United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, THURSDAY, JANUARY 22, 2015 *No. 11*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the leader's heart is in Your hand and You turn destinies as You desire. Give our lawmakers wisdom to labor so that justice will abound and the righteousness will flow like a mighty stream.

Lord, may our Senators develop a clear vision of the light that leads to truth. Enable them to make the differing approaches expressed by both parties contribute to better solutions to the world's problems. Infuse our legislators with a reverential awe that will empower them to be aware of Your presence and to accept and obey Your plans. Use them as extensions of Your power in our Nation and world.

And, Lord, please place Your healing hands on Senator HARRY REID.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. HELLER). The majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning the Senate will be in a period of morning business for 1 hour before resuming consideration of the Keystone bill. Senators should expect votes on pending amendments to the bill after lunch today. Votes are possible into the evening tonight as well as during tomorrow morning's session of the Senate. We need to make progress on this bill and all Members should expect a busy day.

REAL DEBATE IN THE SENATE

Mr. MCCONNELL. Mr. President, the Senate, as I indicated, will continue its work on the Keystone jobs bill today. It is great to see a real debate on the floor of the Senate again. We saw some action in the Chamber yesterday and even some unpredictability. We saw how democracy in the Senate has looked many times in the past. It is great to see both sides able to offer amendments once more.

I know many of our Democratic friends have been ready to give more of a voice to their constituents too. I know they have been waiting for this moment for some time. The assistant Democratic leader said he welcomes our vision of the Senate where Members ''bring amendments to the floor, debate them, vote on them, and ultimately pass legislation,'' and that is what we are doing.

Another Democratic colleague, the senior Senator from West Virginia, said he was ''very excited'' about the prospect of an open amendment process. He also noted that it gave Members of his party a valuable opportunity to pursue some of their own priorities through the legislative process.

The Senator makes an important point about the more open Senate we are working toward. A more open Senate presents more opportunities for legislators with serious ideas to make a mark on the legislative process. It can give Members of both parties a real stake in the ultimate outcome of the bill on the floor. And because it does, it represents one of our best avenues to secure passage of sensible legislation centered on jobs and the middle class. That is something we should all want.

So I hope Members in both parties will help us continue our efforts to make the Senate function better. That would be a good thing for our country. It would represent a change from the kind of Senate we have seen in recent years. And it would represent a positive step forward, not just for Congress but for the people we represent.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The assistant Democratic leader is recognized.

KEYSTONE PIPELINE

Mr. DURBIN. Mr. President, let me join the majority leader in saying that I think we are in a healthy environment on the floor of the Senate where we are pursuing amendments and active debate, and it is great to see that happening. The only way that happens in the U.S. Senate is when the majority and the minority both work for it to happen. The rules of the Senate are constructed, as we both know well, so that literally any one Senator can stop the process. But the good-will and good-faith efforts of Senators on both sides of the aisle have really brought us to a good moment here.

I wish to commend especially the leaders on the floor for this legislation, Senator MURKOWSKI of Alaska on the Republican side, and on our side Senator MARIA CANTWELL and Senator BARBARA BOXER. The two of them, in an extraordinary show of cooperation, have been able to work together to process amendments.

The fact is we voted on nine amendments so far on this Keystone Pipeline measure. We have eight amendments pending today. So there is a good-faith effort on both sides to call up these important amendments with fairness to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

both sides of the aisle. I want to see that continue.

I hope no one believes we are finished with eight amendments. We are not. There are other important amendments to be considered. Members have brought them to the attention of both sides, and I hope as quickly as we can that we will schedule them for consideration and a vote and move forward.

Yesterday, what was fascinating was the fact that we branched off from this conversation about the Keystone Pipeline itself and the jobs—35 permanent jobs—that will be created for this Canadian corporation and started talking about some underlying, critically important issues. We spent a great deal of time on the floor discussing the environmental impact not just of the pipeline but of the Canadian tar sands which will be brought by the pipeline, if it is approved, into the United States for processing.

It is interesting what we have learned so far during the course of this debate. When the Democrats insisted that this pipeline's product—the oil that is refined and used for consumption—be sold in the United States, the Republicans voted no. The Republicans voted no. I have a lengthy memo on my desk of all of the Republican Senators who have come to the floor insisting that the Keystone Pipeline was going to create more gasoline, more diesel fuel, and help the American economy. Yet, when Senator MARKEY of Massachusetts offered an amendment to say keep the products coming from the Keystone Pipeline in the United States, the Republicans, to a person, voted no.

Then Senator FRANKEN came forward and said, Well, let's agree that if this is about jobs in America that the Keystone Pipeline will use American steel. That seems reasonable to me, and I voted for it. The Republicans voted no. They defeated the notion that we would use American steel to build this pipeline.

This pipeline is Senate Bill 1 for the Senate Republicans. It is their highest priority. One would think that if it truly is a jobs bill, they would want American steel to be used to build the pipeline; let our steel mills build this pipeline in the future, create the jobs in America, and they voted no.

Yesterday I offered an amendment as well. We know at the end of this pipeline, if tar sands reach the United States through this means or otherwise, it is a pretty nasty process taking the tar and sand out of the oil, and what is left over is a nasty product known as petcoke.

Petcoke is now being stored in three-story-high piles in the city of Chicago. I have seen it. And the city is trying to get to the point where it is at least contained and covered. Yet, the company that owns it, which incidentally is a company owned by the Koch brothers—what an irony—this company has resisted the idea of covering these petcoke piles, so this nasty black substance blows through the community in southeast Chicago. The city of Chicago is in a battle.

I tried to put in an effort yesterday so that we would establish standards for transportation and storage of petcoke, and the Republicans insisted it was a benign substance, it isn't hazardous, not dangerous, don't worry about it. If some of the Senators who voted against my amendment, tomorrow, God forbid, face this issue in their community, I think they will have a little different view of petcoke and what it can do to people, the impact it has on respiratory disease and asthma.

Yesterday I didn't prevail. But I can tell my colleagues how over the years, as I fought the tobacco companies and they insisted there was nothing dangerous about tobacco, I heard those arguments from industry just as we are hearing the petcoke arguments from the petcoke industry. Ultimately, good sense prevailed, public health prevailed, and we moved toward regulation of tobacco products. We should do the same—basic regulation—to protect the public from any negative impact on their health relative to petcoke.

The amendments continue today. Some of them are extraordinarily important. I hope we will continue to move toward the completion of this task in an orderly manner. I commend not only the leadership on the majority side, but I commend my colleagues too. We found over the past many years that the process of amendment would break down when one Republican Senator would stand up and say, I won't let any amendment be considered until my amendment is considered, No. 1. It even reached a point where Republican Senators would say, I won't let any amendment be considered unless I am guaranteed my amendment will pass. Well, when people take unreasonable positions and threaten filibusters, we break down the amendment process.

We have tried, now being in the minority, to be more constructive, and we have reached that goal so far this week. I hope we continue to aspire to it and I hope we can wrap this bill up next week in an orderly manner.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. DURBIN. Mr. President, in the aftermath of the terrorist attacks around the world—particularly in Paris—the American people know that terrorism, sadly, is a threat to us even to this day. We count on one department of government as much if not more than any other to protect us—the Department of Homeland Security.

This is the Department which monitors the terrorist threats to our country on a minute-by-minute basis. This is the agency that provides the inspectors at airports and in many other places to try to thwart terrorism before it strikes. It is a critically important part of our government—one of the most important departments.

That is why it is curious to me that House Republicans insisted that the budget—the regular budget for the Department of Homeland Security—be held up until the end of February. They need their Department budget. They need to invest it to keep America safe. Yet, the House Republicans said no. They gave a continuing resolution to the Department, which basically lets them operate on a day-to-day basis with no certainty for the future. That is no way to run an agency, particularly one that is supposed to keep America safe.

Then, last week, the U.S. House of Representatives took another step and really revealed what was behind this strategy. They added five negative riders to this Department of Homeland Security appropriations bill. Their riders are the subject of immigration. Of course, the Department of Homeland Security has a responsibility when it comes to immigration. These riders were onerous and they threatened the very passage of this important legislation, so much so that the President of the United States has issued a veto threat if the Republican riders from the U.S. House of Representatives are included in the bill when it passes the Senate.

The right thing to do, the smart thing to do, the thing to do to protect America is for us to pass the homeland security appropriation now so this agency has its money. We should remove the onerous and unfair riders that were attached by the House of Representatives. If we are to debate the negative aspects of immigration, let's save it for another day and not put this Department of Homeland Security at risk and the safety of America at risk over this political effort by the Republicans in the House of Representatives.

One aspect of the House measure, an amendment to the Department of Homeland Security appropriation, I find particularly troublesome. It was 14 years ago when I introduced the DREAM Act. It is hard to imagine it has been that long. But the notion behind the DREAM Act was if a child is brought to America by a family and is undocumented in this country and that child grows up in America, completes high school, and has no serious criminal problems in their background, they ought to be given a chance to either enlist in our military, to go to college, to get on a path toward legalization. That is the DREAM Act.

Originally the DREAM Act had some Republican sponsorship, but over the years that support melted away. Yet, many Republicans have said from time to time: I think the DREAM Act is fair; we just haven't enacted it into law. Because of that, 2½ years ago many of us appealed to President Obama to protect these DREAMers, these young people. Many of them completed school and had nowhere to go. Being undocumented, they didn't qualify for a penny of assistance in going to

college and, many times, if they completed college, they couldn't get a job because of their immigration status.

Back in 2012 President Obama created a program called DACA. The DACA Program said that if these DREAMers—these young people who might be eligible under the law I described—would come forward and register with the government and submit to a background check and pay a filing fee, they would be given temporary status to live in the United States without being deported, to go to school, to work.

We estimate that some 2 million young people could qualify for this program, and 600,000 have signed up—so far, 600,000. In the State of Illinois, 30,000 have signed up. They have come forward.

I have met some of these young people who have qualified under DACA. They are extraordinary young people. I went to Loyola Medical School in Chicago. At the medical school I believe there are 10, perhaps 12 students who are DACA-protected who are now going to medical school. There are two things to be said. First, they are extraordinary students. They had no chance to go to medical school before DACA, and now they do. They are well qualified to go to medical school. Secondly, they have only come to Loyola with the promise that after they receive their medical license, they will practice in underserved areas in Illinois and across America, whether it is rural areas or inner city. They are prepared to dedicate their professional lives to serving people who otherwise might not have access to medical care.

That is just one example. Let me tell you about some others. I would like to update the Senate on two people whom I have come to the floor and talked about in the past—Carlos and Rafael Robles. They were brought to the United States when they were small children. They grew up in suburban Chicago in my home State of Illinois. They were both honor students at Palatine High School and Harper Community College.

In high school Carlos was the captain of the tennis team and a member of the varsity swim team. He volunteered for Palatine's physically challenged program, where every day he helped to feed lunch to special needs students. Carlos graduated from Harper Community College and went on to attend Loyola University in Chicago, majoring in education. This is what one of his teachers said about him:

> Carlos is the kind of person we want among us because he wants to make the community better. This is the kind of person you want as a student, the kind of kid you want as a neighbor and friend to your child, and most germane to his present circumstance, the kind of person you want as an American.

After he received DACA protection—President Obama's Executive order—Carlos was able to work as a tennis coach at his high school and help pay his tuition.

After he graduated from Loyola with a major in education, Carlos worked as a teacher in a public high school in Chicago. I ran into him at a meeting last year, and he told me about his ambition to be a teacher. He is now attending graduate school at the Gerald R. Ford School of Public Policy at the University of Michigan, where he is studying education policy. He is a bright and engaging young man who wants to make our schools more effective.

In high school, his brother Rafael was captain of the tennis team and a member of the varsity swim team and soccer team. He graduated from Harper Community College and now attends the University of Illinois, where he is majoring in architecture. One of Rafael's teachers said:

> Rafael is the kind of person I have taught about in my Social Studies classes—the American who comes to this country and commits to his community and makes it better for others. Raffi Robles is a young man who makes us better. During my 28-year career as a high school teacher, coach, and administrator, I would place Raffi in the top 5 percent of all the kids with whom I have ever had contact.

Since receiving DACA, Rafael has been a full-time student while also working at Studio Gang Architects, an award-winning architectural firm in Chicago. Rafael will graduate this spring with a 3.8 GPA.

In a letter to Congress, the Robles brothers shared their thoughts about efforts to overturn DACA. Here is what they said:

> We ask you today to see it in your heart to do the right thing, to listen, and to reward the values of hard work and diligence, values that made America the most beautiful and prosperous country in the world and that we're sure got you, as members of Congress, to where you are today in life. These are values we have come to admire and respect in the American people. We will continue to uphold these values until the last days of our lives. We hope eventually as citizens of the United States we will become part of a country we now see as home.

These two individuals, Carlos and Rafael Robles—extraordinary DREAMers—were brought to this country as children by their parents, undocumented with no future in America, and look what they have done with their lives. One has dedicated his life to education and has overcome the odds and graduated from Loyola University without any government assistance. Because he is undocumented, he doesn't qualify. Now he is going for a master's degree, again at his own expense. His brother is pursuing a degree in architecture.

Do you know what House Republicans say? Deport the Robles brothers. That is what their amendment to the Department of Homeland Security appropriations says. Deport these two young men. Send them out of this country despite the fact that they have worked so hard and succeeded in what they have set out to achieve.

The House Republicans want to deport the 600,000 just like them who have qualified under the President's DACA Program. And they have gone further—not a penny, they have said, for any additional young people to apply for the DACA Program. Two million young people, many of whom, like the Robles brothers, just want to make America a better place—the House Republicans say: Deport them. Further, they say: We won't pass the Department of Homeland Security appropriations to protect Americans from terrorism until you deport the Robles brothers and young people just like them.

What is wrong with this picture? Have the Members of the House of Representatives forgotten who we are as a nation? It is a nation of immigrants. My mother was an immigrant to this country. Her naturalization certificate is sitting right behind my desk upstairs. I am proud of it. She came to this country at the age of 2 from Lithuania and raised a family—a proud American citizen. Her son is honored to represent the State of Illinois in the U.S. Senate. That is my story. That is my family's story. That is America's story. That is the Robles' story.

Why do the House Republicans have such a vengeance against these young men and women who through no fault of their own found themselves in America and made the best of it and only want to make this a better Nation? It drives the House Republicans into a rage to think that the Robles brothers might stay in the United States and make this a better country. I don't get it. I don't understand their thinking.

I really would encourage the House Republicans to meet some of the DREAMers and get to know them. When they do, the images which perhaps they have in their minds would be dispelled quickly.

We have a job ahead of us. The Senate needs to pass the Department of Homeland Security appropriations and the sooner, the better. God forbid we face another terrorist attack. Let's not let it happen with this important Department facing the restrictions they have been facing because of this Republican strategy. Let's give them a full appropriation and tell them to do their best every single day to keep us safe. Let's not embroil their work in a political debate about immigration, which is what the House Republicans insist on. Let's do something different here in the Senate. Let's pass a clean Department of Homeland Security appropriations bill. Take out the immigration riders. Save them for another day. Save them for amendments on another bill. Let's fund this Department, and let's get it done now. For the safety and security of this Nation, we need to come together on a bipartisan basis and put this political tactic by the House Republicans behind us.

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.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Democrats controlling the first half and the Republicans controlling the final half.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

REMEMBERING WENDELL FORD

Mr. MCCONNELL. Mr. President, many have now heard the sad news that one of the giants of Kentucky politics passed away last night. Wendell Ford first came to the Senate in the 1970s, calling himself just ''a dumb country boy with dirt between his toes.'' But over a distinguished two-decade career, this workhorse of the Senate would prove he was anything but.

I had the opportunity to watch my Senate colleague up close as he ascended to leadership in his party and established himself as a leader on issues of importance to my State. A proud Kentuckian who rose from page in the statehouse to Governor of the State, Ford shaped the history of the Commonwealth in ways few others had before him.

He never forgot the lessons about hard work he learned while milking cows or tending to chores on the family farm. This World War II veteran never backed down from a fight either.

We imagine he approached his final battle with the same spirit. Elaine and I, and I am certain I speak for the entire Senate, send our condolences to his wife Jean—Mrs. Ford, as Wendell often called her—and the rest of the Ford family at this difficult time.

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. INHOFE. 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. INHOFE. Senator ENZI was going to be here, so I am hoping his schedule will allow him to use his time this afternoon.

CLIMATE CHANGE

Mr. INHOFE. Mr. President, yesterday we had an interesting debate on climate change in the Senate, and there were three separate votes. The first one I and virtually all the Republicans supported, the Whitehouse amendment No. 29, said climate change is real and not a hoax.

This is true. Climate has always changed, and I think there is an effort by those on the other side who are trying to promote the big Obama program that would cost $479 billion and not accomplish anything in terms of setting up a new bureaucracy of trying to say we are denying that climate changes.

As I said on the floor yesterday, climate has always changed. If we go back and read history, look at archeological findings, and read the Scriptures, it has changed since the very beginning of time. We know it is real.

The hoax is that somehow there are people so arrogant who are going to go along with the President's program to say: Yes, if we spend enough money we, the human beings, can stop the climate from changing. I think people do understand that is not going to happen. So I am very happy we were able to get it out so it cannot be used in a way that would be deceptive to the public—because the climate has been changing since the beginning of time.

The hoax I have referred to since 2002 is that man is going to be in the position to change climate. That is not going to happen.

What is interesting is these votes could have taken place any time over the last year. I hope I am not divulging something someone else is going to use, but we are on pace now to have more amendments and votes on this one bill—a popular bill—than we had on amendments in the entire year last year.

We were very critical of the majority and the fact that we were not doing anything here. I would go home this last year and people would say: What did you accomplish?

Nothing. We didn't have any votes. We didn't do anything.

We had 15 votes on amendments in the entire year last year. By the end of today we will have that many votes on amendments just in 1 week. So it is very significant that we are actually getting things done.

Why did the Democrats not have a vote on the Keystone Pipeline or on climate? Because voters don't care or because people have lost interest in that. They have caught on. They know that, despite the money that has been put in this thing by Tom Steyer—we have already talked about that on this floor—that went into midterm elections, the proglobal warming votes would be seen negatively by voters.

This wasn't true back in the 1990s. At that time they had everyone scared that global warming was coming and the world was going to come to an end. There was polling by the Gallup polls, and that was the No. 1 and No. 2 concern in America. Environmental concerns are now No. 14 out of 15 in America.

So that is where it is. That is why Tom Steyer has spent, by his own admission, some $70 million on the elections. He stated he was going to get involved in eight senatorial elections—and I say to the Presiding Officer, he knows which ones they would be—and they lost them all. But Tom Steyer is not out of money, and they are going to do what they can to try to resurrect this global warming as an issue.

So the Gallup polls—and not just the polls. The Pew Research Center said 53 percent of Americans either don't believe global warming exists or believe it is caused by natural variation. I don't have it here, but I do know there was a university that put together a poll of all of the television weather people and it came out to the same thing: It was 63 percent said either it doesn't exist or, if it does exist, it exists because of natural causes.

What do the American people care about? They are concerned about the deficit and they are concerned about jobs.

Yesterday on the floor we talked about the deficit. Under this President—not a believable figure but an accurate figure—he has increased the debt in America more than all Presidents in the history of America, from George Washington to George Bush.

So that is what people care about.

As chairman of the Environment and Public Works Committee, one of my top priorities in this Congress is to conduct vigorous oversight of EPA regulations and getting into President Obama's excessive regulation regime through numerous hearings. We are going to have hearings on these regulations. We actually have dates set already to have hearings so people will understand what the cost is of these regulations.

