itself.

Company officials and government regulators say most of the oil is thought to be within the first 6 miles of the spill site. That includes the stretch of the river through Glendive.

"What we're working on is identifying places where we can collect more oil," Salvin said. "The cleanup could extend for a while."

Oil sheens have been reported as far away as Williston, North Dakota, below the Yellowstone's confluence with the Missouri River, officials said.

The farthest downstream that free-floating oil has been seen was at an intake dam about 28 miles from the spill site, officials said.

Montana Department of Environmental Quality Director Tom Livers said he was concerned that when the ice breaks up in the spring, oil will spread farther downstream.

[From the Associated Press, Jan. 22, 2015]

CLEANUP UNDERWAY FOR NEARLY 3M-GALLON  
SALTWATER SPILL IN ND

(By Regina Garcia Cano)

Cleanup is underway after nearly 3 million gallons of brine, a salty, toxic byproduct of oil and natural gas production, leaked from a pipeline in western North Dakota, the largest spill of its kind in the state since the current energy boom began.

The full environmental impact of the spill, which contaminated two creeks, might not be clear for months. Some previous saltwater spills have taken years to clean up. A contractor hired by the pipeline operator will be on site Thursday, assessing the damage.

Operator Summit Midstream Partners LLC detected the pipeline spill on Jan. 6, about 15 miles north of Williston and informed North Dakota officials then. State health officials on Wednesday said they weren't given a full account of the size until Tuesday.

Inspectors have been monitoring the area near Williston, in the heart of North Dakota's oil country, but it will be difficult to assess the effects of the spill until the ice melts, said Dave Glatt, chief of the North Dakota Department of Health's environmental health section.

"This is not something we want to happen in North Dakota," Glatt said.

The spill presently doesn't threaten public drinking water or human health, Glatt said. He said a handful of farmers have been asked to keep their livestock away from the two creeks, the smaller of which will be drained.

Brine, also referred to as saltwater, is an unwanted byproduct of drilling that is much saltier than sea water and may also contain petroleum and residue from hydraulic fracturing operations.

The new spill is almost three times larger than one that fouled a portion of the Fort Berthold Indian Reservation in July. Another million-gallon saltwater spill in 2006, near Alexander, is still being cleaned up nearly a decade later.

Summit Midstream said in a statement Wednesday that about 65,000 barrels of a mix of freshwater and brine have been pumped out from Blacktail Creek. Brine also reached the bigger Little Muddy Creek and potentially the Missouri River.

Glatt said the Blacktail Creek will be completely drained as part of the initial cleanup, but the water and soil will have to be continuously tested until after the spring thaw because some of the contaminated water has frozen. The Little Muddy Creek will not be drained because it is bigger than the Blacktail Creek and the saltwater is being diluted.

"We will be monitoring to see how quickly it gets back to natural background water quality conditions, and we are already starting to see that," Glatt said of the Little Muddy Creek. "It's getting back pretty quickly."

Summit Midstream's chief operating officer, Rene Casadaban, said in a statement that the company's "full and undivided attention" is focused on cleaning up the spill and repairing any environmental damage.

Spokesman Jonathan Morgan did not immediately confirm exactly when the spill

began. It also was not clear what caused the pipeline to rupture. Glatt said the company has found the damaged portion of pipeline and it was sent to a laboratory to determine what caused the hole.

North Dakota has suffered scores of saltwater spills since the state's oil boom began in earnest in 2006.

A network of saltwater pipelines extends to hundreds of disposal wells in the western part of the state, where the briny water is pumped underground for permanent storage. Legislation to mandate flow meters and cutoff switches on saltwater pipelines was overwhelmingly rejected in the Legislature in 2013.

Wayde Schafer, a North Dakota spokesman for the Sierra Club, called the brine "a real toxic mix" and "an extreme threat to the environment and people's health."

"Technology exists to prevent these spills and nothing is being done," said Schafer. "Better pipelines, flow meters, cutoff switches, more inspectors—something has got to be done."

Daryl Peterson, a grain farmer from Mohall who has had spills on his property, said the latest incident underscores the need for tougher regulation and enforcement.

"Until we start holding companies fully accountable with penalties, I don't think we're going to change this whole situation we have in North Dakota," said Peterson, a board member of the Northwest Landowners Association.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 24

Mr. SANDERS. Mr. President, I thank the Senator from Alaska and the Senator from Washington for their work on this legislation.

I rise today to say a few words about my amendment to the proposed Keystone Pipeline bill, an amendment that will be coming up for a vote in a few minutes. I wish to thank Senators BENNET, CARPER, LEAHY, MENENDEZ, MURPHY, WARREN, and WHITEHOUSE for cosponsoring this amendment.

This amendment is extremely simple. It is about 1 page and I will read it in a moment. It raises a very profound question as to how we implement public policy, not just on issues related to climate but on issues in general. The question is: As we go forward, tackling the very difficult problems facing our country and the world, to whom do we listen? Whose advice do we take as we proceed?

I would argue that historically and appropriately, what we do as a nation is we listen to the experts. That is what we do. I think in this debate, when we deal with the Keystone Pipeline and when we deal with the issue of climate change, it is absolutely appropriate that we listen to what the overwhelming percentage of scientists are telling us.

I hear some of my colleagues say, This is complicated and I am not a scientist; I don't know. Let me be very frank. I am not a scientist and I did not do terribly well in biology and in physics in college, but I can read. And I can listen and understand what the scientific community is saying on this issue.

As the Senate moves forward, when we deal with complicated medical

issues and search for solutions in terms of cancer or heart disease or diabetes, to whom do we go? Who do we listen to for advice as to how we should proceed and allocate public funding? We listen to the doctors and the scientists and the researchers who know a lot more than virtually all of us do in terms of cancer or heart disease.

We spend a lot of money in this country on infrastructure, on roads and bridges and wastewater plants and water systems. That is complicated stuff. To whom do we look for advice? Who do we have at our hearings on these issues? We look to the engineers and the scientists who tell us the best way to proceed in terms of how we build roads and bridges in a cost-effective way.

We are dealing right now with the issue of cyber security—a huge issue—a threat to the Nation. To whom do we look for advice? We look to those experts in technology who can tell us the best way to prevent cyber security attacks against the United States. On and on it goes. Whether it is education or whatever it is, good public policy is dependent upon listening to the scientific community, listening to the people who know the best about this issue.

In terms of the issue of climate change, the fact is that the scientific community is virtually unanimous in telling us that climate change is real. It is caused by human activity. It has already caused devastating problems in the United States and around the world. The scientific community tells us there is just a brief window of opportunity before the United States and the entire planet suffer irreparable harm. They tell us it is imperative that the United States transform its energy system away from fossil fuels and toward energy efficiency and sustainable energy as rapidly as possible.

That is not the opinion of BERNIE SANDERS; that is the opinion of the scientific community.

So to those of my colleagues who say, This is complicated stuff, I am not a scientist, I don't know, let me tell my colleagues who does know. Thirty-seven major American scientific organizations—people who study this issue—do know. And what they say is that climate change is real. It is caused by human activities. It is already causing devastating problems in the United States and around the world, and we need to transform our energy system.

That is what the Sanders amendment says. That is all it says. It is a modest amendment. It is a conservative amendment. It simply tells us what the scientific community has told us year after year after year.

For those of us who are not scientists, let me tell my colleagues the scientific organizations that hold that point of view. They are, among others, the American Anthropological Association, the American Association for the Advancement of Science, the American Chemical Society, the American Geo-

physical Society, the American Institute of Biological Sciences, the American Meteorological Society, the American Physical Society, the National Academy of Engineering, the National Academy of Sciences—37 separate scientific organizations, including those I mentioned.

That is not all. There are 135 international scientific organizations that say the same thing.

I refer my colleagues to the list of 135 international scientific organizations, 37 American scientific organizations, and 21 medical associations that all agree with the basic premises that are in the Sanders amendment that is printed with my remarks in yesterday's RECORD, Wednesday, January 21.

The Intergovernmental Panel on Climate Change is the leading international scientific body that deals with climate change. Let me quote to my colleagues what they said last fall:

Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level.

More than 97 percent of the scientific community in the United States and across the globe agrees with these findings.

I am going to conclude my remarks by simply reading my amendment to make sure every Member of the Senate understands how simple and straightforward and noncontroversial this amendment is. This is what it says:

It is the sense of Congress that Congress is in agreement with the opinion of virtually the entire worldwide scientific community that

- (1) climate change is real;
- (2) climate change is caused by human activities;
- (3) climate change has already caused devastating problems in the United States and around the world;
- (4) a brief window of opportunity exists before the United States and the entire planet suffer irreparable harm; and
- (5) it is imperative that the United States transform its energy system away from fossil fuels and toward energy efficiency and sustainable energy as rapidly as possible.

That is it. That is the entire amendment. And every provision in this amendment is supported by virtually the entire scientific community, the people who best understand this issue.

Clearly we are a nation divided politically and clearly we are a Congress divided politically. We have different views on almost every issue. But I hope very much the U.S. Senate does not reject science, because in doing so, it would not only lead to bad public policy but it would be an embarrassment before the entire world, that the U.S. Senate is rejecting what the overwhelming majority of scientists are telling us about what they consider to be one of the great crises facing our planet.

So I hope very much for strong bipartisan support for this amendment in the Senate and will say, as a Senator, that we are going to listen to what the

scientific community tells us and that we are going to develop public policy based on their knowledge and that information.

With that, I yield the floor.

The PRESIDING OFFICER. The majority whip.

STATE OF THE UNION

Mr. CORNYN. Mr. President, I had some concluding thoughts about the President's State of the Union speech on Tuesday night. Much of it we have heard before. In fact, what the President laid out was largely what his agenda has been for the last 6 years. In other words, we have been there and we have done that, and it hasn't worked very well. We have had tired big government proposals. In fact, the President seems as though he has doubled down in a lot of ways on higher taxes, more redistribution, and more regulations that are out of step with what the American people, I believe, want and need.

I think what they want more than anything else, from a strictly economic point of view, is to get the economy growing again. Let's create jobs. Let the private sector actually create jobs—not government. We know government is pretty incompetent when it comes to job creation. And we now have this nagging little minor detail called the national debt where we keep borrowing money and pushing that down the road to the next generation and beyond.

It is ironic in a lot of ways because the President came to the people's House to give his State of the Union speech, which is the House of Representatives, but his speech was anything but for the people. He claimed that really his focus was on middle-class economics. I think he had been listening to the senior Senator from New York who, after this last election, gave a speech at the National Press Club and said that Democrats had made a terrible mistake leading off with the President's new term in 2009 with ObamaCare and other big government programs and they had neglected stagnant wages and the middle class. So I think the President, in a tipping of his hat to Senator SCHUMER and his comments post election, has essentially acknowledged that his first 6 years have failed to address the needs of the middle class. That is why he kept using the phrase "middle-class economics" during his speech. But it wasn't really about the middle class. It wasn't about hard-working American taxpayers. Time and again, it seemed his most urgent priority was himself. His speech was really about him and his agenda, his pet projects, his vision for bigger government.

I would just point out that the President quite candidly admitted it was his agenda and his policies that were on the ballot on November 4. I think that sent a shudder through every incumbent who was running for reelection who happened to have voted for his big government agenda. But the point is

that it was soundly rejected on November 4. You couldn't tell that from the President's tone and his cheerleading last Tuesday night. But my point is we have been there, we have done that, and it didn't work. So let's try something different.

We have felt the experience of this experiment in big government for the last 6 years. If anything, what the voters said on November 4 is enough is enough. I can't remember who originally said it, but someone said famously that the definition of insanity is trying the same thing over and over and expecting different results. You can't try the same old tired policies over and over and actually expect a different outcome. At least to my mind, reality wasn't what was driving the President's remarks. If it was, he would have focused on the biggest concerns Americans have right now. I mentioned jobs, stagnant wages, rising costs, and issues such as health care costs.

Unfortunately, ObamaCare really backfired on a lot of middle-class workers, and it actually raised their health care costs rather than lowered them. Then there are the stagnant wages I mentioned a moment ago. But if he really cared about those issues as he should and as we do, he would be working with Congress to address those issues, and he would have given some attention to one of the first major pieces of legislation that we have taken up in the 114th Congress on a bipartisan basis.

Of course I am referring to the Keystone XL Pipeline that we are debating now, where 11 Democrats joined all of the Republicans who are present to proceed to this bill. So when I say it is bipartisan, I am not just saying it. It actually is.

Sometimes you can tell a lot from what a person doesn't say. In this case, the President spoke more than 6,000 words, and he didn't mention the word Keystone in one of them. Instead of using this opportunity when millions of Americans and people around the world were listening to the President to lay out sound reasons why he continues to oppose this jobs and infrastructure project year after year, the President merely said we should look beyond a single pipeline to meet America's infrastructure needs. We need to start somewhere, and the President won't even start by taking the first step of approving this infrastructure and job-creating project known as the Keystone XL Pipeline.

I think there is a Chinese proverb that says a trip of a thousand miles has to start with the first step. That is true here as well. It may be a single pipeline, but it is a single pipeline that his own State Department has said has the potential to support more than 40,000 jobs.

Here is what I don't get. There are 2.5 million miles of oil and gas pipelines in America today—2.5 million. What is this fixation with this roughly thou-

sand-mile pipeline that comes from Canada down to southeast Texas where it is refined, turned into gasoline, and other refined products? Why has this become such a political football?

It is because the President and, unfortunately, some of his own party who are wed to a political base that won't allow them to do the rational, realistic, practical thing, which would be to approve this pipeline. The President tried to minimize this.

We have heard people say these are temporary jobs. My job here is temporary. The President's job is temporary. It is going to run out in a couple of years. Every job is temporary in that sense. To try to denigrate these well-paying construction jobs from welders and others—people who make \$125,000, \$140,000 a year in my State—and to denigrate them, to minimize them, and to say it is just a temporary job and is really not all that important is a slap in the face to the people who are hungry to find work, people who are working part time who want to work full time, people who are working for minimum wage but want to improve their standard of living and their ability to provide for their family.

Then there is this. We need to remember the percentage of Americans participating in the workforce is at a 30-year low—a 30-year low. What that means to me is that some people just simply have given up looking for work, and so they have dropped out. They have retired. They have gone on to do other things. But it is a symptom of a disease in our economy. It is not something we should be proud of. If we are actually interested in getting more Americans back in the workforce, the President would approve this pipeline.

Let me tell you about one person with whom I met last Friday in Beaumont, TX. We call it the golden triangle. It is a place where refineries are seemingly almost everywhere. It is a blue-collar community but one that is proud and contributes a lot to the Texas economy. I was in Beaumont, as I said, and we were there to mark the 1-year anniversary of the southern leg of the Keystone XL Pipeline's coming online. This is a little confusing. But this is the portion of pipeline that is already in place, and it doesn't require a transit with Presidential approval to cross from Canada into the United States.

Believe it or not, there are already 4,800 jobs that have been created and an average of 400,000 barrels of Canadian crude pumped into southeast Texas already. We are not talking about doing something that is new. We are talking about adding to what already exists by completion of this pipeline.

My point is this. If the President wants to see what the potential economic impact and the impact on jobs and on the standard of living would be for the entire Keystone XL Pipeline, all he needs to do is to look to southeast Texas—to Beaumont, TX—where

the impact has been nothing but positive.

I met with the mayor of Beaumont, the county judge, other local businesses, officials, and stakeholders. The mayor and the county judge pointed out that it is the taxes they get from the economic activity caused by this pipeline—which exists and which would do nothing but be enhanced by the Keystone XL Pipeline—that helps pay the taxes that pave roads, provide health care to people who don't have access to it—who can't afford health care. It provides to pay the law enforcement. It provides all of the governmental functions, including education. This is what adds to the tax base which allows local governments, including school districts, to provide for the education of our children.

Then there is this. There is the multiplier effect of the investment by the private investment on this pipeline. It is the multiplier effect because people who earn these good wages spend the money at restaurants, buy homes, rent apartments. They buy things at retail outlets. That is the multiplier effect from this pipeline.

One person in particular I want to close with is a gentleman I met by the name of Kenneth Edwards who is a vice president with the United Association, the union of plumbers, fitters, welders, and service techs. I think Mr. Edwards would agree with me that we wouldn't necessarily see eye to eye on everything. But after being married 35 years, I don't know many married couples that agree on everything. So that is not all that unusual. It isn't a surprise that Republicans and unions haven't been on the same page on every issue. But there is an issue where we agree 100 percent, and that is the need for the President to approve the Keystone XL Pipeline after 6 long years.

Mr. Edwards speaks on behalf of many union workers nationwide who, as he put it, earn their living from a series of temporary jobs that happen to add up to a lifelong career. He told me last week he wants the President to put his famous veto pen away, to take out his approval pen, and to sign his approval of this project right away.

Speaking of temporary jobs, the President is ending his time in office. He has 2 more years left. His State of the Union Address leads me to believe he is not open to changing course and making much of a departure from the partisanship and gridlock that marked his first term and a half. But there is still time to change his mind.

With the Keystone XL Pipeline bill that a bipartisan majority of Congress will soon send his way, we are presenting him an opportunity to say that he heard the message that voters delivered on November 4. I heard the American people say we are tired of the dysfunction in Washington, DC. We actually want to see Congress and the White House work together to get things done on behalf of the American people.

It is not too late. I hope he will listen not only to people such as Kenneth Edwards and union workers across the country but to the vast majority of Americans who support this important project.

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

The PRESIDING OFFICER (Mrs. FISCHER).

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam 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. Madam President, for the information of all Senators, we are working now to set up votes on several pending amendments to the bill. These votes should be after lunch today. Right now, we are looking at 60-vote thresholds on the Fischer amendment, along with the Boxer side-by-side, the Sanders amendment, and the Lee amendment.

I do understand that the Boxer amendment is now filed at the desk.

AMENDMENT NO. 18, AS MODIFIED

I ask unanimous consent that the Fischer amendment, No. 18, be modified with the changes at the desk.

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

The amendment, as modified, is as follows:

At the end of the bill, add the following:  
**SEC. . . . LIMITATION ON DESIGNATION OF NEW FEDERALLY PROTECTED LAND.**

(a) DEFINITION OF FEDERALLY PROTECTED LAND.—In this section, the term “federally protected land” means any area designated or acquired by the Secretary of the Interior for the purpose of conserving historic, cultural, environmental, scenic, recreational, developmental, or biological resources.

(b) CONSIDERATIONS.—The Secretary, prior to the designation or acquisition of new federally protected land, shall consider—

(1) whether the addition of the new federally protected land would have a negative impact on the administration of existing federally protected land; and

(2) whether sufficient resources are available to effectively implement management plans for existing units of federally protected land.

(c) This section shall not apply to

(1) congressionally designated federally protected land, or

(2) acquisitions of federally protected land authorized by Congress.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam 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. Madam President, we have a number of Members who have asked to come to the floor to speak over the course of these next

couple of hours. Many will be speaking to their specific amendment on the Keystone XL Pipeline. Again, we encourage folks to use this time, while we have a little bit of time before we move to the votes this afternoon.

I see that my colleague from North Carolina is here to speak. I would welcome his remarks at this time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Madam President, long before I was actually sworn into the Senate, I traveled across the State of North Carolina. I promised the citizens of North Carolina that I would work toward commonsense solutions to provide opportunities for economic growth and opportunity.

Today I hope to send forth amendment No. 102 with the support of my good friend Senator BURR from North Carolina on the approval of the Keystone Pipeline, to take a look at things that we can do to do our part in North Carolina to contribute to the ultimate goal of energy independence in this Nation.

The amendment, the Atlantic Outer Continental Shelf Access and Revenue Share Act of 2015, will expand domestic offshore production, natural gas exploration and production, which, in turn, will create jobs and set our Nation on that track to energy independence.

Families across the country are too familiar with the impact energy prices play in our day-to-day lives, making decisions that are very difficult for them in these difficult economic situations.

When utility bills and gas prices increase, hard-working Americans face hardship and struggle to make ends meet. We need to make that easier and lift the burden on those hard-working taxpayers.

We also cannot underestimate the great impact energy plays in America's foreign policy decisions. We are in many ways dependent on oil from the Middle Eastern States that do not share our democratic values.

The predicament does not certainly place America in a position of strength. America has more energy potential than any other nation. It is time that we start realizing its full potential.

What the amendment does is fairly straightforward. It instructs the Secretary of the Interior to finalize the 5-year program for 2017 to 2022. That includes annual lease sales in both the Mid-Atlantic Outer Continental Shelf and the South Atlantic Outer Continental Shelf region. It grants to States in both of these regions a 37.5-percent share of all revenues collected from the Outer Continental Shelf leasing activities.

Each State in the region gets a minimum of a 10-percent share of that allocation. It directs 12.5 percent of the revenues collected for the Atlantic Outer Continental Shelf activities to the Land and Water Conservation Fund. The 37.5 percent for the States



and the 12.5 percent for other regions mirrors the revenue split given to the Gulf Coast States—Texas, Louisiana, Mississippi, and Alabama—under current law.

North Carolina has received approximately \$209 million in funding over the past 5 decades, protecting places such as the Cape Lookout National Seashore, the Great Dismal Swamp National Wildlife Refuge, Pisgah and Nantahala National Forests. The Department of Interior is currently developing a 5-year leasing program for 2017 to 2022. The language of the amendment merely instructs the Department to include the Mid-Atlantic and the South Atlantic regions as part of that plan.

Current law requires that the Department of Interior give deference to the preferences of States when developing a leasing plan for areas within 50 miles of the shore. Keep in mind, the drilling that we are talking about in North Carolina, off our coast, is greater than 30 miles off the coast, far beyond the site horizon of our beautiful beaches in North Carolina.

I want to close by saying why we are moving this amendment now. First, it is the fulfillment of a promise I made to the citizens of North Carolina. It also does enormous progress for creating jobs and helping our economy get back on track in the State and the region.

It is estimated that more than 55,000 jobs can be created by 2035; more than \$4 billion annually in economic contributions to the State of North Carolina. Almost \$4 billion in government revenue for the State of North Carolina—\$4 billion. As someone who served as Speaker of the House of North Carolina, I cannot tell you what an enormous impact that will have in terms of reducing the burden on taxpayers and businesses in North Carolina, creating more opportunities for economic expansion and job growth. There will be up to \$577 million annually in revenue share payments according to a report published by the Southeast Energy Alliance in 2009.

These numbers increase opportunities in North Carolina unlike anything I saw in my 8 years in the State legislature. It is an opportunity for North Carolina to do its part to make the Nation energy independent and to help me fulfill my promises to the citizens of North Carolina, which is to create jobs and provide great opportunities for this generation and future generations.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I come to the floor today to discuss an amendment that I filed to the pending legislation. It is an amendment to modify the Jones Act. The Jones Act is an archaic 1920s-era law that hinders free trade, stifles the economy, and hurts consumers, largely for the benefit of labor unions.

Specifically, this amendment would effectively repeal a law that prevents

U.S. shippers from purchasing or otherwise supportively procuring the services of vessels that are built outside the United States for use in American waters. From time to time here in Congress, we find that legislation still remains on the books many decades after it has served its original stated purpose. If ever we had one, I think one of the best examples of this is a law called the Jones Act.

As many of you know, the Jones Act is simply a continuation of laws passed through U.S. history addressing cabotage—or port-to-port coastal shipping. Those laws have been used to protect U.S. domestic shipping dating back to the very first session of Congress.

The Jones Act may have had some rationale back in the 1920s when it was enacted, but today it serves only to raise shipping costs, making U.S. farmers and businesses less competitive in the global marketplace and increasing costs for American consumers.

According to the 2002 U.S. International Trade Commission economic study—by the way, the U.S. International Trade Commission is not a group of special interests, they are an international trade commission which is appointed to study issues affecting international trade, obviously, as the name implies.

Their study reached the conclusion that repealing the Jones Act would lower shipping costs by about 22 percent. The Commission also found that repealing the Jones Act would have an annual positive welfare effect of \$656 million on the U.S. economy.

Since these decade-old studies are the most recent statistics available, imagine the impact the Jones Act repeal would have today—far more than a \$656 million annual positive impact—likely closer to \$1 billion, stimulating our economy in the midst of an anemic recovery.

The requirement that U.S. shippers must purchase vessels in the United States comes at a tremendous cost that is passed on to U.S. consumers. For example, just recently the U.S. container line Matson placed a \$418 million order for two 3,600 20-foot equivalent unit container ships in a U.S. shipyard. The high price of \$209 million per vessel reflects that the ships will be carrying goods within the United States and therefore governed by the protectionist Jones Act.

