

the Europeans have spent \$280 billion on climate change with very little measurable impact on global temperatures. And as for carbon taxes, even if the U.S. imposed one on itself, it would have virtually no effect on the global climate.

Hamilton steered me to an article by James Manzi and Peter Wehner in his favorite magazine, *National Affairs*. The authors point out that according to the United Nations Intergovernmental Panel on Climate Change, the expected economic costs of unaddressed global warming over the next century are likely to be about 3 percent of world gross domestic product. This is a big, gradual problem, but not the sort of cataclysmic immediate threat that's likely to lead people to suspend their immediate self-interest.

Well, I ventured, if you're skeptical about our own policies, Mr. Founding Father, what would you do?

Look at what you're already doing, he countered. The U.S. has the fastest rate of reduction of CO₂ emissions of any major nation on earth, back to pre-1996 levels.

That's in part because of fracking. Natural gas is replacing coal, and natural gas emits about half as much carbon dioxide.

The larger lesson is that innovation is the key. Green energy will beat dirty energy only when it makes technical and economic sense.

Hamilton reminded me that he often used government money to stoke innovation. Manzi and Wehner suggest that one of our great national science labs could work on geoengineering problems to remove CO₂ from the atmosphere. Another could investigate cogeneration and small-scale energy reduction systems. We could increase funding on battery and smart-grid research. If we move to mainly solar power, we'll need much more efficient national transmission methods. Maybe there's a partial answer in increased vegetation.

Hamilton pointed out that when America was just a bunch of scraggly colonies, he was already envisioning it as a great world power. He used government to incite, arouse, energize and stir up great enterprise. The global warming problem can be addressed, ineffectively, by global communiqués. Or, with the right government boost, it presents an opportunity to arouse and incite entrepreneurs, innovators and investors and foment a new technological revolution.

Sometimes like your country you got to be young, scrappy and hungry and not throw away your shot.

Mr. WHITEHOUSE. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

POLICY ISSUES AND APPROPRIATIONS BILLS

Mr. MORAN. Madam President, I rise to visit for a moment with my colleagues, both Republican and Democratic, about the ongoing debate we are having over the appropriateness of having policy issues debated and then decided in appropriations bills.

We are now at the stage in our legislative process in which it looks as if we are going to complete our work on the final spending bill for the fiscal year that ended a few months ago and that by December 11, when the continuing resolution concludes, we very well may have an appropriations bill that takes us into the new year completed.

There are some in the Senate who have argued that within this appropriations bill there is no place for policy riders, for provisions in that bill that direct in a more specific way how we spend money. I would say that is a terrible mistake on the part of Members of the Senate to reach that conclusion, and I would say it is wrong for our country. It is wrong based upon the Constitution of the United States that creates three coequal branches of government.

In the legislative branch, we know that our role is to legislate, to create the laws, to appropriate the money. There cannot be a distinction between legislating and appropriating money. They end up being the same thing. When we appropriate money, we are directing an administration to conduct itself according to that appropriations bill. Particularly in this case, we have a few Democrats who are arguing that there shouldn't be any policy riders included in that appropriations bill. I doubt that we would hear that from Democrats if this were a Republican President and a Democratic Congress. In my view, it ought not to be any different. Congress's role is to make decisions about how money is spent. For too long, Congress has given up the power of the purse strings.

This is a significant development in our constitutional history because in giving up the power of the purse strings, we authorize the executive branch—that branch of Government that is to execute the laws, to administer the laws—to have significantly more power. The American people and our Constitution are harmed when any Executive—this President, previous Presidents, future Presidents—exceeds the authority granted to them by the U.S. Constitution. Sometimes I think we end up supporting Presidential decisions that we agree with and oppose those, obviously, that we disagree with. But the reality is that if those decisions are unconstitutional, if they exceed the authority that Congress has granted an executive branch, they ought to be denied, regardless of whether we agree with those decisions or not. In other words, the Constitution should trump.

In my view, this Congress and many who preceded us have taken the opportunity to be in the back seat, granting authority or allowing Presidents to consume additional power well beyond the Constitution. I am here to encourage my colleagues—Republicans and Democrats—to reexert our constitutional grant of authority to legislate. We ought not to pay undue deference to an executive branch, whether the President is a Republican or a Democrat.