The Presiding Officer is from a rural State, as I am. I am from Oklahoma. When I talk to farmers—in fact, Tom Buchanan, president of the Oklahoma Farm Bureau, said I can use his quote: Our farmers in Oklahoma—and I suggest all throughout America—are more concerned about the EPA regulations than they are all the other problems that are out there or anything that you will see in the farm bill.

He talks about the endangered species, that they can't plow their fields anymore in certain places because there might be some kind of a bug down there. He talks about containment of fuel on their farms. He talks about the water of the United States. That bill is probably the No. 1 concern of farmers.

The western part of my State is arid. I was out in Boise City, in the panhandle, and it is one of the most arid parts of the United States. It could actually be declared a wetland if we were to pass this and allow the Federal Government to replace the States and come in and regulate water on the land.

These are the things they are concerned about.

We should look closely at this, and this is quite a breakthrough. Our friends in Australia already tried regulating their emissions. I think we all know the IPCC is the Intergovernmental Panel on Climate Change, and that bureaucracy is supposedly the scientific community. Yet we find out now—and I talked about this yesterday. All the scientists were not believers in this, but a lot did believe and Australia did believe. So they joined in a Kyoto-type treaty and started stopping their emissions. They imposed a carbon tax on the economy a few years ago, and it caused horrendous damage—$9 billion in lost economic activity per year, and destroyed tens of thousands of jobs. It was so bad that their government recently voted to repeal the carbon tax they imposed just a couple years ago, and their economy is now better for it. In fact, it was announced just following the repeal that Australia experienced record job growth of 120,000 jobs—far more than the 10,000 to 15,000 jobs economists had expected.

We also looked closely at this because scientists are having a difficult time explaining the 15-year hiatus we have seen in temperature increases. This isn't me. The IPCC agrees with this, Nature magazine agrees with this, the Economist magazine agrees. They are reputable publications.

Reviewing the science is one thing they have to do in the EPW Committee, the committee I chair, because it is on this disputed science the EPA is building its significant greenhouse gas regulation package scheduled for this summer, which all together would be the costliest regulation in history. The component regulating CO_2 emissions from existing sources is the cause of a great concern in particular.

We heard in the President's message on Tuesday night that as proposed right now, the EPA's regulation will raise energy prices, destroy jobs, and impose billions of dollars in costs on the U.S. economy without achieving any kind of an effect.

It is interesting, and I have quoted her many times. The first EPA Administrator appointed by Barack Obama was Lisa Jackson. Lisa Jackson came before our committee many times. I always appreciated her because she would not get a message from the White House and come and repeat it in our committee.

I asked her a question: If we were to pass any of these regulations or the legislation to have cap and trade in America—which is what the President proposed on Tuesday night—would this have the effect of reducing CO_2 emissions worldwide.

Her answer, live on TV, in our meeting was, no, it wouldn't because this isn't where the problem is. The problem is in China, the problem is in India, the problem is in Mexico.

So what we do in the United States isn't going to affect what they do. In fact, the opposite is true. Because if we control emissions to the point where our manufacturing base runs out of energy in America, where do they go? They go to places such as China. China is sitting back hoping we pass something so they can benefit from our lost jobs in America.

The Wall Street Journal on June 3 called the proposal that the President suggested on Tuesday ''a huge indirect tax and wealth redistribution scheme that the EPA is imposing by fiat [that] will profoundly touch every American.''

Further quoting the Wall Street Journal: ''It is impossible to raise the price of carbon energy without also raising costs across the economy.''

This is clearly worthy of intense congressional oversight, and that is what we intend to do. EPA has gone beyond the plain reading of the Clean Air Act in an attempt to grossly expand its authority. It is forcing States to achieve dubious emission reduction targets from a limited menu of economically damaging and legally questionable options.

One of the foremost authorities in America is Richard Lindzen of MIT. Richard Lindzen some time ago made the statement, ''Controlling carbon is a bureaucrat's dream.''

That is what they want to do, try to control carbon emissions.

Controlling carbon is a bureaucrat's dream. If you control carbon, you control life.

The scientific community has been divided on this. We are in a position to try to make sure this doesn't happen to America, and so we are going to be very busy on that.

I wish to also mention we have seen Europe go down the road of imposing these mandates—the cap and trade and regimes they are proposing for America and in the green energy subsidies—and we have seen where that has gotten them. Electricity prices are up to 2½ times higher than those in the United States. In Germany, in 2012, CO_2 emissions actually rose by 1.3 percent over the 2011 levels, while the U.S. emissions fell by 3.9 percent—and they were imposing these new restrictions, we were not.

As a matter of fact, things got so bad in Germany that they backed off of their disastrous renewable fuels program and now plan to build 10 new coal-fired powerplants in Germany.

Make sure we heard that, 10 new coal-fired powerplants. This is what they are trying to do away with altogether in America—as if we could run the ''machine'' called America without fossil fuels and without nuclear. We can't do it.

A look closer to home: California has adopted similar carbon reduction policies, and its cap-and-trade scheme alone will increase electricity rates by 8 percent, according to the California Public Utilities Commission.

That is in California today. If we pass this, I don't have a figure as to how much that is going to increase out in California. Do we want our entire economy following the path of the State of California? It has one of the country's highest electricity rates. The rates in California are 65 percent higher than our rates in the State of Oklahoma, and it has one of the worst unemployment rates, one of the worst insolvent fiscal positions of any State, not to mention some of the worst air quality in the country.

Predictions of this rule's devastating impacts are prevalent. In Oklahoma, residential rates are projected to increase by 15 to 19 percent and industrial rates by 24 percent; that is, in the event they are successful in this program.

I notice the other side has not arrived. I ask unanimous consent to go an additional 7 minutes.

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

Mr. INHOFE. The Kansas Corporation Commission calculates that compliance with the rule as proposed would cost the State $5 to $15 billion, the equivalent of a 10- to 30-percent increase in electric rates. The loss of cheaper and more reliable coal units will increase the power prices by as much as 25 percent on grids that serve about a third of the Nation's population, according to the Brattle Group in Massachusetts.

Now, I have gone on and talked about how much more this would cost State by State. There isn't time to go over all of it now. But let's stop and realize the cost of this. NERA's analysis of the increased cost if we were to adopt these programs projects that the cost to comply with the EPA's plan could be a total of $479 billion or more, with 43 States having double-digit electricity increases and 14 States potentially facing peak-year electricity price increases exceeding 20 percent.

I say this because—who is having to pay this? Everybody pays it, and they have to pay it equally. It has to be the most regressive type of increase in taxation that we could have. If you have a pilot program, with a family that is in poverty they have to spend the same amount of money for their electricity. That is a must, not a luxury. It is something they have to have. So they could easily spend half of their expendable income on electricity price increases, while wealthy people might only face a 1-percent increase of their income. That is why it is important and why we need to pay attention to it—to make sure we know the public is aware of this.

NERA also estimates that atmospheric CO_2 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_2 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—independent 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 overregulation 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 redshirt 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 Gehnert 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, Gehnert 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 Geophysical Society, the American Institute of Biological Sciences, the American Meteorlogical 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 Senate, 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 thousand-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 shipping 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 CRONIES, 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. Lest you 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 my 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 Department 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 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 rulemaking 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 TransCanada 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_2 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 usually 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 deserves 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 prochoice 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	Tester	Whitehouse
Schumer	Udall	Wyden
Shaheen	Warner	
Stabenow	Warren	

NAYS—44

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

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 Management 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	Tester
Cochran	Leahy	Thune
Collins	Manchin	Tillis
Coons	Markey	Udall
Corker	McCain	
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

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

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

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

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

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''; and

(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 President 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 amendments, 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. BARRASSO). 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	Whitehouse
Donnelly	Murkowski	Wicker
Durbin	Murphy	Wyden
Enzi	Murray	

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

helped around 1,000 more prepare for finding employment. The league's career-development efforts range from helping job seekers draft resumes to mock job interviews.

In recent times the league has sponsored Saturday morning enrichment classes for children. And it has found buyers for dozens of new single-family homes built on vacant or abandoned property under its Project Rebound program in Russell, helping to transform the surrounding neighborhood.

League efforts annually include career expos; job training, referrals and career counseling; a variety of services for employers; homeownership training and counseling: a health and wellness program called Get Fit Louisville; a walk to defeat childhood obesity; and a long list of programs to help both youths and seniors in many ways.

Benjamin K. Richmond, 71 and single, was born in Durham, N.C., and raised in Jackson, Miss.

Richmond came to the Louisville Urban League as president and CEO in 1987, after top jobs with league affiliates in Wisconsin and Michigan. Richmond here replaced the league's longtime leader, the late Art Walters. Walters, who died in 2010 at age 91, directed the Louisville Urban League from 1970 to 1987.

Since Richmond took over, the league's staff has grown from around 20 to 30—also aided by dozens of volunteers—and its annual budget has grown from under $1 million to around $3.3 million this year. The funds have been cobbled together largely by Richmond—from Metro United Way and numerous public and private sources.

The current budget, for instance, includes about $340,000 from United Way, less than $100,000 from Metro Government and a $1.2 million federal grant earmarked primarily for programs for seniors.

The league has several departments, including the Center for Workforce Development, the Center for Housing and Financial Empowerment and the Center for Youth Development and Education.

Richmond said in an interview Monday that he expects to remain on the job until around June 30, or until a replacement is named by the agency's board, after a planned national search. He said he may then stay on under a contract for a while longer.

Richmond intends to stay in Louisville, while traveling some to visit relatives in Mississippi and Arizona.

But he pledges to remain active, noting that ''there are many opportunities in both the public and private sectors here. I will see what emerges. But I want to have fun.''

Among many achievements during his tenure, Richmond cited:

Opening the league headquarters in 1990 at 1535 W. Broadway, a 19,000-square-foot office, community meeting site, classroom and job-training facility. The league invested $1.6 million in the headquarters, which was paid off long ago. Richmond said the league headquarters has spurred significant nearby development along Broadway.

The economic impact of the league in terms of finding jobs for more than 200 people last year. Their combined annual income should be nearly $5 million.

Richmond noted that in recent years the league helped find jobs for dozens of minorities in construction of the KFC Yum! Center, and he said the league was instrumental in getting the PGA of America to establish an urban youth golf program and also hire top staff minorities.

That a halfway point has nearly been reached toward a goal—shared with partner organizations such as Simmons College and Jefferson Community and Technical College—to have 15,000 local African-Americans earn college degrees between 2012 and 2020. The minority effort is part of the community's 55,000 Degrees effort.

That the league last year received a top score in a self-audit—a review of its staff, policies, finances and procedures—required every three years by the National Urban League. The Louisville agency was just one of 13 affiliates of the national organization to achieve that status, Richmond said.

Richmond said he is proud that under his oversight the local league has attained financial stability, adding that he believes his organized is widely respected.

Under Richmond, the league has become more diversified. About half of its 36-member board and about half the staff are white. Richmond said he has strived to ''practice what we preach—racial diversity.''

Richmond ''has been a tremendous leader,'' said Metro Councilman David Tandy, D–4th District. ''There is still work to do, but he has been at the forefront of the second, or third, wave of the civil-rights movement, focusing on economic opportunity. . . . He has played a pivotal role in the community.''

Richmond ''has tried to create opportunities and meet challenges our community has faced,'' said longtime ally Sam Watkins, president of the Louisville Central Community Center, another West End-based, pro-development group.

''He's been a champion for west Louisville and has been proactive in trying to garner desperately needed attention for the area's issues and problems.''

REMEMBERING WENDELL FORD

Mr. REID. Mr. President, today the United States Senate family lost one of its Members. Early this morning, our friend and colleague, Senator Wendell Ford, passed away at his home in Owensboro, KY.

Senator Wendell Ford's service to his State and country spanned seven decades. A veteran of World War II and longtime member of the Kentucky Army National Guard, Wendell Ford's first elected position was that of State senator. In 1967 he ran successfully for Lieutenant Governor. Four years later he was elected Governor.

Following his term as Governor, the people of Kentucky sent him to the U.S. Senate, where he enjoyed a distinguished 24-year career. He was my predecessor as Democratic whip, a position that he held from 1995 to 1999. When Senator Ford retired, he was the longest serving U.S. Senator in Kentucky history, a record that my friend, the majority leader, eclipsed in 2009.

Senator Wendell Ford loved Kentucky. His loyalty to his home State was never in question. During his time here in the Senate, he unabashedly and unapologetically fought for anything that would give Kentucky families a helping hand. Similarly, anyone or anything that threatened Kentucky and its people was met with Senator Ford's fierce opposition.

My thoughts today are with his family. I express my condolences to his wife of 71 years, Jean Neel, their children, grandchildren and great-grandchildren. Senator Wendell Ford will be greatly missed by his loved ones, the people of Kentucky and the United States of America.

FIVE-YEAR ANNIVERSARY OF CITIZENS UNITED DECISION

Mr. DURBIN. Mr. President, yesterday marked the 5-year anniversary of the Supreme Court's decision in Citizens United v. Federal Election Commission. In this sweeping opinion, on a divided 5 to 4 vote, the Court held that the First Amendment permitted corporations to spend freely from their treasuries to influence elections. As a result of Citizens United and the series of decisions that followed in its wake, we have witnessed wealthy, well-connected campaign donors and special interests unleash a deluge of cash in an effort to sway Federal, State, and local elections across our Nation.

Let me be clear: I firmly believe that every voice should be heard in our country, and every perspective should have a seat at the Nation's policy-making table. However, Citizens United has led to a system that allows a privileged group of deep-pocketed donors and corporations to drown out the voices of ordinary citizens in an effort to buy and control every seat at the table.

The numbers speak for themselves. During the last Presidential election, outside groups poured more than one billion dollars into Federal races, over three times the $338 million that outside groups spent in 2008. More than 93 percent of all super PAC donations in 2012 came in contributions of at least $10,000 from 3,318 donors, who make up 0.0011 percent of the U.S. population. Of that group, an elite class of 159 people each contributed at least $1 million—funding nearly 60 percent of all super PAC donations that year.

We saw this trend continue during the recent midterm elections. Outside groups spent more than $560 million to influence 2014 Federal races—8 times the approximately $70 million spent in 2006, the last midterm election cycle before Citizens United. In 2014, we also saw a significant increase in political activity by tax-exempt ''dark money'' groups that do not publicly disclose their donors. Citizens United and its progeny have created a campaign finance system flush with secret cash and sorely lacking in transparency.

The impact stretches from Congress to state capitols to city halls throughout the country. As in Federal campaigns, Citizens United has led to an explosion of outside spending at the State and local levels, with corporations and wealthy single spenders looking to play kingmaker, pouring cash into races for positions ranging from district attorney to city commissioner. One of the most startling examples last fall occurred in Richmond, CA, a city with a population of 107,000. Chevron—an energy company with more than $200 billion in annual revenue—spent approximately $3 million through campaign committees aimed at influencing the mayoral and city council races. That means Chevron spent at least $33 per voting-age resident in Richmond.

While the influx of spending is well documented, I believe that the long-

term damage to our political process from Citizens United is just beginning to reveal itself. Some scandals have already emerged, and there will doubtlessly be more stories of corruption and corrosive influence ahead. As a result, the public confidence in our government will continue to erode.

I have worked with my colleagues on a number of solutions to address these concerns. Yesterday, several of these proposals were introduced in both the Senate and House of Representatives. I strongly support my colleagues in their efforts to improve disclosure and create a more transparent campaign finance system, and I will continue my efforts to establish a public financing system for Congressional elections through the Fair Elections Now Act, which I plan to reintroduce soon.

We also must continue to push for a constitutional amendment that would protect and restore the First Amendment by overturning Citizens United and empowering Congress and State legislatures to set reasonable, content neutral limitations on campaign spending. Last year, as the Chairman of the Subcommittee on the Constitution, Civil Rights, and Human Rights, I was proud to preside over a hearing and a vote on Senator UDALL's Democracy for All amendment. A majority of the Senate voted in favor of the bill, but not enough to defeat a Republican filibuster. We will continue to pursue this amendment and work toward its ultimate ratification.

As I said last year, supporting a constitutional amendment to reform our campaign finance system was not a decision I came to lightly. There is a very high bar for amending the Constitution and that is exactly the way it should be. In fact, Senator UDALL's amendment was the only constitutional amendment that the Constitution Subcommittee approved during my time as chairman. But I believe it is necessary to clean up our campaign finance system once and for all. Only a constitutional amendment can fully undo the damage of Citizens United and ensure that elections are a contest of the best ideas—not just the ideas of multimillionaires and corporate titans.

In the 5 years since Citizens United was decided, we have watched the corrosive influence of special interest money grow. It crosses the political spectrum, with wealthy donors vying for influence and streams of secret cash emerging from both the right and the left. Meanwhile, everyday Americans struggle for their voices to be heard amidst the endless ads blanketing the airwaves, so often financed by corporate interests.

As Justice Rehnquist once noted, corporations are granted the advantages of perpetual life, property ownership, and limited liability ''to enhance [their] efficiency as an economic entity.'' But he went on to say that ''those properties, so beneficial in the economic sphere, pose special dangers in the political sphere.'' While some First Amendment protections have rightfully been extended beyond everyday Americans to corporations, Citizens United went too far. Living, breathing Americans face challenges and have concerns that are very different than those faced by corporations—and their resources pale in comparison.

The special dangers of corporate influence in elections have never been more evident. The Supreme Court should fully examine the impact and effects of Citizens United and consider its damaging consequences as future cases involving campaign finance come before the Court. In the meantime, I will work with my colleagues to continue our legislative efforts to fix America's campaign finance system and overturn Citizens United so that elected officials listen to the everyday Americans who elected them—not just the wealthy donors and special interests that bankrolled their success.

COMMITTEE ON FINANCE

RULES OF PROCEDURE

Mr. HATCH. Mr. President, the Committee on Finance has adopted rules governing its procedures for the 114th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules for the Senate Committee on Finance be printed in the RECORD.

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE (ADOPTED JANUARY ??, 2015)

Rule 1. *Regular Meeting Days*.—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings*.—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer*.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums*.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations*.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling*.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions*.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote*.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes*.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas*.—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations*.—In considering a nomination, the committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the committee may request. The committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings*.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings*.—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate

(relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings*.—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum, and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences*.—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy, and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings*.—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy, and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

Rule 17. *Subcommittees*.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) The chairman and ranking minority members shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members.

(f) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(g) Subcommittee meeting times shall be coordinated by the staff director to ensure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(h) All nominations shall be considered by the full committee.

(i) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings*.—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. A transcript, marked as ''uncorrected,'' shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules*.—The foregoing rules may be added to, modified, amended, or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * *

RULE XXVI

COMMITTEE PROCEDURE

* * *

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof

on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * *

COMMITTEE ON THE JUDICIARY

RULES OF PROCEDURE

Mr. GRASSLEY. Mr. President, the Committee on the Judiciary has adopted rules governing its procedures for the 114th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

RULES OF PROCEDURE OF THE UNITED STATES SENATE COMMITTEE ON THE JUDICIARY—114TH CONGRESS

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem necessary on three days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless a different date and time are set by the Chairman pursuant to (1) of this section, Committee meetings shall be held beginning at 10:00 a.m. on Thursdays the Senate is in session, which shall be the regular meeting day for the transaction of business.