The fact is that Matson's order at \$209 million per ship is more than five times more expensive than if those same ships were procured outside of the United States. Ships of that size built outside the United States would cost closer to \$40 million each. For comparison, even Maersk Line's far larger ships cost millions less at an average of \$185 million each.

The U.S. Maritime Administration, MARAD, has found that the cost to operate U.S. flag vessels at \$22,000 per day is about 2.7 times higher than foreign flag vessels—just \$6,000 a day.

There is no doubt that these inflated costs are eventually passed on to ship-

ping customers. In the energy sector, for example, the price for moving crude oil from the gulf coast to the Northeastern United States on Jones Act tankers is \$5 to \$6 more per barrel, while moving it to eastern Canada on foreign flag tankers is about \$2.

That can mean an additional \$1 million per tanker in shipping costs for oil producers.

This increased cost is why, according to the Congressional Research Service, more than twice as much gulf coast crude oil was shipped by water to Canada as shipped to Northeastern U.S. refineries last year—all in an effort to avoid paying Jones Act shipping rates.

The implications of this fact touches just about every American who buys gasoline. It is American consumers who pay exorbitantly higher prices because of a law that protects the shipbuilding industry and domestically manufactured ships that transport crude and other refined products.

But it is not only the energy sector that deals with the distorted effects of the Jones Act. Cattlemen in Hawaii who want to bring their cattle to the U.S. mainland market, for example, have actually resorted to flying the cattle on 747 jumbo jets to work around the restrictions of the Jones Act. Their only alternative is to ship the cattle to Canada because all livestock carriers in the world are foreign owned.

I am deeply concerned about the impact of any barrier to free trade. I believe the U.S. trade barriers invite other countries to put up or retain their own barriers and that at the end of the day the U.S. consumer and the economy at large pays the price.

Throughout my career I have always been a strong supporter of free trade. Opening markets to the free flow of goods and services benefits America and benefits our trading partners. Trade liberalization creates jobs, expands economic growth, and provides consumers with access to lower cost goods and services.

Yet as clear as the benefits of free trade are, actually taking action to remove trade barriers and open markets can be almost impossible in Congress. Special interests that have long and richly benefited from protectionism flex their muscles and issue doomsday warnings about the consequences of moving forward on free trade. Judging from the hysterical reaction by some of the special interests to my simple filing of this amendment, the debate over the Jones Act will be no different.

The domestic shipbuilding requirement of the Jones Act is outdated and should be abolished.

U.S. consumers are free to buy a foreign-built car. U.S. trucking companies are free to buy a foreign-built truck. U.S. railroads are free to buy a foreign-built locomotive. U.S. airlines are free to buy a foreign-built airplane.

Why can't U.S. maritime special interests more affordably ship foreign goods on foreign-made vessels? Why do U.S. consumers, particularly those in

Hawaii, Alaska, and Puerto Rico, need to pay for ships that are five times more expensive?

If there was a law that long ago outlived its usefulness—if it ever had any—it is the Jones Act. On the Jones Act, it is time to change course today.

I have a letter from the American Farm Bureau Federation which states:

Farm Bureau believes that there should be no restrictions as to the quantities or vessels on which a commodity is shipped between U.S. ports. Repealing The Jones Act would allow more competition for the movement of goods between U.S. ports, thus driving down transportation costs.

Continuing to read from the letter "TO ALL MEMBERS OF SENATE" from the Farm Bureau:

Repeal of The Jones Act accomplishes the same purpose: a reduction in energy costs, increased competition to lower costs of U.S. goods and more opportunities to transport agricultural commodities at competitive prices.

Due to this importance, Farm Bureau policy, developed by our grassroots members consisting of working farmers and ranchers, explicitly supports the repeal of The Jones Act. Farm Bureau urges you to vote in support of Sen. McCain's amendment repealing sections of the Merchant Marine Act of 1920.

Then there is an article: "McCain under fire."

A growing number of politicians are taking aim at a prominent US Senator's crusade against the Jones Act . . . .

Oh my God. I am deeply concerned. All the special interests on this issue are weighing in. By the way, one of them would have effects on the U.S. shipbuilding and repair base. We all know the U.S. shipbuilding industry, because of the Jones Act, is moribund. In fact, I have an article from the Daily Signal which says: "Shipbuilding industry stuck on ground."

U.S. shipbuilding exports are tiny compared to exports of semis and trailers. Shipbuilding is subject to the protectionist Jones Act which hinders competition, while the semi industry is not.

According to the U.S. Department of Homeland Security, "The coastwise laws [like the Jones Act] are highly protectionist provisions that are intended to create a 'coastwise monopoly' in order to protect and develop the American merchant marine, shipbuilding, etc."

But protecting U.S. industries from competition may actually have the opposite effect. Consider U.S. production of vessels designed to transport goods via water compared to U.S. production of semi-trailer trucks and trailers designed to transport goods via land. In 2013, U.S. manufacturers exported \$4.1 billion in semi-trailer trucks and trailers, but they exported just \$0.1 billion in commercial ships.

Americans in most states would benefit from the freedom to ship goods on the best-built, most affordable vessels, wherever they are made. The Alaska governor is actually required to "use best efforts and all appropriate means to persuade the United States Congress to repeal those provisions of the Jones Act formally codified at 46 U.S.C. 861, et seq."

The Jones Act drives up the price of gas, hinders U.S. infrastructure improvements, inflicts high costs on people in Hawaii and Puerto Rico, and makes it difficult to transship goods between U.S. ports.

The facts are clear. What we have is an old-time 1920s law that may have been, I emphasize the word "may," have had some utility in the past.

I am aware that all of the special interests have been mobilized and how this can be damaging, frankly, to certain special interests. It would not be damaging to the average citizen who would pay less for the goods that are transported much more cheaply as a result of the Jones Act repeal.

I say to those critics of this amendment, as has been my habit over the years, I will not quit on this issue. There will be other opportunities to put the Senate and Congress on record.

Sooner or later the Farm Bureau will be heard. Sooner or later the people of Hawaii and Puerto Rico who are paying exorbitant prices that they shouldn't have to pay will be heard. Sooner or later this protectionist—an anachronism—ancient protectionist act will be repealed and average American consumers will benefit from it and unfortunately the special interests will not.

I ask unanimous consent to have printed in the RECORD the January 20, 2015, Farm Bureau letter, the Heritage Foundation piece called the Daily Signal, entitled "Senator McCain's Jones Act Amendment: Good for America," and another article: "If You Like Higher Prices, Enriched Cronies, And Weak National Security, Then You'll Love The Jones Act." It is one of my favorite pieces.

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

AMERICAN FARM BUREAU FEDERATION,  
Washington, DC, January 20, 2015.  
TO ALL MEMBERS OF SENATE,  
Washington, DC.

DEAR: The Senate will soon begin consideration of amendments to S. 1, the Keystone XL Pipeline Act. On behalf of the American Farm Bureau Federation, the nation's largest general farm organization, I am writing to convey our strong support for adoption of an amendment by Sen. John McCain that would repeal provisions of the Merchant Marine Act of 1920, known as The Jones Act. The Jones Act mandates that any goods shipped by water between two points in the United States or its territories must be transported by a vessel that is U.S. built, U.S. flagged, and at least 75 percent U.S. crewed.

Given the ability of ships to move large amounts of cargo, and the bulk nature of most agriculture commodities, shipping via water is a strategic and economic resource that should not be limited by antiquated provisions of U.S. law. Farm Bureau believes that there should be no restrictions as to the quantities or vessels on which a commodity is shipped between U.S. ports. Repealing The Jones Act would allow more competition for the movement of goods between U.S. ports, thus driving down transportation costs.

Farm Bureau supports the construction of pipelines in general and the Keystone XL pipeline in particular. We support projects of this nature for their ability to decrease energy and input costs, lower prices for consumers and diversify our transportation infrastructure. Repeal of The Jones Act accomplishes the same purpose: a reduction in energy costs, increased competition to lower costs of U.S. goods and more opportunities

to transport agricultural commodities at competitive prices.

Due to this importance, Farm Bureau policy, developed by our grassroots members consisting of working farmers and ranchers, explicitly supports the repeal of The Jones Act. Farm Bureau urges you to vote in support of Sen. McCain's amendment repealing sections of the Merchant Marine Act of 1920.

Sincerely,

BOB STALLMAN,  
President.

[From the Daily Signal, Jan. 16, 2015]

SENATOR MCCAIN'S JONES ACT AMENDMENT:  
GOOD FOR AMERICA

(By Bryan Riley and Brian Slattery)

Senator John McCain (R-AZ) recently introduced an amendment to repeal harmful aspects of the Jones Act, a 1920 law that restricts the use of foreign-built or foreign-owned ships for transporting goods within the United States.

According to the U.S. Department of Homeland Security, "The coastwise laws [like the Jones Act] are highly protectionist provisions that are intended to create a 'coastwise monopoly' in order to protect and develop the American merchant marine, shipbuilding, etc."

But protecting U.S. industries from competition may actually have the opposite effect.

Consider U.S. production of vessels designed to transport goods via water compared to U.S. production of semi-trailer trucks and trailers designed to transport goods via land. In 2013, U.S. manufacturers exported \$4.1 billion in semi-trailer trucks and trailers, but they exported just \$0.1 billion in commercial ships.

U.S. commercial shipbuilding accounts for just 21.7 percent of total shipbuilding. Most of the industry produces vessels for the military and will continue to do so with or without the Jones Act. The notion that U.S. defense needs require a ban on the use of foreign-built ships for commercial purposes (but not foreign-built aircraft or foreign-built cars and trucks) seems bizarre. In fact, by artificially inflating prices, protectionist measures such as the Jones Act may have given foreign competitors a competitive edge in international shipping.

The Persian Gulf conflict in the early 1990s proved that the Jones Act was not a necessary element in supplying and sustaining a military operation. For example, during the Persian Gulf War, Military Sealift Command shipped millions of tons of cargo to the operation. Of the 191 chartered dry cargo ships involved in this operation, 162 (or 85 percent) were foreign-flagged.

Additionally, the U.S. Department of Defense (DOD) has frequently leased foreign vessels to execute missions that required additional sealift capacity. This further obviates the need for the Jones Act. One could argue that such long-term leasing agreements are not cost-effective, but if that is the case then the military should purchase such vessels outright. The Jones Act doesn't solve this issue.

Americans in most states would benefit from the freedom to ship goods on the best-built, most affordable vessels, wherever they are made. The Alaska governor is actually required to "use best efforts and all appropriate means to persuade the United States Congress to repeal those provisions of the Jones Act formerly codified at 46 U.S.C. 861, et seq."

The Jones Act drives up the price of gas, hinders U.S. infrastructure improvements, inflicts high costs on people in Hawaii and Puerto Rico, and makes it difficult to transship goods between U.S. ports. Senator



McCain's Jones Act amendment would promote competition, strengthen the economy, and benefit American consumers.

[From the federalist.com, Jan. 22, 2015]

IF YOU LIKE HIGHER PRICES, ENRICHED CRO-  
NIES, AND WEAK NATIONAL SECURITY, THEN  
YOU'LL LOVE THE JONES ACT

(By Scott Lincicome)

Sen. John McCain has found an archaic, protectionist boondoggle whose time for death is long past. It's called the Jones Act.

Lost in the never-ending debate about the KeystoneXL pipeline is great news for anyone who opposes cronyism and supports free markets and lower prices for essential goods like food and energy. Sen. John McCain has offered an amendment to repeal the Merchant Marine Act of 1920, also known as the Jones Act, which requires, among other things, that all goods shipped between U.S. ports be transported by American-built, owned, flagged, and crewed vessels.

By restricting the supply of qualified interstate ships and crews, this protectionist 94-year-old law has dramatically inflated the cost of shipping goods, particularly essentials like food and energy, between U.S. ports—costs ultimately born by U.S. consumers. Thus, the Jones Act is a subsidy American businesses and families pay to the powerful, well-connected U.S. shipping industry and a few related unions. For this reason alone, the law should die, but it turns out that the Jones Act also harms the very industry it's designed to protect and, in the process, U.S. national security.

#### THE JONES ACT INFLATES SHIPPING COSTS FOR AMERICANS

There is no question that the Jones Act inflates U.S. shipping costs. A 2011 Maritime Administration (MARAD) report, with input from the U.S. maritime industry, compared the costs of U.S.-flagged versus foreign cargo carriers, and found that the former far outweighed the latter due to the Jones Act and other U.S. Carriers noted that the U.S.-flag fleet experiences higher operating costs than foreign-flag vessels due to regulatory requirements on vessel labor, insurance and liability costs, maintenance and repair costs, taxes and costs associated with compliance with environmental law . . . [T]he operating cost differential between U.S.-flag vessels and foreign flag vessels has increased over the past five years, further reducing the capacity of the U.S.-flag fleet to compete with foreign-flag vessels for commercial cargo . . .

Higher costs are precisely what you'd expect from an industry that has a "coastwise monopoly" on shipping, due almost entirely to the Jones Act. As a result, U.S. vessel operating costs are 2.7 times more expensive than their foreign counterparts.

Domestic unions and shipbuilders, with a bipartisan coalition of their congressional benefactors, vehemently deny that these outrageous shipping costs differences have any effect on the ultimate cost of U.S. goods that are transported on Jones Act vessels, but several examples belie such claims (and prove that, once again, basic economics still works).

First, there is ample evidence that the Jones Act distorts the U.S. energy market and raises domestic gasoline prices. As I noted last year:

According to Bloomberg, there are only 13 ships that can legally move oil between U.S. ports, and these ships are 'booked solid.' As a result, abundant oil supplies in the Gulf Coast region cannot be shipped to other U.S. states with spare refinery capacity. And, even when such vessels are available, the Jones Act makes intrastate crude shipping

artificially expensive. According to a 2012 report by the Financial Times, shipping U.S. crude from Texas to Philadelphia cost more than three times as much as shipping the same product on a foreign-flagged vessel to a Canadian refinery, even though the latter route is longer.

It doesn't take an energy economist to see how the Jones Act's byzantine protectionism leads to higher prices at the pump for American drivers. According to one recent estimate, revoking the Jones Act would reduce U.S. gasoline prices by as much as 15 cents per gallon 'by increasing the supply of ships able to shuttle the fuel between U.S. ports.'

For these and other reasons, the Heritage Foundation just recently called for the complete repeal of the Jones Act as part of its new energy policy agenda.

Second, the Jones Act has particularly deleterious effects on water-bound U.S. markets like Puerto Rico, Alaska, and Hawaii. A 2012 report by the New York Fed highlighted the issue for Puerto Rico:

Available data show that shipping is more costly to Puerto Rico than to regional peers and that Puerto Rican ports have lagged other regional ports in activity in recent years. While causality from the Jones Act has not been established, it stands to reason that the act is an important contributor insofar as it reduces competition (shipments between the Island and the U.S. mainland are handled by just four carriers). It costs an estimated \$3,063 to ship a twenty-foot container of household and commercial goods from the East Coast of the United States to Puerto Rico; the same shipment costs \$1,504 to nearby Santo Domingo (Dominican Republic) and \$1,687 to Kingston (Jamaica)—destinations that are not subject to Jones Act restrictions . . . Furthermore, over the past decade, the port of Kingston in Jamaica has overtaken the port of San Juan in total container volume, despite the fact that Puerto Rico's population is roughly a third larger and its economy more than triple the size of Jamaica's. The trends are stark: between 2000 and 2010, the volume of twenty-foot containers more than doubled in Jamaica, while it fell more than 20 percent in Puerto Rico.

A 1988 study by the U.S. Government Accountability Office found similar harms for Alaska and the U.S. economy. Thus, the idea that the Jones Act doesn't line the pockets of a few U.S. companies and unions at the expense of American families and businesses simply defies reality.

#### REGULATING INDUSTRIES CUTS THEM DOWN

Supporters of the Jones Act often rebut these economic criticisms by explaining that the law is absolutely essential for U.S. national security, but these claims also fail the smell test. Consider first the enervation of the U.S. shipping industry itself. The above-referenced MARAD report shows a U.S. industry that has declined nearly to the point of extinction under the weight of the Jones Act and other regulations—a shameful outcome when you consider the history and importance of the U.S. Merchant Marine, which is a component not just of the United States economy, but also our national defense. Mariners in World War II faced the highest casualty rate of any other service: 1 in 26 men went to their deaths on the sea. In 1950, ships waving the United States flag comprised 43 percent of the global shipping trade. Yet by 2009 the U.S. fleet had withered to 1 percent of the global fleet—while global demand for international shipping surged.

As of 2010, the picture was clear: there were 110 U.S.-flagged ships engaged in foreign commerce. Sixty in of these ships were part of the Maritime Security Program. Notably, as of 2012 these ships receive a subsidy (naturally) to the tune of \$3.1 million per ship, per

year, to offset their higher costs. Compare this to the 540 ships owned by American interests which flew a "flag of convenience"—typically that of the Marshall Islands, Singapore, or Liberia. Why such a dramatic difference?

While it is certainly not the only factor at play, this precipitous decline in the U.S. fleet's standing is due in no small part to burdensome regulations which make American ships more costly and less competitive. The Jones Act requires ships engaged in the U.S. trade to be built in the country, but building a ship in the United States is exorbitantly expensive—three times the cost of a new ship built in Japan or South Korea. In nearly all cases it is far less burdensome to purchase an existing ship and reflag it rather than build new. And these burdens are before factoring the requirement to crew these ships with U.S. mariners, union men who unsurprisingly average more than five times the expense of a foreign crew. Indeed, the MARAD report identified labor costs as the single largest driver of the difference between U.S. and foreign carrier costs.

The Jones Act isn't the only harmful regulation, not by a mile. One of the unfortunate realities of operating a massive ocean-going vessel full of complex machinery is that things inevitably require maintenance. These inconveniences often arise overseas and necessitate repairs in foreign countries. Let us worry the government would be left with beak unwetted in this instance, fear not: 19 USC §1466 to the rescue (link included if you're having trouble falling asleep). This outgrowth of the Tariff Act of 1930 requires the master, or owner of a vessel, upon the ship's return to a United States port, to declare to U.S. Customs any parts and services received onboard while in foreign waters. The ship owner is then required to pay an ad valorem duty of 50 percent on the dutiable vessel repair costs.

A few exceptions written into the law help mitigate this figure, at the further cost of man hours or maritime attorney fees. Free trade agreements between the United States and nations like Oman, South Korea, Singapore, and others help to alleviate these costs by allowing for almost total remission of duty for work performed in those countries. However, it's hardly practical for U.S.-flagged vessels to perform the entirety of their maintenance in these countries when stays in port can be measured in hours. Vessel repair duties are situated to remain a significant, punitive cost of doing business as a U.S. cargo vessel. Even with this 50 percent duty, in the majority of cases it is still less expensive to make the repairs overseas and pay up rather than to perform the work in the United States. This also holds true for the acquisition of new ships.

Thus, under the Jones Act, shipping prices (as well as those for the goods shipped) rise and the U.S. fleet degrades. (For more on how the Jones Act imperils U.S. maritime security, see this helpful Heritage Foundation report.) It's quite the double-whammy, and precisely what you'd expect from a protectionist law that thwarts the benefits of foreign competition. In short, the Jones Act has turned the U.S. merchant marine into a fleet of Ford Pintos and Chrysler K-Cars, all in desperate need of the kind of motivation only free market competition can bring.

#### TO TOP IT OFF, THE JONES ACT WORSENS EMERGENCIES

Moreover, the Act has proven to be a significant and costly obstacle in times of real emergency. Most recently, the deep freeze of 2014 saw New Jersey exhaust its supply of road salt, imperiling the lives of local travelers. Such salt was available in Maine, but it was delayed for days because of the requirement that only U.S. ships could engage

in coastwise trade to carry the shipment—even though an empty foreign ship was available and headed to Newark. The government denied a request to waive the Jones Act and use the foreign ship to supply the much-needed road salt. By the time a Jones Act barge was found to carry the salt, the cost of the operation had grown by \$700,000. Sorry about those icy roads, New Jersey, but the shipping industry and unions gotta get paid.

During the Deepwater Horizon oil spill, the government similarly refused to issue Jones Act waivers so foreign vessels could aid in the cleanup and containment. Despite several offers for foreign assistance during an ongoing ecological disaster, the government cited the Jones Act to justify turning them away. Many suspect that the Obama administration was reluctant to go against the pro-Jones Act labor unions (tr. every labor union) he needed to cement his re-election. It's not a leap to say that such cronyism may have delayed the eventual resolution of the spill.

The Jones Act and its related statutes raise the cost of essential goods for American families and businesses; strangle the life from the industries they were designed to protect; jeopardizes U.S. maritime security; and exacerbates the pain of major national emergencies. (They also are major irritant in foreign trade relations.) So why hasn't Congress repealed these laws? Maybe we should ask the politicians and well-connected cronies who benefit from the current arrangement. I'm sure they'd be happy to explain.

McCain's amendment to repeal the Jones Act is a common-sense solution to the problems facing a key American industry and the pain of the U.S. economy. The amendment, as well as any broader proposal to kill off the Act, deserves widespread support from conservatives and liberals alike. Efforts to dispense with this archaic protectionist boondoggle will no doubt meet fierce resistance from entrenched interests, labor unions, and opponents of free trade. However, those same groups stand only to benefit from efforts to make the U.S. fleet more competitive and less costly. American mariners have what it takes to compete on a global scale, and they should be given the chance. More competition translates to more opportunity, and perhaps the expansion and revitalization of a crucial sector of our economy. Where artificial monopolies and ancient restrictions can be removed, American labor, American business, and American consumers will have a chance to thrive.

Mr. MCCAIN. I thank the Senator from Alaska.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REED. Madam President, I would like to talk about an amendment I filed along with my colleague SUSAN COLLINS of Maine to support the Low-Income Home Energy Assistance Program, the LIHEAP program.

As the Senate continues to debate whether to bypass a longstanding Presidential permitting process and essentially rubberstamp the construction of the Keystone XL Pipeline—which, to

be clear, would likely benefit major oil companies and could have a harmful consequence on our environment—I wish to take the opportunity to highlight a Federal program that helps our country's most vulnerable citizens, including seniors, meet their home energy needs.

The bipartisan amendment led by Senator COLLINS and me, along with several of our colleagues, expresses the sense of the Senate that the Low-Income Home Energy Assistance Program—better known as LIHEAP—should be funded at no less than \$4.7 billion annually to ensure that more low-income households—those with children, senior citizens, individuals with disabilities, and veterans—are able to access this critical assistance.

I must commend Senator COLLINS. She and I have taken the lead on this effort over many sessions of Congress. Her efforts are extraordinarily critical for the continued support of this program, and it is no surprise that once again we are both together urging our colleagues to support this program.

LIHEAP is the main Federal program that helps low-income families, seniors, individuals with disabilities, and a growing number of veterans across the country pay their energy bills. It provides vital assistance during the cold winter months often seen in the Northeast, the Northern Plains, and across the northern part of the country, and also during the summer months in areas of the Southeast and Southwest where air-conditioning is absolutely critical to the health and welfare of seniors. Unfortunately, we often read very disturbing reports of individuals, particularly seniors, with serious medical conditions that can become fatal because they simply can't afford the cost of air-conditioning or home heating.

This is not a program that is regionally specific; this is a program that has a national impact and, as such, has to be supported. It is an indispensable lifeline that ensures recipients do not have to choose between paying their energy bills and affording other necessities such as food and medicine.

The funding also supports many small businesses, such as oil heating companies. They see the benefits of LIHEAP as well. It goes to pay utility bills, which indirectly affects small businesses and individual ratepayers across a broad spectrum. So the benefits of this legislation are not just for the specific recipients but also for the overall economy of our States and for small businesses, and that has to be noted.

We also recognize that there are many more households eligible than receive the benefits simply because the funding levels are insufficient.

Despite bipartisan efforts over many years—again, with Senator COLLINS being right there—funding reductions in 2011 and 2012, along with sequester cuts, mean LIHEAP funding has declined more than 30 percent since fiscal

year 2010, from \$5.1 billion down to about \$3.4 billion. This raises another bigger issue.