I would say that in the time I have been a Senator, in this first term of my term in office, we have seen an executive branch that has continued to increase its power and authority and exceeded, in my view, its constitutional grant of authority and in so many in-

stances has exceeded the authority granted to them by a statute—a piece of legislation passed by the House, passed by the Senate, and sent to the President.

The President should only be able to do those things which are granted to him or her by the Constitution or by legislative enactment pursuant to the Constitution. That seemingly has been forgotten during the recent history of our country. Congress holds the power of the purse strings.

There are many of us—Republicans and Democrats—who would like to direct the executive branch in how money is spent. The appropriations bill ultimately will determine how much money is spent. But in addition to that, we have the ability to direct whether that spending can occur, shouldn't occur or how it should occur. I think all of you have heard me speak previously, and some of you may remember about a particular provision that I wanted included in the Interior and Environment appropriations bill related to the U.S. Fish and Wildlife Service—the designation of the lesser prairie chicken as a threatened species.

We have had this conversation. In fact, in a bipartisan way, that issue was voted on here on the Senate floor. It was approved, but the legislation it was attached to did not become law. Now the opportunity to instruct a Federal agency arises as we appropriate the money for them to operate. There are five States in the middle of the country—New Mexico, Texas, Colorado, Kansas, and Oklahoma—that have felt the consequences of a decision made by the U.S. Fish and Wildlife Service to list the lesser prairie chicken as a threatened species. The issue that is so troublesome to me is that those five States have come together to solve this problem on their own without the heavy hand of the Federal Government. Conservation practices were being put in place. The U.S. Department of Agriculture was providing technical and financial assistance for conservation efforts to landowners to provide the incentives to put voluntary conservation practices in place across those five States. In my view, the U.S. Fish and Wildlife Service only paid lip service to those conservation efforts. Their actions spoke louder than the words, and they listed the lesser prairie chicken as threatened.

This decision at that point in time didn't provide enough time for local plans to prove their effectiveness, and the reality is the problem in our State and across that region of the country was that we didn't have moisture. We didn't have adequate snowfall. We don't have adequate rainfall. When you have little or no rain, you have little or no habitat. You can't solve that problem without moisture. Now the rains have returned. Over the last 2 years, just as you would predict and as common sense would tell us, if there is more rain, there is more habitat and there are more birds.

The most recent census of the lesser prairie chicken indicates that in the last 2 years, the population of that bird has increased by 50 percent. Again, common sense tells us if there is rain and if there is moisture, there is habitat and the birds return. As the rainfall has returned, the habitat is growing, and it is healthy again. Local surveys indicate what we would expect: The bird's population is again increasing.

Therefore, one might think it would be useful to take a second look at the listing. Despite our request of the U.S. Fish and Wildlife Service, they dismissed with little thought that as the species has returned, maybe it should no longer be listed. The opportunity that I and others have to rein in decisions that we believe are poorly made, lack common sense, and are unreasonable occurs in this appropriations process. My guess is that all of my colleagues have certain issues on which they want to direct a Federal agency about how to behave, what rules and regulations are appropriate, where we believe they have exceeded their authority or where they simply lack the common sense or sound science to have made an appropriate decision.

There are some who say you shouldn't legislate on an appropriations bill. An appropriations bill is a legislative effort, and it would be wrong for us not to take the opportunity to direct agencies on behalf of the American people, on behalf of the constituents—in my case of Kansas—who feel very strongly about this issue and have suffered the consequences of the listing of the lesser prairie chicken by the U.S. Fish and Wildlife Service.

Despite the practical reasons that this listing should be reversed, the agency is not listening, and we ought to take the opportunity to direct their behavior in a legislative way. Whether or not an amendment is approved is decided here in the Senate by a majority vote. I would tell you that in the case of this issue, the amendment was offered in the Appropriations Committee. It is included in the Interior appropriations bill. The House has adopted similar language in their appropriations bill. So for those who say this is inappropriate, this is the legislative process as it should be. This is the Senators and the Members of the House of Representatives speaking on behalf of their constituents in a very constitutional and appropriate way.