3. At the request of any member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearings in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, witnesses appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding appearance written statements of their testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. In the event a witness fails timely to file the written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. Seven Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Nine Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking down sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with eleven votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendars days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bills identified by the Chairman and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

VI. PROXY VOTING

When a recorded vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, Members who are unable to attend the meeting may submit votes by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

4. Provided all members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the members of the Subcommittee who vote must vote in favor of reporting the bill or matter to the Committee.

VIII. ATTENDANCE RULES

1. Official attendance at all Committee business meetings of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee business meetings shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Minority Member, in the case of Subcommittee Hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

RULES OF PROCEDURE

Mr. JOHNSON. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. Today, the Committee on Homeland Security and Governmental Affairs adopted Committee Rules of Procedure.

Consistent with Standing Rule XXVI, I ask unanimous consent to have a copy of the Rules of Procedure of the Committee on Homeland Security and Governmental Affairs printed in the CONGRESSIONAL RECORD.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Wednesday of each month, when the Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he/she deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee chief clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee Members at least 5 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 5-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to Members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each Member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, by no later than 5:00 p.m. two days before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the Members present, or by consent of the Chairman and Ranking Minority Member of the Committee or Subcommittee. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee Members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the Members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One Member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee Members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those Members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a Member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee Member has been informed of the matter on which he or she is being recorded and has affirmatively requested that he or she be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the Member establishes his or her vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each Member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the Chairman, or a Committee Member or staff officer designated by him/her, may undertake any poll of the Members of the Committee. If any Member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the Members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee Member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

F. Naming postal facilities. The Committee will not consider any legislation that would name a postal facility for a living person with the exception of bills naming facilities after former Presidents and Vice Presidents of the United States, former Members of Congress over 70 years of age, former State or local elected officials over 70 years of age, former judges over 70 years of age, or wounded veterans.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The Chairman shall preside at all Committee meetings and hearings except that he or she shall designate a temporary Chairman to act in his or her place if he or she is unable to be present at a scheduled meeting or hearing. If the Chairman (or his or her designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the Ranking Majority Member present shall preside until the Chairman's arrival. If there is no Member of the Majority present, the Ranking Minority Member present, with the prior approval of the Chairman, may open and conduct the meeting or hearing until such time as a Member of the Majority arrives.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he or she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. Full Committee subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses at a hearing or deposition or the production of memoranda, documents, records, or any other materials. The Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman has not received a letter of disapproval signed by the Ranking Minority Member within 72 hours, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, of the Ranking Minority Member's receipt of a letter signed by the Chairman providing notice of the Chairman's intent to issue a subpoena, including an identification of all individuals and items sought to be subpoenaed. Delivery and receipt of the signed notice and signed disapproval letters and any additional communications related to the subpoena may be carried out by staff officers of the Chairman and Ranking Minority Member, and may occur through electronic mail. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the Government, or of a corporation or association, the Committee Chairman may rule that representation by counsel from the Government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the Government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the Chairman or a staff officer designated by him/her shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a Member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends

to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide electronically a written statement of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the Minority Members of the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of the Minority Members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Swearing in witnesses. In any hearings conducted by the Committee, the Chairman or his or her designee may swear in each witness prior to their testimony.

K. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the Chairman, with the approval of the Ranking Minority Member of the Committee. The Chairman may initiate depositions without the approval of the Ranking Minority Member where the Chairman has not received a letter of disapproval of the deposition signed by the Ranking Minority Member within 72 hours, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, of the Ranking Minority Member's receipt of a letter signed by the Chairman providing notice of the Chairman's intent to issue a deposition notice, including identification of all individuals sought to be deposed. Delivery and receipt of the signed notice and signed disapproval letter and any additional communications related to the deposition may be carried out by staff officers of the Chairman and Ranking Member, and may occur through electronic mail. If a deposition notice is disapproved by the Ranking Minority Member as provided in this subsection, the deposition notice may be authorized by a vote of the Members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee Member or Members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by a Committee Member or Members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee Member or Members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The Chairman or a staff officer designated by him/her may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, Minority, and additional views. A Member of the Committee who gives notice of his or her intention to file supplemental, Minority, or additional views at the time of final Committee approval of a measure or matter shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee Chairmen. The Chairman of each Subcommittee shall notify the Chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the Chairman shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND EMERGENCY MANAGEMENT

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

B. Ad hoc Subcommittees. Following consultation with the Ranking Minority Member, the Chairman shall, from time to time, establish such ad hoc Subcommittees as he/she deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the Majority Members, and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

(1) The Chairman and Ranking Minority Member shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(2) Any Member of the Committee may attend hearings held by any subcommittee and question witnesses testifying before that Subcommittee, subject to the approval of the Subcommittee Chairman and Ranking Member.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The Chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chairman and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the Chairman, the Ranking Minority Member, or other Members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the U.S. Government Accountability Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chairman and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the Chairman and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

I. accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104–1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

RULE 10. APPRAISAL OF COMMITTEE BUSINESS

The Chairman and Ranking Minority Member shall keep each other apprised of hearings, investigations, and other Committee business.

INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION ACT AMENDMENTS OF 2015

Mr. BARRASSO. Mr. President, yesterday I introduced the Indian Tribal Energy Development and Self-Determination Act Amendments of 2015.

In recent years, the Committee on Indian Affairs has received concerns from Indian tribes and the energy industry that the Federal laws governing the development of tribal energy resources are complex and often lead to significant costs, delays and uncertainty for all parties. These costs, delays and uncertainties discourage development of tribal energy resources and drive investments away from tribal lands.

According to the National Congress of American Indians, Indian tribes hold nearly a quarter of American onshore oil and gas reserves. Yet, existing tribal energy production represents less than 5 percent of the current national production. If we can remove the costs and delays of developing energy on Indian lands, we could potentially see the country's energy production, and thus energy independence, increase significantly.

Nearly 10 years ago, Congress passed the Indian Tribal Energy Development and Self-Determination Act. This act created a new, alternative process for Indian tribes to take control of developing their energy resources on their own lands without the burdens of administrative review, approval, and oversight.

This approach gives Indian tribes the option to enter into tribal energy resource agreements with the Secretary of the Interior. Once an Indian tribe enters into this agreement, it has the authority to enter into subsequent leases, business agreements, and rights-of-way affecting energy development, without further review and approval by the Secretary—a significant

departure from the standard laws, and consequent bureaucracy, applicable to tribal contracts.

That law was a step in the right direction. However, these agreements have not been utilized to the extent that they could be, primarily because the implementation of the act has been made more complex than it should be.

It is past time we make key improvements to the law so that Indian tribes can take advantage of these agreements and significantly reduce bureaucratic burdens to energy development. Years of consultation and outreach to Indian tribes have produced targeted solutions to address the concerns about the process for entering these agreements. The bill that I am introducing today would streamline the process for approving the tribal energy resource agreements and make it more predictable for Indian tribes.

I would like to highlight some of the key provisions in this bill. This bill includes a number of amendments to improve the review and approval process for the tribal energy resource agreements. For example, the bill provides clarity regarding the specific information required for tribal applications for these agreements.

In addition, the bill sets forth specific time frames for Secretarial determinations on the agreement applications. Moreover, if an application is disapproved, this bill would require the Secretary of the Interior to provide detailed explanations to the Indian tribe and steps for addressing the reasons for disapproval.

The bill has various provisions that would improve technical assistance and consultation with Indian tribes during their energy planning and development stages. It also includes an amendment to the Federal Power Act that would put Indian tribes on a similar footing with States and municipalities for preferences when preliminary permits or original licenses for hydroelectric projects are issued.

Additionally, this bill would allow Indian tribes and third parties to perform appraisals to help expedite the Secretary's approval process for tribal agreements for mineral resource development.

My bill does not focus on only traditional resource development, but includes renewal resource development components as well. For example, the bill would create tribal biomass demonstration projects to provide Indian tribes with more reliable and potentially long-term supplies of woody biomass materials.

This bill is intended to provide Indian tribes with the tools to develop and use energy more efficiently. In passing this bill, Congress will enhance the ability of Indian tribes to exercise self-determination over the development of energy resources located on tribal lands, thereby improving the lives and economic well-being of Native Americans.

Before I conclude, I would like to thank Senators TESTER, MCCAIN, HOEVEN, ENZI, and FISCHER for joining me in cosponsoring this bipartisan bill. I urge my colleagues to join me in advancing this bill expeditiously.

IT'S TIME TO FIX NO CHILD LEFT BEHIND

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my remarks at yesterday's Senate Health, Education, Labor and Pensions Committee hearing be printed in the RECORD.

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

IT'S TIME TO FIX NO CHILD LEFT BEHIND

Since this is the first hearing of the committee in this 114th Congress, I have some preliminary remarks.

This committee touches almost every American.

No committee is more ideologically diverse and none is more productive. In the last Congress, 25 bills passed out of this committee became laws.

That's because we worked with Chairman Harkin on areas of agreement.

I look forward to working in the same way with Ranking Member Murray in this Congress. She is direct, well-respected, she cares about people and is results-oriented.

We are going to have an open process, which means we're going to have a full opportunity for discussion and for amendments. Not just in the committee, but on the floor. In the last two congresses, we reported a bill, but it didn't make it to the floor.

This congress, we hope to have a bipartisan bill coming out of committee—but even if we don't, the bill will go to the floor and it will have to get 60 votes on the floor, 60 votes to go to conference, 60 votes to get out of conference, and then the president will have his say. We hope to get his signature and get a result.

Next, the schedule:

Let me start with some unfinished business:

Fixing NCLB: This is way overdue, it expired more than 7 years ago. We posted a working draft on the website last week, already feedback is coming in—not just from Congress but from around the country. We have several more weeks of hearings and meetings. We hope to have a bill ready for floor by end of February. The House expects to have its bill on the floor by the end of February.

Reauthorizing the Higher Education Act: This is, for me, about deregulating higher education making rules simpler and more effective. Also, finishing the work we did on student loans in the last congress. Our first hearing on the deregulation task force formed by Senators Mikulski, Burr, and Bennet and me is on Tuesday, February 24.

As rapidly and responsibly as we can, we want to repair the damage of Obamacare and provide more Americans with health insurance that fits their budgets. Our first hearing is tomorrow on the 30 to 40 hour workweek—the bill introduced by Senators Collins, Donnelly, Murkowski and Manchin. We will report our opinions to the Finance committee.

Then, some new business:

Let's call it 21st Century Cures—that's what the House calls it, as it finishes its work this spring. The president is also interested. What we're talking about is getting to market more rapidly, while still safe, medicines, treatments and medical devices. There is a lot of interest in this and we'll start staff working groups soon.

There will be more in labor, pensions, education, health but those are major priorities and that is how we start.

The president has also made major proposals on early childhood education and community college. These are certainly relevant to K–12, but we've always dealt with them separately. It's difficult for me to see how we make these issues part of this reauthorization.

Now to today's hearing: Last week Secretary Duncan called for law to be fixed. Almost everyone seems to agree with that—it's more than 7 years overdue.

We've been working on it for more than 6 years. When we started, former Rep. George Miller said, Pass a lean bill to fix No Child Left Behind, and we identified a small number of problems.

Since then, we've had 24 hearings, and in each of the last two Congresses we've reported bills out of committee.

Senators should know issues by now, 20 of 22 were here in the last congress, 16 of 22 were here in the previous congress.

One reason it needs to be fixed is that NCLB has become unworkable.

Under its original provisions, almost all of America's 100,000 public schools would be labeled a ''failing school.''

To avoid this unintended result, the U. S. Secretary of Education has granted waivers from the law's provisions to 43 states—including Washington, which has since had its waiver revoked—as well as the District of Columbia and Puerto Rico.

This has created a second unintended result, at least unintended by Congress, which stated in law that no federal official should ''exercise any direction, supervision or control over curriculum, program or instruction or administration of any educational institution.''

Nevertheless, in exchange for the waivers, the Secretary has told states what their academic standards should be, how states should measure the progress of students toward those standards, what constitutes failure for schools and what the consequences of failure are, how to fix low-performing schools, and how to evaluate teachers. The Department has become, in effect, a national school board. Or, as one teacher told me, it has become a national Human Resources Department for 100,000 public schools.

At the center of the debate about how to fix No Child Left Behind is what to do about the federal requirement that states annually administer 17 standardized tests with high-stakes consequences. Educators call this an accountability system.

Are there too many tests? Are they the right tests? Are the stakes for failing them too high? What should Washington, D.C. have to do with all this?

Many states and school districts require schools to administer additional tests.

This is called a hearing for a reason. I have come to listen.

The Chairman's staff discussion draft I have circulated includes two options on testing:

Option 1 gives flexibility to the states to decide what to do on testing.

Option 2 maintains current law testing requirements.

Both options would continue to require annual reporting of student achievement, disaggregated by subgroups of children.

Washington sometimes forgets—but governors never do—that the federal government has limited involvement in elementary and secondary education, contributing only 10 percent of the money that public schools receive.

For 30 years the real action has been in the states.

I have seen this first hand.

I was Governor in 1983 when President Reagan's Education Secretary, Terrell Bell, issued a report called: ''A Nation at Risk,'' which said that: ''If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.''

The next year Tennessee became the first state to pay teachers more for teaching well.

In 1985 and 1986, every Governor spent an entire year focused on improving schools the first time in the history of the National Governors Association that it happened. I was chairman of the association that year and the Governor of Arkansas, Bill Clinton, was the vice chairman.

In 1989, the first President Bush held a national meeting of Governors in Charlottesville, Virginia, and established national education goals.

Then in 1991–1992, President Bush announced America 2000 to help move the nation voluntarily toward those goals, state by state, community by community. I was the Education Secretary at that time.

Since then states have worked together voluntarily to develop academic standards, develop tests, to create their own accountability systems, find fair ways to evaluate teacher performance—and then adopted those that fit their states.

I know members of this committee must be tired of hearing me talk until I am blue in the face about a ''national school board.'' I know it is tempting to try to fix classrooms from Washington. I also hear from governors and school superintendents who say that if ''Washington doesn't make us do it, the teachers unions and opponents from the right will make it impossible to have higher standards and better teachers.''

And I understand that there can be short term gains from Washington's orders—but my experience is that long term success can't come that way. In fact, today Washington's involvement, in effect mandating Common Core and teacher evaluation, is creating a backlash, making it harder for states to set higher standards and evaluate teaching.

As one former Democratic governor told me recently, ''We were doing pretty well until Washington got involved. If they will get out of the way we can get back on track.''

So rather than turn blue in the face one more time about the national school board let me conclude with the remarks of Carol Burris, New York's High School principal of the Year. She responded last week to our committee working draft this way:

. . . I ask that your committee remember that the American public school system was built on the belief that local communities cherish their children and have the right and responsibility, within sensible limits, to determine how they are schooled.

While the federal government has a very special role in ensuring that our students do not experience discrimination based on who they are or what their disability might be, Congress is not a National School Board.

Although our locally elected school boards may not be perfect, they represent one of the purest forms of democracy that we have. Bad ideas in the small do damage in the small and are easily corrected. Bad ideas at the federal level result in massive failure and are harder to fix.

Please understand that I do not dismiss the need to hold schools accountable. The use and disaggregation of data has been an important tool that I use regularly as a principal to improve my own school. However, the unintended, negative consequences that have arisen from mandated, annual testing and its high stakes uses have proven testing not only to be an ineffective tool, but a destructive one as well.

ADDITIONAL STATEMENTS

TRIBUTE TO BISHOP CHAD W. ZIELINSKI

● Ms. MURKOWSKI. In November, Father Chad Zielinski, the deputy wing chaplain at Eielson Air Force Base near Fairbanks, received what he regarded as an odd early morning telephone call. The call came from the Apostolic Nuncio, the Vatican's ambassador to the United States. The Nuncio informed Father Zielinski that he had been selected by Pope Francis to serve as the Catholic bishop of Fairbanks.

His immediate reaction: This makes no sense; how can this be? There must be some mistake. But there was no mistake. In December, Bishop Zielinski was ordained and installed to lead the Diocese of Fairbanks. The Catholic Anchor newspaper reports that Bishop Zielinski is the first active duty military chaplain in recent history to shepherd a diocese. At age 50 he is also the 11th youngest of the 267 active U.S. Catholic bishops.

The selection was met with great enthusiasm throughout interior Alaska and especially in our military community. Before being called to the priesthood, Bishop Zielinski served on active duty in the Air Force. He was ordained a priest for the Catholic Diocese of Gaylord, MI, in 1996. But after the events of September 11 he saw a need for Catholic chaplains in the military and rejoined the Air Force.

His Air Force career was varied. Bishop Zielinski served as Roman Catholic cadet chaplain at the Air Force Academy in Colorado Springs and as a chaplain recruiter assigned to the Air Force Recruiting Service. He also served at Grand Forks Air Force Base in North Dakota and at RAF Mildenhall in Suffolk, England.

And he served three tours of duty in Iraq and Afghanistan—his first in Baghdad in 2003 and his last in Afghanistan where he served 18 forward combat positions, where religious services were punctuated by the sound of live gun fire. On one sad day, the convoy in which he was traveling was hit by a rocket, killing one of the drivers, who also happened to be a parishioner. That day ended with the bishop conducting a funeral. Needless to say, Bishop Zielinski was regarded as an exemplary chaplain and I have no doubt that he will be an exemplary bishop.

The Diocese of Fairbanks, the most northern and geographically diverse in the United States, covers some 410,000 square miles. It holds 46 parishes, most of which are in the Alaska Native villages. I am excited about Bishop Zielinski's elevation and I look forward to working closely with him in his new and important role as a leader in our faith community.●

TRIBUTE TO FATHER FERNANDO ''FRED'' BUGARIN

● Ms. MURKOWSKI. On January 25, 1975, Father Fred Bugarin was ordained as a priest in the Archdiocese of Anchorage by Archbishop Joseph T. Ryan. This week marks the 40th anniversary of Father Fred's ordination. On Saturday evening, friends of Father Fred will gather in St. Anthony's parish hall to celebrate his 40 years of faith and service. I join with the Anchorage community in expressing my appreciation to Father Fred for his good works.

Father Fred was born in the Philippines and migrated to Anchorage with his family in 1963. He was age 14 at the time. He graduated from West High School in 1967 and went on to study humanities and theology at the University of Dallas/Holy Trinity Seminary. Following his ordination, Father Fred was assigned to St. Benedict's parish as an assistant pastor. In 1978 he was selected as the first resident pastor of Sacred Heart parish in Wasilla and served there until 1981. He was subsequently promoted to direct the permanent diaconate and ministries program for the archdiocese.

Five years later, while on sabbatical, Father Fred set out on a new direction—to reconnect with his roots in the Philippines and enrolled at the East Asian Pastoral Institute in Manila where he became immersed in East Asian thought and culture. Father Fred signed up for the Maryknoll Associate Priests Program and upon completion of the training he was sent off to Mindanao in the southern Philippines. Father Fred had much to learn. He grew up in the northern Philippines and the language and culture of the southern Philippines was much different. Yet he was determined to connect with the people he served no matter how steep the learning curve. It was the right fit—a 5-year contract turned into an 8-year experience. What was to have been a short sabbatical turned into a life changing event.

Upon his return to the United States, the Archdiocese of Anchorage assigned Father Fred to Kodiak Island, a diverse community with an economy revolving around the fishing industry. Blue collar workers, mainly from the canneries, made up the bulk of the parish. During fishing season the population includes Filipinos, Salvadorans, Mexicans, Vietnamese, Samoans and Laotians among others. Father Fred regarded Kodiak as a laboratory for incorporating what he learned through his work in the Philippines.