We have seen our deficit decline significantly, from 9.8 percent of gross domestic product now to about 2.8 percent. In fact, that is a little bit below the 40-year average of deficits in the United States. This hasn't been just because of magic; it is because we have been cutting programs. This is an example of one of the programs we have cut very significantly, and it is a program that aids so many people in our communities—particularly seniors and people with disabilities. This deficit reduction has been hard won, and one of the costs has been supporting these people. The money has shrunk, so obviously the number of people serviced has shrunk. The number of households LIHEAP funds has declined by 17 percent, from about 8.1 million households to 6.7 million households, and they have seen this impact directly. Those receiving assistance have also seen their average LIHEAP grant reduced by about \$100, down to about \$400. This is estimated to cover less than half of the average home heating costs for a household this winter, meaning that many low-income families and seniors will have fewer resources available to meet other basic needs.

I must point out that we are seeing a temporary reprieve from very high energy prices—particularly oil prices in the Northeast—because of geopolitical developments that have impacted the price of oil. But that is not the solution. The bills these people face, even in this economic climate as well as meteorological climate, are still significant and challenging to people of very limited means. For many people, this is an issue of safety, it is an issue of their health, and it is an issue of just being able to get by and make ends meet.

So the need is clear, and I urge my colleagues to join me in support of LIHEAP and in support of this amendment.

In this context, we need to be proactive in terms of recognizing something we can do on a bipartisan basis that works.

I do believe I should also comment at this moment on the underlying proposal, the Keystone XL Pipeline.

We understand this TransCanada pipeline would move crude oil from the Canadian tar sands—one of the dirtiest sources of fuel on the planet—to refineries on our gulf coast. There are many ways to extract hydrocarbons, and this is one of the most environmentally challenging ways. Constructing this pipeline runs counter to what we should be doing on a much broader basis, which is addressing climate change and protecting the environment.

I was struck yesterday at a meeting of the Senate Armed Services Committee—and the Presiding Officer is a distinguished and very valuable member of that committee—where we listened to Lt. Gen. Brent Scowcroft and

Zbigniew Brzezinski, two of the foremost experts on national security policy. General Scowcroft was National Security Adviser for President George Herbert Walker Bush, and Dr. Brzezinski was National Security Adviser for President Carter and was integral in negotiating the Camp David Accords between Israel and Egypt. I was struck, when asked about the big issues we face, that General Scowcroft said: Well, there are two big issues—cyber security and climate change. When you have these very authoritative individuals—again on a bipartisan basis—essentially saying climate change is a big national security issue, that is the context in which we have to view so many things, in particular this issue of the Keystone Pipeline.

The second issue is the obvious need in this country to create jobs. In fact—no pun intended—that is job number 1 for us. Now, there are jobs associated with the pipeline. Even if they are of short duration, they are still pretty good jobs. But the point has to be made that we have to do much more—particularly for our construction workers—than one single pipeline. I have been told that long-term employment of the pipeline, once it is built—will be very small.

We have to do much more. That is why I think we have to be very serious about an infrastructure program that goes way beyond Keystone and includes roads, bridges, sewers—all these things we have let decline. If we look at the spending levels—once again, a victim of our deficit reduction, a victim of the cuts we have made—we are at a level now where we are not doing what our fathers, grandfathers, grandmothers, and mothers did, which is invest a lot of money in building infrastructure for a productive America. We have been missing in action for the last several years as far as doing those things we used to do routinely—building new highways, building new sewer systems, improving our pollution control systems, all of those things. We have to do that.

We also have to do those things in the context of climate change—in other words, look at alternative energy and not just replicate what we did 20 or 30 years ago because this is a different planet.

According to the BlueGreen Alliance, a coalition of labor unions and environmental groups, repairing America's crumbling infrastructure could create 2.7 million jobs across the economy, increase GDP by \$377 billion, while reducing carbon pollution and other greenhouse gas emissions. So it is not thousands of jobs; it is millions of jobs. It is not one project; it is a commitment to improving, advancing, and rehabilitating our infrastructure in every part of the country, while at the same time dealing with climate change, which is so central.

So, I would like to see us, as we move past this debate, move vigorously into a debate about infrastructure.

There is another issue too, and that is this debate about where the oil is going. Well, given the global market for petroleum products, it could go to parts of the United States, but it could easily go overseas. A lot of that is a factor of the price and the demand. We have seen a lot of oil going into Asia in particular. I think that trend will continue for several reasons. One reason is that they have done less, relatively speaking, than many other parts of the world in terms of lowering their dependence on oil and moving to alternative fuels. So the potential is that a significant amount, if not all, of this product—even though it reaches the gulf coast—will not be used in the United States. That is another factor we have to consider.

Bypassing the administration's traditional legislative review process with respect to Keystone is not the way to proceed. We have to get our energy policies right. I think we have to recognize climate change. We have to be sensitive to a whole host of issues. We also have to recognize that an energy policy is not just producing and getting these products into the marketplace, it is also making sure that very vulnerable Americans can afford these products, whatever their prices may be. That is where LIHEAP comes in.

I am very pleased, once again, that this is a continuation of a bipartisan effort Senator COLLINS and many others have pursued for the benefit of families all across this country. When we are doing that, I think we are doing the best possible work we can for our constituents and our Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The remarks of Ms. MIKULSKI pertaining to the submission of S. Res. No. 35 is printed in today's RECORD under "Submitted Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 71

Mr. LEE. Mr. President, I stand today to encourage my colleagues to support my amendment No. 71. This amendment would solve a problem that has severely hamstrung oil and gas development on Federal lands, a problem

that is particularly severe in the Western United States and that involves excessive delays in the issuing of permits by the U.S. Bureau of Land Management.

Federal law requires the BLM to approve or deny these permits within 30 days. They have 30 days to go one way or the other. But according to a report issued last year by the inspector general within the U.S. Department of Interior, BLM took an average of 228 days to approve each drilling permit in 2012—228 days. That is 7½ months. That is a lot longer than the 30 days under Federal law. In Moab and in Salt Lake City, UT, the average processing delay is 220 days. In Price, UT, the backlog is around 250 days. It doesn't have to take this long. In fact, to explain why, let's look at how States handle it.

State governments, by comparison, process these same permits in 80 days or less.

Approval of these permits is further complicated by endless environmental reviews, reviews that sometimes can take years upon years. The result of all this redtape is a serious backlog of about 3,500 permits.

My amendment would address this problem in a few ways. First, it would require BLM to issue a permit within 60 days of receiving an application. If the permit is denied, the BLM would be required to specify the reasons for its decision to deny the permit and to allow the applicant thereafter to address any issues.

The amendment would also address delays stemming from reviews under the Endangered Species Act and under the National Environmental Policy Act. Reviews under these statutes are required to be completed within 180 days. To provide companies with certainty and to hold BLM accountable, if either of these deadlines is not met, the applications would be deemed approved.

Significantly, there are currently 113 million acres of Federal land open and accessible for oil and gas development. Much of this Federal land contains abundant domestic energy resources. In Utah alone we have hundreds of acres available for drilling, acres that are currently being held up by bureaucratic delays. My amendment would ensure that Utah and other States in the West that are dominated by Federal land can access the energy, the vast wealth that lies within their borders, and provide the United States with a reliable source of domestic energy production.

Look, our security—our energy security and our national security, more broadly—depends ultimately on our ability to produce energy. I understand that fuel prices right now are down relative to what they have been. We cannot get too secure in this. We cannot assume it is always going to be the case. Certainly, when the Federal Government insists on owning this much land—roughly one-third of the land in the United States as a whole, roughly

two-thirds of the land in my State of Utah—if we are going to own this much land within the Federal Government, we should be using the resources within it.

We need to make sure we are using that land to shore up our energy independence. The less energy independent we are in this country, the more dependent we become on other countries that are producing their energy, that are using their natural resources—countries such as Saudi Arabia and Venezuela and other countries where there are a lot of people growing wealthy off of our petrodollars and where many of those same people are using our own petrodollars to fund acts of terrorism against us, countries that are often hostile to our interests.

We need to do this because it makes sense economically and we need to do this because it makes sense from a national security standpoint as well. But in order for any of this to work, we have to have procedures in place to make sure that those people who choose to go out and want to develop land—want to develop Federal land that has already been identified as suitable for oil and gas production within Federal lands—that they have some modicum of due process, that they have some ability to predict what the procedural outcome is going to be, what set of procedures they will have to follow and what kind of timeline they will be facing as they approach this often lengthy process.

We do need to be careful. We do need to be sensitive and we need to make sure we are developing our natural resources in a way that respects our environment and doesn't endanger our health or that of our Federal land, but this can be done in a way that doesn't have to result in open-ended and completely unforeseeable delays.

For this reason I strongly encourage my colleagues to support this amendment, amendment No. 71, with the understanding that as they do so, they will be shoring up America's energy independence, and with it, America's national security.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MORAN. 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. MORAN. I also ask unanimous consent that I be allowed to speak as in morning business.

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

#### VETERANS HEALTH CARE

Mr. MORAN. Mr. President, thank you very much for recognizing me to take the opportunity to address something I hope can readily and easily be solved. If common sense prevails—and we know it doesn't often enough here

in our Nation's Capital—one, the Department of Veterans Affairs certainly, in my view, can solve this problem. If common sense doesn't prevail there, then surely the Senate, the House of Representatives, and the President could agree upon a legislative fix that is really nothing more than common sense. I am talking about a veterans issue—one that is certainly prevalent in a rural State such as mine. My guess is it is a problem that occurs in a State such as the Presiding Officer's as well.

I was very pleased. I came to the Senate floor and talked about the importance of passing and approving the CHOICE Act. We remember the scandal of last year in which it became clear the Department of Veterans Affairs had significant problems across the country. The VA hospital in Phoenix was a poster child for bad behavior that resulted in potentially the death of veterans. One of the things we did to try to help the Department of Veterans Affairs better take care of America's veterans was to pass the CHOICE Act. We did that in August of last year. It was signed into law, and it is now being implemented by the Department of Veterans Affairs.

There are many issues that are associated with the implementation of this bill, but let me raise one. The crux of that legislation is this. If you are a veteran and you live more than 40 miles from a VA facility or if you can't get the Department of Veterans Affairs to provide the services within 30 days or the timeframe in which you need those services, then the Department of Veterans Affairs is required by law to provide those services, if you choose, at a place of your choice, presumably your hometown.

This is about service to our veterans in their hometowns across Kansas and across States around the country. The theory is that the Department of Veterans Affairs is incapable of providing those services perhaps for a number of reasons, including lack of the necessary professionals. Therefore, let's take advantage of the professionals we have at home in our hometowns. Let the veterans see his or her hometown physician. Let the veteran be admitted to his or her hometown hospital. It is a pretty commonsense kind of reaction to the inability of the Department of Veterans Affairs to meet the needs of veterans across our country—provide another option. If that is the choice of the veteran, that veteran wants to have care at home, give them that option.

As a Senator from a State such as Kansas, this makes sense to me even in the circumstance in which the Department of Veterans Affairs can provide the service. For 14 years I represented a congressional district in Kansas, the western three-fourths of our State. The congressional district is larger than the State of Illinois and has no VA hospital.

We pushed for a number of years and were successful in opening outpatient

clinics so veterans could get that care closer to home than the VA hospital, and those outpatient clinics provide—or at least intended to provide—routine care.

Here is the problem today. The law says if you live more than 40 miles from a VA facility, then the VA must provide the services at home if you choose. The Department of Veterans Affairs is defining facility as any facility, including the hospital or the outpatient clinic. That doesn't seem too troublesome to me until you take it to the next step, which is, even if the VA hospital or the outpatient clinic doesn't provide the service that the veteran needs, they still consider it a facility within 40 miles.

In my hometown, where I grew up, we have had an ongoing dialogue with one of our honored veterans. He needs a colonoscopy. My hometown is nearly 300 miles—250 miles from the VA hospital in Wichita. There is an outpatient clinic, a CBOC, in Hays, 25 miles away. But guess what. The outpatient clinic in Hays doesn't provide the service of colonoscopies.

One would think the veteran in my hometown could go to the local physician or the local hospital and have the colonoscopy performed and the Department of Veterans Affairs provide and pay for the services. But no, because there is an outpatient clinic within 40 miles, even though it doesn't provide the colonoscopy, our veteran is directed to drive to Wichita. Incidentally, we have calculated the mileage expense of the veteran doing it. It does not make sense economically, either. But regardless of that, it certainly doesn't make sense for that veteran.

I have said this many times over the years as we have tried to bring services closer to home to veterans. If you are a 92-year-old World War II veteran and you live in Atwood, KS, up on the Nebraska border, how do you get to the VA hospital in Wichita or in Denver?

Our initial attempt was to put an outpatient clinic closer. The problem with that—we now have an outpatient clinic in Burlington, CO, and an outpatient clinic in Hays, KS. But that is still 2½ hours from Atwood, KS. If you are a 92-year-old World War II veteran in Atwood, KS, how do you get to Hays or Burlington, CO? The answer is you probably don't.

Our veterans are not being served. We attempted to address this issue. Let me say it differently. We addressed this issue in the CHOICE Act and said that if you are 40 miles from a facility, then the VA provides the services at home. The VA is interpreting that facility—the word facility—just to mean any facility there regardless of what service it provides.

In many instances—I take Liberal, KS, where there is a CBOC. They haven't had a permanent physician in their CBOC in almost 4 years. But yet Liberal—the CBOC in Liberal—counts as a facility even though there is no physician who is regularly in attendance at the clinic. These issues ought

to be resolved in favor of whom? The veteran. Whom, of all people, would we expect to provide the best service to? In any capable way we can, whom would we expect to get the best health care in our Nation? I would put at the top of the list those who served our country.

The committee that passed this legislation, the CHOICE Act—it says in the language—the conferees recognized the issues I just described and added report language that allows veterans to secure health care services that are either unavailable or not cost-effective to provide at a VA facility, which was intentionally included to give the VA flexibility to provide veterans access to non-VA care when a VA facility, no matter what size or location, cannot provide the care the veteran is seeking.

Yesterday I introduced S. 207. I would ask my colleagues to join me. Again, I guess my first request is, Could the Department of Veterans Affairs fix this problem on their own? If not, I would ask that my colleagues join me in fixing this legislatively with one more directive to the Department of Veterans Affairs saying, if they cannot provide the service at the CBOC, then it does not count as a facility within the 40 miles.

This is a problem across our States. I had my staff at a meeting in the VISN in which they were describing how they were going to implement the CHOICE Act. They put up a chart in which they show how they are going to have a mobile van work its way through the area of our State and Missouri and talked about how that will then satisfy the 40-mile requirement.

Why is the VA bending over backward to avoid—let me say it differently. Why is the VA not bending over backward to take care of the veteran, instead of bending over backward to make sure it is the most difficult circumstance for a veteran to get the health care they need at home?

We ought to always err on the side of what is best for veterans, not what is best for the Department of Veterans Affairs—if you could ever make the case that providing services someplace far away from the veteran is good for the VA.

I thank the Presiding Officer for the opportunity to speak to this issue. It is an important one. I have mentioned it to a number of my colleagues. They have described similar circumstances in their State. I have met with the Department of Veterans Affairs personnel. I serve on the veterans' committee, have since I came to Congress. We will work in every way with the veterans' committee, Republicans and Democrats, to make certain there is a fix to this issue.

But I want to highlight the manner in which the Department is implementing the CHOICE Act is not the way Congress intended, and it is not the way that benefits the veteran. Finally, let me say that even if there was some circumstance in which the De-

partment does not have the authority to do what we are asking them to do in the CHOICE Act, they have the ability today to provide non-VA care whenever they deem it necessary.

There is also the opportunity for them to use a pilot program that many of us have in our States. I see the Senator from Maine is on the floor. They have a pilot program, the ARCH Program, in which we are trying to provide services to veterans at home. There are a variety of ways the Department can solve this problem. I ask them to do that.

In the absence of their solution, I ask my colleagues to join me in sponsoring, in debating, in potentially amending but most importantly in passing and sending this bill to the President so we can resolve once and for all that the Department of Veterans Affairs is created for the benefit of the veteran, not the Department.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, first, as an original cosponsor of the good Senator's bill, I compliment him for taking the leadership position he has on this issue, for bringing it forward and so eloquently expressing his support for it.

This is an important bill. I think it is one we all can agree on, on a bipartisan basis. Let's get it through and to the President.

#### CYBER SECURITY

Mr. President, I start with a question, a basic question: Why are we here? Why do we have those jobs? What is it we are supposed to do? The clearest expression of the answer to that question comes from the preamble to the Constitution, which lays out exactly what our responsibilities are.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

This is the purpose of the Constitution. It is the purpose of the government. The most solemn responsibility of any government, I would submit—any government, anywhere, any time—is to provide for the security of its citizens, to provide for the common defense. That is our most solemn and fundamental responsibility.

We are not doing that right now. We are avoiding, missing, obfuscating, and not dealing with one of the most serious threats facing our country. I refer to the threat of cyber attack. Every intelligence official I have talked to in the last 2 years, every military official, everybody with any knowledge of the defense and the security, the national security of this country, has emphasized that the most serious threat we face right now is cyber.

What does that mean? Cyber attacks. The disabling of critical infrastructure,

attacks on our businesses, financial systems. This is a direct threat that is heading at us like a freight train on a track. The problem is we see it coming, but we are not doing what we should do to deal with it.

To say it is coming is kind of an understatement. This is an unusual chart, but it goes in time from 2004 until today. It is basically the frequency and size of cyber attacks in our country. The bigger bubbles are bigger attacks. The smaller bubbles are smaller attacks. From 2004 to 2006, a few but not many. It is bubbling up and it is about to boil over. Each year we have seen more attacks, larger attacks, more serious attacks. The evidence is overwhelming that this is a threat we are facing. Sony was a wake-up call if ever there was one. What if the Sony attack had been the New York Stock Exchange or the railroad system, where cars bearing toxic materials are derailed, or the natural gas pipeline system or any other of the critical infrastructure of this country, financial or physical, would have disabled us?

I was at a hearing yesterday in the Armed Services Committee. We had the testimony of two of the wisest men in America—Brent Scowcroft, Gen. Brent Scowcroft, who was the National Security Adviser to President Ford and President George H.W. Bush, and Dr. Zbigniew Brzezinski, who was the National Security Adviser to Jimmy Carter—talking about threats.

Brent Scowcroft said he believes the cyber threat was analogous to the nuclear threat: People would not be killed, but our country could be destroyed. He saw this as one of the two fundamental threats we face. Yet what are we doing in Congress? Not much. It is as if we got a telegram from Admiral Yamamoto in 1941 saying, I am steaming toward Pearl Harbor and we are going to wipe you out, and we did nothing, or a telegram or a text message from Osama bin Ladin saying, We are heading for the World Trade Center, what are you going to do, and we did nothing.

We have the notice. It is right in front of us. Yet we are not acting. What are the risks? The biggest risk is in the nature of our society. The good news is we are the most technologically advanced society on Earth. The bad news is we are the most technologically advanced society on Earth—because it makes us vulnerable.

It is what they call an asymmetric vulnerability. We are the most vulnerable because we are the most wired. We are in the most danger because of our technical advancement. What can they do to us? This gives you an idea of how this risk is accelerating and how it fits. This is the number of devices in the world connected to the Internet. Back in 2003 it was very few. By 2010 we were up to 10 billion devices connected to the Internet. The projection is, by the end of this year, we will be at 25 billion devices connected to the Internet. By 2020, not that long from now, 50 billion

devices will be connected to the Internet and therefore vulnerable to cyber attacks.

Critical infrastructure, I have mentioned. The financial system, what would it do to the country if all of a sudden everybody's bank account disappeared? Most of us, many workers in America, have their—we do not see cash money or a paycheck. It goes electronically into our bank account. What if all of that just disappeared? Chaos would ensue.

The same thing with transactions on the New York Stock Exchange or the great transactions of our banks. It would be chaos that would tumble through the economy and then into people's daily lives. Transportation could be paralyzed. The simply act of messing around with how red and green lights work in a major city could paralyze a major city for hours, if not days.

The transportation of toxic or volatile compounds could be compromised. Of course, the energy system, the electrical grid, we do not realize how dependent we are on these modern facilities until they go down. Periodically in Maine, when I was Governor, we had an ice storm where three-quarters of our people lost electricity for sometimes 2 weeks at a time. We learned what a disaster that was. One of the things we learned was that home furnaces, heating oil furnaces, need electricity to fire. People got cold. It was not just: Gee. I cannot watch TV tonight. It became life threatening.

The second area of vulnerability is financial. Data breaches, that is something that is happening all of the time. Then, finally, property ideas, theft of ideas. Where are these threats coming from? All over the place. North Korea, Russia, China, Iran. Terrorist organizations are now looking into the cyber field—hackers for hire, somebody in some country or somebody's basement somewhere in the world who hires out to take advantage of the vulnerability, particularly of the Western countries and particularly the United States.

We are already incurring huge costs, the cost of these data breaches, the cost of protection against these data breaches. Our financial system is spending a huge amount of money to protect itself from these breaches. We have to act. We have to act. It is beyond time to act.

My favorite quote from Mark Twain—and there are many. But my favorite is: History doesn't always repeat itself, but it usually rhymes.

History doesn't always repeat itself, but it usually rhymes.

Nothing new ever happens. This would not be the first time in history a great nation ignored threats to its existence. In August of 1939, Winston Churchill, in talking about the House of Commons, but he could have been talking about the U.S. Congress:

At this moment in its long history, it would be disastrous, it would be pathetic, it would be shameful for the House of Commons to write itself off as an effective and potent

factor in the situation, or reduce whatever strength it can offer to the firm front which the nation will make against aggression.

Earlier in the thirties he said—and this is a perfect analogy of where we are today:

When the situation was manageable it was neglected, and now that it is thoroughly out of hand we apply too late the remedies which then might have effected a cure.

We are at the line between manageable and too late. I would argue it is almost over that line. Now is the time that we have to act, but we aren't acting because of a variety of reasons: the complexity of our process—four committees have to consider cyber legislation; the differences with the House; the differences with the White House. There are all kinds of complications in our system which seem to be preventing us from acting.

Again, Churchill is appropriate:

There is nothing new in the story. It is as old as the Sibylline Books. It falls into that long, dismal catalogue of the fruitlessness of experience and the confirmed unteachability of mankind.

Boy, that is a dark judgment. Continuing:

Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong—these are the features which constitute the endless repetition of history.

Let's act before the crisis starts. Let's act while we still have time.

There are at least three bills that I know of that are available. One is a bipartisan bill that was heavily negotiated in the Intelligence Committee, came out of the committee I think 12 to 3 last summer. That is available. It is a new Congress, but the ink is barely dry. There is a bill that came out of the Judiciary Committee. A bill that came out of the homeland security committee in December of 2012—and lost in this body by a couple of votes—from my friends Senator COLLINS and Senator Lieberman also dealt with this problem. In other words, we don't have to start from zero. We don't have to invent these solutions; we just have to have the will to put them in place. Yet we don't act.

People say: Well, we have national security, Senator. What are you talking about? We are spending almost \$600 billion a year on the defense of this Nation.

And the answer is yes, but in some ways it reminds me of the famous Maginot Line of France in the thirties. The Maginot Line has come to symbolize a faulty defense premise, which really isn't true. The Maginot Line worked. The problem was that the Maginot Line stopped. It went from Switzerland to the Belgian border. It stopped at the Belgian border, and the Germans came around it and behind it and overwhelmed France in 6 days. So the problem wasn't that the Maginot Line was not an effective defense—and our defense budget certainly is not ineffective; it is absolutely essential. But

we are not defending the whole frontier. There is a piece of it, like Belgium, that is undefended, and that is our failure.

So what are we going to say when the crisis strikes? What are we going to say when we go home to our citizens in our home States when the financial system goes down and people can't get their money? There are threats of violence and violence across our country when toxic waste is spilled in our waterways. What are we going to say? "Well, we would have done something about it, but that was in four committees, and that was really hard" or "You know, we just got in this argument with the White House and couldn't work it out" or "Gee, we would have solved it and your paycheck wouldn't have disappeared except the House—you know how they are." Can you imagine trying to defend yourself with that kind of argument? You would be laughed out of the place.

Come on. Let's do this. I don't know exactly how to proceed, except maybe those four committees should get together, talk to each other, and say: Let's bring a bill to the floor.

I would like to see this body decide that we are going to pass cyber protection legislation between now and May 1. There is no reason we can't do it. The bills are drafted. We just have to pull ourselves together and take collective responsibility for defending our country.

If we don't do this—a friend and colleague on this floor yesterday—we were talking about it, and he said: It is political malpractice if we don't get this done.

This is a threat we know about. It is important. It is serious. We know at least some of the important things we have to do to coordinate better between the government and the private sector. We know how we can help to solve this; we just have to summon the political will to do it. And it isn't even that controversial. There are differences here and there, but this isn't one of the big fights in the Senate where we have great ideological differences, this is one where we should be able to come together. It is a lack of coordination and a lack of political will.