It is important for us to utilize our authority as Members of Congress to make decisions that benefit our country as we see best, and we ought to work together to accomplish that. There will be riders—provisions that are offered that are included in an appropriations bill—that I will disagree with, but the appropriations process ought to work. As a member of the Appropriations Committee and as a Member of the Senate, I want to see us get back to the days in which the power of the legislative branch is able to be utilized and we make certain that we

make decisions on how we spend the money.

I appreciate the opportunity to be on the Senate floor today to speak as we move next week toward the appropriations bill and its conclusion. I wish to say that in a bipartisan way, we ought to work together to find opportunities to solve the problems that our constituents and Americans face. The legislative process is a way that we can do that. It is not inappropriate. In fact, it is the constitutional response to an abuse of power in an executive branch. Whether it is a Republican executive branch or a Democratic executive branch, we ought to work together as Members of Congress in utilizing our constitutional authority to make appropriate decisions for the American people.

EXTENSION OF MORNING BUSINESS

Mr. MORAN. Madam President, I ask unanimous consent that morning business be extended until 6 p.m. today, with Senators permitted to speak for up to 10 minutes each.

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

Mr. MORAN. Madam President, I yield the floor to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

HIGHWAY BILL

Mr. HATCH. Madam President, throughout my time as ranking member and now chairman of the Senate Finance Committee, finding money for surface transportation infrastructure has been a persistent and seemingly intractable problem. Even as we went into this year with a new Republican majority in the Senate, none of us could have imagined that we could find a way to provide 5 years of solvency and stability for the highway trust fund. Yet, with today's announcement of the completed conference report, that is precisely where we are right now.

The conference report for the Fixing America's Surface Transportation Act will hopefully be enacted within a few days' time. As the very first member of the conference committee to sign the report, I want to briefly talk about the process by which the legislation came about and how we got to where we are now.

Immediately before the Memorial Day recess, there was an unsuccessful attempt to put together a package to possibly get the highway trust fund through the rest of 2016. The agonizing difficulty we faced at that time in dragging ourselves through another 18 months gave us a desire to think bigger than we had before. This is why I was determined to help find a way out of the cycle of short-term infrastructure bills and why I believed it was necessary for us to think outside of the

proverbial box and look everywhere for potential offsets.

Generally, the Finance Committee is responsible for the financing title of any highway bill that goes through the Senate. Usually, we do our best to work within our committee's jurisdiction to identify offsets. However, because those resources have been quickly drying up, we had to look elsewhere for this package.

After the committee spent weeks examining numerous options and alternatives, I was able to present our distinguished majority leader with a list of offsets that, while not necessarily ideal, would allow us to put together a long-term highway bill without raising taxes or increasing the deficit.

I am very pleased with the work we were able to do there as that list of offsets formed the basis of the funding for the long-term deal we will likely be voting on in short order. As we continued on, by the end of July, the Senate had managed to pass a bipartisan infrastructure bill with 3 years of solvency, funding, and certainty for the highway trust fund. Though we were required to enact another short-term extension before the August recess, momentum had begun to build in both Chambers for a long-term highway bill.

Common practice on highways over the past few years has been to enact short-term extensions and then go and complain about the dysfunction in Congress before moving on to the next order of business. The offset package produced by the Senate showed that we could do things differently and, for the first time in almost two decades, a long-term transportation bill was actually possible.

After the August recess, the House began working off of the Senate bill as a template for their own legislation. After they passed a remarkably similar bill in November, the conference committee came together to produce the legislation announced today.

While I am not one who likes to count chickens before they have been hatched—no pun intended—I am optimistic that the bill will pass with a strong bipartisan vote. Putting these offsets for this long-term bill together has truly been a group effort. As I mentioned, we searched far and wide for offsets that required a number of chairmen and committees to work together. I commend my colleagues for their efforts and their willingness to do so and their willingness to do what it took to make the endeavor successful.

I especially want to thank Senator THUNE and the commerce committee, who assisted these efforts by providing for the transfer of certain motor vehicle safety penalties to the highway trust fund. I also appreciate the work done by the House Financial Services Committee and Congressman RANDY NEUGEBAUER, chairman of the Subcommittee on Financial Institutions and Consumer Credit. He was able to identify a new and important offset for the infrastructure bill, a feat which few