After 5 years in Kodiak, Father Fred was reassigned to St. Anthony's parish where he remains today. He is known throughout Alaska for his work in building inclusive parishes and is active in interreligious activities in Anchorage. Since 2003, Father Fred has been involved with Alaska Faith and Action Congregations Together, has taught foundations of Christianity at Alaska Pacific University and has facilitated fatherhood workshops for the Alaska native community. In 2011, Father Fred was awarded the doctor of ministry degree from the Pacific School of Religion in Berkeley, CA.

Father Fred has left a very powerful impression on every community he has served. He is an inspiration to his fellow pastors. I am honored to recognize Father Fred for his good works and wish him many long years of continued service to his faith and to his community.●

RECOGNIZING BOYETT PRINTING & GRAPHICS, INC.

● Mr. VITTER. Mr. President, the expansion of a small business can refer to the size of the building, customers, as well as inventory, but sometimes expansion can lead a small business toward a much more extensive track than its original direction. For this week's Small Business of the Week, I would like to recognize a Louisiana business that has broadened its scope and impact far beyond the size of its storefront. Boyett Printing & Graphics, Inc. of Shreveport, LA, is well-known for its printing and also offers an immense variety of services and products to the customers of northwest Louisiana.

In March 1994, John and Janet Boyett founded their printing business right in their home office. Their first official project was to print the church bulletins for the local Broadmoor Baptist Church. Five years later, the Boyetts' flourishing business outgrew their home, and they moved to the heart of Shreveport, hiring seven full-time employees in the process. The Boyetts' commitment to extraordinary service and quality products has buoyed their success for over 20 years.

These days, Boyett Printing & Graphics, Inc. provides printing on items such as brochures, business cards, newsletters, and stationery. Printing is also available on over 30,000 promotional products, which includes a vast variety of items from apparel to party favors to first aid kits. Their services, however, go far beyond what their printing label might suggest. Boyett Printing & Graphics, Inc. supplies creative graphic design services, as well as mailing services, booklet binding, letterpress, as well as bindery and finishing services. This broad array of operations truly allows this small business to be a ''one stop shop.''

Another way the Boyetts have set themselves apart is through their efforts to have a low impact on the environment. They prioritize recycling, using biodegradable inks and water soluble chemicals, and purchasing their paper from decades-old tree farms—even when it is more expensive. That is why their website is innovative and user friendly. Customers can submit an order or request price estimates. They can also sift through helpful ideas, business news, constructive tips, printing terms, as well as the latest versions of graphic art software. It is no wonder they were awarded an A-plus rating with the Better Business Bureau.

Their philosophy is founded on trust, reasonable prices, quality work, and friendliness, and clearly, it works. I am honored to recognize a business that anticipates its customer's needs, works with urgency and enthusiasm, and provides necessary services to the community with such dedication and convenience. Congratulations to Boyett Printing & Graphics, Inc. for being selected as this week's Small Business of the Week, and thank you for all of your service to the northwest region of Louisiana.●

TRIBUTE TO VINCENT PETRARCA

● Mr. WHITEHOUSE. I am honored to congratulate Mr. Vincent Petrarca of West Warwick, RI, a proud American veteran and beloved family man, on the occasion of his 90th birthday.

Vin enlisted in the U.S. Navy at age 18 and served in the Pacific Fleet. He was a crewmember of the destroyer USS *Newcomb* when, in April 1945, that ship encountered heavy air bombardment from Japanese forces off the west coast of Okinawa. Although struck multiple times by kamikaze attackers and sustaining heavy casualties, the *Newcomb* drove off or shot down several aircraft. ''Nelson's accolade to his sailors, 'They fought as one man, and that man a hero,''' wrote historian Samuel Eliot Morison, ''could well be applied to her crew,'' which earned the Navy Unit Commendation.

Vin married Jeanne Lesniak, and their union, now in its 62nd year, has been blessed with 7 children, 12 grandchildren, and 4 great grandchildren. Vin remains active, continuing a formidable amateur golf career. His tournament victories span a half-century, from the 1962 West Warwick Country Club Championship to the 2012 Rhode Island Father/Daughter State Championship.

On behalf of the State of Rhode Island and the Senate of the United States, I congratulate Vincent Petrarca on 90 remarkable years, and wish him health and happiness in the years to come.●

MESSAGE FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 161. An act to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–362. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flupyradifurone; Pesticide Tolerances'' (FRL No. 9914–77) received in the Office of the President of the Senate on January 22, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–363. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fosetyl-Al; Pesticide Tolerances'' (FRL No. 9920–54) received in the Office of the President of the Senate on January 22, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–364. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Oregon: Interstate Transport of Fine Particulate Matter'' (FRL No. 9921–69–Region 10) received in the Office of the President of the Senate on January 22, 2015; to the Committee on Environment and Public Works.

EC–365. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina; Inspection and Maintenance Program Updates'' (FRL No. 9921–83–Region 4) received in the Office of the President of the Senate on January 22, 2015; to the Committee on Environment and Public Works.

EC–366. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Ventura County Air Pollution Control District'' (FRL No. 9920–52–Region 9) received in the Office of the President of the Senate on January 22, 2015; to the Committee on Environment and Public Works.

EC–367. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to the State Implementation Plan Approved by EPA through Letter Notice Actions'' (FRL No. 9921–71–Region 3) received in the Office of the President of the Senate on January 22, 2015; to the Committee on Environment and Public Works.

EC–368. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Second Ten-Year PM10 Maintenance Plan for Steamboat Springs.'' (FRL No. 9921–54–Region 8) received in the Office of the President of the Senate on January 22, 2015; to the Committee on Environment and Public Works.

EC–369. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Georgia: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 9921–90–Region 4) received in the Office of the President of the Senate on January 22, 2015; to the Committee on Environment and Public Works.

EC–370. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of New Mexico; Revisions to the State Implementation Plan; General Definitions'' (FRL No. 9921–79–Region 6) received in the Office of the President of the Senate on January 22, 2015; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH, from the Committee on Finance, without amendment:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Finance.

By Mr. GRASSLEY, from the Committee on the Judiciary, without amendment:

S. Res. 36. An original resolution authorizing expenditures by the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

*Russell C. Deyo, of New Jersey, to be Under Secretary for Management, Department of Homeland Security.

*Earl L. Gay, of the District of Columbia, to be Deputy Director of the Office of Personnel Management.

By Mr. GRASSLEY for the Committee on the Judiciary.

Michael Greco, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

Ronald Lee Miller, of Kansas, to be United States Marshal for the District of Kansas for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TOOMEY (for himself and Mr. CASEY):

S. 231. A bill to designate the facility of the United States Postal Service located at 523 East Railroad Street in Knox, Pennsylvania, as the ''Specialist Ross A. McGinnis Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HELLER:

S. 232. A bill to prohibit the further extension or establishment of national monuments in the State of Nevada except by express authorization of Congress, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEE (for himself, Mr. MCCONNELL, Ms. AYOTTE, Mr. BLUNT, Ms. MURKOWSKI, Mr. VITTER, Mr. RUBIO, Mr. BURR, Mr. BARRASSO, Mr. ISAKSON, Mr. ALEXANDER, Mr. CRAPO, Mr. SCOTT, Mr. CORNYN, Mr. THUNE, Mr. CRUZ, Mr. WICKER, Mrs. FISCHER, Mr. RISCH, Mr. DAINES, Mrs. CAPITO, Mr. ROUNDS, Mr. TOOMEY, and Mr. FLAKE):

S. 233. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself, Mr. MANCHIN, Mr. HELLER, Mr. MCCONNELL, Mr. ENZI, Mr. RISCH, Mr. CRAPO, Mr. BARRASSO, and Mr. PERDUE):

S. 234. A bill to amend the Federal Water Pollution Control Act to confirm the scope of the authority of the Administrator of the Environmental Protection Agency to deny or restrict the use of defined areas as disposal sites; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mr. CRAPO, Ms. CANTWELL, Mr. RISCH, Mr. BENNET, Mr. GARDNER, Ms. BALDWIN, and Mr. DAINES):

S. 235. A bill to provide for wildfire suppression operations, and for other purposes; to the Committee on the Budget.

By Mr. MANCHIN (for himself and Ms. AYOTTE):

S. 236. A bill to amend the Pay-As-You-Go Act of 2010 to create an expedited procedure to enact recommendations of the Government Accountability Office for consolidation and elimination to reduce duplication; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mr. KIRK):

S. 237. A bill to amend title 18, United States Code, to specify the circumstances in which a person may acquire geolocation information and for other purposes; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself, Mr. CASEY, Mr. MANCHIN, Mr. VITTER, and Mr. CORNYN):

S. 238. A bill to amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. FRANKEN, Mrs. FISCHER, and Mr. HEINRICH):

S. 239. A bill to amend title 49, United States Code, with respect to apportionments under the Airport Improvement Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOOKER (for himself, Mr. MARKEY, and Mrs. MCCASKILL):

S. 240. A bill to promote competition, to preserve the ability of local governments to provide broadband capability and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself and Mr. MORAN):

S. 241. A bill to amend title 38, United States Code, to provide for the payment of temporary compensation to a surviving spouse of a veteran upon the death of the veteran, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TESTER (for himself and Mr. MORAN):

S. 242. A bill to amend title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FISCHER:

S. 243. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limit for Coverdell education savings accounts from $2,000 to $5,000, and for other purposes; to the Committee on Finance.

By Mr. TESTER:

S. 244. A bill to require an independent comprehensive review of the process by which the Department of Veterans Affairs assesses cognitive impairments that result from traumatic brain injury for purposes of awarding disability compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHOUSE:

S. 245. A bill to amend the Internal Revenue Code of 1986 to expand personal saving and retirement savings coverage by enabling employees not covered by qualifying retirement plans to save for retirement through automatic IRA arrangements, and for other purposes; to the Committee on Finance.

By Ms. HEITKAMP (for herself, Ms. MURKOWSKI, Mr. TESTER, Ms. HIRONO, Mr. SCHATZ, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. HOEVEN, Mr. UDALL, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. THUNE, Ms. WARREN, Mr. HEINRICH, Mr. MORAN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. COLLINS, Mrs. BOXER, Mrs. FISCHER, Ms. STABENOW, Ms. CANTWELL, Ms. BALDWIN, and Mrs. SHAHEEN):

S. 246. A bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes; to the Committee on Indian Affairs.

By Mr. CRUZ (for himself and Mr. GRASSLEY):

S. 247. A bill to amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN (for himself, Mr. HOEVEN, Mrs. FISCHER, Mr. LANKFORD, Mr. INHOFE, Mr. THUNE, Mr. CRAPO, and Mr. DAINES):

S. 248. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Indian Affairs.

By Mr. CRUZ (for himself, Mr. GRASSLEY, and Mr. CORNYN):

S. 249. A bill to provide that members of the Armed Forces performing hazardous humanitarian services in West Africa to combat the spread of the 2014 Ebola virus outbreak shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. JOHNSON:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mr. HATCH:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. KIRK):

S. Res. 35. A resolution commemorating the 70th anniversary of the liberation of the Auschwitz extermination camp in Nazi-occupied Poland; to the Committee on Foreign Relations.

By Mr. GRASSLEY:

S. Res. 36. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mrs. BOXER (for herself, Mrs. MURRAY, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. MURPHY, Mr. PETERS, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. FRANKEN):

S. Res. 37. A resolution supporting women's reproductive health care decisions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself, Mr. REID, Mr. PAUL, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 38. A resolution relative to the death of Wendell H. Ford, former United States Senator for the Commonwealth of Kentucky; considered and agreed to.

ADDITIONAL COSPONSORS

S. 48

At the request of Mr. VITTER, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 48, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 149

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 149, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 167

At the request of Mr. BLUMENTHAL, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 167, a bill to direct the Secretary of Veterans Affairs to provide for the conduct of annual evaluations of mental health care and suicide prevention programs of the Department of Veterans Affairs, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

At the request of Mr. MCCAIN, the names of the Senator from Maine (Mr. KING) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 167, supra.

S. 183

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 183, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 198

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 198, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to inverted corporations.

S. 201

At the request of Mr. PORTMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 201, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 203

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 203, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 207

At the request of Mr. MORAN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 207, a bill to require the Secretary of Veterans Affairs to use existing authorities to furnish health care at non-Department of Veterans Affairs facilities to veterans who live more than 40 miles driving distance from the closest medical facility of the Department that furnishes the care sought by the veteran, and for other purposes.

S. 210

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 210, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 214

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 214, a bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes.

S. 229

At the request of Mr. WHITEHOUSE, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 229, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S.J. RES. 5

At the request of Mr. UDALL, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S.J. Res. 5, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

AMENDMENT NO. 27

At the request of Mr. WYDEN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from California (Mrs. FEINSTEIN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 27 proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 28

At the request of Mr. WHITEHOUSE, the names of the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from Ohio (Mr. BROWN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from New Mexico (Mr. UDALL) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 28 proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 49

At the request of Mr. SANDERS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 49 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 74

At the request of Mr. REED, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. MARKEY), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Ms. WARREN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 74 proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 78

At the request of Mr. BLUNT, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of amendment No. 78 proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 87

At the request of Mr. INHOFE, his name was withdrawn as a cosponsor of amendment No. 87 proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 92

At the request of Mr. BURR, the names of the Senator from New Mexico (Mr. HEINRICH), the Senator from South Carolina (Mr. GRAHAM), the Senator from Michigan (Ms. STABENOW), the Senator from Oregon (Mr. MERKLEY), the Senator from Oregon (Mr. WYDEN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maine (Ms. COLLINS), the Senator from Wisconsin (Ms. BALDWIN), the Senator from North Carolina (Mr. TILLIS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 92 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

AMENDMENT NO. 96

At the request of Ms. HEITKAMP, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 96 intended to be proposed to S. 1, a bill to approve the Keystone XL Pipeline.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. CRAPO, Ms. CANTWELL, Mr. RISCH, Mr. BENNET, Mr. GARDNER, Ms. BALDWIN, and Mr. DAINES):

S. 235. A bill to provide for wildfire suppression operations, and for other purposes; to the Committee on the Budget.

Mr. WYDEN. Mr. President, today I am reintroducing the Wildfire Disaster Funding Act of 2015 with a bipartisan group of my colleagues, to ensure that Federal agencies have the resources and funding they need to not only fight the wildfires that erupt yearly in our Nation's forests, but to effectively manage forests to prevent future infernos.

For decades, our country has experienced tragic and costly wildfire seasons. Year after year, communities are displaced, natural treasures are destroyed, and the brave men and women who fight these fires risk their lives, and some don't come home. Due to climate change, drought, and overstocked and under-managed forests, the risks from these infernos continues to grow.

As the Forest Service needs to direct more and more resources to fighting fires, and less to managing the forests, it is transforming itself into the ''Fire Service.'' Over the past 20 years, substantial spending on Federal wildfire suppression activities has grown. In 2013, the Forest Service devoted 41 percent of its total budget to wildfire management, compared to just 13 percent of its total budget in 1991. In 8 of the past 10 years, the Forest Service has exceeded its budget for wildfire suppression, requiring the Agency to conduct what's known as ''fire borrowing'' to cover wildfire suppression costs. The funds being borrowed come from accounts that should be used for hazardous fuels treatment and other forest management activities, and are unfortunately rarely, if ever, paid back.

This ''fire robbery'' is disruptive, unproductive, and undermines the core mission of the Forest Service, particularly as forest management program budgets continue to get slashed. Hazardous fuels treatments have been proven to reduce fire risk, yet Federal agencies don't even have the opportunity or the funding to conduct these treatments when fires are breaking out and threatening lives and property for months on end.

Today I am reintroducing the Wildfire Disaster Funding Act, to help our Nation find a better way to manage our forests, prevent future wildfires, and fund wildfire fighting activities, both small and catastrophic. Major wildfire events should be treated as the natural disasters that they are, and should be funded as such. This bill establishes parity for wildfire funding, putting it on equal footing with other natural disasters like floods and hurricanes. Whether it's water, wind, earth, or fire, the earth's natural disasters can all cause devastation and should be addressed equally.

A Department of the Interior and Department of Agriculture analysis shows that 1 percent of wildfires represent 30 percent of agency costs. To ensure that fighting the largest infernos doesn't cripple agency budgets, the bill would fund the largest fire even under disaster programs, leaving funds available for routine wildfire fighting and forest management activities. It does this by moving any spending above 70 percent of the 10-year rolling average for fire suppression outside of the agencies' baseline budget and makes these additional costs eligible to be funded under a separate disaster account. This should free up discretionary funds that can now go toward hazardous fuels projects that will improve the health of our forests and ultimately prevent future wildfires.

I am pleased to be joined again by Senator CRAPO in introducing the bill today, as well as Senators CANTWELL, RISCH, BENNET, GARDNER, BALDWIN, and DAINES. I look forward to working with my colleagues toward enactment of the Wildfire Disaster Funding Act in the 114th Congress.

By Ms. HEITKAMP (for herself, Ms. MURKOWSKI, Mr. TESTER, Ms. HIRONO, Mr. SCHATZ, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. HOEVEN, Mr. UDALL, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. THUNE, Ms. WARREN, Mr. HEINRICH, Mr. MORAN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. COLLINS, Mrs. BOXER, Mrs. FISCHER, Ms. STABENOW, Ms. CANTWELL, Ms. BALDWIN, and Mrs. SHAHEEN):

S. 246. A bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes; to the Committee on Indian Affairs.

Ms. HEITKAMP. Mr. President, for those of us who are parents, we should want to make sure all of our children have the same opportunities as other children. This starts with a quality education, a safe and secure home, access to quality health care, and a community free of violence. These are deeply important issues. But too often, talk about protecting our Native children is left out of the conversation. Native children are too often considered ''them'' and not part of ''us.'' That needs to change—in fact, it must change. Unfortunately, for children in our nation's tribal communities, opportunities for success are often out of reach. As a result, Native children are sadly the most at-risk population in the country and face serious disparities.

The Federal Government has a trust responsibility to provide for the education, health, and safety of Native children. But for far too long, we have failed to live up to this promise. We are failing by not keeping them safe, healthy, or providing them with educational opportunities necessary to reach their full potential.

Native children have the third highest rate of being abused. They are overrepresented in foster care, more than 2.1 times the general population. Child mortality has increased 15 percent among Native children, while the rate among all American children has decreased by 9 percent since 2000. Suicide is the second leading cause of death among Native young adults ages 15 to 24 years old, 2.5 times the national average. The graduation rate for Native high school students hovers around 50 percent compared to 75 percent for white students. These numbers are simply staggering arid they are the direct result of growing up in communities that face significant challenges, high rates of poverty, staggering unemployment, child abuse and domestic violence, crime, substance abuse, and few economic opportunities.

I have spent a great deal of time on Indian reservations in North Dakota. I

am humbled to always be welcomed with open arms and treated like family. The tribes have a cultural sense about the need to defend their children. But because of the lack of resources, the stories are still incredibly jarring. I have seen firsthand the obstacles tribal governments confront in responding to the needs of Native children. Existing program rules and the volume of resources required to access current grant opportunities stymie efforts of tribes to tackle the underlying issues impacting our Native children. At the same time, federal agencies lack clear guidance about the direction that should be taken to best address the needs of Native children to fulfill our nation's treaty and trust responsibility to tribal nations. It is clear that Native children are suffering as a result.