I don't know how I can say this more strongly. I think this is one of our most fundamental responsibilities. I go back to the preamble to the Constitution—the primary reason that governments are established and that our government was established, one of the basic reasons is to provide for the common defense. If we don't do that in the face of this threat, shame on us. This is one of the most solemn responsibilities we have as Senators, as Members of the Congress, and as members of the Federal Government of the United States.

I deeply hope that the next several weeks and months will be a time of productive discussions and a commitment to at least an attempted solution, the beginning of a solution to this



grave threat facing the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Wyoming.

THE BUDGET

Mr. ENZI. Mr. President, I rise today to discuss several issues that I hope Congress will consider in this Congress.

First, I intend to work this year to address our Nation's spending problems because I sit up nights worrying about our Nation's debt and how it will affect our children and grandchildren. As chairman of the Budget Committee, I will have a hand in handling that, so I have more responsibility.

We have a spending problem in this country, and we cannot spend our way to prosperity; rather, we have to stop spending more than we take in and find a way to start paying down \$18 trillion. The debt is growing. In fact, last fiscal year we spent \$469 billion more than we took in. This fiscal year we are projected to spend \$550 billion more than we will take in.

The money on which we actually get to make decisions is about \$1,000 billion. I could say \$1 trillion, but \$1,000 billion seems to me like a lot more. When we talk about one, we don't pay much attention, whether it is a penny or a dollar or a million or a billion or a trillion, but if we put it out in real terms, we are talking about \$1,000 billion that we could actually make decisions on, and we go ahead and spend half more than that, half more than we take in. How long do you think we can do that?

Well, it is affected by interest. We have to pay interest on the money we spend that is in addition to the money we take in. Right now we are able to borrow that money at only 1.9 percent. Only? That amounts to \$251 billion that we are paying in interest. It doesn't do a single program, just pays interest.

How many people think the interest rate is going to stay at 1.9 percent? Well, nobody does. In fact, the projections for this year for that interest rate, as we sell our bonds, is for 2.1 percent and going up. The average would be 5 percent. Let's see—\$250 billion. If that doubled, that would be \$500 billion. That could happen in 1 year. That would be an extra \$250 billion that we couldn't spend out of that \$1,000 billion that we now get to make decisions on, which is only two-thirds of what we actually spend. We have a spending problem, and it is catastrophic in the long run.

People would like us to balance the budget, and I have noticed that 24 States have already passed a constitutional convention balanced budget amendment. There is a provision—article V of the Constitution says you can have a constitutional convention, and there are ways of having it happen, and that is by two-thirds of the States saying they want to have one. The way all those are being phrased is as though it would be limited to a constitutional convention on the balanced budget

amendment only, but there is no provision to keep it at that. The only real provision in article V is one that says that no matter what you do in a constitutional convention, the thing that cannot be violated is that all States have equal representation in the U.S. Senate. Since we are the least populated State, that is one of my favorite parts of that article, and that is my favorite article. But everything else could be tapped. There are 10 more States that are considering that resolution. If all 34 of them pass it, we will have a constitutional convention.

If we had to balance that budget in 1 year, that would mean we would have to cut \$550 billion out of \$1,000 billion. In other words, we would have to make a 50-percent cut to balance the budget.

The real tragedy of this—I am not even talking about paying down the national debt; I am just talking about what we would be able to spend after we pay interest because we overspend.

So we are trying to get it on a track where we can at least see the end of the tunnel and hope that is not the light of a train coming our way. So far it is. That is one of the things that keep me up. Several Members of the Senate have ideas on how we can do that, and I intend to work with them in an effort to find real solutions, eliminate some of the budget gimmicks we have had in the past, and I have some ideas I hope my colleagues will consider. One of them is my penny plan. That cuts the overall spending by 1 percent for 3 years to balance the budget. It is a little pain for virtually everybody. Everybody gives up one penny out every dollar they get from the Federal Government. The plan doesn't mandate any specific cuts. Congress would have the authority to make targeted cuts and focus on the worst first. That is what we ought to do—focus on the worst first, and there is plenty of worst-first out there. If we focus on identifying and eliminating all of the wasteful spending that occurs in Washington, we might not have to cut important programs and services. Let's not make the cuts hurt. Let's be smart about the spending cuts and prioritize how we spend taxpayers' money.

My biennial appropriations bill would allow for each of the appropriations bills to be taken up for a 2-year period. That means agencies would know what they are doing for 2 years. What happens right now is we don't meet the spending deadline—which is October 1—until sometime into the next year. So they not only don't know what they are going to do for 2 years, they don't even know what they are going to do for the year they are in. We need to solve that problem.

My biennial budgeting bill actually breaks up the spending into two pieces. We do 12 of the bills, so we do the six tough ones right after the election and then we do the six easy ones before an election to make that a little easier to get done. But each of them would allow the agencies to know what they are

going to do for a 2-year period, and it would allow the appropriators to scrutinize the details of those budgets. When you are looking at \$1,000 billion, how much detail do you think you can look at when you have to do that each and every year? So I am suggesting that we only have to do it once every 2 years for half of the budget, and I think that would get us into a position where we would be cutting that worst first.

Of course, the Defense appropriations bill would be taken up each year, just as we take up the authorization bill. Some people have mentioned that we are funding some things that aren't authorized right now. They were authorized before, but the authorization date has passed, so technically they are not authorized to happen. I was curious as to how many of those there were. I found out there were over 250 authorizations. So how many of those are current? Well, 150 of them are out of date. We are still spending the money, but we haven't looked at the program to see if that is what we intended for them to do and if that is how they are using the money and if it is getting done. It is about time we did that.

Eliminating duplication and waste as well as improper payments could be a real part of the solution this year because those are avoidable wastes of taxpayer dollars. The Government Accountability Office has reported that 31 areas of the Federal Government are in need of reform to eliminate duplicative and unnecessary programs. Consolidating programs and agency functions that overlap could save \$95 billion.

Additionally, in fiscal year 2012 there were nearly \$100 billion in improper payments. That is the last time we have an accurate record—or inaccurate record of inaccuracies. These are payments that shouldn't be going out the door to people who are no longer eligible for benefits or overpayments of benefits or, in the worst cases, payments to people who are deceased. Ending waste and duplication could not only help out our fiscal house and get it back in order, but it could restore some confidence in the ability of government to operate effectively.

Additionally, I believe that now is the time to deal with the problems we have seen each day since ObamaCare was implemented. Premiums are skyrocketing for many people this year, while small businesses continue to hold off on hiring new workers or are keeping people on a part-time schedule so they do not have to go out of business.

We should repeal this law because it is bad for consumers and bad for businesses. We need real health care reform that gets health care costs under control and ensures that rural health care providers can afford to continue to provide vital services. We can redo that so we provide what the President promised but hasn't provided.

I am also hopeful this Congress can take up tax reform legislation. This will be a challenge since the President

said he wants \$1 trillion more in revenue from the Tax Code. I disagree with that premise because I don't think Washington needs to spend more. Tax reform shouldn't raise any more money for the Federal Government than the current system does, but if done correctly tax reform may generate additional revenue through economic growth. That revenue can be used to reduce the deficits and pay down the debt. I hope we can work on a bipartisan basis to take our Tax Code off of autopilot and make it more simple and more fair for everyone—families, small businesses, corporations, and particularly individuals. As the only accountant on the Finance Committee, I am ready to roll up my sleeves and get to work on tax reform.

I also hope Congress will work to improve our economy and make energy more affordable by approving the Keystone Pipeline that we are debating now and fighting against the President's war on coal—the only stockpileable energy source we have. The Keystone Pipeline application has been pending for more than 5 years, and the State Department has had five reviews of the project and wants more. Every one of those reviews has determined the pipeline would cause no significant environmental impacts and that the pipeline would create thousands of jobs. Let's get it built.

Similarly, we need to encourage coal production and prevent the administration from restricting this low-cost, reliable, stockpileable energy source. The coal industry provided—directly and indirectly—over 700,000 good-paying jobs in 2010, but since being sworn into office, President Obama's rule-making machine has released rule after rule designed to make it difficult and more expensive to use coal. Instead of running from coal, America should run on coal, and I hope this Congress will embrace its abundance and its power and its potential. With the ingenuity of the American people, there isn't any problem I have seen where we couldn't solve it. So let's just go to work on having cleaner energy and putting some of that incentive into using coal.

We need to challenge the President's other regulatory overreach as well. President Obama has issued more Executive orders, more regulations and other Executive actions than either Presidents Bush, Clinton or Reagan. In fact, last month USA Today reported this President is on track to take more high-level Executive actions than any President since Truman, with 195 Executive orders and 198 Presidential memoranda under his belt. This year we need to fight the abuse of Executive power, whether it is used to grant illegal Executive amnesty to illegal immigrants or to regulate all bodies of water on public and private land or to make unconstitutional political appointments. I will be reintroducing my constitutional amendment to allow States to repeal Federal regulations and hope to work with my colleagues

on other efforts to fight regulatory overreach.

I am confident we can make real progress for America this year on these and other issues because I believe the Republican leader has established regular order. I expect we will use the committee process so Senators can offer constructive amendments and debate bills in that forum, where they are intensely interested in that legislation. I am hopeful we will also have an amendment process on the Senate floor so all 100 Members of the Senate have an opportunity to improve the bills we consider. Each of us has a different background and each of us looks at every proposal from a different point of view. Working together we can make things better for the American people, and I hope we will do it this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I wish to take a couple of minutes to talk about the pending business—the Trans-Canada tar sands pipeline. I think it is helpful to start out by recognizing that we actually haven't had a global energy bill in the Senate going back to 2005. So it has been about 10 years since we have truly looked at our entire energy policy in this country and set a new course for what we should be doing in the future.

Despite the fact I think bumper stickers are a little dangerous, I thought it would be helpful to at least try to encapsulate the general direction we should be going—the short and sweet of what lens we should be viewing our national energy policy through. I think if I had to boil that down to a simple and concise statement, what I would say is simply fewer imports and cleaner fuels. So as we look at different proposals over the course of this upcoming Congress, I think it will be very helpful, particularly on the energy committee and on the floor, to view these projects through that lens.

Oddly enough, we are not dealing with a major energy policy as the very first thing the Senate considers as its pending business. We are dealing with one single project put forward by TransCanada, an international corporation, that has spent millions and millions of dollars over the last few years lobbying Washington for this particular project.

A lot has been said about the tar sands and about oil sands, but one of the things I think would be helpful to talk about is the fundamental difference between the oil that is produced around the United States and tar sands production. At the end of the line we are talking about the energy that is produced, but at the front end there is an enormous difference between oil that is drilled in Southeast New Mexico, Northwest New Mexico, in West Texas, in North Dakota or Colorado and in the tar sands. If we look through that same lens of fewer imports and cleaner fuels, tar sands development fails on both of those fronts.

We talk about more dependency in the United States on importing energy, and here we are talking about a substantially dirtier fuel source. In fact, we aren't allowed props on the floor, but when having this conversation in caucus, I brought some tar sands with me so I could show people the difference between oil and tar sands and how just toxic and sticky it is and how it represents a step backward in our overall energy policy in this country.

When thinking of oil production, most people think of putting a well in place, you case the well, and there is a well pad. It has an impact, certainly, but it is substantially limited compared to what we are seeing going on in the boreal forest in northern Alberta right now.

This is a picture of northern Canada. For those of us in arid Southwestern States, I can't tell you how envious we are of the kind of water one finds in this part of Canada. Also, the fish and wildlife and the forest resources are substantial. If we look at this picture, some people would say: That is the kind of place one might want to see as a national wildlife refuge or a national park. This is what the boreal forest looks like before tar sands production.

The thing to remember is that tar sands are not drilled for. They are not produced the way oil and natural gas is produced. Tar sands are mined, and they are strip mined. Let us see a picture that exemplifies the boreal forest and then the tar sands production area in the back. This in the front is how it started out and the back is what you have once you are producing the tar sands.

We heard from our colleague from Wyoming in his statement recently on the floor that there is no significant environmental impact from this project. But when we look at tar sands production, I don't know how we can look at a photo such as this and say there is no significant environmental impact.

Let's look at the next picture, and we can take an even closer look at what the tar sands look like when it is in production. We are talking about an enormous area across northern Canada impacted in this way. As we can see, the tar sands is not oil, it is sand and bitumen together.

To be able to process tar sands, to send it through this tar sands pipeline—the Keystone or any other pipeline—to be able to produce it and refine it is a very complicated process. You start by removing the forest cover, then you scrape off the topsoil, and after that you dig up the remaining tar sands and then you have to heat those up and process it to get the energy-bearing oil portion out. Just to be able to move it through a pipeline you have to heat it up, you have to pressurize it and you have to add caustic solvents.

One of the reasons it has been so incredibly difficult to clean up the existing tar sands spills in places such as Michigan and Arkansas is because—unlike oil, where we have a fair amount

of experience, though it is not easy to clean up—there are additional solvents and because the very sticky nature of this substance makes it almost impossible to clean up. We have had very little luck cleaning up tar sands spills to date.

We see in the front of this picture the boreal forest—or what is left of it—and then we see acres and acres and acres, thousands upon thousands of acres of tar sands production. So I think the first thing that is important for people to know is that this simply is not traditional oil and gas development. It is not clear a well pad, drill a hole, and produce oil. It is the kind of impact that if it were proposed for New Mexico or New York or California or even Texas we would have enormous outcry. We don't have the kind of open-pit mining and strip mining we once had in this country, but that is what it is most analogous to.

That said, another one of the claims that has been made repeatedly about this particular project is that the emissions it would create are inconsequential. So it is helpful to look at the emissions to understand that, because tar sands are fundamentally not only harder to handle but fundamentally dirtier from a pollution point of view than traditional oil resources. It is instructive to look at the difference between if we created the same amount of energy from domestic New Mexico, Texas, Colorado or North Dakota crude oil versus if we produced that energy from tar sands.

Once again, we get an idea of the emissions just at the source of the tar sands development here, but if we were to build this tar sands pipeline and we burned all of that produced tar sands that will move through it, the incremental pollution impact of that, the incremental carbon pollution—not the base pollution of whether we created the same amount of energy from oil sources or from some other sources of energy, if we used oil from the United States to create this energy—not looking at that but just the increment of burning tar sands oil instead of conventional crude oil, it is the equivalent of putting 285 million cars on the road for 1 year.

So the addition of carbon pollution to the atmosphere is anything but inconsequential if we look at it from the point of view that it is the equivalent of doubling Pennsylvania's cars—putting another Pennsylvania's worth of auto traffic on the road every year for 50 years.

What that doesn't take into account is the additional carbon released simply because we are cutting down all the forests, eliminating the peat bogs, and fundamentally industrializing an enormous portion of Alberta and Canada. That increment is another 6 million cars' worth of carbon pollution on the road for 1 year.

So that brings me to: What difference does this make?

We may have seen in the news a few days ago how 2014 was the hottest year

on record. I wish I could say that was an anomaly. Unfortunately, it is not. Fourteen of the last 15 years have been record-setting years. And if there is something we know from our geologic records—from ice cores, from the science that has been done at NASA and NOAA and analyzed by our national labs and our university scientists—it is that over time the amount of carbon pollution in the atmosphere—the parts per million of carbon dioxide at any given time—tends to correlate with temperature. It doesn't matter if it comes from a volcano, it doesn't matter if it comes from the exhaust of a car. But because we have added such an enormous increment in recent years, since 1880 and the Industrial Revolution, we can see that as the parts per million of particles go up over time—this is the CO<sub>2</sub> concentration over that time period from the Industrial Revolution to today. It is actually not quite up to date because, unfortunately, we are now up here above 400 parts per million. Over that same time period, the average temperature has gone up year in and year out, with fluctuations, but the trendline continues to go up to a very dangerous level.

Adding an additional increment of carbon pollution is simply not something we can afford at a time when we need to be showing real leadership in terms of cleaning up our energy sources, moving forward to a clean energy future, and putting Americans to work here, domestically, with that approach.

The temporary jobs this tar sands pipeline will create are not inconsequential. But since this has been sold as a jobs program, it is worth stepping back and talking about how much of a permanent impact this is going to make. I would make the argument that if we were truly serious here in the U.S. Senate about the type of temporary construction jobs this pipeline would create, we would get serious about passing a transportation bill—and not only passing a transportation bill, but financing transportation in this country, financing infrastructure in this country the way we have historically.

We have a deficit of trillions of dollars worth of infrastructure at this point in this country because we won't pay to maintain it. In fact, our parents' generation built an infrastructure that is the envy of the world. With the current approach in the Congress, we haven't even had the decency to maintain the infrastructure they built and pass it on to our children unimpaired, much less create additional infrastructure of the type we saw from previous generations.

So if we look at the permanent jobs, as articulated in the environmental impact statement, we are talking about 30 to 50 permanent jobs from Keystone. That is slightly less than a single McDonald's, although I would argue that construction jobs are usu-

ally higher paying than McDonald's. But it gives us a sense of the kind of scale we are talking about in terms of permanent jobs. If we compare that to just regional projects in individual States—a transmission line in the Southwest, three times as many jobs as that; an electric vehicle plant in the West in Nevada, substantially many, many increments of permanent jobs more, which once again brings us to the fact that in this recovery, just in the third quarter of 2014, we saw 18,000 in clean energy jobs created in this country.

We need jobs in this country. We need energy in this country. And I would argue that the sooner we commit ourselves to a clean energy job-intensive future, the sooner we will address the real challenges that are in front of us.

I continue to urge the President to exercise his discretion and his veto of this. I suspect it will pass the U.S. Senate. But the sooner we get through this process, my hope is that we can return to a real debate about how we address the science that all the scientists have said is out there. We did make a big step forward yesterday in that the Senate for the first time—and the Republicans in the Senate in particular for the first time—accepted the reality of climate change. Unfortunately, right now the policy prescription is to make that climate change worse.

It is time we had an Apollo project for clean energy in this country. That will take transition. That means we are going to continue to produce fossil fuels as a part of that transition. But the sooner we get serious about investing in research and development, the sooner we get serious in terms of scaling the very real and economically competitive technologies we already have, the sooner we get serious about building infrastructure, such as transmission lines to carry renewable energy from parts of the country where it can be produced today to parts of the country where it will be consumed, the sooner we will lead the world and put this country back on track to be the world leader in not only energy but in clean energy.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

THE PRESIDING OFFICER (Mr. CASSIDY). Without objection, it is so ordered.

ROE V. WADE

Mr. HATCH. Mr. President, today is the anniversary of a tragedy. Forty-two years ago today, the Supreme Court announced its creation of a right to abortions for virtually any reason at all virtually at any time. The result of that decision is a tragedy for our society, for our culture, and for our precious life lost.

Since even before America's founding, the law was on a steady march toward protecting human beings before birth. In the 19th century, medical professionals and civil rights activists led a movement that succeeded in prohibiting abortion in every State except to save the mother's life. America had reached a consensus on the importance of protecting the most vulnerable. Unfortunately, the Supreme Court swept all of that aside, imposing upon the country a permissive abortion regime that the American people to this day have never chosen or accepted.

The debate over the morality and legality or policy of abortion begins with one inescapable fact—every abortion kills a living human being. Many have tried mightily to avoid, obscure, distract from, or ignore that fact, but it will not go away. Every abortion kills a living human being. That fact informed President Ronald Reagan when he wrote a moving essay titled "Abortion and the Conscience of the Nation" in 1983.

He wrote, "We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life." The real question, President Reagan said, is not about when human life begins, but about the value of human life. I believe that remains the real question today.

Today the United States is one of only seven nations in the world to allow abortion into the sixth month of pregnancy and beyond. That list of nations includes such champions of human rights as China and North Korea. Yet, in 1948, the United States voted in favor of the Universal Declaration of Human Rights, which recognizes in its preamble the inherent dignity and inalienable rights of "all members of the human family."

Article 3 of the declaration states that "everyone has a right to life." Words such as "universal" and "inherent" and "all" are unambiguous and clear.

Our embrace of the inherent dignity and worth of all human beings in 1948 stands in jarring contrast to the Supreme Court's decision in Roe just 25 years later, that the life of any human being may be ended before birth.

The Supreme Court might have thought in 1973 that it was settling the abortion issue. By 1992, however, the Court conceded that the rules it created in Roe simply did not work and issued revised regulations in a case titled *Planned Parenthood v. Casey*. The Court said then that the contending sides in the abortion controversy should "end their national division by accepting a common mandate rooted in the Constitution."

National division on any issue, let alone one so profound as the taking and the value of human life, will not end simply because the Court says so. The division over abortion not only continues, but has remained largely unchanged even after dozens of Supreme Court decisions and four decades

of insisting that abortion is a constitutional right.

The Supreme Court can render opinions on constitutionality, but it is limited in its ability to forge lasting consensus. That is the provenance of our great deliberative bodies where the people are truly represented.

More than 70 percent of Americans believe abortion should be illegal in most or all circumstances. That figure has not changed in 40 years. What has changed is that more Americans today identify themselves as pro-life than pro-choice. Large majorities favor a range of limitations on abortion and last November elected scores of new pro-life Senators at both the State and Federal level.

We must not avoid the fundamental question of the value of human life, for no question is more important. Do we still, as we once did, believe that every human being has inherent dignity and worth?

Two nights ago, in his State of the Union Address, President Obama spoke about the values that are at stake in the public policy choices we must make. Is there any value more important than life itself? He spoke about expanding opportunities for individuals, but the first opportunity that must be secured is the opportunity for life itself.

For many, the right to abortion is a symbol of progress. However, the idea that an act resulting in killing a living human being should be held up as a step forward, as a light to guide our way, strikes me as deeply misguided. We should instead be deepening the conviction that all human beings have inherent dignity and worth. That has been and should remain the foundation of our culture, society, and even our politics.

In his 1983 essay, President Reagan wrote that "we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion."

Today's tragic anniversary is a reminder of how our Nation's survival depends on respecting the essential dignity and worth of every human individual. Resting in the balance is how we ultimately define who we are as a people and what we strive to be as a nation.

This is an important issue. It is not one that should be slighted over. It is an issue that should strike at the heart of every person in this body. It is an issue that we all should stand up to strengthen and fight against in the case of this issue of abortion.

I am so grateful that so many people feel the same way, and that more and more people in this country are starting to realize every human life is important and that this society has sometimes gotten off track and not respected the rights of human beings. I think Roe v. Wade led us there, and we should be let out of Roe v. Wade by those who know there is a better way to have the sensitivity that society de-

serves to have, should have, and I believe will have in the future.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Presiding Officer. I heard the words of my friend, and he was eloquent in his remarks, but I don't think he would be surprised to know that I see this issue very differently.

Before Roe v. Wade was decided in the 1970s, women died because they could not end a pregnancy even if they were raped. There are bodies buried in America, and we don't know the cause of death because if a woman tried to end an unwanted pregnancy—sometimes as a result of rape or even incest—she would be considered a criminal. And that is what you hear from my colleagues on the other side. They say, let's go back to the last century—let's undo Roe v. Wade.

It is hard for me to believe that here I stand in this century arguing that women should be respected, that families should be respected, and that everyone's religion should be respected. I support a woman's right to choose, and that means if your religion says you will never end an unwanted pregnancy, I support you.

I believe this decision should be between a woman, her doctor, her family, and her God. I don't think any Senator should get in the middle of a woman's private life. It is dangerous to do so, it is wrong to do so, and to do so in the name of doing something that is going to help the family—it doesn't make sense to me.

The Republican Party used to be the party of individual freedom and individual rights. When I was on the board of Planned Parenthood so many years ago, before Roe v. Wade, do you know who was very active and on their board? George Herbert Walker Bush. This was an issue that was embraced by Republicans and Democrats—individual respect and rights for women and caring about a woman's health. It was not a partisan issue.

I don't see how interfering with a woman's health, or her right to choose, in any way is helpful to her in a time of need. It should be her decision within the law. We don't want to go back to the last century.

I was glad to see that the Republicans in the House pulled a bill off the floor because it was so nasty to women. It didn't even allow women the right to terminate a pregnancy at a certain date if the woman was a victim of rape. They pulled it, but then they replaced it with another terrible bill that also limits a woman's right to choose.

My Republican friends would make doctors criminals and put them in jail for years and years. They would make women criminals. They have even had a bill that said that a grandmother should be put in jail if she helps her granddaughter. As a grandmother, that was too much for me. How dare some Senator come down here and tell a

grandma what to do for her granddaughter? This is the party of individual freedom that always decries too much government? Come on. This is putting the government right in the middle of our most personal decisions. It never used to be that way, but that is the way it is now.

Everyone deserves respect for their views. They should not be taunted for their views, and that is why the right to choose makes so much sense. You don't tell someone that the government says you must do A, B, or C. You tell the person within the law—within Roe, which was a modest decision at the time—you make a decision, we respect that decision, and we don't need to know about it.

Putting Senators in the middle of our private lives is not why I came to the Senate. We have a lot of work to do. We have to work on good jobs. We have to pass a highway bill. We have to make sure this planet is habitable for people. Talk about kindness. Think about future generations who have to live on a planet that is increasingly inhospitable. Scientists tell us if we don't do anything about climate, at the end of the day it may be an uninhabitable planet.

We have a lot of work to do. We all do. It seems to me we should start off by doing what government should do, not putting ourselves in the middle of private lives.

Again, I greatly respect my colleagues whose views are different than mine. All I ask them to think about is this: If we embrace the right to choose, then we are saying to women all over America that this is a tough decision and we understand that. Make it with your God. Make it with your loved ones. But we are not going to be right there in the middle of people's living rooms telling them what we think is right, because that is not why we were elected.

I am glad I happened to be on the floor to follow the remarks of Senator HATCH. I feel very strongly about this. As many of my colleagues know, the Democratic women of the Senate and several of our Republican women colleagues will continue to fight against saying to a woman that she has no right to make a most private, most personal decision without satisfying U.S. Senators, most of whom are men, by the way. It is just not right.

Speaking of polls, because I think Senator HATCH mentioned one, people want us to have a moderate approach on this. They don't want abortion on demand and neither does any pro-choice Senator. Roe v. Wade spelled it out. In the early stages we know a woman has that right; later, only if her health or her life is threatened. It is pretty modest. It makes sense. Leave it alone. That decision was made in 1973. Don't turn the clock back in this century.

I thank the Presiding Officer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. 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, I ask unanimous consent that at 3:50 p.m. today, the Senate proceed to vote in relation to the following amendments in the order listed: Boxer No. 113, which is a side-by-side to Senator FISCHER's amendment; then Fischer No. 18, as modified; Manchin No. 99; Sanders No. 24; Lee No. 71; Murkowski No. 123, which is a side-by-side to Senator WYDEN's amendment; Wyden No. 27; Blunt No. 78, as modified; Cornyn No. 126, as modified; and Menendez No. 72, as modified; further, that all amendments on this list be subject to a 60-vote affirmative threshold for adoption except for Cornyn No. 126 and Menendez No. 72, which are germane, and that no second-degrees be in order to the amendments. I ask consent that there be 2 minutes of debate equally divided between each vote, and that all votes after the first in the series be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 123 TO AMENDMENT NO. 2

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to call up my amendment No. 123.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 123 to amendment No. 2.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that all forms of unrefined and unprocessed petroleum should be subject to the nominal per-barrel excise tax associated with the Oil Spill Liability Trust Fund)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF SENATE REGARDING THE OIL SPILL LIABILITY TRUST FUND.**

It is the sense of the Senate that—

(1) Congress should approve a bill to ensure that all forms of bitumen or synthetic crude oil derived from bitumen are subject to the per-barrel excise tax associated with the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986;

(2) it is necessary for Congress to approve a bill described in paragraph (1) because the Internal Revenue Service determined in 2011 that certain forms of petroleum are not subject to the per-barrel excise tax;

(3) under article I, section 7, clause 1 of the Constitution, the Senate may not originate a bill to raise new revenue, and thus may not originate a bill to close the legitimate and

unintended loophole described in paragraph (2);

(4) if the Senate attempts to originate a bill described in paragraph (1), it would provide a substantive basis for a "blue slip" from the House of Representatives, which would prevent advancement of the bill; and

(5) the House of Representatives, consistent with article I, section 7, clause 1 of the Constitution, should consider and refer to the Senate a bill to ensure that all forms of bitumen or synthetic crude oil derived from bitumen are subject to the per-barrel excise tax associated with the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986.

AMENDMENT NO. 78, AS MODIFIED

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to modify the Blunt amendment, No. 78, with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING BILATERAL OR OTHER INTERNATIONAL AGREEMENTS REGARDING GREENHOUSE GAS EMISSIONS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) On November 11, 2014, President Barack Obama and President Xi Jinping of the People's Republic of China announced the "U.S.-China Joint Announcement on Climate Change and Clean Energy Cooperation" (in this section referred to as the "Agreement") reflecting "the principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances".

(2) The Agreement stated the United States intention to reduce its greenhouse gas emissions by one-quarter by 2025 while allowing the People's Republic of China to double its greenhouse gas emissions between now and 2030.

(3) Analyses have shown that policies limiting greenhouse gas emissions lead to a material increase in electricity prices.

(4) The people of China will not see similar electricity price increases as they continue to emit without limit for the foreseeable future, at least until 2030.

(5) Increases in the price of electricity can cause job losses in the United States industrial sector, which includes manufacturing, agriculture, and construction.

(6) The price of electricity is a top consideration for job creators when locating manufacturing facilities, especially in energy-intensive manufacturing such as steel and aluminum production.

(7) Requiring mandatory cuts in greenhouse gas emissions in the United States while allowing nations such as China and India to increase their greenhouse gas emissions results in jobs moving from the United States to other countries, especially to China and India, and is economically unfair.

(8) Imposing disparate greenhouse gas emissions commitments for the United States and countries such as China and India is environmentally irresponsible because it results in greater emissions as businesses move to countries with less stringent standards.

(9) Union members, families, consumers, communities, and local institutions like schools, hospitals, and churches are hurt by the resulting job losses.

(10) The poor, the elderly, and those on fixed incomes are hurt the most by increased electricity rates.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Agreement negotiated between the President and the President of the People's Republic of China has no force and effect in the United States;

(2) the Agreement between the President and the President of the People's Republic of China is a bad deal for United States consumers, workers, families, and communities, and is economically unfair and environmentally irresponsible;

(3) the Agreement, as well as any other bilateral or international agreement regarding greenhouse gas emissions such as the United Nation's Framework Convention on Climate Change in Paris in December 2015, requires the advice and consent of the Senate and must be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the Agreement and an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the Agreement;

(4) the United States should not agree to any bilateral or other international agreement on greenhouse gases that imposes disproportionate and economically harmful commitments on the United States.

AMENDMENT NO. 126, AS MODIFIED, TO AMENDMENT NO. 2

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to call up the Cornyn amendment, No. 126, as modified with the changes at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. CORNYN, proposes an amendment numbered 126, as modified, to amendment No. 2.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(Purpose: To ensure private property is protected as guaranteed by the United States Constitution)

At the end add the following:

(e) PRIVATE PROPERTY PROTECTION.—Land or an interest in land for the pipeline and cross-border facilities described in subsection (a) may only be acquired consistently with the Constitution.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 72, AS MODIFIED

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Menendez amendment, No. 72, be modified with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

In section 2 of the amendment, strike subsection (e) and insert the following:

(e) PRIVATE PROPERTY PROTECTION.—Land or an interest in land for the pipeline and

cross-border facilities described in subsection (a) may only be acquired from willing sellers and consistently with the Constitution.

AMENDMENT NO. 99 TO AMENDMENT NO. 2

Ms. CANTWELL. On behalf of Senator MANCHIN, I call up his amendment, No. 99.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for Mr. MANCHIN, proposes an amendment numbered 99 to amendment No. 2.

Ms. CANTWELL. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress regarding climate change)

After section 2, insert the following:

SEC. \_\_\_\_ SENSE OF CONGRESS REGARDING CLIMATE CHANGE.

It is the sense of Congress that Congress is in agreement with the opinion of virtually the entire worldwide scientific community and a growing number of top national security experts, economists, and others that—

- (1) climate change is real;
- (2) climate change is caused by human activities;
- (3) climate change has already caused devastating problems in the United States and around the world;
- (4) the Energy Information Administration projects that fossil fuels will continue to produce 68 percent of the electricity in the United States through 2040; and
- (5) it is imperative that the United States invest in research and development for clean fossil fuel technology.

Ms. CANTWELL. I yield to Senator BOXER so she can call up her amendment.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 113 TO AMENDMENT NO. 2

Mrs. BOXER. I call up amendment No. 113.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 113 to amendment No. 2.

Mrs. BOXER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress regarding federally protected land)

At the appropriate place, insert the following:

SEC. \_\_\_\_ SENSE OF CONGRESS REGARDING FEDERALLY PROTECTED LAND.

- (a) FINDINGS.—Congress finds that—
- (1) Presidents of both parties have designated public land to preserve the land for current and future generations and to honor the national heritage of the United States, and that designated public land includes—

- (A) the Statue of Liberty;
- (B) the Grand Canyon;
- (C) Acadia National Park;
- (D) African Burial Ground National Monument;

(E) the Chesapeake & Ohio Canal National Historical Park;

(F) Muir Woods National Monument;

(G) Arches National Park; and

(H) Devils Tower National Monument;

(2) outdoor recreation, including recreation within Federal land, adds over \$600,000,000,000 into the economy of the United States and supports more than 6,000,000 jobs;

(3) Federal land, such as National Parks, National Monuments, or other federally designated land, conserves historic, cultural, environmental, scenic, recreational, and biological resources, and positive impacts include—

- (A) economic opportunities and small business creation;
- (B) local tourism in gateway communities;
- (C) new direct and indirect employment opportunities;
- (D) recreational opportunities; and
- (E) environmental, historic, and educational opportunities; and
- (4) regions surrounding National Monuments have seen continued growth or improvement in employment and person income.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should acknowledge the benefit that public land designations provide to local and regional communities and economies; and

(2) designations of federally protected land should continue where appropriate and with consultation by local communities, bipartisan elected leaders, and interested stakeholders.

Mrs. BOXER. I ask unanimous consent to speak for 2 minutes just before the vote starts to explain this amendment.

The PRESIDING OFFICER. Is there objection?

Ms. MURKOWSKI. Mr. President, reserving the right to object, I want to make sure we understand the vote was scheduled to begin 3 minutes ago. As part of the unanimous consent agreement, there was not a time allowed for Senator BOXER to speak. I don't have a problem in giving—

Mrs. BOXER. Excuse me for interrupting. I assume we have at least a minute to talk about our amendment.

Ms. MURKOWSKI. I am happy to make sure that is allowed. It wasn't included in the consent, but I am certainly happy to allow for the minute as Senator BOXER has asked.

Mrs. BOXER. Thank you. I have a minute. I actually asked for three, but as I understand, I have a minute. Is that where we are?

I ask unanimous consent for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Thank you so much. I know what a hard job it is to get this bill moving, and I am trying to be very helpful. I am offering an amendment I didn't expect to offer because basically my amendment says that we should acknowledge the benefit that parks provide to our local and regional communities and their economies for small business and enhanced local tourism and how much they contribute to employment and provide opportunities to



our families. Can my colleagues imagine America without Yosemite, Yellowstone, Grand Canyon, the Statue of Liberty, Natural Bridges in Utah, Scottsbluff in Nebraska, Muir Woods in California, Glacier Bay in Alaska?

These were all protected by Republican and Democratic Presidents, and in many cases, by Congress. Why do I offer this? It seems to me we shouldn't have to argue about this. It is because my friend, the Senator from Nebraska, Mrs. FISCHER, has an amendment that I think is very dangerous. I know she modified it, and I appreciate that, but at the end of the day, it is so vague that I think it is going to lead us right to the courthouse door.

For example, if a President now or in the future, Democratic or Republican, decided in California—because the community really wanted it—to declare a national monument as we just had recently, in many cases, I would tell you this: Under this Fischer amendment, what would happen is there would have to be under consideration what does this do to other monuments, to other parks, to the budget deficit.

If someone who did not like this said, I am taking this to court because the President didn't consider this, you would not have any more national monuments, and you would not have all the beautiful iconic things we have such as the Grand Canyon and Scottsbluff. I think it is a bad amendment. I know my friend is trying to make a point, but I think we should defeat it and pass the Boxer amendment.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote in relation to amendment No. 113, offered by the Senator from California, Mrs. BOXER.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—55

Alexander	Cruz	Manchin
Ayotte	Donnelly	Markey
Baldwin	Durbin	McCaskill
Bennet	Feinstein	Menendez
Blumenthal	Franken	Merkley
Booker	Gillibrand	Mikulski
Boxer	Graham	Murphy
Brown	Heinrich	Murray
Cantwell	Heitkamp	Nelson
Cardin	Heller	Paul
Carper	Hirono	Peters
Casey	Kaine	Portman
Collins	King	Reed
Coons	Klobuchar	Rubio
Corker	Leahy	Sanders

Schatz  
Schumer  
Shaheen  
Stabenow

Tester  
Udall  
Warner  
Warren

Whitehouse  
Wyden

NAYS—44

Barrasso  
Blunt  
Boozman  
Burr  
Capito  
Cassidy  
Coats  
Cochran  
Cornyn  
Cotton  
Crapo  
Daines  
Enzi  
Ernst  
Fischer

Flake  
Gardner  
Grassley  
Hatch  
Hoeven  
Inhofe  
Isakson  
Johnson  
Kirk  
Lankford  
Lee  
McCain  
McConnell  
Moran  
Murkowski

Perdue  
Risch  
Roberts  
Rounds  
Sasse  
Scott  
Sessions  
Shelby  
Sullivan  
Thune  
Tillis  
Toomey  
Vitter  
Wicker

NOT VOTING—1

Reid

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Ms. MURKOWSKI. I move to reconsider the vote.

Mr. BARRASSO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 18, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 18, as modified, offered by the Senator from Nebraska, Mrs. FISCHER.

The Senator from Nebraska.

Mrs. FISCHER. Mr. President, our national parks are facing \$13 billion in maintenance needs. The entire Federal land of States is looking at \$22 billion in needs. We want to keep these resources and parks open for our children and grandchildren to marvel at and enjoy.

All of us have unique and special areas within our States, but we in Congress have the responsibility to care for the natural resources of our country.

This amendment has been softened so that the limitations are now just considerations. Let's vote yes on this amendment to take care of the resources we have so that future generations can enjoy them.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I rise in opposition to this amendment. This amendment would open the courthouse door over disputes of whether to place worthy lands under protection because of challenges that there are not enough resources or certain issues were not considered ahead of time.

Let me give one concrete example. A little over 1 year ago the President designated the Harriet Tubman Park as a national historic monument. It was a prerequisite to becoming a national park. That could have been challenged in the courts and it could have prevented the protection of that land. That could have been done.

What this amendment does—and it was not intended to do that—is add additional bureaucracy to the protection

of worthy lands. I urge my colleagues to reject this amendment. I think it will do harm to the protection of necessary lands in our country.

Ms. MURKOWSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment, as modified.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—54

Alexander	Gardner	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Perdue
Boozman	Heitkamp	Portman
Capito	Heller	Risch
Cassidy	Hoeven	Roberts
Coats	Inhofe	Rounds
Cochran	Isakson	Rubio
Corker	Johnson	Sasse
Cornyn	Kaine	Scott
Cotton	King	Sessions
Crapo	Kirk	Shelby
Cruz	Lankford	Sullivan
Daines	Lee	Thune
Enzi	Manchin	Tillis
Ernst	McCain	Toomey
Fischer	McConnell	Vitter
Flake	Moran	Wicker

NAYS—45

Ayotte	Durbin	Murray
Baldwin	Feinstein	Nelson
Bennet	Franken	Peters
Blumenthal	Gillibrand	Reed
Booker	Graham	Sanders
Boxer	Heinrich	Schatz
Brown	Hirono	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Markey	Tester
Carper	McCaskill	Udall
Casey	Menendez	Warner
Collins	Merkley	Warren
Coons	Mikulski	Whitehouse
Donnelly	Murphy	Wyden

NOT VOTING—1

Reid

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Ms. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. BARRASSO. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 99

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 99, offered by the Senator from Washington, Ms. CANTWELL, for the Senator from West Virginia, Mr. MANCHIN.

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, we can all agree climate change is real and that 7 billion people have had an impact on the climate. We have a responsibility. We can all agree we need to

act to address the potentially devastating impact of climate change. The Energy Information Administration predicts the United States will continue to rely on fossil fuels for almost 68 percent of our energy through 2040. That is right, the Department of Energy.

My amendment basically says that right now the only baseload fuels we have are coal and nuclear and that is going to expand to natural gas.

What we are asking for is we need a Federal commitment from the President to Congress to invest in the research and development of fossil energy so we can use the cleanest and most environmentally responsible way possible and find that technology to do it so we are responsible.

My amendment does recognize these facts. I ask for a "yea" vote and appreciate your support.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the Manchin amendment is a side-by-side to my amendment, which will follow.

The first three provisions are exactly the same: Climate change is real, it is caused by human activity, and it is already causing devastating problems.

We agree on that. But what my amendment says, importantly, is that according to the scientific community, it is imperative the United States transform its energy system away from fossil fuel to energy efficiency and sustainable energy as quickly as possible.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we had a robust discussion yesterday on two amendments that dealt with the issue of climate change. I think we had a very clear and resounding vote on the one that had a perfectly reasonable statement that climate change is real; climate change is not a hoax.

I also supported the amendment of my colleague from North Dakota on this same topic. I think it was important that we had that debate.

What I am hoping we can do now is get beyond the discussion as to whether climate change is real and talk about: What do we do? How do we move forward to those technologies? How do we make a difference with reasonable steps such as greater efficiency, a no-regrets energy policy that makes our energy supply even cleaner.

I want to move on to that. But I think at this point in time, with what we have had in front of us, we could have a whole series of amendments that basically restate the same thing.

I would like to move us beyond that conversation, and I look forward to that. But at this time I move to table, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask unanimous consent for 1 minute to reply.

The PRESIDING OFFICER. Is there objection?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, it is my understanding that a motion to table is not debatable.

The PRESIDING OFFICER. It is not debatable. The Senator is correct.

Mr. MANCHIN. I am asking for unanimous consent.

The PRESIDING OFFICER. The Senator from West Virginia is asking for unanimous consent.

Ms. MURKOWSKI. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Ms. CANTWELL. Mr. President, the original agreement said that, further, that all these amendments be limited to 60-vote affirmative threshold adoption, except for Cornyn and Menendez, and that no second-degrees be in order. So the original agreement we entered into allowed for this vote.

The PRESIDING OFFICER. The unanimous consent agreement was for a vote in relation to each amendment, and the motion to table is in order.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2 Leg.]

PRESENT

Alexander	Enzi	Menendez
Ayotte	Ernst	Merkley
Barrasso	Feinstein	Murkowski
Bennet	Fischer	Nelson
Blumenthal	Flake	Perdue
Blunt	Franken	Peters
Boozman	Graham	Portman
Boxer	Grassley	Rounds
Burr	Hatch	Rubio
Cantwell	Heinrich	Sanders
Capito	Heitkamp	Sasse
Cardin	Hirono	Schumer
Cassidy	Hoeven	Scott
Coats	Inhofe	Shelby
Cochran	Isakson	Stabenow
Collins	King	Sullivan
Coons	Kirk	Tester
Corker	Klobuchar	Thune
Cornyn	Lankford	Tillis
Cotton	Manchin	Vitter
Cruz	Markey	Warner
Daines	McCain	Warren
Donnelly	McCaskill	Whitehouse
Durbin	McConnell	

The PRESIDING OFFICER. A quorum is present.

VOTE ON AMENDMENT NO. 99

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—53

Alexander	Ernst	Paul
Ayotte	Fischer	Perdue
Barrasso	Flake	Portman
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Moran	Wicker
Enzi	Murkowski	

NAYS—46

Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Sanders
Boxer	King	Schatz
Brown	Kirk	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Stabenow
Carper	Manchin	Tester
Casey	Markey	Udall
Coons	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murphy	
Gillibrand	Murray	

NOT VOTING—1

Reid

The motion was agreed to.

Ms. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 24

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 24, offered by the Senator from Vermont, Mr. SANDERS.

Who yields time?

The Senator from Vermont.

Mr. SANDERS. Mr. President, we are walking down a very dangerous road as a nation when we reject the findings of the vast majority of scientists on one of the most important issues facing humanity, which is climate change.

A vote to table this amendment is a vote to reject science, and that is a very bad idea for the Senate.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, for the same reasons that I just expressed in the previous amendment that was before us, I would suggest that we move to table this amendment.

I will make that motion now to table the Sanders amendment, and I would ask for the yeas and nays.

The PRESIDING OFFICER. There is still 30 seconds remaining for the Senator from Vermont.

Mr. SANDERS. This is a vote that our kids and grandchildren who will have to live with the consequences of climate change will remember.

I yield back.

The PRESIDING OFFICER. All time is yielded back.

Ms. MURKOWSKI. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—56

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heitkamp	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johnson	Shelby
Corker	Kirk	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Cruz	McCaskill	Vitter
Daines	McConnell	Warner
Enzi	Moran	Wicker
Ernst	Murkowski	

NAYS—42

Baldwin	Franken	Murray
Bennet	Gillibrand	Nelson
Blumenthal	Heinrich	Peters
Booker	Hirono	Reed
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	Menendez	Udall
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden

NOT VOTING—2

Graham Reid

The motion was agreed to.

Ms. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. CORNYN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 71

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote in relation to amendment No. 71, offered by the Senator from Utah, Mr. LEE.

The Senator from Utah.

Mr. LEE. Mr. President, I stand to urge my colleagues to support this amendment. The purpose of this amendment is to expedite the process by which the Bureau of Land Manage-

ment processes applications for a permit for drilling on Federal land. We all know that drilling and the production of oil and natural gas in our country on Federal lands is an essential activity for our energy security and therefore for our national security.

The fact is that although these applications are supposed to be handled in an expedited manner, they are not. The average right now for them to be processed is about 7½ months. That is too long. We need a simple up-or-down ruling by the Bureau of Land Management, especially given the fact that these lands, once they get to this stage, have already been deemed by the Bureau of Land Management as suitable for oil and gas leasing. I therefore urge each of my colleagues to support this amendment and thereby secure our energy security.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, speaking against the Lee amendment, I strongly urge my colleagues to oppose this because it is an amendment relating to oil and gas permits on Federal land. I guess if colleagues want to keep trying to loosen environmental regulations, then maybe they should support this amendment.

This amendment would impose new limitations on the Secretary of the Interior and their ability to process permits for drilling and provides a waiver for the National Environmental Policy Act and the Endangered Species Act if necessary reviews have not been completed by an arbitrary deadline, and it waives judicial review of these actions.

So I encourage my colleagues to oppose this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I wish to remind Members that we are trying to keep a schedule here. We have six more amendments to go in this stack, and we are supposedly at 10-minutes per amendment. We have not been following that. I urge Members to stick close so we can move more expeditiously.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. MURKOWSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—51

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heitkamp	Rounds
Cassidy	Heller	Rubio
Coats	Hoeven	Sasse
Cochran	Inhofe	Scott
Corker	Isakson	Sessions
Cornyn	Johnson	Shelby
Cotton	Lee	Sullivan
Crapo	Manchin	Thune
Cruz	McCain	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Vitter
Ernst	Murkowski	Wicker

NAYS—47

Ayotte	Franken	Murray
Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Sanders
Boxer	King	Schatz
Brown	Kirk	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Lankford	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Collins	McCaskill	Warner
Coons	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murphy	

NOT VOTING—2

Graham Reid

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. LEE. I move to reconsider the vote.

Ms. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 123

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 123, offered by the Senator from Alaska, Ms. MURKOWSKI.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we have the sense of the Senate that would express that all forms of bitumen or synthetic crude should be subject to the 8-cent-per-barrel excise tax associated with the oilspill liability trust fund. This is important because right now we have a legitimate but unintended loophole on the books, and it is also a matter of fairness because conventional oil pays into the trust fund. We need to address this, and I commend my colleague Senator WYDEN for the effort he has done. But the problem that we have is that as we work to enact legislation to update our laws, we have to make sure it is consistent with the Constitution, which requires revenue-raising measures to originate in the House.

If we agree that we want to close this loophole, which we should do, we need to allow for the House to address this. Otherwise, we face a blue slip issue, and quite honestly, it would act as a poison pill to the Keystone XL bill. The sense of the Senate expresses to do it legitimately through the Constitution.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I am glad Senator MURKOWSKI has now agreed that the outlandish tar sands loophole, which rips off taxpayers and communities, must be closed. The difference between our amendments is that Senator MURKOWSKI's amendment is a nonbinding resolution to close the loophole sometime down the road. My amendment, in contrast, closes the loophole now.