Too many times I have heard stories about Native children in North Dakota placed in juvenile detention centers for offenses that would likely not result in incarceration, except for the fact that they are Native American. I heard a story about a teenage girl in detention because of substance addiction. She wants to get the health counseling she needs, but hasn't been given enough support, as too often there aren't enough resources available. She wants to go to school and get to the correct grade level, but is now already two grades behind and is continuing to fall further back while in detention. Without anyone looking to help, she will likely fall further back. This is just one story. But there are too many like it. Unless we act, we are turning our backs on Native children throughout the country.

I am determined to work to reverse these trends and end these terrible stories. We need to strive for a day when Native children no longer live in third-world conditions; where they don't face the threat of abuse on a daily basis; where they receive the good health care and education that help them grow and succeed. I will pledge to work to give these to today's Native children and future generations.

To begin this effort, I am proud to introduce the Alyce Spotted Bear and Walter Soboleff Commission on Native Children. Since joining the Senate, I have talked about the importance of working across the aisle to get things done. That's why this is a bipartisan bill, as Senator MURKOWSKI from Alaska has joined me in this effort, along with 20 of our colleagues. Our bill aims to address the sweeping challenges that Native Americans face by creating a Federal Commission on Native Children. It would begin a national conversation about the state of American Indian, Alaska Native, and Native Hawaiian children. It is a conversation that is long overdue.

The commission will be directed to complete a comprehensive study on the programs, grants, and support available for Native children, both at the federal level and on the ground in Native communities. Right now, so many of these details are lacking, which makes it more difficult for the Federal Government to determine what kind of support is needed. Then, the 11 member Commission will issue a report on how to address the series of challenges currently facing Native children. It is my hope that the recommendations will lead to the development of a sustainable system to provide wrap-around services and support our Native children, and also reverse the troubling statistics that have become all too familiar.

I believe it is telling that this bill has received a great deal of support. I want to thank the National Congress of American Indians, the National Indian Health Board, the National Indian Child Welfare Association, the American Indian Higher Education Consortium, and the National Indian Education Association, which have endorsed the bill, as has the Great Plains Tribal Chairman's Association, and the five tribes in my state of North Dakota.

Additionally, this Commission is named in part after my dear friend, the late Dr. Alyce Spotted Bear, who passed away in 2013 after a hard fought battle with cancer—and Walter Soboleff from the Tlingit tribe in Alaska. Alyce was a member of the Mandan, Hidatsa, and Ankara Nation in North Dakota and served as Chairwoman from November 1982 to March 1987. She was an inspiration to all who knew her and a great leader—in North Dakota and throughout the country. She was an educator dedicated to enabling Native students to succeed academically and making sure Native American cultures thrive. She was a mother, to her children, as well as her students and her community. In recognition of her expertise in the field, President Obama appointed her as a member to the National Advisory Council on Indian Education. And at the time of her passing, Alyce served as Vice President of Native American Studies and Tribal Relations at the Fort Berthold Community College in New Town, North Dakota. I hope this Commission will be able to live up to the great legacy she left behind, and also help complete some of her work for Native children.

As Sitting Bull once said ''Let us put our minds together to see what we can build for our children.'' That is exactly what this Commission will do, and I hope my colleagues will join us in supporting this important effort.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 33—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. JOHNSON submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 33

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (in this resolution referred to as the ''committee'') is authorized from March 1, 2015 through February 28, 2017, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2015.—The expenses of the committee for the period March 1, 2015 through September 30, 2015 under this resolution shall not exceed $5,591,653, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2016 PERIOD.—The expenses of the committee for the period October 1, 2015 through September 30, 2016 under this section shall not exceed $9,585,691, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2017.—The expenses of the committee for the period October 1, 2016 through February 28, 2017 under this section shall not exceed $3,994,038, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2017.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee

under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2015 through September 30, 2015;

(2) for the period October 1, 2015 through September 30, 2016; and

(3) for the period October 1, 2016 through February 28, 2017.

SEC. 5. INVESTIGATIONS.

(a) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety, including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(5) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into the discovery and development of alternative energy supplies; and

(7) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(b) EXTENT OF INQUIRIES.—In carrying out the duties provided in subsection (a), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(c) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman is authorized, in its, his, her, or their discretion—

(1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(2) to hold hearings;

(3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(4) to administer oaths; and

(5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(d) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(e) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and any duly authorized subcommittee of the committee authorized under S. Res. 253, agreed to October 3, 2013 (113th Congress) are authorized to continue.

SENATE RESOLUTION 34—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. HATCH submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 34

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2015, through September 30, 2015; October 1, 2015, through September 30, 2016; and October 1, 2016, through February 28, 2017, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2015, through September 30, 2015, under this resolution shall not exceed $4,710,670, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2015, through September 30, 2016, expenses of the committee under this resolution shall not exceed $8,075,434, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2016, through February 28, 2017, expenses of the committee under this resolution shall not exceed $3,364,764, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2017.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2015, through September 30, 2015; October 1, 2015, through September 30, 2016; and October 1, 2016, through February 28, 2017, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

SENATE RESOLUTION 35—COMMEMORATING THE 70TH ANNIVERSARY OF THE LIBERATION OF THE AUSCHWITZ EXTERMINATION CAMP IN NAZI-OCCUPIED POLAND

Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 35

Whereas on January 27, 1945, the Auschwitz extermination camp in Nazi-occupied Poland was liberated by Allied Forces during World War II after almost 5 years of murder, rape, and torture at the camp;

Whereas 1,100,000 innocent civilians were murdered at the Auschwitz extermination camp;

Whereas nearly 1,300,000 innocent civilians were deported to Auschwitz from their homes across Eastern and Western Europe, particularly from Hungary, Poland, and France;

Whereas 1,000,000 of the civilians who perished at the camp were Jews, along with 100,000 non-Jewish Poles, Roma and Sinti individuals, Soviet prisoners of war, Jehovah's Witnesses, gay men and women, and other ethnic minorities;

Whereas these civilians included farmers, tailors, seamstresses, factory hands, accountants, doctors, teachers, small-business owners, clergy, intellectuals, government officials, and political activists;

Whereas these civilians were subjected to torture, forced labor, starvation, rape, medical experiments, and being separated from loved ones;

Whereas the names of many of these civilians who perished have been lost forever;

Whereas the Auschwitz extermination camp symbolizes the extraordinary brutality of the Holocaust;

Whereas the people of the United States must never forget the terrible crimes against humanity committed at the Auschwitz extermination camp;

Whereas the people of the United States must educate future generations to promote understanding of the dangers of intolerance in order to prevent similar injustices from happening again; and

Whereas commemoration of the liberation of the Auschwitz extermination camp will instill in all people of the United States a greater awareness of the Holocaust: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates January 27, 2015, as the 70th anniversary of the liberation of the Auschwitz extermination camp by Allied Forces during World War II;

(2) calls on all people of the United States to remember the 1,100,000 innocent victims murdered at the Auschwitz extermination camp as part of the Holocaust;

(3) honors the legacy of the survivors of the Holocaust and of the Auschwitz extermination camp; and

(4) calls on the people of the United States to continue to work toward tolerance, peace, and justice and to end all genocide and persecution.

Ms. MIKULSKI. Mr. President, I wish to take this opportunity to bring to my Senate colleagues' attention the most momentous day that will occur next week.

Next week, on January 27, it will be the 70th anniversary of the liberation of the Auschwitz concentration camp—70 years since the liberation of the Auschwitz concentration camp. It was a triumph for the allies, but a melancholy day as the world began to see the films and photographs coming out of this hellhole.

I stand here today to remember and remind us all that, more than any other word, Auschwitz is synonymous with evil.

As someone who is very proud of her Polish-American heritage, I visited Auschwitz. I wanted to see it when I had the chance to learn more about my own heritage, and I wanted to see what happened there so that I would remember. I rise today so that the world remembers what happened there, and then the heroic effort of the allied forces, joined together, to be able to save Europe and save Western civilization.

I have submitted a resolution honoring those who survive even today, and those who were lost, that would remind us that we need to work always for tolerance, peace, and justice, and, always, to end genocide.

The harms of Auschwitz are incomprehensible and indescribable. The numbers are grim and even ghoulish. Over 1 million people—men, women, and children—lost their lives at Auschwitz. Ninety percent were Jews, hundreds of thousands were children, and it was the largest of any of the death camps.

Auschwitz was first created as an internment camp for Polish dissidents, for hundreds of thousands of Poles who were not Jewish but were murdered alongside the Jews of Auschwitz.

In occupied Poland, a Nazi governor named Hans Frank proclaimed that, ''Poles will become slaves of the Third Reich.''

But Auschwitz went far beyond the Poles, because the German authorities brought in people from throughout Europe. Who were the people who came? They were teachers, they were politicians, they were professors, they were artists—they were even Catholic priests. They were executed or barely survived. These are the stories of heroism that arise from the horrors.

Many Poles risked their lives to save Jews. I am reminded of the story of Irena Sendler, who was a young social worker in Warsaw. She smuggled 200 Jewish children out of the ghetto into a safe house. The Gestapo arrested her in 1943. They first tortured her and then condemned her to death.

Jan Karski, working for the Polish Government, went on to be a leader of solidarity in the founding of the new Polish democratic government. In working, he visited the Warsaw ghetto and did much to liberate people.

But this is not a story of numbers or statistics or naming of heroes. It is a story I am going to tell about myself.

In the late 1970s, as a brandnew Congresswoman, I traveled to Poland. I wanted to see my heritage, and I visited the small—really small—village that my family came from, where my great-grandmother left Poland as a 16-year-old girl to come to the United States to meet up with her brother and begin a new life, with little money in her pocket but big dreams in her heart. The story of America is the story of our family. Landing in Baltimore when women didn't even have the right to vote, she came in 1886—exactly 100 years to the year I became a U.S. Senator. So I wanted to go back to see where we came from to really know our story even better. But I also wanted to see the dark side of the history of Poland, and I went to Auschwitz.

Touring the concentration camp was an experience for me that was searing. Even today I carry it not only in my mind's eye, but I carry it in my heart. I could not believe the experience. The Presiding Officer knows me. I am a fairly strong, resilient person. I think we have even shared stories that I was a child abuse worker. I have seen tough things. But I wasn't prepared for what I saw that day.

As I walked through the gate of Auschwitz, to see the sign—that despicable sign—of welcome there. And then we toured—well, you don't tour. It is not a tourist site, it is a memorial. It is sacred ground. It is not a tourist site. But as we walked through, we saw the chambers where people had died.

I even went to a particular cell of a Father Kolbe, a Catholic priest who in the death camp gave his life to protect a Jewish member there. When they were ready to shoot him, Father Kolbe stepped forward to offer his life instead. Father Kolbe, in my faith tradition, has been canonized a saint for his heroic effort to show that he was willing to martyr himself for another human being, and in the belief that God was there in what he wanted to do.

But as I walked through there—and I saw hard things, tough things, wrenching things, repulsive, repugnant things. But then I got to the part that really broke my heart. I got to the part about the children. Pictures of children—little children. Not that any child's age is there. And then I saw the bins—the bins of the children's shoes: bins piled up with little shoes size 2, size 3, size 4, lace-up shoes, because they were the shoes they had in the 1930s and 1940s. And then I saw their suitcases. Then over in another corner I saw the eyeglasses that were taken from them and broken into pieces. Then I saw the pictures of the mothers.

I will tell you, I became unglued. I had to step away. Even today, when I tell this story, my voice chokes up because it shook my very soul.

So as we move into this commemoration—because it is both a celebration and a commemoration—a celebration of the liberation but a commemoration of what went on. I knew when I left Auschwitz—I knew and I understood why, first of all, we should never have genocide in the world again.

The second thing, and also so crucial to my views, is that there always needed to be a homeland for the Jewish people—why we always need an Israel, why it has to be there, survivable for the ages, and for all who will seek a home there and seek refuge there. This is why I worked so hard on these issues in terms of the support for Israel, the end of genocide, and also the gratitude for all the people who fought—for the people who fought in the underground, for people who fought in the resistance, for people who tried to participate in the famous uprisings; to thank God also for the other fighters—the ones who in the camp gave whatever they could to keep other camp members going; and then, for the allied troops, led by the United States of America—there, where we stood together, we stood and stared evil down; and then, when we opened up the doors of Auschwitz, for freedom and the ability to come out, though barely alive—that it was indeed an historic moment.

We don't want that history ever to repeat itself, where there has to be a liberation of a death camp.

I would also take this opportunity to salute the allies and all the American people who made us victorious in World War II.

Let's say God bless the United States of America. And let's work together for a safe and secure Middle East.

SENATE RESOLUTION 36—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY submitted the following resolution; from the Committee on the Judiciary; which was referred to the Committee on Rules and Administration:

S. RES. 36

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary (in this resolution referred to as the ''committee'') is authorized from March 1, 2015 through February 28, 2017, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2015.—The expenses of the committee for the period March 1, 2015 through September 30, 2015 under this resolution shall not exceed $5,461,388, of which amount—

(1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2016 PERIOD.—The expenses of the committee for the period October 1, 2015 through September 30, 2016 under this resolution shall not exceed $9,362,379, of which amount—

(1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2017.—The expenses of the committee for the period October 1, 2016 through February 28, 2017 under this resolution shall not exceed $3,900,991, of which amount—

(1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2017.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2015 through September 30, 2015;

(2) for the period October 1, 2015 through September 30, 2016; and

(3) for the period October 1, 2016 through February 28, 2017.

SENATE RESOLUTION 37—SUPPORTING WOMEN'S REPRODUCTIVE HEALTH CARE DECISIONS

Mrs. BOXER (for herself, Mrs. MURRAY, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. MURPHY, Mr. PETERS, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 37

Whereas access to comprehensive reproductive health care is critical to improving the health and well-being of women and their families and is an essential part of their economic security;

Whereas access to affordable contraceptives, including emergency contraceptives, and medically accurate information prevents unintended pregnancies, thereby improving the health of women, children, families, and society as a whole;

Whereas Roe v. Wade, 410 U.S. 113 (1973), was decided 42 years ago and clarifies that women have a constitutional right to plan their families and futures;

Whereas private reproductive health care decisions should be decided by women and their health care providers;

Whereas the requirement under the Patient Protection and Affordable Care Act (Public Law 111–148) that all insurance plans cover contraception without cost sharing has

saved women at least $483,000,000, and more than 30,000,000 women are eligible for this benefit;

Whereas research suggests that increasing the rate of contraceptive use may be associated with the decline in teen pregnancy by 50 percent since 1990;

Whereas elected officials in many States and Congress have attempted to block or curtail women's access to medical care and information in order to fulfill a political agenda, and they have often succeeded in such attempts;

Whereas there have been numerous attempts, both legal and legislative, to allow insurance companies and employers to deny women coverage for all contraceptive methods approved by the Food and Drug Administration, even though the law requires such coverage, and such methods are based on a foundation of scientific evidence;

Whereas since the enactment of the Patient Protection and Affordable Care Act, States have enacted hundreds of laws restricting access to women's reproductive health care and 24 States have enacted laws that reduce abortion coverage in plans that are offered through the Exchanges established under the Patient Protection and Affordable Care Act; and

Whereas 24 States have laws or policies that interfere with women's health care providers in a way that undermines, instead of strengthens, patient safety: Now, therefore, be it

Resolved, That the Senate supports efforts to—

(1) ensure that all women have access to the best available, scientifically-based health care and information;

(2) ensure that women can make their own private health care decisions with access to comprehensive, unbiased information and confidentiality;

(3) ensure that women and families, not their employers, make their own decisions about their health care;

(4) prohibit employers or government entities from interfering with or denying reproductive health care services guaranteed by law, including access to contraception without cost;

(5) promote preventive health care services and wellness for women;

(6) guarantee the constitutionally protected right to safe, legal abortion services;

(7) ensure that women have access to health care that fosters safe childbearing, with resources available to reduce maternal and infant morbidity and mortality;

(8) ensure that all women have access to comprehensive, affordable insurance coverage that includes pregnancy-related care, such as prenatal care, miscarriage management, family planning services, abortions, labor and delivery services, and postnatal care; and

(9) enact legislation that improves and expands women's access to reproductive health care regardless of the State within which they reside.

SENATE RESOLUTION 38—RELATIVE TO THE DEATH OF WENDELL H. FORD, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF KENTUCKY

Mr. MCCONNELL (for himself, Mr. REID of Nevada, Mr. PAUL, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was:

S. RES. 38

Whereas Wendell H. Ford was born in Daviess County, Kentucky in 1924, and attended the University of Kentucky;

Whereas Wendell H. Ford served in the United States Army during World War II, earning the rank of Technical Sergeant, the American Campaign Medal, the World War II Victory Medal, the Good Conduct Medal, and the Expert Infantryman Badge;

Whereas Wendell H. Ford served in the Kentucky Army National Guard from 1949 to 1962, earning the rank of First Lieutenant;

Whereas Wendell H. Ford served as the Lieutenant Governor of Kentucky from 1967 to 1971 and the Governor of Kentucky from 1971 to 1974;

Whereas Wendell H. Ford was first elected to the United States Senate in 1974 and served four terms as a Senator from the Commonwealth of Kentucky with honor and distinction;

Whereas Wendell H. Ford, when he was elected to his fourth term in the Senate on November 3, 1992, received the largest number of votes for elected office ever recorded in the Commonwealth of Kentucky up to that time;

Whereas Wendell H. Ford served the Senate as the Majority Whip from 1991 to 1995 and as the Democratic Whip from 1995 to 1999;

Whereas Wendell H. Ford was the only Kentuckian to ever win election to consecutive terms as Lieutenant Governor, Governor, and Senator;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Wendell H. Ford, former member of the United States Senate;

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the late Wendell H. Ford.

AMENDMENTS SUBMITTED AND PROPOSED

SA 99. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline.

SA 100. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 101. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 102. Mr. TILLIS (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 103. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra.

SA 104. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 105. Mr. FLAKE (for himself, Mr. MCCAIN, Mr. TOOMEY, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 106. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 107. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 108. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 109. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 110. Mr. CARPER (for himself, Ms. COLLINS, Mr. BOOKER, Mr. CARDIN, Mr. MARKEY, Mr. KING, Mrs. GILLIBRAND, Mr. MENENDEZ, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE,

Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 111. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 112. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 113. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra.

SA 114. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 115. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 116. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 117. Mr. COONS (for himself and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 118. Mr. COONS (for himself, Ms. COLLINS, Mr. REED, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 119. Mr. MORAN (for himself, Mr. COONS, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 120. Mr. CARPER (for himself, Mr. DONNELLY, and Ms. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 121. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra.

SA 122. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 123. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra.

SA 124. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 125. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 126. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra.

SA 127. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 128. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 129. Mr. BOOKER (for himself, Ms. CANTWELL, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 130. Mrs. BOXER (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 131. Ms. CANTWELL (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 132. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra.

SA 133. Ms. HEITKAMP (for herself, Mr. DONNELLY, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 134. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 135. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 136. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 137. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 138. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 139. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 140. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 141. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 142. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 143. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 99. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

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.

SA 100. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2015

SEC. 201. SHORT TITLE.

This title may be cited as the ''Private Property Rights Protection Act of 2015''.

SEC. 202. DEFINITIONS.

In this title the following definitions apply:

(1) ECONOMIC DEVELOPMENT.—

(A) IN GENERAL.—The term ''economic development''—

(i) means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health; and

(ii) does not include—

(I) conveying private property—

(aa) to public ownership, such as for a road, hospital, airport, or military base;

(bb) to an entity, such as a common carrier, that makes the property available to the general public as of right, such as a railroad or public facility;

(cc) for use as a road or other right of way or means, open to the public for transportation, whether free or by toll; or

(dd) for use as an aqueduct, flood control facility, pipeline, or similar use;

(II) removing blighted property;

(III) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(IV) acquiring abandoned property;

(V) clearing defective chains of title;

(VI) taking private property for use by a utility, including a utility providing electric, natural gas, telecommunications, water and wastewater services, either directly to the public or indirectly through provision of such services at the wholesale level for resale to the public; or

(VII) redeveloping of a brownfield site, as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(B) BLIGHTED PROPERTY.—In subparagraph (A)(ii)(II), the term ''blighted property'' means a structure—

(i) that was inspected by the appropriate local government and cited for one or more enforceable housing, maintenance, or building code violations that—

(I) affect the safety of the occupants or the public; and

(II) involve one or more of the following:

(aa) a roof or roof framing element;

(bb) support walls, beams, or headers;

(cc) foundation, footings, or subgrade conditions;

(dd) light or ventilation;

(ee) fire protection, including egress;

(ff) internal utilities, including electricity, gas, and water;

(gg) flooring or flooring elements; or

(hh) walls, insulation, or exterior envelope;

(ii) in which the cited housing, maintenance, or building code violations have not been remedied within a reasonable time after 2 notices to cure the noncompliance; and

(iii) that the satisfaction of those enforceable, cited and uncured housing, maintenance, and building code violations cost more than 50 percent of the assessor's taxable market value for the building, excluding land value, for property taxes payable in the year in which the condemnation is commenced.

(C) ABANDONED PROPERTY.—In subparagraph (A)(ii)(IV), the term ''abandoned property'' means property—

(i) that has been substantially unoccupied or unused for any commercial or residential purpose for at least 1 year by a person with a legal or equitable right to occupy the property;

(ii) that has not been maintained; and

(iii) for which property taxes have not been paid for at least 2 years.

(2) FEDERAL ECONOMIC DEVELOPMENT FUNDS.—The term ''Federal economic development funds'' means any Federal funds distributed to or through States or political subdivisions of States under Federal laws designed to improve or increase the size of the economies of States or political subdivisions of States.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

SEC. 203. PROHIBITION ON EMINENT DOMAIN ABUSE BY FOREIGN CORPORATIONS.

(a) IN GENERAL.—No State or political subdivision of a State shall delegate its power of eminent domain to a foreign corporation over property—

(1) that is—

(A) to be used for economic development; or

(B) used for economic development within 7 years after that exercise; and

(2) if that State or political subdivision receives Federal economic development funds during any fiscal year in which the property is so used or intended to be used.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—

(1) IN GENERAL.—Except as provided in subsection (c), a violation of subsection (a) by a State or political subdivision of a State shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated.

(2) AGENCY REQUIREMENTS.—An agency charged with distributing Federal economic development funds to a State or political subdivision of a State that violates subsection (a) shall withhold such funds for such 2-year period and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate agency or authority of the Federal Government, or component thereof.

(c) OPPORTUNITY TO CURE VIOLATION.—A State or political subdivision shall not be ineligible for Federal economic development funds under subsection (b) if such State or political subdivision—

(1) returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a);

(2) replaces any other property destroyed and repairs any other property damaged as a result of such violation; and

(3) pays applicable penalties and interest.

SEC. 204. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES.

No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property—

(1) that is—

(A) to be used for economic development; or

(B) used for economic development within 7 years after that exercise; and

(2) if that State or political subdivision receives Federal economic development funds during any fiscal year in which the property is so used or intended to be used.

SEC. 205. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT.

The Federal Government, including any authority of the Federal Government, shall not exercise its power of eminent domain over property that is to be used for economic development.

SEC. 206. RELIGIOUS AND NONPROFIT ORGANIZATIONS.

(a) PROHIBITION ON STATES.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto, if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—

(1) IN GENERAL.—A violation of subsection (a) by a State or political subdivision of a State shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated.

(2) AGENCY REQUIREMENTS.—An agency charged with distributing Federal economic development funds to a State or political subdivision of a State that violates subsection (a) shall withhold such funds for such 2-year period and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate agency or authority of the Federal Government, or component thereof.

(c) PROHIBITION ON FEDERAL GOVERNMENT.—The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto.

SEC. 207. PRIVATE RIGHT OF ACTION.

(a) CAUSE OF ACTION.—

(1) IN GENERAL.—An owner of private property whose property is subject to eminent domain who suffers injury as a result of a violation of any provision of this title with respect to that property, or tenant of property that is subject to eminent domain who

suffers injury as a result of a violation of any provision of this title with respect to that property, may bring a civil action to enforce any provision of this title in the appropriate Federal or State court, which may include seeking appropriate relief through a preliminary injunction or a temporary restraining order.

(2) NO IMMUNITY.—A State shall not be immune under the 11th Amendment to the Constitution of the United States from a civil action brought under paragraph (1) in a Federal or State court of competent jurisdiction.

(3) BURDEN OF PROOF.—In a civil action brought under paragraph (1), the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development.

(b) LIMITATION ON BRINGING ACTION.—A civil action brought by a property owner or tenant under this section may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of such property owner or tenant, but shall not be brought later than 7 years following the conclusion of any such proceedings.

(c) ATTORNEYS' FEE AND OTHER COSTS.—In any action or proceeding under this section, the court shall award a prevailing plaintiff costs, including reasonable attorneys' fees and expert fees.

SEC. 208. REPORTING OF VIOLATIONS TO ATTORNEY GENERAL.

(a) SUBMISSION OF REPORT TO ATTORNEY GENERAL.—An owner of private property whose property is subject to eminent domain who suffers injury as a result of a violation of any provision of this title with respect to that property, or tenant of property that is subject to eminent domain who suffers injury as a result of a violation of any provision of this title with respect to that property, may report the violation to the Attorney General.

(b) INVESTIGATION BY ATTORNEY GENERAL.—Upon receiving a report of an alleged violation of a provision of this title, the Attorney General shall conduct an investigation to determine whether a violation exists.

(c) NOTIFICATION OF VIOLATION.—If the Attorney General concludes that a violation of this title does exist, the Attorney General shall notify the applicable authority of the Federal Government, State, or political subdivision of a State that—

(1) the Attorney General has determined there is a violation of this title;

(2) the authority of the Federal Government, State, or political subdivision of a State has 90 days from the date of the notification to demonstrate to the Attorney General that—

(A) it is not in violation of this title; or

(B) it has cured the violation by returning all real property the taking of which the Attorney General finds to have constituted a violation of this title and replacing any other property destroyed and repairing any other property damaged as a result of such violation.

(d) ATTORNEY GENERAL'S BRINGING OF ACTION TO ENFORCE ACT.—

(1) IN GENERAL.—If, at the end of the 90-day period described in subsection (c), the Attorney General determines that the applicable authority of the Federal Government, State, or political subdivision of a State is still in violation of this title or has not cured its violation as described in subsection (c)(2)(B), the Attorney General shall bring a civil action in an appropriate Federal or State court to enforce this title, which may include seeking appropriate relief through a preliminary injunction or a temporary restraining order, unless the property owner or tenant who reported the violation has already brought a civil action to enforce this title.

(2) INTERVENTION.—If a property owner or tenant has brought a civil action as described in paragraph (1), the Attorney General shall seek to intervene if the Attorney General determines that intervention is necessary in order to enforce this title.

(3) NO IMMUNITY.—A State shall not be immune under the 11th Amendment to the Constitution of the United States from a civil action brought under paragraph (1) in a Federal or State court of competent jurisdiction.

(4) BURDEN OF PROOF.—In a civil action brought under paragraph (1), the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development.

(e) LIMITATION ON BRINGING ACTION.—An action brought by the Attorney General under this section may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of an owner or tenant who reports a violation of this title to the Attorney General, but shall not be brought later than 7 years following the conclusion of any such proceedings.

(f) ATTORNEYS' FEE AND OTHER COSTS.—In any action or proceeding under this section, if the Attorney General is a prevailing plaintiff, the court shall award the Attorney General costs, including reasonable attorneys' fees and expert fees.

SEC. 209. NOTIFICATION BY ATTORNEY GENERAL.

(a) NOTIFICATION TO STATES AND POLITICAL SUBDIVISIONS.—

(1) STATUTE.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall provide to the chief executive officer of each State the text of this title and a description of the rights of property owners and tenants under this title.

(2) ECONOMIC DEVELOPMENT FUNDS.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and every year thereafter, the Attorney General shall compile a list of the Federal laws under which Federal economic development funds are distributed.

(B) NOTIFICATION.—The Attorney General shall—

(i) provide each list compiled under subparagraph (A) to—

(I) the chief executive officer of each State; and

(II) the authorities in each State and political subdivisions of each State empowered to take private property and convert it to public use subject to just compensation for the taking; and

(ii) make each such list available on the Internet website maintained by the Department of Justice for use by the public.

(b) NOTIFICATION TO PROPERTY OWNERS AND TENANTS.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register and make available on the Internet website maintained by the Department of Justice a notice containing the text of this title and a description of the rights of property owners and tenants under this title.

SEC. 210. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate and the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives a report identifying States and political subdivisions of States that have used eminent domain in violation of this title, which shall—

(1) identify each private civil action brought as a result of a State's or political subdivision's violation of this title;

(2) identify all violations reported by property owners and tenants under section 208(a);

(3) identify the percentage of minority residents compared to the surrounding nonminority residents and the median incomes of those impacted by a violation of this title;

(4) identify each civil action brought by the Attorney General under section 208(d);

(5) identify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this title, and describe the type and amount of Federal economic development funds lost in each State or political subdivision and the agency that is responsible for withholding such funds; and

(6) discuss all instances in which a State or political subdivision has cured a violation as described in section 203(c) or section 208(c)(2)(B).

(b) DUTY OF STATES.—Each State or political subdivision of a State that is a defendant in a private civil action brought under this title shall have the duty to report to the Attorney General such information with respect to such State and local authorities as the Attorney General needs to make the report required under subsection (a).

(c) REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.—Not later than 180 days after the date of enactment of this Act, the head of each agency shall review all rules, regulations, and procedures of the agency and submit to the Attorney General a report on the activities of that agency to bring its rules, regulations, and procedures into compliance with this title.

SEC. 211. SENSE OF CONGRESS REGARDING RURAL AMERICA.

(a) FINDINGS.—Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Takings Clause of the Fifth Amendment to the Constitution of the United States, which requires that private property shall not be taken ''for public use, without just compensation''.

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments. In addition, farmland and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation's agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court's decision in Kelo v. City of New London, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

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

(1) The use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that Congress should protect the property rights of the people of the United States, including those who reside in rural areas.

(2) Property rights are central to liberty in this country and to its economy.

(3) The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States.

(4) The taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects.

(5) The use of eminent domain to take rural private property for private commercial uses will force increasing numbers of activities from private property onto this Nation's public lands, including its National forests, National parks, and wildlife refuges, which can overburden the infrastructure of these lands, reducing the enjoyment of such lands by the people of the United States.

(6) The people of the United States should not have to fear the taking their homes, farms, or businesses by the government to give to other persons.

(7) Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property.

(8) Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

SEC. 212. SENSE OF CONGRESS.

It is the policy of the United States to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the Federal Government.

SEC. 213. BROAD CONSTRUCTION.

This title shall be construed in favor of a broad protection of private property rights, to the maximum extent permitted by the terms of this title and the Constitution.

SEC. 214. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title may be construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 215. SENSE OF CONGRESS.

It is the sense of Congress that any and all precautions shall be taken by the Federal Government, States, and political subdivisions of States to avoid the unfair or unreasonable taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property, for economic development purposes or for the private use of others.

SEC. 216. DISPROPORTIONATE IMPACT ON MINORITIES.

If a court determines that a violation of this title has occurred, and that the violation has a disproportionately high impact on the poor or minorities, the Attorney General shall use reasonable efforts to locate and inform former owners and tenants of the violation and any remedies they may have.

SEC. 217. SEVERABILITY AND EFFECTIVE DATE.

(a) SEVERABILITY.—If any provision of this title, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this title, or the application of such provision to other persons or circumstances, shall not be affected.

(b) EFFECTIVE DATE.—This title—

(1) shall take effect upon the first day of the first fiscal year that begins after the date of enactment of this Act; and

(2) shall not apply to any project for which condemnation proceedings have been initiated before the date of enactment of this Act.

SA 101. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.

Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended by adding at the end the following:

''(f) ADMINISTRATION.—

''(1) IN GENERAL.—A State shall use up to 8 percent of any grant made by the Secretary under this part to track applicants for and recipients of weatherization assistance under this part to determine the impact of the assistance and eliminate or reduce reliance on the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), over a period of not more than 3 years.

''(2) USE OF SAVINGS.—Notwithstanding any other provision of law, of any savings obtained by the Secretary of Health and Human Services due to eliminated or reduced reliance on the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) as a result of the weatherization assistance provided under this part, as determined under paragraph (1)—

''(A) 50 percent shall be transferred to the Secretary to provide assistance to States under this part; and

''(B) 50 percent shall be deposited into the general fund of the Treasury for purposes of reducing the annual Federal budget deficit.

''(3) ANNUAL STATE PLANS.—A State may submit to the Secretary for approval within 90 days an annual plan for the administration of assistance under this part in the State that includes, at the option of the State—

''(A) local income eligibility standards for the assistance that are not based on the formula that are used to allocate assistance under this part; and

''(B) the establishment of revolving loan funds for multifamily affordable housing units.''.

SA 102. Mr. TILLIS (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place. insert the following:

TITLE _____—ATLANTIC OCS ACCESS AND REVENUE SHARE ACT OF 2015

SEC. __01. SHORT TITLE.

This title may be cited as the ''Atlantic OCS Access and Revenue Share Act of 2015''.

SEC. __02. DEFINITIONS.

In this title:

(1) MID-ATLANTIC PRODUCING STATE.—The term ''Mid-Atlantic Producing State'' means each of the States of—

(A) Delaware;

(B) Maryland;

(C) North Carolina; and

(D) Virginia.

(2) MID-ATLANTIC PLANNING AREA.—The term ''Mid-Atlantic Planning Area'' means the Mid-Atlantic Planning Area of the outer Continental Shelf designated in the document entitled ''Final Outer Continental Shelf Oil and Gas Leasing Program 2012–17'' and dated June 2012.

(3) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(A) IN GENERAL.—The term ''qualified outer Continental Shelf revenues'' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act.

(B) EXCLUSIONS.—The term ''qualified outer Continental Shelf revenues'' does not include—

(i) revenues from the forfeiture of a bond or other surety securing obligations other than royalties, civil penalties, or royalties taken by the Secretary in-kind and not sold; or

(ii) revenues generated from leases subject to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) SOUTH ATLANTIC PRODUCING STATE.—The term ''South Atlantic Producing State'' means each of the States of—

(A) Florida;

(B) Georgia; and

(C) South Carolina.

(6) SOUTH ATLANTIC PLANNING AREA.—The term ''South Atlantic Planning Area'' means the South Atlantic Planning Area of the outer Continental Shelf designated in the document entitled ''Final Outer Continental Shelf Oil and Gas Leasing Program 2012–17'' and dated June 2012.

SEC. __03. OFFSHORE OIL AND GAS LEASING IN MID-ATLANTIC AND SOUTH ATLANTIC PLANNING AREAS.

(a) IN GENERAL.—The Secretary shall—

(1) not later than July 15, 2016, publish and submit to Congress a new proposed oil and gas leasing program prepared under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) for the 5-year period beginning on July 15, 2017 and ending July 15, 2022; and

(2) not later than July 15, 2017, approve a final oil and gas leasing program under that section for that period.

(b) INCLUSION OF MID-ATLANTIC AND SOUTH ATLANTIC PLANNING AREAS.—The Secretary shall include in the program described in subsection (a) annual lease sales in both the Mid-Atlantic Planning Area and the South Atlantic Planning Area.

(e) PROHIBITION ON LEASING CERTAIN AREAS.—

(1) PETITION.—Notwithstanding subsections (a) and (b), the leasing of areas within the administrative boundaries of a Mid-Atlantic Producing State or South Atlantic Producing State that are 30 miles or less off the coast of the State shall be prohibited.

SEC. __04. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM MID-ATLANTIC LEASING ACTIVITIES.

(a) IN GENERAL.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified outer Continental Shelf revenues generated from leasing activities in the Mid-Atlantic Planning Area in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues generated from leasing activities in the Mid-Atlantic Planning Area in a special account in the Treasury from which the Secretary shall disburse—

(A) 75 percent to Mid-Atlantic Producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 200305 of title 54, United States Code, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title.

(b) ALLOCATION AMONG MID-ATLANTIC PRODUCING STATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount made available under subsection

(a)(2)(A) from any lease entered into within the Mid-Atlantic Planning Area shall be allocated to each Mid-Atlantic producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Mid-Atlantic producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(2) MINIMUM ALLOCATION.—The amount allocated to a Mid-Atlantic Producing State each fiscal year under paragraph (1) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(c) TIMING.—The amounts required to be deposited under subsection (a)(2) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) ADMINISTRATION.—Amounts made available under subsection (a)(2) shall—

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under—

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) chapter 2003 of title 54, United States Code; or

(C) any other provision of law.

(e) DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES SHALL BE NET OF RECEIPTS.—For each of fiscal years 2017 through 2055, expenditures under subsection (a)(2) and shall be net of receipts from that fiscal year from qualified outer Continental shelf revenues from any area in the Mid-Atlantic Planning Area.

SEC. __05. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM SOUTH ATLANTIC LEASING ACTIVITIES.

(a) IN GENERAL.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified outer Continental Shelf revenues generated from leasing activities in the South Atlantic Planning Area in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues generated from leasing activities in the South Atlantic Planning Area in a special account in the Treasury from which the Secretary shall disburse—

(A) 75 percent to South Atlantic producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 200305 of title 54, United States Code, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title.

(b) ALLOCATION AMONG SOUTH ATLANTIC PRODUCING STATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount made available under subsection (a)(2)(A) from any lease entered into within the South Atlantic Planning Area shall be allocated to each South Atlantic producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each South Atlantic producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(2) MINIMUM ALLOCATION.—The amount allocated to a South Atlantic Producing State each fiscal year under paragraph (1) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(c) TIMING.—The amounts required to be deposited under paragraph subsection (a)(2) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) ADMINISTRATION.—Amounts made available under subsection (a)(2) shall—

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under—

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) chapter 2003 of title 54, United States Code; or

(C) any other provision of law.

(e) DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES SHALL BE NET OF RECEIPTS.—For each of fiscal years 2017 through 2055, expenditures under subsection (a)(2) and shall be net of receipts from that fiscal year from qualified outer Continental shelf revenues from any area in the South Atlantic Planning Area.

SA 103. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

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.

SA 104. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GAO STUDY AND REPORT.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on requests for proposals by Federal agencies for rebranding, including requests for proposals by Federal agencies to achieve strategic organizational transformation, identity clarification, and social purpose branding and branding management.

SA 105. Mr. FLAKE (for himself, Mr. MCCAIN, Mr. TOOMEY, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. MODIFICATION OF EXTENSION OF WIND PRODUCTION TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986, as amended by the Tax Increase Prevention Act of 2014, is amended by striking ''begins before January 1, 2015'' and inserting ''begins before January 1, 2014, or during the period beginning on December 19, 2014, and ending on December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 155 of the Tax Increase Prevention Act of 2014.

SA 106. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INSTALLATION RENEWABLE ENERGY PROJECT DATABASE.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a searchable database to uniformly report information regarding installation renewable energy projects undertaken since 2010.