The argument Senator MURKOWSKI makes against my amendment is that it is a revenue measure that should start in the House. The fact is that there is a House revenue measure at the Senate desk right now that I would be happy to call up and amend as a substitute to my amendment to close the loophole that ends the tar sands double standard harming our communities and taxpayers. That way we will be acting in a constitutional fashion and the Senate makes clear we want to close the loophole today.

I will close by saying that until I can propound the unanimous consent request to do just that, I intend to go along with the Murkowski amendment. After its consideration, I hope my colleagues will vote for my amendment because closing this flagrant tax loophole is too important to wait.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. MURKOWSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER (Mr. SULLIVAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 18 Leg.]  
YEAS—75

Alexander	Durbin	Merkley
Ayotte	Enzi	Mikulski
Baldwin	Ernst	Murkowski
Barrasso	Feinstein	Murphy
Bennet	Fischer	Murray
Blumenthal	Flake	Nelson
Blunt	Franken	Peters
Booker	Gardner	Portman
Boxer	Gillibrand	Reed
Brown	Heinrich	Rounds
Burr	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Capito	Hoeven	Schumer
Cardin	Johnson	Sessions
Carper	Kaine	Shaheen
Casey	King	Stabenow
Cassidy	Kirk	Sullivan
Coats	Klobuchar	Sullivan
Cochran	Leahy	Tester
Collins	Manchin	Thune
Coons	Markey	Tillis
Corker	McCain	Udall
Daines	McCaskill	
Donnelly	Menendez	

Vitter	Warren	Wicker
Warner	Whitehouse	Wyden

NAYS—23

Boozman	Inhofe	Risch
Cornyn	Isakson	Roberts
Cotton	Lankford	Rubio
Crapo	Lee	Sasse
Cruz	McConnell	Scott
Grassley	Moran	Shelby
Hatch	Paul	Toomey
Heller	Perdue	

NOT VOTING—2

Graham	Reid
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Ms. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. BARRASSO. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I would like to remind everybody these are supposed to be 10-minute rollcall votes. To the extent that you do not make it in the 10 minutes, you inconvenience everybody else. I would hope people would be respectful of their colleagues and stay close to the floor and vote during the 10 minutes.

We have actually reached a milestone here that I think is noteworthy for the Senate. We just cast our 15th rollcall vote on an amendment on this bill, which is more votes—more rollcall votes on amendments than the entire Senate in all of 2014.

I particularly want to commend Chairman MURKOWSKI and Senator CANTWELL for their fair and open process that has been engaged in. This is the way the Senate ought to work.

Now the question I know on everyone's mind is: What do we do next? Right? It is Thursday night. We have a current tranche of amendments. We are having a little difficulty getting our friends on the other side of the aisle to offer their amendments so they can be considered.

In order to consider amendments, they need to be offered. So here is where we are for the evening: We are going to finish this tranche. Chairman MURKOWSKI is interested in setting up an additional tranche of amendments tonight. Once she has been able to set up an additional tranche of amendments for tonight, we will be able to announce the way forward for later.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, first, I want to thank the majority leader for the compliment which he has placed to the constructive minority in the Senate. We know that under the rules of the Senate, this procedure could have been stopped at any moment by any Senator. Yet we have worked in good faith with the good leadership of Senator MURKOWSKI, Senator CANTWELL, and Senator BOXER. We want to continue to.

We have had a number of amendments considered here. Many of them had Republican responses which we

have accommodated. Many of your amendments had Democratic responses which you have accommodated. I think we have done that in good faith. We have not threatened any filibusters. We have not tried to stop the process, and we do not want to. We think we have constructive amendments. We want to bring them forward. We would like to have a vote.

I agree with the Senator completely, this is a constructive use of the Senate floor and the Senate procedure on a critical issue relative to our environment and energy policy in this country.

Mr. MCCONNELL. I thank my friend from Illinois. He is entirely correct. We are open for business. When we finish this tranche, I hope Senators on both sides who have additional amendments to be considered will come and offer them.

After we get an additional tranche of amendments that are pending, then I think we will be in a better position to announce the way forward.

I yield the floor.

AMENDMENT NO. 27

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 27, offered by the Senator from Oregon, Mr. WYDEN.

The Senator from Oregon.

Mr. WYDEN. Mr. President, it is very significant that more than 70 Senators just voted for a nonbinding resolution to close an outlandish tax loophole that favors Canadian tar sand producers over American oil and American taxpayers. That vote was for a nonbinding resolution. The next amendment that I offer allows the Senate to actually eliminate the flagrant loophole now.

As for the blue-slip question, this amendment is an amendment that we ought to pass now and then add to an appropriate House revenue measure. This amendment, colleagues, ends the double standard today. To say to your communities, to your taxpayers, and to your producers that Canada should essentially get a free ride is not right. Let's actually do the job now.

I yield back.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, again, let me remind my colleagues that while we may agree we need to address this legal—but there is a loophole in the law. As many of us have just voted, 75 I believe, we say we need to address this oilspill liability trust fund issue.

Doing so in the manner that the Senator from Oregon has suggested does create a blue-slip problem. It would cause this bill to fail. It is not constructive to do so. The sense of this Senate that we just passed, I think, sends clearly the message that we want to address it, but we need to do it in a constitutional way. I would ask Members to vote no.

Mr. HATCH. Mr. President, there is a constitutional point of order that lies against the pending amendment.

It was filed and offered by my friend, the ranking member of the Senate Finance Committee, the senior Senator from Oregon.

A constitutional point of order lies against the amendment, numbered 27 because it violates article 1, section 7, clause 1 of the Constitution, commonly referred to as the origination clause. The origination clause states that "All Bills for raising Revenue shall originate in the House of Representatives."

In addition, the pending amendment is not germane to the bill we are debating, and is not expected to pass. I reserve the right to raise this constitutional point of order against amendment No. 27 in the unlikely event that it passes. I will hold off for now on raising this point of order to spare the Senate an unnecessary vote.

However, I want to put everybody in the Senate on notice that, in the future, I reserve the right to raise this constitutional point of order regarding any proposal that violates the origination clause. In the Senate, revenue proposals should first be processed in the committee of jurisdiction in the Senate, which is the Senate Finance Committee.

I will vote "no" on the pending amendment and urge my colleagues to do the same.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—50

Alexander	Franken	Murphy
Ayotte	Gardner	Murray
Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall
Collins	Markey	Warner
Coons	McCaskill	Warren
Donnelly	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NAYS—47

Barrasso	Fischer	Portman
Blunt	Flake	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Lankford	Sullivan
Cotton	McCain	Thune
Crapo	McConnell	Tillis
Cruz	Moran	Toomey
Daines	Murkowski	Vitter
Enzi	Paul	Wicker
Ernst	Perdue	

NOT VOTING—3

Graham	Lee	Reid
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Ms. MURKOWSKI. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 78, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate in relation to amendment No. 78 offered by the Senator from Alaska, Ms. MURKOWSKI, for the Senator from Missouri, Mr. BLUNT.

The Senator from Missouri.

Mr. BLUNT. Mr. President, I rise to support this amendment, cosponsored by Senator INHOFE, the chairman of the Environment and Public Works Committee; by Senator CAPITO, the new chair of the Subcommittee on Clean Air and Nuclear Safety.

This amendment simply says the United States should not be bound by commitments where we are the only party that has a commitment made in the agreement with China. We agree to reduce emissions by 27 percent between now and a point in the future; the Chinese agree to increase emissions between now and 2030.

The amendment also says the President should have these kinds of agreements approved by the Senate. It also says the United States should not enter any international agreements that are disproportionately a disadvantage to us.

I urge support of the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I will speak for the Senator from New Jersey, although this is a foreign policy question in general.

Let me say this: In the next 10 years, 50 percent of the new buildings that are going to be built in the world are going to be built in China. They are the most energy-inefficient buildings on the planet. So when we reached an agreement through the President of the United States to work together as a way to reduce energy consumption and greenhouse gases, guess what is going to win. American business, American product, and we are selling it to them because we have an agreement to work together to be more energy efficient.

So I don't want to slow down this President or any President in cutting deals to get U.S. products into markets because they agree we need to deal with this issue. Please don't slow down the ability to get U.S. product into foreign markets. Oppose the Blunt amendment.

The PRESIDING OFFICER. The question is on agreeing to the Blunt amendment, as modified.

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—51

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Coats	Inhofe	Sasse
Cochran	Isakson	Scott
Corker	Johnson	Sessions
Cornyn	Kirk	Shelby
Cotton	Lankford	Sullivan
Crapo	Manchin	Thune
Cruz	McCain	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Vitter
Ernst	Murkowski	Wicker

NAYS—46

Ayotte	Franken	Nelson
Baldwin	Gillibrand	Peters
Bennet	Heinrich	Reed
Blumenthal	Heitkamp	Sanders
Booker	Hirono	Schatz
Boxer	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Stabenow
Cardin	Leahy	Tester
Carper	Markey	Udall
Casey	McCaskill	Warner
Collins	Menendez	Warren
Coons	Merkley	Whitehouse
Donnelly	Mikulski	Wyden
Durbin	Murphy	
Feinstein	Murray	

NOT VOTING—3

Graham	Lee	Reid
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Ms. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. BARRASSO. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 126, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes equally divided

prior to a vote in relation to amendment No. 126, offered by the Senator from Alaska, Ms. MURKOWSKI, for the Senator from Texas, Mr. CORNYN.

The Senator from Texas.

Mr. CORNYN. Mr. President, the next amendment following the Cornyn amendment seeks to prohibit the use of eminent domain in the building of the Keystone XL Pipeline, but eminent domain is actually irrelevant to this bill. This is actually designed to confuse things and ultimately end up being a poison pill. I think it is accurate to say that the distinguished Senator from New Jersey is no fan of the Keystone XL Pipeline, so he wants to add this provision to the bill to make it impossible, basically, to implement.

The bill doesn't authorize or mandate the use of eminent domain to take any property; it simply approves a cross-border permit. The decision on how the property should be taken should be and will be made by the individual States in a process overseen by State courts and subject to the U.S. Constitution. My amendment simply reiterates that the standard in the Fifth Amendment to the U.S. Constitution applies.

I ask all Senators to vote for the Cornyn amendment and to vote against the Menendez amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, what I am not a fan of is a foreign company coming to the United States and taking the property of U.S. citizens. This amendment seems innocuous, but it embraces the seizure of private property for private gain to the full extent of the Constitution.

Ten years ago my dear friend from Texas decried the Kelo decision and advocated for severely restricting the use of eminent domain for private gain. Now, with this amendment, he endorses it.

The Founders of our country and its Constitution never envisioned having a company from another country come to the United States and use eminent domain to take the property of U.S. citizens for private purposes. That is what we are trying to avoid with the Menendez amendment.

If you vote for the amendment by the Senator from Texas, you in essence will continue to allow the opportunity for any foreign company to come into the United States and take private property of U.S. citizens for private purposes. That is not what we want to see.

Vote no on the Cornyn amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—64

Alexander	Ernst	Murkowski
Ayotte	Fischer	Nelson
Barrasso	Flake	Paul
Blumenthal	Gardner	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heinrich	Roberts
Capito	Heitkamp	Rounds
Carper	Heller	Rubio
Casey	Hoeven	Sasse
Cassidy	Inhofe	Scott
Coats	Isakson	Sessions
Cochran	Johnson	Shelby
Collins	Kaine	Sullivan
Corker	Kirk	Thune
Cornyn	Klobuchar	Tillis
Cotton	Lankford	Toomey
Crapo	Manchin	Vitter
Cruz	McCain	Warner
Daines	McCaskill	Wicker
Donnelly	McConnell	
Enzi	Moran	

NAYS—33

Baldwin	Gillibrand	Reed
Bennet	Hirono	Sanders
Booker	King	Schatz
Boxer	Leahy	Schumer
Brown	Markey	Shaheen
Cantwell	Menendez	Stabenow
Cardin	Merkley	Tester
Coons	Mikulski	Udall
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Franken	Peters	Wyden

NOT VOTING—3

Graham	Lee	Reid
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The amendment was agreed to.

AMENDMENT NO. 72, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 72, as modified, offered by the Senator from New Jersey, Mr. MENENDEZ.

The Senator from New Jersey.

Mr. MENENDEZ. This amendment protects private property from unjust seizure by foreign corporations using eminent domain proceedings against the will of those who are not willing sellers.

Let me read a letter from the Nebraska landowners to the majority leader.

Dear Senator McConnell, our farms and ranches are definitely at risk of tar sands and benzene spills. We ask, even knowing that you support the Keystone Pipeline, that you vote for Senator Menendez's amendment that makes it clear TransCanada cannot take land from unwilling sellers. We ask you to stand up for our property rights and not permit eminent domain be used for private gain.

I wish to yield the remainder of my time to Senator TESTER.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I support the pipeline. I think it has a lot of

good benefits, but make no mistake about it, if you do not support the Menendez amendment—and there are a lot of Aggies on the other side of the aisle. If you do not support this amendment, you will allow a foreign corporation—a foreign corporation—to come in and use eminent domain to take the property. We don't want to go down this line.

The PRESIDING OFFICER. The time has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, the Senate has spoken on the preceding amendment and overwhelmingly affirmed the Constitution as the only standard that should apply under these circumstances.

The standard being proposed by the Senator from New Jersey is an anti-States rights amendment, and it is designed to be a poison pill on this Keystone XL Pipeline, which he obviously does not support and wants to use every means to kill.

I would ask for a "no" vote on this amendment.

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment, as modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—43

Ayotte	Heinrich	Peters
Baldwin	Hirono	Reed
Bennet	Kaine	Sanders
Blumenthal	King	Schatz
Booker	Klobuchar	Schumer
Boxer	Leahy	Shaheen
Brown	Markey	Stabenow
Cantwell	McCaskill	Tester
Cardin	Menendez	Udall
Casey	Merkley	Warner
Coons	Mikulski	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson	
Gillibrand	Paul	

NAYS—54

Alexander	Cotton	Heller
Barrasso	Crapo	Hoeven
Blunt	Cruz	Inhofe
Boozman	Daines	Isakson
Burr	Donnelly	Johnson
Capito	Enzi	Kirk
Carper	Ernst	Lankford
Cassidy	Fischer	Manchin
Coats	Flake	McCain
Cochran	Gardner	McConnell
Collins	Grassley	Moran
Corker	Hatch	Murkowski
Cornyn	Heitkamp	Perdue



Portman	Sasse	Thune
Risch	Scott	Tillis
Roberts	Sessions	Toomey
Rounds	Shelby	Vitter
Rubio	Sullivan	Wicker

## NOT VOTING—3

Graham	Lee	Reid
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The motion was rejected.

Ms. MURKOWSKI. I move to reconsider the vote.

Mr. MORAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we have just gone through a considerable period processing some votes. I appreciate the patience of colleagues as we have gone through it. As the majority leader mentioned, we want to figure out what the next tranche—the next grouping of amendments—will be, and then we will be able to figure out the path forward.

It is the hope of myself and the ranking member of the committee that we be able to get through a few more votes this evening, at a minimum, but also to set up a more clearly defined path for the coming days ahead, for tomorrow and Monday.

So I ask for the indulgence of Members as we call up a few amendments now to get them pending, and then we will work together to figure out what those votes will actually look like—which votes we will actually take up this evening.

Again, I think the opportunity to get amendments pending on both sides is good. It gives everybody an idea of the lay of the land and gives them a chance to look at the amendments we will bring up.

So at this point in time I wish to call up an amendment. When I have concluded, I will turn it over to the ranking member and an amendment will be called up on the Democratic side, and then we will come back to this side. We will alternate back and forth to get these amendments pending so Members can know what it is we have in this universe out there.

## AMENDMENT NO. 67 TO AMENDMENT NO. 2

With that, I ask unanimous consent to set aside the pending amendment and call up Sullivan amendment No. 67.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. SULLIVAN, proposes an amendment numbered 67 to amendment No. 2.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To restrict the authority of the Environmental Protection Agency to arm agency personnel)

At the appropriate place, insert the following:

## SEC. \_\_\_\_ . POWERS OF ENVIRONMENTAL PROTECTION AGENCY.

Section 3063(a) of title 18, United States Code, is amended—

- (1) by striking paragraph (1); and
- (2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

Ms. MURKOWSKI. I turn to my colleague, Senator CANTWELL.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I know our colleagues have been working throughout the day on these amendments, and I applaud them for their cooperation. As the Senator from Alaska said, oftentimes these needed side-by-sides—people need to see these. We have various committees that have been involved in these amendments, so I appreciate the patience of our colleagues.

I think going back and forth tonight on getting another set of amendments pending is a good idea because we have many Members on our side who have amendments they are very interested in having votes on. I appreciate them being here tonight. So I call on Senator CARDIN to offer his amendment.

The PRESIDING OFFICER. The Senator from Maryland.

## AMENDMENT NO. 75 TO AMENDMENT NO. 2

Mr. CARDIN. Mr. President, I ask unanimous consent that the pending amendment be set aside to call up amendment No. 75.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 75 to amendment No. 2.

Mr. CARDIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide communities that rely on drinking water from a source that may be affected by a tar sands spill from the Keystone XL pipeline an analysis of the potential risks to public health and the environment from a leak or rupture of the pipeline)

At the appropriate place, insert the following:

## SEC. \_\_\_\_ . COMMUNITY RIGHT TO PROTECT LOCAL WATER SUPPLIES.

(a) FINDINGS.—Congress finds that—

(1) there are 2,537 wells within 1 mile of the proposed Keystone XL pipeline, including 39 public water supply wells and 20 private wells within 100 feet of the pipeline right of way;

(2) 254 miles of the proposed Keystone XL pipeline would traverse over the shallow Ogallala Aquifer, the largest underground fresh water source in the United States, underlying 8 States and 2,000,000 people, including 10.5 miles where the groundwater lies at depths between 5 and 10 feet and another 12.4 miles where the water table is at a depth of 10 to 15 feet;

(3) on July 26, 2010, a pipeline ruptured near Marshall, Michigan, releasing 843,000 gallons of tar sands diluted bitumen into Talmadge Creek, flowing into the Kalamazoo River;

(4) the Talmadge Creek tar sands spill is the costliest inland oil spill cleanup in United States history, and the Kalamazoo River continues to be contaminated from the spill;

(5) on March 29, 2013, the first pipeline of the United States to transport Canadian tar sands to the Gulf Coast, the ExxonMobil Pegasus Pipeline, ruptured, spilling 210,000 gallons of tar sands diluted bitumen in Mayflower, Arkansas; and

(6) following the Pegasus Pipeline tar sands spill, individuals in the Mayflower community experienced severe headaches, nausea, and respiratory infections.

(b) PETITION TO PROTECT LOCAL WATER SUPPLIES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act and prior to construction of the pipeline described in section 2(a), the President, or the designee of the President, shall provide to each municipality or county that relies on drinking water from a source that may be affected by a tar sands spill from the pipeline an analysis of the potential risks to public health and the environment from a leak or rupture of that pipeline.

(2) NOTIFICATION TO GOVERNORS.—The President shall provide a copy of the analysis described in paragraph (1) to the Governor of each State in which an affected municipality or county is located.

(3) EFFECT ON CONSTRUCTION.—Construction of the pipeline described in section 2(a) may not begin if the Governor of a State with an affected municipality or county submits, not later than 30 days after receiving an analysis under paragraph (2), a petition to the President requesting that the pipeline not be located in the affected municipality or county.

(4) WITHDRAWAL.—A Governor may withdraw a petition submitted under paragraph (3) at any time.

(5) RIGHT OF ACTION.—A property owner with a private water well drilled into any portion of an aquifer that is below the proposed pipeline described in section 2(a) may sue the owner of the pipeline for damages if—

(A) the well water of the property owner becomes contaminated as a result of—

(i) construction activities associated with the pipeline; or

(ii) a rupture in the pipeline; and

(B) the property owner demonstrates that the well water was safe prior to construction and operation of the pipeline.

Mr. CARDIN. Mr. President, I will be very brief.

This is an important amendment, as it deals with the rights of property owners to clean water. The Ogallala Aquifer is the largest aquifer in the western part of the United States, and the Keystone Pipeline would bisect that. At some point the aquifer is only 5 feet from the surface. Private owners drill wells to get their drinking water, and there is no protection in the event there is a spill. A spill is a real possibility. We have seen in prior cases in Michigan and Arkansas the impact of spills from this tar sands oil and the damage it can cause.

My amendment is pretty straightforward. It allows our Governors to be able to challenge the safety of their drinking water. It is a States rights issue. It gives the property owners whose wells could be contaminated by this the right of action. I ask my colleagues to favorably consider this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 98 TO AMENDMENT NO. 2

Ms. MURKOWSKI. I ask unanimous consent to set aside the pending amendment to call up Murkowski amendment No. 98.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 98 to amendment No. 2.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress relating to adaptation projects in the United States Arctic region and rural communities)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) President Obama has committed \$3,000,000,000 from the United States to the Green Climate Fund of the United Nations Framework Convention on Climate Change;

(2) any payments the United States ultimately makes to the Green Climate Fund will be redistributed to finance adaptation and mitigation efforts in developing countries that are parties to the Convention;

(3) none of the eligible developing country parties to the Convention is an Arctic nation;

(4) the residents of the Arctic, many of whom represent vibrant indigenous and traditional cultures, too often face social and economic challenges that rival those in developing countries;

(5) despite the fact that the United States is an Arctic nation, President Obama has made no similar effort to provide financial assistance to the residents of the United States Arctic region, even though many of those communities have opportunities for adaptation projects;

(6) similar opportunities for adaptation projects exist across rural communities in the United States;

(7) the United States should prioritize adaptation projects in the United States Arctic region and rural communities before allocating any taxpayer dollars to the Green Climate Fund; and

(8) to the extent that Congress appropriates any taxpayer dollars for adaptation, those funds should first be applied to known and anticipated adaptation needs of communities within the United States.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I wish to recognize the Senator from Rhode Island to call up his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 74 TO AMENDMENT NO. 2

Mr. REED. I ask unanimous consent to set aside the pending amendment to call up my amendment No. 74.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] for himself, Ms. COLLINS, Mr. SANDERS, Mr. WHITEHOUSE, Mr. CASEY, Mr. COONS, and Mr. SCHUMER, proposes an amendment numbered 74 to amendment No. 2.

Mr. REED. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that the Low-Income Home Energy Assistance Program should be funded at not less than \$4,700,000,000 annually)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . FINDINGS AND SENSE OF THE SENATE.**

(a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as “LIHEAP”) is the main Federal program that helps low-income households and senior citizens with their energy bills, providing vital assistance during both the cold winter and hot summer months.

(2) Recipients of LIHEAP assistance are among the most vulnerable individuals in the country, with more than 90 percent of LIHEAP households having at least one member who is a child, a senior citizen, or disabled, and 20 percent of LIHEAP households including at least one veteran.

(3) The number of households eligible for LIHEAP assistance continues to exceed available funding, with current funding reaching just 20 percent of the eligible population.

(4) The average LIHEAP grant covers just a fraction of home energy costs, leaving many low-income families and senior citizens struggling to pay their energy bills and with fewer resources available to meet other essential needs.

(5) Access to affordable home energy is a matter of health and safety for many low-income households, children, senior citizens, and veterans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that LIHEAP should be funded at not less than \$4,700,000,000 annually, to ensure that more low-income households and children, senior citizens, individuals with disabilities, and veterans can meet basic home energy needs.

Mr. REED. Mr. President, this is a bipartisan amendment, which I am proud to sponsor with Senator COLLINS of Maine. It would express the sense of the Senate that we should fund LIHEAP, the Low Income Heating Assistance Program, at \$4.7 billion. We have seen a significant diminution of the LIHEAP funding over the years.

This amendment helps every aspect of the country. It helps low-income households, particularly seniors. It would help immensely families throughout this country. In the winter it is about heating oil in New England and Alaska and all through the north and central plains. In the summer it is about cooling in the southwest and the southeast. If families and households can't get access to these resources, they have to make a hard choice between literally paying for their energy or sometimes their rent or sometimes their food. This program has been long

supported on a bipartisan basis. We should aim for this figure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I turn to my colleague from Arizona at this time.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 103 TO AMENDMENT NO. 2

Mr. FLAKE. I ask unanimous consent to set aside the pending amendment and call up my amendment No. 103.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. FLAKE] proposes an amendment numbered 103 to amendment No. 2.