(b) ELEMENTS.—The database established under subsection (a) shall include, for each installation energy project—

(1) the estimated project costs;

(2) estimated power generation;

(3) estimated total cost savings;

(4) estimated payback period;

(5) total project costs;

(6) actual power generation;

(7) actual cost savings to date;

(8) current operational status; and

(9) access to relevant business case documents, including the economic viability assessment.

(c) NON-DISCLOSURE OF CERTAIN INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may, on a case-by-case basis, withhold from inclusion in the database established under subsection (a) information pertaining to individual projects if the Secretary determines that the disclosure of such information would jeopardize operational security.

(2) REQUIRED DISCLOSURE.—In the event the Secretary withholds information related to one or more renewable energy projects under paragraph (1), the Secretary shall include in the database—

(A) a statement that information has been withheld; and

(B) an aggregate amount for each of paragraphs (1), (2), (3), (5), (6), and (7) of subsection (b) that includes amounts for all renewable energy projects described under subsection (a), including those with respect to which information has been withheld under paragraph (1) of this subsection.

(d) UPDATES.—The database established under subsection (a) shall be updated not less than quarterly.

SA 107. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) IN GENERAL.—

(1) REPEAL.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is repealed.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date that is 90 days after the date of enactment of this Act.

(b) DEFICIT REDUCTION.—Any amounts made available to carry out section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) (as in effect before the amendment made by subsection (a)) that are not obligated as of the date of enactment of this Act are rescinded.

SA 108. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CELLULOSIC BIOFUEL REQUIREMENT BASED ON ACTUAL PRODUCTION.

(a) PROVISION OF ESTIMATE OF VOLUMES OF CELLULOSIC BIOFUEL.—Section 211(o)(3)(A) of the Clean Air Act (42 U.S.C. 7545(o)(3)(A)) is amended—

(1) by striking ''Not later than'' and inserting the following:

''(i) IN GENERAL.—Not later than''; and

(2) by adding at the end the following:

''(ii) ESTIMATION METHOD.—

''(I) IN GENERAL.—In determining any estimate under clause (i), with respect to the following calendar year, of the projected volume of cellulosic biofuel production (as described in paragraph (7)(D)(i)), the Administrator of the Energy Information Administration shall—

''(aa) for each cellulosic biofuel production facility that is producing (and continues to produce) cellulosic biofuel during the period of January 1 through October 31 of the calendar year in which the estimate is made (in this clause referred to as the 'current calendar year')—

''(AA) determine the average monthly volume of cellulosic biofuel produced by such facility, based on the actual volume produced by such facility during such period; and

''(BB) based on such average monthly volume of production, determine the estimated annualized volume of cellulosic biofuel production for such facility for the current calendar year; and

''(bb) for each cellulosic biofuel production facility that begins initial production of (and continues to produce) cellulosic biofuel after January 1 of the current calendar year—

''(AA) determine the average monthly volume of cellulosic biofuel produced by such facility, based on the actual volume produced by such facility during the period beginning on the date of initial production of cellulosic biofuel by the facility and ending on October 31 of the current calendar year; and

''(BB) based on such average monthly volume of production, determine the estimated annualized volume of cellulosic biofuel production for such facility for the current calendar year.

''(II) TOTAL PRODUCTION.—An estimate under clause (i) with respect to the following calendar year of the projected volume of cellulosic biofuel production (as described in paragraph (7)(D)(i)), shall be equal to the total of the estimated annual volumes of cellulosic biofuel production for all cellulosic biofuel production facilities described in subclause (I) for the current calendar year.''.

(b) REDUCTION IN APPLICABLE VOLUME.—Section 211(o)(7)(D)(i) of the Clean Air Act (42 U.S.C. 7545(o)(7)(D)(i)) is amended—

(1) in the first sentence, by striking ''based on the'' and inserting ''using the exact'';

(2) in the second sentence—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''same or a lesser volume'' and inserting ''same volume''.

SA 109. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. RESIDENTIAL ENERGY-EFFICIENT PROPERTY CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.

(a) ALLOWANCE OF CREDIT.—Subsection (a) of section 25D of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(6) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year.''.

(b) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—Subsection (d) of section 25D of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified biomass fuel property expenditure' means an expenditure for property—

''(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

''(ii) which has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

''(B) BIOMASS FUEL.—For purposes of this section, the term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues, plants (including aquatic plants), grasses, residues, and fibers. Such term includes densified biomass fuels such as wood pellets.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2015.

SEC. 4. INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of clause (vi), by inserting ''or'' at the end of clause (vii), and by inserting after clause (vii) the following new clause:

''(viii) open-loop biomass (within the meaning of section 45(c)(3)) heating property, including boilers or furnaces which operate at thermal output efficiencies of not less than 65 percent (measured by the higher heating value of the fuel) and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2017,''.

(b) 30 PERCENT AND 15 PERCENT CREDITS.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(2) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating clause (ii) as clause (iii),

(B) by inserting after clause (i) the following new clause:

''(ii) except as provided in clause (i)(V), 15 percent in the case of energy property described in paragraph (3)(A)(viii), and'', and

(C) by inserting ''or (ii)'' after ''clause (i)'' in clause (iii), as so redesignated.

(2) INCREASED CREDIT FOR GREATER EFFICIENCY.—Clause (i) of section 48(a)(2)(A) is amended by striking ''and'' at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

''(V) energy property described in paragraph (3)(A)(viii) which operates at a thermal output efficiency of not less than 80 percent (measured by the higher heating value of the fuel),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2015, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 110. Mr. CARPER (for himself, Ms. COLLINS, Mr. BOOKER, Mr. CARDIN, Mr. MARKEY, Mr. KING, Mrs. GILLIBRAND, Mr. MENENDEZ, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE __—OFFSHORE WIND FACILITIES

SEC. __01. QUALIFYING OFFSHORE WIND FACILITY CREDIT.

(a) IN GENERAL.—Section 46 is amended—

(1) by striking ''and'' at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(7) the qualifying offshore wind facility credit.''.

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

''SEC. 48E. CREDIT FOR OFFSHORE WIND FACILITIES.

''(a) IN GENERAL.—For purposes of section 46, the qualifying offshore wind facility credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying offshore wind facility of the taxpayer.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying offshore wind facility.

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING OFFSHORE WIND FACILITY.—

''(A) IN GENERAL.—The term 'qualifying offshore wind facility' means an offshore facility using wind to produce electricity.

''(B) OFFSHORE FACILITY.—The term 'offshore facility' means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of United States, and the outer Continental Shelf of the United States.

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualifying offshore wind facility, and

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(d) QUALIFYING CREDIT FOR OFFSHORE WIND FACILITIES PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy and the Secretary of the Interior, shall establish a qualifying credit for offshore wind facilities program to consider and award certifications for qualified investments eligible for credits under this section to qualifying offshore wind facility sponsors.

''(B) LIMITATION.—The total amount of megawatt capacity for offshore facilities with respect to which credits may be allocated under the program shall not exceed 3,000 megawatts.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require beginning on the date the Secretary establishes the program under paragraph (1).

''(B) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the facility in service and if such facility is not placed in service by that time period, then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying offshore wind facilities to certify under this section, the Secretary shall—

''(A) take into consideration which facilities will be placed in service at the earliest date, and

''(B) take into account the technology of the facility that may lead to reduced industry and consumer costs or expand access to offshore wind.

''(4) REVIEW, ADDITIONAL ALLOCATIONS, AND REALLOCATIONS.—

''(A) REVIEW.—Periodically, but not later than 4 years after the date of the enactment of this section, the Secretary shall review the credits allocated under this section as of the date of such review.

''(B) ADDITIONAL ALLOCATIONS AND REALLOCATIONS.—The Secretary may make additional allocations and reallocations of credits under this section if the Secretary determines that—

''(i) the limitation under paragraph (1)(B) has not been attained at the time of the review, or

''(ii) scheduled placed-in-service dates of previously certified facilities have been significantly delayed and the Secretary determines the applicant will not meet the timeline pursuant to paragraph (2)(B).

''(C) ADDITIONAL PROGRAM FOR ALLOCATIONS AND REALLOCATIONS.—If the Secretary determines that credits under this section are available for further allocation or reallocation, but there is an insufficient quantity of qualifying applications for certification pending at the time of the review, the Secretary is authorized to conduct an additional program for applications for certification.

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

''(e) DENIAL OF DOUBLE BENEFIT.—A credit shall not be allowed under this section with respect to any facility if—

''(1) a credit has been allowed to such facility under section 45 for such taxable year or any prior taxable year,

''(2) a credit has been allowed with respect to such facility under section 46 by reason of section 48(a) or 48C(a) for such taxable or any preceding taxable year, or

''(3) a grant has been made with respect to such facility under section 1603 of the American Recovery and Reinvestment Act of 2009.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended—

(A) by striking ''and'' at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting '', and'', and

(C) by adding after clause (vi) the following new clause:

''(vii) the basis of any property which is part of a qualifying offshore wind facility under section 48E.''.

(2) Subparagraph (B) of section 50(a)(2) is amended by striking ''or 48D(b)(4)'' and inserting ''48D(b)(4), or 48E(b)(2)''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48D the following new item:

''48E. Credit for offshore wind facilities.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 111. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. FUEL SWITCHING UNDER WEATHERIZATION ASSISTANCE PROGRAM.

Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended by striking subparagraph (E) and inserting the following:

''(E) the cost of making heating and cooling modifications, including replacement (including, at the option of the State, nonrenewable fuel switching when replacing furnaces or appliances if the new unit is more efficient than the replaced unit).''.

SA 112. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. TAX ON OIL TRANSPORTED THROUGH THE KEYSTONE XL PIPELINE.

(a) IN GENERAL.—Subsection (c) of section 4611 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) INCREASE IN THE CASE OF OIL TRANSPORTED THROUGH THE KEYSTONE XL PIPELINE.—

''(A) IN GENERAL.—In the case of any crude oil received at a United States refinery that, at any point before reaching the refinery, travels through any portion of the Keystone XL pipeline, the rate of tax determined under paragraph (1) shall be increased by 8 cents a barrel.

''(B) KEYSTONE XL PIPELINE.—For purposes of this paragraph, the term 'Keystone XL pipeline' means the pipeline described in section 2(a) of the Keystone XL Pipeline Act.

''(C) AMOUNTS NOT ATTRIBUTABLE TO TRUST FUNDS.—For purposes of any other provision of law, the increase under subparagraph (A) shall not be treated as attributable to the Hazardous Substance Superfund financing rate or the Oil Spill Liability Trust Fund financing rate.''.

(b) TRANSFERS FROM GENERAL FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall from time to time transfer to the Secretary of Energy from the general fund of the Treasury amounts equal to the taxes collected under section 4611(c)(3) of the Internal Revenue Code of 1986.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts transferred under paragraph (1) shall be available without further appropriation only for the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(B) PRIORITIZATION.—In carrying out the program described in subparagraph (A) using the amounts described in that subparagraph, the Secretary of Energy shall prioritize funding projects focused on fuel switching.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to crude oil received at a United States refinery after the date of the enactment of this Act.

SA 113. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

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.

SA 114. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS REGARDING CLIMATE CHANGE.

It is the sense of Congress that—

(1) climate change is real and is caused by human activities;

(2) climate change is already impacting the United States with sea level rise, ocean acidification, and more frequent and intense extreme weather events such as droughts, floods, wildfires, and heat waves;

(3) climate change poses risks to multiple sectors of the economy of the United States, including national defense, agricultural systems, energy, and transportation, as well as human health and the environment;

(4) the impacts of climate change have significant economic costs that will occur year after year and increase with further delays in global action;

(5) the extent of future climate change is largely determined by the choices the United States and other nations make in the immediate future;

(6) the Federal Government, tribal nations, States, local communities, and the private sector must continue to take action to prepare and adapt communities to climate change;

(7) the United States has a responsibility to children and future generations of the United States to mitigate the harmful effects of climate change;

(8) the actions of the United States taken to mitigate and adapt to the impacts of climate change cannot come at the expense of the prosperity of the United States;

(9) the actions of a single nation cannot solve the climate crisis, so solutions that address both mitigation and adaption must involve developed and developing nations around the world;

(10) investing in the development of innovative clean and renewable energy and energy efficiency technologies will—

(A) enhance the global leadership and competitiveness of the United States; and

(B) create and sustain short and long term job growth; and

(11) the United States should act immediately to address climate change because the longer the United States waits, the more severe and costly the impacts of climate change will be, and the harder it will be for future generations to address the crisis.

SA 115. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS REGARDING CLIMATE CHANGE AND INFRASTRUCTURE.

It is the sense of Congress that—

(1) climate change is already impacting the safety and reliability of the critical infrastructure systems of the United States, including buildings, roads, bridges, tunnels,

rail, ports, airports, levees, dams, and military installations through sea level rise, rising temperatures, and more frequent and intense extreme weather events such as droughts, floods, wildfires, and heat waves;

(2) significant energy, industrial and transportation infrastructure in the United States is located near the coast, in floodplains, or in other areas vulnerable to sea level rise;

(3) the impacts to infrastructure described in paragraph (1) have caused tangible economic costs that are likely to increase over time;

(4) it is fiscally prudent to prepare for and seek to mitigate the impacts described in paragraph (1), as it is estimated that every dollar spent on mitigation saves $4 in disaster relief;

(5) the Federal Government self-insures, offers insurance programs such as crop insurance and the national flood insurance program, and, in the case of extreme weather events, also serves as the insurer of last resort for public and private infrastructure;

(6) the Federal Government has a crucial role to play as a partner in working with State, local, tribal, and territorial jurisdictions to help ensure coordinated efforts to keep communities resilient;

(7) the role of the Federal Government should include prioritizing climate resilient projects when administering Federal grants, providing technical support, and sharing of data and information in user-friendly and accessible formats, among other actions;

(8) Federal agency climate change adaptation plans that assess the risk to physical assets and missions of the Federal agencies can help create savings for taxpayers; and

(9) Federal agencies, including the Department of Defense, should quantify the economic value of the physical risks of the agencies from climate change.

SA 116. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS REGARDING ENERGY POLICIES.

(a) FINDINGS.—Congress finds that—

(1) energy is central to a strong, diverse, and vibrant economy;

(2) the United States has benefitted greatly from abundant supplies of a range of energy resources throughout the history of the United States;

(3) the United States will continue to prosper by ensuring that balanced pathways are in place to develop energy resources that are clean, reliable, affordable, and secure;

(4) the United States must continue to transition to a lower carbon energy future;

(5) the United States should address that climate change is real and caused by human activities;

(6) climate change is already impacting the United States with sea level rise, ocean acidification, and more frequent and intense extreme weather events such as droughts, floods, wildfires, and heat waves;

(7) the United States has a responsibility to children and future generations of the United States to mitigate the harmful effects of climate change while producing and using ever-cleaner forms of energy from all sources;

(8) solutions that address the energy and climate challenges of the United States and the world must involve developed and developing nations around the world;

(9) there is no 1 pathway to address the challenges of climate change, but rather, different approaches must be employed to meet these challenges;

(10) energy policy approaches must take into account the reductions of greenhouse gases, including carbon dioxide, methane and superpollutants, such as hydrofluorocarbons;

(11) a first beneficial step toward an improved energy policy is the establishment and implementation of a national Quadrennial Energy Review;

(12) investing in the development of innovative clean and renewable energy and energy efficiency technologies will enhance global leadership and competitiveness of the United States and can create and sustain short and long term job growth;

(13) breakthrough technology development requires more than simply investing in research and development, it requires bridging the lab-to-market gap with a variety of public private partnerships ranging from STEM education through workforce training to support for innovative business investment;

(14) effective clean energy innovation policy requires support throughout the entire innovation pipeline from basic research to early market transformation;

(15) economy-wide, regional and sectorial approaches have been demonstrated and are proving that reductions in emissions can be made while still growing the economy and providing high-paying jobs;

(16) the energy challenges of the United States can be addressed with smart responses which include—

(A) curbing emissions from the transportation sector;

(B) reducing carbon dioxide emissions from power plants;

(C) strengthening the infrastructure of the United States to be more resilient to climate change;

(D) encouraging the use of clean energy through tax cuts, credits, and deductions;

(E) reducing emissions of short-lived climate forcers;

(F) significantly improving energy efficiency solutions;

(G) investing in research, development, and demonstration;

(H) making the electric grid smarter and more reliable;

(I) improving land management planning;

(J) ensuring that a smart regulatory system is in place; and

(K) addressing the energy-water nexus challenges;

(17) responsible action requires putting a price on carbon and both mobilizing action domestically and negotiating bilateral and multilateral agreements to strengthen and spur international action; and

(18) the longer the United States waits, the more severe and costly the impacts of climate change will be, and the harder it will be for children of the United States to address this crisis.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should act responsibly to develop bipartisan energy policies that lead to a lower carbon future.

SA 117. Mr. COONS (for himself and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE.

(a) FINDINGS.—The Senate finds that—

(1) Energy Savings Performance Contracts and Utility Energy Service Contracts were first authorized by Congress in 1986 and 1992 respectively and reduce energy costs and consumption at Federal buildings and facilities without relying on additional appropriations;

(2) the contracts described in paragraph (1) are financed by a third-party and realize sufficient energy savings to cover the cost of the financed improvements over the contract term;

(3) the contractor provides a guarantee of energy savings for the Energy Savings Performance Contract and the utility provides energy savings performance assurances or guarantees of the savings for the Utility Energy Service Contract;

(4) performance-based contracting is an opportunity for significant savings so much so that the Oak Ridge National Laboratory has determined that under an Energy Savings Performance Contract the total cost savings delivered to the Government is nearly twice the guaranteed amount;

(5) the Energy Independence and Security Act of 2007 required a Government-wide audit of facilities and, although to date only ½ of those buildings have been surveyed, it has been established that at least $9,000,000,000 worth of energy savings that could be achieved within a decade;

(6) the Office of Management and Budget first recognized savings from Energy Savings Performance Contracts and Utility Energy Service Contracts on an annual basis throughout the term of the contract as far back as 1998;

(7) the Congressional Budget Office instead has determined that the full cost of the authority to enter into the long-term contracts for capital investments be scored upfront as new mandatory spending while the savings in energy costs that flow from these investments be realized over time as part of the annual appropriations process;

(8) the process described in paragraph (7) has continued to hinder the ability of Congress to pass legislation ensuring additional energy and cost savings to the Federal Government through utilization of these contracts despite the proven savings; and

(9) there is broad bipartisan and bicameral recognition in Congress of the value of these energy saving contracts.

(b) SENSE OF SENATE.—It is the sense of the Senate that legislation regarding Energy Savings Performance Contracts and Utility Energy Service Contracts, and legislation which may lead to the use of those contracts by the Federal Government, should receive Congressional scoring treatment that allows future year guaranteed discretionary savings to be counted against the mandatory spending attributed to undertaking such contracts.

SA 118. Mr. COONS (for himself, Ms. COLLINS, Mr. REED, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—WEATHERIZATION ENHANCEMENT AND LOCAL ENERGY EFFICIENCY INVESTMENT AND ACCOUNTABILITY

SEC. __01. FINDINGS.