Mr. FLAKE. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the evaluation and consolidation of duplicative green building programs)

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

**SEC. 4 \_\_\_\_ . EVALUATION AND CONSOLIDATION OF DUPLICATIVE GREEN BUILDING PROGRAMS.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term “administrative expenses” has the meaning given the term by the Director of the Office of Management and Budget under section 504(b)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (31 U.S.C. 1105 note; Public Law 111-85), except that the term shall include, for purposes of that section and this section, with respect to an agency—

(A) costs incurred by the agency and costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the agency; and

(B) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the agency.

(2) APPLICABLE PROGRAMS.—The term “applicable programs” means the programs listed in Table 9 (pages 348-350) of the report of the Government Accountability Office entitled “2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue”.

(3) APPROPRIATE SECRETARIES.—The term “appropriate Secretaries” means—

- (A) the Secretary;
- (B) the Secretary of Agriculture;
- (C) the Secretary of Defense;
- (D) the Secretary of Education;
- (E) the Secretary of Health and Human Services;
- (F) the Secretary of Housing and Urban Development;
- (G) the Secretary of Transportation;
- (H) the Secretary of the Treasury;
- (I) the Administrator of the Environmental Protection Agency;
- (J) the Director of the National Institute of Standards and Technology; and

(K) the Administrator of the Small Business Administration.

(4) SERVICES.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “services” has the meaning given the term by the Director of the Office of Management and Budget.

(B) REQUIREMENTS.—The term “services” shall be limited to activities, assistance, and aid that provide a direct benefit to a recipient, such as—

- (i) the provision of medical care;
- (ii) assistance for housing or tuition; or
- (iii) financial support (including grants and loans).

(b) REPORT.—

(1) IN GENERAL.—Not later than October 1, 2015, the appropriate Secretaries shall submit to Congress and post on the public Internet websites of the agencies of the appropriate Secretaries a report on the outcomes of the applicable programs.

(2) REQUIREMENTS.—In reporting on the outcomes of each applicable program, the appropriate Secretaries shall—

- (A) determine the total administrative expenses of the applicable program;
- (B) determine the expenditures for services for the applicable program;
- (C) estimate the number of clients served by the applicable program and beneficiaries who received assistance under the applicable program (if applicable);
- (D) estimate—

- (i) the number of full-time employees who administer the applicable program; and

- (ii) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance) who assist in administering the applicable program;

(E) describe the type of assistance the applicable program provides, such as grants, technical assistance, loans, tax credits, or tax deductions;

(F) describe the type of recipient who benefits from the assistance provided, such as individual property owners or renters, local governments, businesses, nonprofit organizations, or State governments; and

(G) identify and report on whether written program goals are available for the applicable program.

(c) PROGRAM RECOMMENDATIONS.—Not later than January 1, 2016, the appropriate Secretaries shall jointly submit to Congress a report that includes—

(1) an analysis of whether any of the applicable programs should be eliminated or consolidated, including any legislative changes that would be necessary to eliminate or consolidate the applicable programs; and

(2) ways to improve the applicable programs by establishing program goals or increasing collaboration so as to reduce the overlap and duplication identified in—

(A) the 2011 report of the Government Accountability Office entitled “Federal Initiatives for the NonFederal Sector Could Benefit from More Interagency Collaboration”; and

(B) the report of the Government Accountability Office entitled “2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue”.

(d) PROGRAM ELIMINATIONS.—Not later than January 1, 2016, the appropriate Secretaries shall—

(1) identify—

- (A) which applicable programs are specifically required by law; and

- (B) which applicable programs are carried out under the discretionary authority of the appropriate Secretaries;

(2) eliminate those applicable programs that are not required by law; and

(3) transfer any remaining applicable projects and nonduplicative functions into another green building program within the same agency.

Mr. FLAKE. Mr. President, in its 2012 annual report on opportunities to reduce duplication and achieve savings, the GAO noted that in 2011 there were 94 Federal initiatives to foster green buildings in the non-Federal sector. This report highlighted many initiatives that provided similar types of assistance, grants, technical assistance, tax credits, and so forth. This obviously doesn't sound like a recipe for proper oversight if this is still going on 5 years later.

This amendment would help tackle the problem simply by requiring agencies to evaluate and eliminate duplicative green building programs consistent with GAO's recommendations.

We ask GAO to study these things, and we often don't follow through and make sure the agencies follow up on the recommendations. This is simply ensuring that happens.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I call on the Senator from Vermont to offer his amendment.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 30 TO AMENDMENT NO. 2

Mr. LEAHY. Mr. President, I ask unanimous consent to set aside the pending amendment to call up amendment No. 30.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 30 to amendment No. 2.

Mr. LEAHY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike a provision relating to judicial review)

Beginning on page 2, strike line 24 and all that follows through page 3, line 10, and insert the following:

(d) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing

Mr. LEAHY. Mr. President, this will be set aside in a moment. First, I wish to note that my amendment is simply to make sure that if people have appeals on actions under this law, they be able to appeal in the courts within their jurisdictions and not have to trundle their way to Washington, DC. Too many people think Washington has the answers to everything.

My amendment simply says it is a States rights issue. It says the appeals will be in courts within their districts.

That is a simple explanation. I spoke earlier on the floor, and I will speak more when the amendment comes up.

Ms. MURKOWSKI. Mr. President, at this time I turn to my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 15 TO AMENDMENT NO. 2

Mr. CRUZ. I ask unanimous consent to set aside the pending amendment and call up my amendment No. 15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CRUZ] proposes an amendment numbered 15 to amendment No. 2.

Mr. CRUZ. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To promote economic growth and job creation by increasing exports)

At the appropriate place, insert the following:

SEC. \_\_\_\_ EXPEDITED APPROVAL OF EXPORTATION OF NATURAL GAS TO WORLD TRADE ORGANIZATION MEMBER COUNTRIES.

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

(1) by striking “(c) For purposes” and inserting the following:

“(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

“(1) DEFINITION OF WORLD TRADE ORGANIZATION MEMBER COUNTRY.—In this subsection, the term ‘World Trade Organization member country’ has the meaning given the term ‘WTO member country’ in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

“(2) EXPEDITED APPLICATION AND APPROVAL PROCESS.—For purposes”;

(2) in paragraph (2) (as so designated), by inserting “or to a World Trade Organization member country” after “trade in natural gas”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) that are pending on, or filed on or after, the date of enactment of this Act.

Mr. CRUZ. Mr. President, this is an amendment to allow expedited export of liquid natural gas to WTO member countries. It would have benefits to our country in terms of jobs and economic growth as well as substantial geopolitical benefits to our allies. I expect to debate this further in the coming days.

Ms. CANTWELL. Mr. President, I call on the Senator from Rhode Island to offer his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 28 TO AMENDMENT NO. 2

Mr. WHITEHOUSE. I ask unanimous consent to set aside the pending amendment to call up my amendment No. 28.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE] proposes an amendment numbered 28 to amendment No. 2.

Mr. WHITEHOUSE. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require campaign finance disclosures for certain persons benefitting from tar sands development)

At the end, add the following:

**SEC. \_\_\_\_ . CAMPAIGN FINANCE DISCLOSURES BY THOSE PROFITING FROM TAR SANDS DEVELOPMENT.**

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1974 (52 U.S.C. 30104) is amended by adding at the end the following new subsection:

“(j) DISCLOSURE BY TAR SANDS BENEFICIARIES.—

“(1) IN GENERAL.—

“(A) INITIAL DISCLOSURE.—Every covered entity which has made covered disbursements and received covered transfers in an aggregate amount in excess of \$10,000 during the period beginning on January 1, 2013, and ending on the date that is 165 days after the date of the enactment of this subsection shall file with the Commission a statement containing the information described in paragraph (2) not later than the date that is 180 days after the date of the enactment of this subsection.

“(B) SUBSEQUENT DISCLOSURES.—Every covered entity which makes covered disbursements (other than covered disbursement reported under subparagraph (A)) and received covered transfers (other than a covered transfer reported under subparagraph (A)) in an aggregate amount in excess of \$10,000 during any calendar year shall, within 48 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

“(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

“(A) The identification of the person making the disbursement or receiving the transfer, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement or receiving the transfer.

“(B) The principal place of business of the person making the disbursement or receiving the transfer, if not an individual.

“(C) The amount of each disbursement or transfer of more than \$200 during the period covered by the statement and the identification of the person to whom the disbursement was made or from whom the transfer was received.

“(D) The elections to which the disbursements or transfers pertain and the names (if known) of the candidates involved.

“(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to that account during—

“(i) in the case of a statement under paragraph (1)(A), during the period described in such paragraph, and

“(ii) in the case of a statement under paragraph (1)(B), the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than covered disbursements.

“(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to the person making the disbursement during—

“(i) in the case of a statement under paragraph (1)(A), during the period described in such paragraph, and

“(ii) in the case of a statement under paragraph (1)(B), the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

“(3) COVERED ENTITY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘covered entity’ means—

“(i) any person who is described in subparagraph (B), and

“(ii) any person who owns 5 percent or more of any person described in subparagraph (B).

“(B) PERSON DESCRIBED.—A person is described in this subparagraph if such person—

“(i) holds one or more tar sands leases, or

“(ii) has received revenues or stands to receive revenues of \$1,000,000 or greater from tar sands production, including revenues received in connection with—

“(I) exploration of tar sands;

“(II) extraction of tar sands;

“(III) processing of tar sands;

“(IV) building, maintaining, and upgrading the Keystone XL pipeline and other related pipelines used in connection with tar sands;

“(V) expanding refinery capacity or building, expanding, and retrofitting import and export terminals in connection with tar sands;

“(VI) transportation by pipeline, rail, and barge of tar sands;

“(VII) refinement of tar sands;

“(VIII) importing crude, refined oil, or byproducts derived from tar sands crude;

“(IX) exporting crude, byproducts, or refined oil derived from tar sands crude; and

“(X) use of production byproducts from tar sands, such as petroleum coke for energy generation.

“(C) TAR SANDS.—For purposes of this paragraph, the term ‘tar sands’ means bitumen from the West Canadian Sedimentary Basin.

“(4) COVERED DISBURSEMENT.—For purposes of this subsection, the term ‘covered disbursement’ means a disbursement for any of the following:

“(A) An independent expenditure.

“(B) A broadcast, cable, or satellite communication (other than a communication described in subsection (f)(3)(B)) which—

“(i) refers to a clearly identified candidate for Federal office;

“(ii) is made—

“(I) in the case of a communication which refers to a candidate for an office other than President or Vice President, during the period beginning on January 1 of the calendar year in which a general or runoff election is held and ending on the date of the general or runoff election (or in the case of a special election, during the period beginning on the date on which the announcement with respect to such election is made and ending on the date of the special election); or

“(II) in the case of a communication which refers to a candidate for the office of Presi-

dent or Vice President, is made in any State during the period beginning 120 days before the first primary election, caucus, or preference election held for the selection of delegates to a national nominating convention of a political party is held in any State (or, if no such election or caucus is held in any State, the first convention or caucus of a political party which has the authority to nominate a candidate for the office of President or Vice President) and ending on the date of the general election; and

“(iii) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate (within the meaning of subsection (f)(3)(C)).

“(C) A transfer to another person for the purposes of making a disbursement described in subparagraph (A) or (B).

“(5) COVERED TRANSFER.—For purposes of this subsection, the term ‘covered transfer’ means any amount received by a covered entity for the purposes of making a covered disbursement.

“(6) DISCLOSURE DATE.—For purposes of this subsection, the term ‘disclosure date’ means—

“(A) the first date during any calendar year by which a person has made covered disbursements and received covered transfers aggregating in excess of \$10,000; and

“(B) any other date during such calendar year by which a person has made covered disbursements and received covered transfers aggregating in excess of \$10,000 since the most recent disclosure date for such calendar year.

“(7) CONTRACTS TO DISBURSE; COORDINATION WITH OTHER REQUIREMENTS; ETC.—Rules similar to the rules of paragraphs (5), (6), and (7) of subsection (f) shall apply for purposes of this subsection.”

Mr. WHITEHOUSE. Mr. President, this is a measure that will allow a needed beam of daylight to be shown on the politics behind this bill we are on. As everybody knows, it is a little bit unusual to some that the opening measure of the new Republican majority would be a project that advantages a foreign oil company.

This measure would require the disclosure of political donations made by companies that stand to earn more than \$1 million from this project. This is the kind of information the U.S. Supreme Court has clearly said citizens are entitled to know in order to make appropriate decisions, and in our democracy we should put our citizens first.

I will speak further about this amendment on a later occasion, and I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I turn to my very patient colleague from Kansas, Mr. MORAN.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 73 TO AMENDMENT NO. 2

Mr. MORAN. I ask unanimous consent that the pending amendment be set aside to call up amendment No. 73.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. MORAN], for himself and Mr. CRUZ, proposes an amendment numbered 73 to amendment No. 2.

Mr. MORAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To delist the lesser prairie-chicken as a threatened species under the Endangered Species Act of 1973)

At the end of the amendment, add the following:

**SEC. \_\_\_\_ . DELISTING OF LESSER PRAIRIE-CHICKEN AS THREATENED SPECIES.**

Notwithstanding the final rule of the United States Fish and Wildlife Service entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Lesser Prairie-Chicken" (79 Fed. Reg. 19974 (April 10, 2014)), the lesser prairie-chicken (*Tympanuchus pallidicinctus*) shall not be listed as a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Mr. MORAN. Mr. President, this is an amendment that sets aside the endangered threatened species listing of the lesser prairie chicken. It is an important issue to the citizens of Kansas but also to Texas, Oklahoma, New Mexico, and Colorado.

I look forward to having this conversation and debate on the Senate floor at the appropriate time.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I call on the Senator from Delaware to offer his amendment.

The PRESIDING OFFICER. The Senator from Delaware.

**AMENDMENT NO. 121 TO AMENDMENT NO. 2**

Mr. CARPER. Mr. President, I ask unanimous consent to set aside the pending amendment to call up my amendment to the Murkowski substitute, amendment No. 121.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] proposes an amendment numbered 121 to amendment No. 2.

Mr. CARPER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To impose a fee of 8 cents per barrel on oil transported through the pipeline)

At the end of section 2, add the following:

(f) FEE.—

(1) IN GENERAL.—A fee of 8 cents shall be imposed on each barrel of oil transported through the pipeline referred to in subsection (a).

(2) USE OF FEE REVENUE.—Revenue from the fee imposed under paragraph (1) shall be deposited in the land and water conservation fund established under section 200302 of title 54, United States Code.

Mr. CARPER. Mr. President and colleagues, you will recall from our debate earlier this evening concerns raised

about the equity of—most oil that is consumed and transported through this country or into this country pays a fee. It is an 8-cent-per-barrel fee that goes into the oilspill liability fund. One source of oil that does not pay that 8-cent-per-barrel fee is derived from the oil sands. There has been some discussion of whether—I think there is a fair amount of agreement that that does not seem right, it doesn't seem equitable, and it is not fair to assess an 8-cent-per-barrel fee on all these other sources of oil but not apply that to oil derived from tar sands.

What I seek to suggest with my amendment is that an 8-cent-per-barrel fee be assessed on the oil derived from tar sands and the revenues derived therefrom would be deposited not in the oilspill liability fund but rather in the land and water conservation fund which has been in existence for many years.

I believe the balance in the oilspill liability fund is measured in the billions of dollars. The balance in the land and water conservation fund is not. The moneys are much smaller, much more modest, and that money provides funding in all 50 States. Many of us know the need far outweighs the money appropriated every year for this program.

The land and water conservation fund is also established not just to provide the revenues for national parks—and we are always looking for moneys for national parks. We just expanded our national parks system. How are we going to pay for that? The amendment I hope to offer would help to address that.

The land and water conservation fund was also established to help protect rivers, lakes, and critical habitat for wildlife, areas that may be impacted by the construction of this pipeline or a possible spill from this pipeline or from another spill.

Again, that is what I am asking. I will be concise. No fee is now paid on tar sands oil. I believe it should be the same as that which is assessed against other sources of oil.

What I would suggest is rather than put the moneys derived from that 8 cents on the tar sands oil—rather than that money going into the oilspill liability fund, which is quite robust, to instead deposit that in the land and water conservation fund where we could use it in all 50 States for a variety of good purposes. That is the nature of my amendment. I hope I have the opportunity to offer that amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I would like to turn to my colleague from Montana.

The PRESIDING OFFICER. The Senator from Montana.

**AMENDMENT NO. 132 TO AMENDMENT NO. 2**

Mr. DAINES. Mr. President, I ask unanimous consent that the pending amendment be set aside to call up amendment No. 132.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. DAINES] proposes an amendment numbered 132 to amendment No. 2.

Mr. DAINES. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress regarding the designation of National Monuments)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS ON THE DESIGNATION OF NATIONAL MONUMENTS.**

It is the sense of Congress that the designation of National Monuments should be subject to—

(1) consultation with each unit of local government within the boundaries of which the proposed National Monument is to be located; and

(2) the approval by the Governor and legislature of each State within the boundaries of which the proposed National Monument is to be located.

Mr. DAINES. In Montana we understand our resource use must be done responsibly. We also know that Montanans who live and use the land every day understand how to best protect these resources.

Unfortunately, the current administration, as well as past administrations, both Republican and Democratic—their efforts to stretch the intent of the Antiquities Act threatens Montanans' ability to manage our State's resources. It is a trend we are seeing in other States as well.

Too often these unilateral designations ignore the needs of the local communities, of sportsmen, of farmers and ranchers, small business owners who are directly impacted by these new designations.

The amendment I am offering simply expresses the sense of Congress that all future national monument designations should be subject to consultation with local governance and the approval of the Governor of that State and the legislature of that State in which the designation would occur.

This amendment ensures the people affected most by these designations have a seat at the table and their voices are heard.

I yield back my time.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I would like to call on the Senator from Massachusetts to offer an amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

**AMENDMENT NO. 25 TO AMENDMENT NO. 2**

Mr. MARKEY. Mr. President, I ask unanimous consent to set aside the pending amendment to call up my amendment No. 25.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. MARKEY], for himself and Mr. WYDEN, Mr. WHITEHOUSE, Mr. DURBIN, Mr. MERKLEY, Mr. BOOKER, and Ms. BALDWIN, proposes an amendment numbered 25 to amendment No. 2.

Mr. MARKEY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that products derived from tar sands are treated as crude oil for purposes of the Federal excise tax on petroleum)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . INCLUSION OF OIL DERIVED FROM TAR SANDS AS CRUDE OIL.**

This Act shall not take effect prior to the date that diluted bitumen and other bituminous mixtures derived from tar sands or oil sands are treated as crude oil for purposes of section 4612(a)(1) of the Internal Revenue Code of 1986, which may be established either by an Act of Congress or any regulations, rules, or guidance issued by the Commissioner of the Internal Revenue Service or the Secretary of the Treasury (or the Secretary's delegate).

Mr. MARKEY. I ask that the amendment be put in order for debate.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we now have in front of us six amendments that are pending on the Republican side, six amendments that are pending on the other side of the aisle. We indicated we wanted to try to get these up, alternating back and forth. I think we have a pretty good range in front of us. Recognizing that it is important Members have an opportunity to take a look at the now 12 amendments that are pending, I think it is our hope that we would be able to, as the chairman and the ranking member, sit down and figure out how many of these we might be able to move to a vote this evening and dispense with some of them.

I think it is pretty clear we will have a difficult time perhaps advancing such a plan with everything tonight. So if we could have a little bit of time to work through an agreement to present to Members—I think right now people are taking a little bit of a break from the floor activity, and that is appreciated, but I want to give them notice as to where we are.

It is my hope we will be able to come to an agreement relatively shortly in terms of how many amendments we might be able to take up and vote on this evening, thus giving Members a better chance as to whether we are staying in for the long haul tonight or perhaps just for a shorter period, but we need a little bit of time to take a look at that.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, we did go back and forth on these amend-

ments, but I heard Senator MCCONNELL say he wanted Members to offer amendments. We have several Members who want to offer amendments. I hope there will be a time that those Members will be allowed to get their amendments pending before this body.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the Senator from Washington stating that. This is by no means saying this is it for the night. I am just saying give the floor managers an opportunity now, with a dozen amendments that we have in front of us, to figure out what it is that we have. This would probably be a great time for people to speak on either their amendments or other amendments that they might wish to bring pending, but I am not suggesting this is our finite list of amendments. This is what we have for this moment in time, having gone back and forth. That is all I am suggesting.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I have a pending amendment. Does the Senator object to my bringing that up? I would like to bring that up; can I do that?

Ms. MURKOWSKI. Mr. President, I think it was the intention of the ranking member and myself that we go back and forth. We have done that, six each time now. I don't have other Members on our side who are either present, which we have asked them to be, or have asked me to offer on their behalf. I am certainly not suggesting to the Senator from Vermont that he should not be allowed to get his amendment pending. I am just trying to keep with the agreement we have that we go back and forth.

Mr. SANDERS. Would it be OK if I brought mine up and the Senator could catch up to it later? I am sure there will be another one.

Ms. MURKOWSKI. Through the Chair, I am sure we will have other amendments. Again, I want to defer to the Senator's ranking member on that as far as whether we bring it pending at this moment in time. It might be possible after we reach our agreement that we have another set of back-and-forths to get these pending agreements put forward.

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. MORAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 73

Mr. MORAN. Mr. President, earlier this evening an amendment of mine was made pending to the legislation that we now have before us, amendment No. 73.

I thank my colleagues for allowing that amendment to become pending, and I look forward to the opportunity now, while we are determining the remainder of the evening's schedule, to describe the nature of amendment No. 73.

I have a copy of the amendment in front of me. It is a short paragraph, but it is one that has significant consequences to the people of Kansas. But in addition to the people of Kansas, it has significant consequence to the people of Colorado, New Mexico, Oklahoma, and Texas.

The story we are talking about is the lesser prairie-chicken. In March of 2014, the lesser prairie-chicken was listed not as an endangered species but a threatened species under the Endangered Species Act.

It is true the numbers of birds declined in 2012 and 2013. The U.S. Fish and Wildlife Service had their explanation for why there was the decline in the population of those birds, both those who live on the land but as well a number of wildlife experts—people who are very interested in conservation practices in our State—believe and agree that the primary reason behind the bird's decline in population was the historic and prolonged drought that our area of the country has experienced in the past several years.

There is less habitat for birds generally in our State and across this region of the country, but the reality is that it is because we have had so little rainfall. We have been in a drought in a significant part of the Nation, in our part of the country, for a number of years, and as a result there is less habitat and a decline in the bird population. What many believe is that with the return of rainfall, with the return of snow this winter and the moisture it will provide, we will have increasing wildlife habitat for the lesser prairie-chicken and a large number of birds and other wildlife in our State and in the surrounding States where this is a significant issue.

There are some exceptions that have been written into the designation, but the reality is that there are huge, ongoing, significant economic consequences to the listing as a threatened species of the lesser prairie-chicken in Kansas, Colorado, Oklahoma, New Mexico, and Texas. Front and center of that, of course, are the consequences to agriculture. It is how we earn a significant portion of our living in our State. Land values, for example, have dropped as a result of this issue. Oil and gas exploration has been disrupted. Wind energy projects that have been an important component of our State economy and particularly a benefit to the economy of rural Kansas have been harmed as a result of this listing. These disruptions have driven down county tax revenues that are used for essential services in some of the most challenging and difficult parts economically of our State, from damage to Main Street,



and certainly harmed a portion of Kansas that always struggles to be economically viable.

The listing, in my view, was based on an artificially low population estimate due to the drought I described. I guess I failed to mention that 1 year ago this was a bird which could be hunted in Kansas. So, again, it was prevalent enough to be able to be pursued by those who hunt, but because of the drought the population declined. In fact, every Kansas county that is included in the habitat area was experiencing a D3-Extreme or a D4-Exceptional drought, according to the U.S. Drought Monitor, again highlighting that what we need here is rainfall and moisture that comes from snow and rain and that listing this as a threatened species doesn't create the moisture necessary to create the habitat for the return of the population of the bird.

What we really have asked for is an opportunity which has been offered and suggested by conservation groups in Kansas, by the Kansas Department of Wildlife and Parks, and by the Kansas Farm Bureau and others to work together to find a solution short of this listing to increase bird population in Kansas. And I assume that is true in the other States as well. We are looking for a cooperative effort to improve habitat, and the fact is that the listing as a threatened species has been so disruptive that we have been unable to get what we would say is a more commonsense, less broad-brush approach to solving this problem in place as compared to the heavy hand of this listing. We stand ready, willing, and able to provide that kind of local effort to improve habitat and bird population.

This amendment would not mean the lesser prairie-chicken would never be listed again, but it gives Kansans and others the opportunity to go back and make certain that efforts at the local level are given a chance to work before the very dramatic and devastating implementation of this decision to list the bird as threatened.

So this is a relatively straightforward and simple amendment that will take the lesser prairie-chicken off the list as a threatened species, give Kansans and others the opportunity to improve the habitat, reduce the economic damage that is being done in our State and the States that surround us as a result of this listing, and then give us the opportunity to again work with the U.S. Fish and Wildlife Service to find a better solution and one that, I might add, may be more easily found once the rainfalls return to the State of Kansas.

I thank the Presiding Officer for the opportunity to describe this amendment, and it is certainly my request and I look forward to it being an amendment that would be considered tonight, later this evening.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

#### REMEMBERING WENDELL FORD

Mr. DURBIN. Mr. President, I was saddened to learn today of the death of Senator Wendell Ford of Kentucky. Wendell Ford was a skilled political mind and as warm a human being as any U.S. Senator has ever been.

During my first 2 years in the U.S. Senate, Senator Ford was the assistant Democratic leader, the same job I have today. I was fortunate, able to learn by example from one of the best. And how fortunate the people of Kentucky and all Americans were to have had the benefit of Wendell Ford's public service.

Senator Ford served in the Senate for nearly a quarter of a century. Before that, he served the Bluegrass State as a State senator, Governor, and lieutenant governor. He defended America in uniform during World War II.

Maybe because he had already accomplished so much before he came to the Senate, he never worried about headlines. Instead, he was content to work quietly, diligently, effectively—often with colleagues from across the aisle—to solve problems.

The last desk Senator Ford occupied in the Senate was once occupied by another great Kentucky Senator, "the great compromiser" Henry Clay. Like Henry Clay, Wendell Ford believed that compromise was honorable and necessary in a democracy. But Wendell Ford also understood that compromise is, in Henry Clay's words, "negotiated hurt." So Wendell Ford tried, whenever possible, to work out disagreements between the scenes, away from the cameras, where Senators could bend and still keep their dignity.

In 1991 Wendell's quiet bipartisan style convinced a Senator from across the aisle, Mark Hatfield of Oregon, to join him in sponsoring the motor voter bill. Working together, this Democrat and this Republican Senator convinced the entire Senate it was time to pass this landmark bill. To this day the motor voter bill remains the most ambitious effort Congress has made since the Voting Rights Act of 1965 to open up the voting booth to more Americans.

Wendell Ford distinguished himself in the Senate as a determined foe of government waste and duplication and a champion of campaign finance reform.

His raspy voice was unmistakable. His good humor and wise counsel were indispensable in some of the most important debates. He will be missed.

I know our entire Senate sends their condolences to Senator Ford's wife

Jean and to all of Senator Ford's family and friends.

I would be happy to yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to thank the senior Senator from Illinois for what he said about my dear friend Senator Wendell Ford.

I was fortunate to come here to the Senate the same year that Senator Ford did. We were different in age, and I must say, different in experience. He had a lot more experience than I did, and I relied on his experience and his help. We traveled together, and we talked together so often. He had the unfailing characteristic of the best of the Senators—both Republicans and Democrats. He always kept his word. He was always very honest and direct with you. If he made a commitment, you could go to the bank with it.

I remember the night we had a dinner for his retirement. There was a dozen of us that came in that year. There were only four left and three were retiring that night—Wendell Ford, John Glen, and Dale Bumpers. It was wonderful to listen to the three of them reminisce about the Senate.

I said to Wendell Ford at that time: Save me a seat on that lifeboat as you are leaving. I thought how lonely it would be without him. Fortunately, I have a good friend like the senior Senator from Illinois to fill the void.

But Wendell Ford had probably more knowledge and sense of politics—not just knowledge but sense—of how to work things out, how to get liberals and conservatives, Republicans and Democrats together, than most people ever have.

He had a raspy voice, but he was good natured, with a sense of humor. And when I go back through the people I have met, the 300 or more Senators I have had the opportunity to serve with, I think of Wendell Ford as one who epitomizes what a Senator should be.

I had talked to him just a few months ago. I will speak more about him later on, but I think the Senator from Illinois has given probably as good a description of this wonderful man as any of the rest of us might, and I thank him for that.

I yield the floor.

#### QUORUM CALL

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

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3 Leg.]

Boozman	Hirono	Perdue
Cantwell	Klobuchar	Sanders
Collins	Leahy	Sasse
Corker	Markey	Schumer
Cornyn	McConnell	Tillis
Durbin	Murkowski	Vitter

The PRESIDING OFFICER. A quorum is not present.

Mr. McCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion of the Senator from Kentucky.

The clerk will call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Nevada (Mr. REID), and the Senator from West Virginia (Mr. MANCHIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 5, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—89

Alexander	Ernst	Paul
Ayotte	Feinstein	Perdue
Baldwin	Fischer	Peters
Barrasso	Flake	Portman
Bennet	Gardner	Reed
Blumenthal	Gillibrand	Risch
Booker	Hatch	Roberts
Boozman	Heinrich	Rounds
Boxer	Heitkamp	Rubio
Brown	Hirono	Sanders
Burr	Hoeven	Sasse
Cantwell	Inhofe	Schatz
Capito	Isakson	Schumer
Cardin	Johnson	Scott
Carper	Kaine	Sessions
Casey	King	Shaheen
Cassidy	Kirk	Shelby
Coats	Klobuchar	Stabenow
Cochran	Lankford	Sullivan
Collins	Leahy	Tester
Coons	Markey	Thune
Corker	McCaskill	Tillis
Cornyn	McConnell	Toomey
Cotton	Merkley	Udall
Crapo	Mikulski	Vitter
Cruz	Moran	Warner
Daines	Murkowski	Warren
Donnelly	Murphy	Whitehouse
Durbin	Murray	Wyden
Enzi	Nelson	

NAYS—5

Blunt	Heller	Wicker
Grassley	McCain	

NOT VOTING—6

Franken	Lee	Menendez
Graham	Manchin	Reid

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators who did not answer the quorum call, a quorum is now present.

The majority leader.

Mr. McCONNELL. Can we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCONNELL. The Senate is not yet in order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCONNELL. My colleagues, here is the situation. Earlier today we cast our 15th rollcall vote on this bill. That is more votes than we had on all amendments on the floor—rollcall votes—throughout all of 2014. We have now voted on 19 rollcall amendments, and here is the situation in which we find ourselves at 10 o'clock on Thursday night. There are 12 amendments pending—6 Democratic amendments and 6 Republican amendments—but our good friends on the other side will not agree to vote on their own amendments.

So we find ourselves in a unique situation. We have opened up the Senate for amendments for both sides. Our colleagues, both Republicans and Democrats, have had more rollcall votes on amendments than all of last year combined. Yet our Democratic friends don't even want to agree to vote on the amendments they have pending.

We are left with only one way to avoid having to invoke cloture on each amendment, which would tie up the Senate for weeks, in order to provide our colleagues on the other side an opportunity to vote on the amendments they said they wanted to vote on. So there is really only one way to go forward, and so what I am going to do is ask unanimous consent that starting at 10 o'clock the Senate proceed to vote in relation to the following amendments in the order listed: Sullivan No. 67, Cardin No. 75, Murkowski No. 98, Reed No. 74, Flake No. 103, Leahy No. 30; Cruz No. 15, Whitehouse No. 28, Moran No. 73, Carper No. 121, Daines No. 132, and Markey No. 25; further, that all amendments on this list be subject to a 60-vote affirmative threshold for adoption and that no second-degrees be in order to the amendments. I ask consent that there be 2 minutes of debate equally divided between each vote and that all votes after the first in the series be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, the majority leader came to the floor this evening and commended the Senate for the work we have done. He pointed out the constructive, bipartisan, good-faith efforts that have been made on both sides. Earlier today we disposed of 10 separate amendments, 5 on each side. Those amendments were given to us yesterday. During the last 24 hours there has been active negotiation back and forth on side-by-side amendments. In fact, the Republican Senator from Missouri and the Republican Senator from Nebraska asked to modify their amendments while they were still pending. There was a good-faith effort to make these amendments ready for floor consideration, and they were. They were brought before the Senate,

and they were voted on in an orderly way. We all know that in the rules of the Senate you can stop the train. No one did on this side of the aisle. We moved forward in an orderly way.

Now at 8 o'clock this evening, 12 more amendments have come forward, 6 on each side. The majority leader is correct. What we are trying to do, as we did with the previous 10 amendments, is to work through these in an orderly fashion, and we propose that we start considering them tomorrow morning.

Those who are interested in—the staff who are interested, the Members who are interested can work to put these 12 amendments in order. We will start working on them as early as the majority leader wants to work tomorrow morning and start working through the amendments and those others that may be offered. But I would say, if we are going to continue in the spirit of good faith, bipartisan cooperation, then let us work together as we have leading up to today to come to the point where we can have a vote on those amendments.

There are others that may be offered on both sides. But for these pending amendments, we are ready to commit to you that we will be here first thing in the morning, and let's start considering them.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, let me just say one more time, I think everybody understands. What we have here are at least six Democratic amendments that presumably they understand because they offered them. I assume they know what is in them because they wrote them and offered them. Yet they do not want to vote on them.

We have been on this bill for a while. We have already had more rollcall votes on this bill than the entire Senate had on every bill through the whole year of 2014. I think it is time that we start moving forward.

So since there is an objection to setting votes on the pending amendments, there is really only one way to ensure a vote on these amendments absent a cloture motion, which I was explaining earlier. If we had to file cloture on each of these amendments, we would be on them for weeks trying to help our friends on the other side get votes on amendments they offered.

So given the fact that they are reluctant to vote on their own amendments, which presumably they understand, the only way to go forward is to table their amendments. So I, therefore, intend to begin tabling the pending amendments, ensuring a vote on the proposals they have offered, which presumably they understand, but moving the process along tonight.

Mr. DURBIN. Will the majority leader yield for a question?

Mr. McCONNELL. For a question only, without losing the floor.

Mr. DURBIN. Did the majority leader not notify the entire Senate that we would be working on Fridays?

Mr. MCCONNELL. I am not suggesting we are not working on Friday. I am suggesting we are working tonight.

Mr. DURBIN. I would say to the majority leader, we are prepared to start working in an orderly fashion on Friday, as we did earlier today.

Mr. MCCONNELL. Well, I have not said anything about Friday. Did anybody hear me say anything about Friday? We are talking about right now.

AMENDMENT NO. 25

Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 25, offered by the Senator from Massachusetts, Mr. MARKEY.

Mr. MCCONNELL. Mr. President, I move to table the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MARKEY. Mr. President, I ask unanimous consent that I be allowed 1 minute to speak on my amendment before it is voted upon.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4 Leg.]

Alexander	Ernst	Nelson
Baldwin	Feinstein	Perdue
Barrasso	Fischer	Peters
Bennet	Gardner	Risch
Blumenthal	Gillibrand	Roberts
Blunt	Grassley	Rounds
Boozman	Hatch	Sasse
Boxer	Heinrich	Schatz
Brown	Heitkamp	Schumer
Cantwell	Heller	Sessions
Capito	Hirono	Shaheen
Cassidy	Hoeven	Shelby
Coats	Inhofe	Stabenow
Cochran	Isakson	Sullivan
Collins	King	Tester
Coons	Leahy	Thune
Corker	Manchin	Tillis
Cornyn	Markey	Toomey
Cotton	McCain	Udall
Crapo	McCaskill	Warner
Cruz	McConnell	Warren
Daines	Merkley	Warren
Donnelly	Murkowski	Whitehouse
Durbin	Murphy	Wicker
Enzi	Murray	Wyden

The PRESIDING OFFICER. A quorum is present.

VOTE ON AMENDMENT NO. 25

The question is on agreeing to the motion.

The yeas and nays have been previously ordered.

The clerk will call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator

from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) and the Senator from Nevada (Mr. REID) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—53

Alexander	Ernst	Perdue
Ayotte	Fischer	Portman
Barrasso	Flake	Risch
Blunt	Gardner	Roberts
Boozman	Grassley	Rounds
Burr	Heller	Rubio
Capito	Hoeven	Sasse
Cassidy	Inhofe	Scott
Coats	Isakson	Sessions
Cochran	Johnson	Shelby
Collins	Kirk	Sullivan
Corker	Lankford	Tester
Cornyn	McCain	Thune
Cotton	McCaskill	Tillis
Crapo	McConnell	Toomey
Cruz	Moran	Vitter
Daines	Murkowski	Wicker
Enzi	Paul	

NAYS—42

Baldwin	Gillibrand	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Peters
Booker	Hirono	Reed
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Udall
Coons	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden

NOT VOTING—5

Franken	Hatch	Reid
Graham	Lee	

The motion was agreed to. The PRESIDING OFFICER. The majority leader.

VOTE ON AMENDMENT NO. 121

Mr. MCCONNELL. Mr. President, I call for the regular order with respect to Carper amendment No. 121.

The PRESIDING OFFICER. The amendment is now pending.

Mr. MCCONNELL. I move to table the Carper amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. Mr. CARPER. Mr. President, I ask to be recognized for 1 minute, please.

Mr. MCCONNELL. Objection. The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Minnesota (Mr. FRANKEN), and the Senator from Nevada (Mr. REID) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 38, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—57

Alexander	Enzi	Murkowski
Ayotte	Ernst	Paul
Barrasso	Fischer	Perdue
Bennet	Flake	Portman
Blunt	Gardner	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johnson	Shelby
Corker	Kirk	Sullivan
Cornyn	Klobuchar	Thune
Cotton	Lankford	Tillis
Crapo	McCain	Toomey
Cruz	McCaskill	Vitter
Daines	McConnell	Wicker
Donnelly	Moran	Wyden

NAYS—38

Baldwin	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Sanders
Boxer	King	Schatz
Brown	Leahy	Schumer
Cantwell	Manchin	Shaheen
Cardin	Markey	Stabenow
Carper	Menendez	Tester
Casey	Merkley	Udall
Durbin	Mikulski	Warner
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Heinrich	Nelson	

NOT VOTING—5

Coons	Graham	Reid
Franken	Lee	

The motion was agreed to. The PRESIDING OFFICER. The majority leader.

VOTE ON AMENDMENT NO. 28

Mr. MCCONNELL. Mr. President, I call for regular order with respect to the Whitehouse amendment No. 28.

The PRESIDING OFFICER. The amendment is now pending.

Mr. MCCONNELL. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WHITEHOUSE. I ask unanimous consent for just 1 minute to defend my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WHITEHOUSE. May I ask unanimous consent for just 1 minute?

The PRESIDING OFFICER. Is there objection to the request?

Mr. MCCONNELL. I object. The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion.

The clerk will call the roll. The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Minnesota (Mr. FRANKEN), and the Senator from Nevada (Mr. REID) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—52

Alexander	Ernst	Perdue
Ayotte	Fischer	Portman
Barrasso	Flake	Risch
Blunt	Gardner	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Heller	Sasse
Cassidy	Hoeven	Scott
Coats	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johnson	Sullivan
Corker	Kirk	Thune
Cornyn	Lankford	Tillis
Cotton	McCain	Toomey
Crapo	McConnell	Vitter
Cruz	Moran	Wicker
Daines	Murkowski	
Enzi	Paul	

NAYS—43

Baldwin	Heitkamp	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Sanders
Booker	King	Schatz
Boxer	Klobuchar	Schumer
Brown	Leahy	Shaheen
Cantwell	Manchin	Stabenow
Cardin	Markey	Tester
Carper	McCaskill	Udall
Casey	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	
Heinrich	Nelson	

NOT VOTING—5

Coons	Graham	Reid
Franken	Lee	

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

VOTE ON AMENDMENT NO. 30

Mr. McCONNELL. I call for regular order with respect to Leahy amendment No. 30.

The PRESIDING OFFICER. The amendment is now pending.

Mr. McCONNELL. I move to table the amendment and ask for the yeas and nays.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak for 1 minute to explain the States rights amendment.

The PRESIDING OFFICER. Is there an objection to the request from the Senator from Vermont?

Mr. PERDUE. I object.

The PRESIDING OFFICER. Objection is heard.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Minnesota (Mr. FRANKEN), and the Senator from Nevada (Mr. REID) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—53

Alexander	Ernst	Paul
Ayotte	Fischer	Perdue
Barrasso	Flake	Portman
Blunt	Gardner	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heitkamp	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Manchin	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Moran	Wicker
Enzi	Murkowski	

NAYS—41

Baldwin	Heinrich	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Sanders
Booker	King	Schatz
Boxer	Klobuchar	Schumer
Brown	Leahy	Shaheen
Cantwell	Markey	Stabenow
Cardin	McCaskill	Tester
Carper	Menendez	Udall
Casey	Merkley	Warner
Donnelly	Mikulski	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Nelson	

NOT VOTING—6

Coons	Graham	Lee
Franken	Kirk	Reid

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

VOTE ON AMENDMENT NO. 74

Mr. McCONNELL. I call for regular order with respect to Reed amendment No. 74.

The PRESIDING OFFICER. The amendment is now pending.

Mr. McCONNELL. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak for up to 1 minute on the Reed-Collins amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. LEE), and the Senator from Illinois (Mr. KIRK).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Minnesota (Mr. FRANKEN), and the Senator from Nevada (Mr. REID) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 45, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—49

Alexander	Fischer	Portman
Barrasso	Flake	Risch
Blunt	Gardner	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Heller	Sasse
Cassidy	Hoeven	Scott
Coats	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	McCain	Tillis
Crapo	McConnell	Toomey
Cruz	Moran	Vitter
Daines	Murkowski	Wicker
Enzi	Paul	
Ernst	Perdue	

NAYS—45

Ayotte	Gillibrand	Murray
Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Sanders
Boxer	King	Schatz
Brown	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Manchin	Stabenow
Carper	Markey	Tester
Casey	McCaskill	Udall
Collins	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden

NOT VOTING—6

Coons	Graham	Lee
Franken	Kirk	Reid

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion on the pending substitute to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Murkowski amendment No. 2: the Keystone XL pipeline approval act.

Mitch McConnell, Lisa Murkowski, Richard Burr, Jerry Moran, John Thune, Marco Rubio, Johnny Isakson, Kelly Ayotte, Ben Sasse, Deb Fischer, John Boozman, David Vitter, Tim Scott, Roger F. Wicker, Richard C. Shelby, Michael B. Enzi, Roy Blunt.

CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion on the underlying bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1, a bill to approve the Keystone XL pipeline.

Mitch McConnell, Lisa Murkowski, Richard Burr, Jerry Moran, John Thune,

Marco Rubio, Johnny Isakson, Kelly Ayotte, Ben Sasse, Deb Fischer, John Boozman, David Vitter, Tim Scott, Roger F. Wicker, Richard C. Shelby, Michael B. Enzi, Roy Blunt.

UNANIMOUS CONSENT REQUEST

Mr. MCCONNELL. I ask unanimous consent that at 9:30 a.m. Friday, the Senate proceed to vote in relation to the following amendments in the order listed: Sullivan No. 67, Cardin No. 75, Murkowski No. 98, Flake No. 103, Cruz No. 15, Moran No. 73, and Daines No. 132; further, that all amendments on the list be subject to a 60-vote affirmative threshold for adoption and no second degrees be in order to the amendments. I ask consent that there be 2 minutes of debate equally divided between each vote and that all votes after the first in the series be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DURBIN. Mr. President, now that we have purged the calendar of five of the six Democratic amendments, the majority leader tells us it is time to vote.

It doesn't strike me that this is in the best interest of what we are trying to achieve. We are going back and forth in a bipartisan, constructive fashion. I would like to ask the majority leader is he prepared to be in session tomorrow and to consider Democratic and Republican amendments and work through the list, including the ones he just tabled?

Mr. MCCONNELL. Does the Senator from Illinois intend to object to my consent?

Mr. DURBIN. What I am asking is to try to amend this so it does have some balance. The majority leader mentioned one Democratic amendment and at least five or six Republican amendments to be considered tomorrow.

Mr. MCCONNELL. We just had votes on Democratic amendments that the Senator's Members offered and he didn't want to agree to have a vote.

Mr. DURBIN. The RECORD will reflect the spirited debate on those amendments when the majority leader wouldn't even give the authors 60 seconds to describe what was in the amendment.

Mr. MCCONNELL. Am I correct the Senator from Illinois is going to object?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, for the information of all Senators, the next vote will be Monday, at 5:30 p.m. The assistant Democratic leader and I have agreed to announce no more votes tonight.

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

The PRESIDING OFFICER (Mr. SCOTT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO BEN RICHMOND

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a great Kentuckian and a man who has dedicated his entire career to promoting civil rights and helping people. My good friend Ben Richmond, the longtime president and CEO of the Louisville Urban League, recently announced his impending retirement from that position. Mr. Richmond has served as president and CEO of the Louisville Urban League for nearly 30 years—since 1987.

Mr. Richmond is a civil rights champion who has led a venerable civil rights institution such as the Louisville Urban League to new heights. Under his tenure, the Louisville Urban League has promoted job training and education for many in Louisville's African-American community. His body of work is so outstanding that in 2007 he received from the city the Dr. Martin Luther King Jr. Freedom Award, a recognition for a local activist who is dedicated to King's principles and who has promoted peace, equality, and justice.

Since Mr. Richmond took over the Louisville Urban League, the staff has grown from around 20 to 30 and the annual budget grown from under \$1 million to around \$3.3 million. Mr. Richmond is the driving force for fundraising for the budget.

The Louisville Urban League placed more than 200 people in jobs last year with a combined annual income of nearly \$5 million. It helped about 1,000 prepare for finding employment through career expos, job training, referrals, and career counseling. It also has many programs to help youth and seniors.

The Louisville Urban League is nearly halfway towards realizing their goal of seeing 15,000 local African Americans earn college degrees between 2012 and

2020. Mr. Richmond oversaw the Louisville Urban League's move to a new headquarters in 1990. And under Mr. Richmond's tenure, the Louisville Urban League was just one of 13 Urban League affiliates nationwide to receive a top score in a self-audit required by the National Urban League.

We are lucky, that after his retirement, Mr. Richmond plans on staying in Louisville. Our city can continue to benefit from his wisdom and experience. I want to wish my good friend Mr. Ben Richmond all the best in retirement, and I ask my Senate colleagues to join me in congratulating Ben for his successful tenure at the helm of the Louisville Urban League. The city of Louisville and the State of Kentucky have certainly benefitted immeasurably by his many efforts over the decades.

The Louisville Courier-Journal newspaper recently published an article extolling Mr. Ben Richmond's many accomplishments. I ask unanimous consent that said article be printed in the RECORD.

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

[From the Courier-Journal, Jan. 21, 2015]

URBAN LEAGUE CEO RICHMOND RETIRING

(By Sheldon S. Shafer)

Ben Richmond, a cornerstone of local social activism for more than a quarter century and a major advocate of economic equality, is retiring as president and CEO of the Louisville Urban League.

Richmond announced his impending retirement at an Urban League board meeting Tuesday, after serving as head of the civil-rights organization since 1987.

Under the leadership of Richmond, a mainstay in the push to improve economic development in western Louisville, the Urban League has long been dedicated to promoting job training and education, primarily for Louisville's poorer citizens.

Richmond "has been one of the anchors for diversity and for stability in not only the African-American community but the overall Louisville community," said Raoul Cunningham, Louisville NAACP president. "I am going to miss Ben, his counsel and his cooperative spirit."

Richmond "has become known around the country for innovative and groundbreaking approaches to helping residents improve their quality of life," said Dan Hall, a University of Louisville vice president and the Urban League board chairman. "He is intensely passionate about helping individuals find a pathway to success."

Richmond received Louisville Metro's Dr. Martin Luther King Jr. Freedom Award in 2007, an annual recognition given by the city to a local activist dedicated to King's principles and who has promoted peace, equality and justice.

Then-Mayor Jerry Abramson said at the time that "over his decades of leadership, countless lives have been improved through Ben's tireless efforts in workforce development, housing and youth programs."

The national Urban League was founded in 1910, and the Louisville agency in 1921. The local league was set up chiefly to help rural black Southerners who had moved to Louisville after World War I.

The Louisville Urban League under Richmond has greatly expanded its reach. It placed about 250 people in jobs last year and