Congress finds that—

(1) the State energy program established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) (referred to in this section as ''SEP'') and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) (referred to in this section as ''WAP'') have proven to be beneficial, long-term partnerships among Federal, State, and local partners;

(2) the SEP and the WAP have been reauthorized on a bipartisan basis over many years to address changing national, regional, and State circumstances and needs, especially through—

(A) the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.);

(B) the Energy Conservation and Production Act (42 U.S.C. 6801 et seq.);

(C) the State Energy Efficiency Programs Improvement Act of 1990 (Public Law 101–440; 104 Stat. 1006);

(D) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(E) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); and

(F) the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.);

(3) the SEP, also known as the ''State energy conservation program''—

(A) was first created in 1975 to implement a State-based, national program in support of energy efficiency, renewable energy, economic development, energy emergency preparedness, and energy policy; and

(B) has come to operate in every sector of the economy in support of the private sector to improve productivity and has dramatically reduced the cost of government through energy savings at the State and local levels;

(4) Federal laboratory studies have concluded that, for every Federal dollar invested through the SEP, more than $7 is saved in energy costs and almost $11 in non-Federal funds is leveraged;

(5) the WAP—

(A) was first created in 1976 to assist low-income families in response to the first oil embargo;

(B) has become the largest residential energy conservation program in the United States, with more than 7,100,000 homes weatherized since the WAP was created;

(C) saves an estimated 35 percent of consumption in the typical weatherized home, yielding average annual savings of $437 per year in home energy costs;

(D) has created thousands of jobs in both the construction sector and in the supply chain of materials suppliers, vendors, and manufacturers who supply the WAP;

(E) returns $2.51 in energy savings for every Federal dollar spent in energy and nonenergy benefits over the life of weatherized homes;

(F) serves as a foundation for residential energy efficiency retrofit standards, technical skills, and workforce training for the emerging broader market and reduces residential and power plant emissions of carbon dioxide by 2.65 metric tons each year per home; and

(G) has decreased national energy consumption by the equivalent of 24,100,000 barrels of oil annually;

(6) the WAP can be enhanced with the addition of a targeted portion of the Federal funds through an innovative program that supports projects performed by qualified nonprofit organizations that have a demonstrated capacity to build, renovate, repair, or improve the energy efficiency of a significant number of low-income homes, building on the success of the existing program without replacing the existing WAP network or creating a separate delivery mechanism for basic WAP services;

(7) the WAP has increased energy efficiency opportunities by promoting new, competitive public-private sector models of retrofitting low-income homes through new Federal partnerships;

(8) improved monitoring and reporting of the work product of the WAP has yielded benefits, and expanding independent verification of efficiency work will support the long-term goals of the WAP;

(9) reports of the Government Accountability Office in 2011, the Inspector General of the Department of Energy, and State auditors have identified State-level deficiencies in monitoring efforts that can be addressed in a manner that will ensure that WAP funds are used more effectively;

(10) through the history of the WAP, the WAP has evolved with improvements in efficiency technology, including, in the 1990s, many States adopting advanced home energy audits, which has led to great returns on investment; and

(11) as the home energy efficiency industry has become more performance-based, the WAP should continue to use those advances in technology and the professional workforce

SEC. __02. WEATHERIZATION ASSISTANCE PROGRAM.

(a) REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''appropriated—'' and all that follows through the period at the end and inserting ''appropriated $450,000,000 for each of fiscal years 2016 through 2020.''.

(b) GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTI-FAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.—The Energy Conservation and Production Act is amended by inserting after section 414B (42 U.S.C. 6864b) the following:

''SEC. 414C. GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to expand the number of low-income, single-family and multifamily homes that receive energy efficiency retrofits;

''(2) to promote innovation and new models of retrofitting low-income homes through new Federal partnerships with covered organizations that leverage substantial donations, donated materials, volunteer labor, homeowner labor equity, and other private sector resources;

''(3) to assist the covered organizations in demonstrating, evaluating, improving, and replicating widely the model low-income energy retrofit programs of the covered organizations; and

''(4) to ensure that the covered organizations make the energy retrofit programs of the covered organizations self-sustaining by the time grant funds have been expended.

''(b) DEFINITIONS.—In this section:

''(1) COVERED ORGANIZATION.—The term 'covered organization' means an organization that—

''(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code; and

''(B) has an established record of constructing, renovating, repairing, or making energy efficient a total of not less than 250 owner-occupied, single-family or multifamily homes per year for low-income households, either directly or through affiliates, chapters, or other direct partners (using the most recent year for which data are available).

''(2) LOW-INCOME.—The term 'low-income' means an income level that is not more than 200 percent of the poverty level (as determined in accordance with criteria established by the Director of the Office of Management and Budget) applicable to a family of the size involved, except that the Secretary may establish a higher or lower level if the Secretary determines that a higher or lower level is necessary to carry out this section.

''(3) WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.—The term 'Weatherization Assistance Program for Low-Income Persons' means the program established under this part (including part 440 of title 10, Code of Federal Regulations, or successor regulations).

''(c) COMPETITIVE GRANT PROGRAM.—The Secretary shall make grants to covered organizations through a national competitive process for use in accordance with this section.

''(d) AWARD FACTORS.—In making grants under this section, the Secretary shall consider—

''(1) the number of low-income homes the applicant—

''(A) has built, renovated, repaired, or made more energy efficient as of the date of the application; and

''(B) can reasonably be projected to build, renovate, repair, or make energy efficient during the 10-year period beginning on the date of the application;

''(2) the qualifications, experience, and past performance of the applicant, including experience successfully managing and administering Federal funds;

''(3) the number and diversity of States and climates in which the applicant works as of the date of the application;

''(4) the amount of non-Federal funds, donated or discounted materials, discounted or volunteer skilled labor, volunteer unskilled labor, homeowner labor equity, and other resources the applicant will provide;

''(5) the extent to which the applicant could successfully replicate the energy retrofit program of the applicant and sustain the program after the grant funds have been expended;

''(6) regional diversity;

''(7) urban, suburban, and rural localities; and

''(8) such other factors as the Secretary determines to be appropriate.

''(e) APPLICATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall request proposals from covered organizations.

''(2) ADMINISTRATION.—To be eligible to receive a grant under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) AWARDS.—Not later than 90 days after the date of issuance of a request for proposals, the Secretary shall award grants under this section.

''(f) ELIGIBLE USES OF GRANT FUNDS.—A grant under this section may be used for—

''(1) energy efficiency audits, cost-effective retrofit, and related activities in different climatic regions of the United States;

''(2) energy efficiency materials and supplies;

''(3) organizational capacity—

''(A) to significantly increase the number of energy retrofits;

''(B) to replicate an energy retrofit program in other States; and

''(C) to ensure that the program is self-sustaining after the Federal grant funds are expended;

''(4) energy efficiency, audit and retrofit training, and ongoing technical assistance;

''(5) information to homeowners on proper maintenance and energy savings behaviors;

''(6) quality control and improvement;

''(7) data collection, measurement, and verification;

''(8) program monitoring, oversight, evaluation, and reporting;

''(9) management and administration (up to a maximum of 10 percent of the total grant);

''(10) labor and training activities; and

''(11) such other activities as the Secretary determines to be appropriate.

''(g) MAXIMUM AMOUNT.—The amount of a grant provided under this section shall not exceed—

''(1) if the amount made available to carry out this section for a fiscal year is $225,000,000 or more, $5,000,000; and

''(2) if the amount made available to carry out this section for a fiscal year is less than $225,000,000, $1,500,000.

''(h) GUIDELINES.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall issue guidelines to implement the grant program established under this section.

''(2) ADMINISTRATION.—The guidelines—

''(A) shall not apply to the Weatherization Assistance Program for Low-Income Persons, in whole or major part; but

''(B) may rely on applicable provisions of law governing the Weatherization Assistance Program for Low-Income Persons to establish—

''(i) standards for allowable expenditures;

''(ii) a minimum savings-to-investment ratio;

''(iii) standards—

''(I) to carry out training programs;

''(II) to conduct energy audits and program activities;

''(III) to provide technical assistance;

''(IV) to monitor program activities; and

''(V) to verify energy and cost savings;

''(iv) liability insurance requirements; and

''(v) recordkeeping requirements, which shall include reporting to the Office of Weatherization and Intergovernmental Programs of the Department of Energy applicable data on each home retrofitted.

''(i) REVIEW AND EVALUATION.—The Secretary shall review and evaluate the performance of any covered organization that receives a grant under this section (which may include an audit), as determined by the Secretary.

''(j) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the applicable requirement of this section.

''(k) ANNUAL REPORTS.—The Secretary shall submit to Congress annual reports that provide—

''(1) findings;

''(2) a description of energy and cost savings achieved and actions taken under this section; and

''(3) any recommendations for further action.

''(l) FUNDING.—Of the amount of funds that are made available to carry out the Weatherization Assistance Program for each of fiscal years 2016 through 2020 under section 422, the Secretary shall use to carry out this section for each of fiscal years 2016 through 2020—

''(1) 2 percent of the amount if the amount is less than $225,000,000;

''(2) 5 percent of the amount if the amount is $225,000,000 or more but less than $260,000,000;

''(3) 10 percent of the amount if the amount is $260,000,000 or more but less than $400,000,000; and

''(4) 20 percent of the amount if the amount is $400,000,000 or more.''.

(c) STANDARDS PROGRAM.—Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended by adding at the end the following:

''(f) STANDARDS PROGRAM.—

''(1) CONTRACTOR QUALIFICATION.—Effective beginning January 1, 2016, to be eligible to carry out weatherization using funds made available under this part, a contractor shall be selected through a competitive bidding process and be—

''(A) accredited by the Building Performance Institute;

''(B) an Energy Smart Home Performance Team accredited under the Residential Energy Services Network; or

''(C) accredited by an equivalent accreditation or program accreditation-based State certification program approved by the Secretary.

''(2) GRANTS FOR ENERGY RETROFIT MODEL PROGRAMS.—

''(A) IN GENERAL.—To be eligible to receive a grant under section 414C, a covered organization (as defined in section 414C(b)) shall use a crew chief who—

''(i) is certified or accredited in accordance with paragraph (1); and

''(ii) supervises the work performed with grant funds.

''(B) VOLUNTEER LABOR.—A volunteer who performs work for a covered organization that receives a grant under section 414C shall not be required to be certified under this subsection if the volunteer is not directly installing or repairing mechanical equipment or other items that require skilled labor.

''(C) TRAINING.—The Secretary shall use training and technical assistance funds available to the Secretary to assist covered organizations under section 414C in providing training to obtain certification required under this subsection, including provisional or temporary certification.

''(3) MINIMUM EFFICIENCY STANDARDS.—Effective beginning October 1, 2016, the Secretary shall ensure that—

''(A) each retrofit for which weatherization assistance is provided under this part meets minimum efficiency and quality of work standards established by the Secretary after weatherization of a dwelling unit; and

''(B) at least 10 percent of the dwelling units are randomly inspected by a third party accredited under this subsection to ensure compliance with the minimum efficiency and quality of work standards established under subparagraph (A); and

''(C) the standards established under this subsection meet or exceed the industry standards for home performance work that are in effect on the date of enactment of this subsection, as determined by the Secretary.''.

SEC. __03. STATE ENERGY PROGRAM.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''$125,000,000 for each of fiscal years 2007 through 2012'' and inserting ''$75,000,000 for each of fiscal years 2016 through 2020''.

SA 119. Mr. MORAN (for himself, Mr. COONS, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS, TRANSPORTATION FUELS, AND RELATED ENERGY ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''income and gains derived from the exploration'' and inserting ''income and gains derived from the following:

''(i) MINERALS, NATURAL RESOURCES, ETC.—The exploration'',

(2) by inserting ''or'' before ''industrial source'',

(3) by inserting a period after ''carbon dioxide'', and

(4) by striking '', or the transportation or storage'' and all that follows and inserting the following:

''(ii) RENEWABLE ENERGY.—The generation of electric power exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48 (determined without regard to any termination date), or in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of such resource.

''(iii) ELECTRICITY STORAGE DEVICES.—The receipt and sale of electric power that has been stored in a device directly connected to the grid.

''(iv) COMBINED HEAT AND POWER.—The generation, storage, or distribution of thermal energy exclusively utilizing property described in section 48(c)(3) (determined without regard to subparagraphs (B) and (D) thereof and without regard to any placed in service date).

''(v) RENEWABLE THERMAL ENERGY.—The generation, storage, or distribution of thermal energy exclusively using any resource described in section 45(c)(1) or energy property described in clause (i) or (iii) of section 48(a)(3)(A).

''(vi) WASTE HEAT TO POWER.—The use of recoverable waste energy, as defined in section 371(5) of the Energy Policy and Conservation Act (42 U.S.C. 6341(5)) (as in effect on the date of the enactment of this clause).

''(vii) RENEWABLE FUEL INFRASTRUCTURE.—The storage or transportation of any fuel described in subsection (b), (c), (d), or (e) of section 6426.

''(viii) RENEWABLE FUELS.—The production, storage, or transportation of any renewable fuel described in section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)) (as in effect on the date of the enactment of this clause) or section 40A(d)(1).

''(ix) RENEWABLE CHEMICALS.—The production, storage, or transportation of any renewable chemical (as defined in paragraph (6)).

''(x) ENERGY EFFICIENT BUILDINGS.—The audit and installation through contract or

other agreement of any energy efficient building property described in section 179D(c)(1).

''(xi) GASIFICATION WITH SEQUESTRATION.—The production of any product from a project that meets the requirements of subparagraphs (A) and (B) of section 48B(c)(1) and that separates and sequesters in secure geological storage (as determined under section 45Q(d)(2)) at least 75 percent of such project's total qualified carbon dioxide (as defined in section 45Q(b)).

''(xii) CARBON CAPTURE AND SEQUESTRATION.—The generation or storage of electric power produced from any facility which is a qualified facility described in section 45Q(c) and which disposes of any captured qualified carbon dioxide (as defined in section 45Q(b)) in secure geological storage (as determined under section 45Q(d)(2)).''.

(b) RENEWABLE CHEMICAL.—Section 7704(d) of such Code is amended by adding at the end the following new paragraph:

''(6) RENEWABLE CHEMICAL.—The term 'renewable chemical' means a monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass (as defined in section 9001(12) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(12)), as in effect on the date of the enactment of this paragraph).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SA 120. Mr. CARPER (for himself, Mr. DONNELLY, and Ms. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. EXTENSION OF CREDIT FOR NEW QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Paragraph (1) of section 30B(k) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2014'' and inserting ''December 31, 2019''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2014.

SEC. 4. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) IN GENERAL.—Subsection (g) of section 30C, as amended by the Tax Increase Prevention Act of 2014, is amended by striking ''December 31, 2014'' and inserting ''December 31, 2019''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2014.

SEC. 5. OFFSET.

(a) 100 PERCENT CONTINUOUS LEVY ON PAYMENT TO MEDICARE PROVIDERS AND SUPPLIERS.—Paragraph (3) of section 6331(h) is amended by striking the period at the end and inserting '', or to a Medicare provider or supplier under title XVIII of the Social Security Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made on or after the date which is 180 days after the date of the enactment of this Act.

SA 121. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

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.

SA 122. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS REGARDING CLIMATE CHANGE.

It is the sense of Congress that—

(1) climate change is real;

(2) worldwide scientific opinion is not settled on the extent to which human activities may be causing climate change;

(3) projections by models of catastrophic increases in global temperatures have not been validated by measured temperature data;

(4) fossil fuels are critical to the health of the world economy and low-cost electricity and other energy forms have dramatically improved the health and quality of life of millions the world over; and

(5) the Final Supplemental Environmental Impact Statement for the Keystone XL Project issued by the Secretary of State in January 2014, found that construction of the Keystone XL Pipeline will not significantly impact global greenhouse gas emissions.

SA 123. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

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.

SA 124. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. NO EFFECT ON INDIAN TREATIES.

Nothing in this Act may change, suspend, supersede, or abrogate any trust obligation or treaty requirement of the United States with respect to any Indian nation, Indian tribe, individual Indian, or Indian tribal organization, including the Fort Laramie Treaties of 1851 and 1868, without consultation with, and the informed and express consent of, the applicable Indian nation, Indian tribe, individual Indian, or Indian tribal organization as required under Executive Order 13175 (67 Fed. Reg. 67249) (November 6, 2000).

SA 125. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rebuilding America's Infrastructure Act of 2015''.

TITLE I—REPEAL OF OIL AND GAS SUBSIDIES

Subtitle A—Close Big Oil Tax Loopholes

SEC. 101. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)) to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 102. LIMITATION ON SECTION 199 DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION.—Paragraph (4) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR CERTAIN OIL AND GAS INCOME.—In the case of any taxpayer who is a major integrated oil company (within the meaning of section 167(h)(5)) for the taxable year, the term 'domestic production gross receipts' shall not include gross receipts from the production, refining, processing, transportation, or distribution of oil, gas, or any primary product (within the meaning of subsection (d)(9)) thereof.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 103. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS; AMORTIZATION OF DISALLOWED AMOUNTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS AND GEOTHERMAL WELLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), and except as provided in subsection (i), regulations shall be prescribed by the Secretary under this subtitle corresponding to the regulations which granted the option to deduct as expenses intangible drilling and development costs in the case of oil and gas wells and which were recognized and approved by the Congress in House Concurrent Resolution 50, Seventy-ninth Congress. Such regulations shall also grant the option to deduct as expenses intangible drilling and development costs in the case of wells drilled for any geothermal deposit (as defined in section 613(e)(2)) to the same extent and in the same manner as such expenses are deductible in the case of oil and gas wells. This subsection shall not apply with respect to any costs to which any deduction is allowed under section 59(e) or 291.

''(2) EXCLUSION.—

''(A) IN GENERAL.—This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)).

''(B) AMORTIZATION OF AMOUNTS NOT ALLOWABLE AS DEDUCTIONS UNDER SUBPARAGRAPH (A).—The amount not allowable as a deduction for any taxable year by reason of subparagraph (A) shall be allowable as a deduction ratably over the 60-month period beginning with the month in which the costs are paid or incurred. For purposes of section 1254, any deduction under this subparagraph shall be treated as a deduction under this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2015.

SEC. 104. LIMITATION ON PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—In the case of any taxable year in which the taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)), the allowance for percentage depletion shall be zero.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 105. LIMITATION ON DEDUCTION FOR TERTIARY INJECTANTS.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—

''(1) IN GENERAL.—This section shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)).

''(2) AMORTIZATION OF AMOUNTS NOT ALLOWABLE AS DEDUCTIONS UNDER PARAGRAPH (1).—The amount not allowable as a deduction for any taxable year by reason of paragraph (1) shall be allowable as a deduction ratably over the 60-month period beginning with the month in which the costs are paid or incurred.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2015.

SEC. 106. MODIFICATION OF DEFINITION OF MAJOR INTEGRATED OIL COMPANY.

(a) IN GENERAL.—Paragraph (5) of section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) CERTAIN SUCCESSORS IN INTEREST.—For purposes of this paragraph, the term 'major integrated oil company' includes any successor in interest of a company that was described in subparagraph (B) in any taxable year, if such successor controls more than 50 percent of the crude oil production or natural gas production of such company.''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 167(h)(5) of the Internal Revenue Code of 1986 is amended by inserting ''except as provided in subparagraph (C),'' after ''For purposes of this paragraph,''.

(2) TAXABLE YEARS TESTED.—Clause (iii) of section 167(h)(5)(B) of such Code is amended—

(A) by striking ''does not apply by reason of paragraph (4) of section 613A(d)'' and inserting ''did not apply by reason of paragraph (4) of section 613A(d) for any taxable year after 2004'', and

(B) by striking ''does not apply'' in subclause (II) and inserting ''did not apply for the taxable year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

Subtitle B—Outer Continental Shelf Oil and Natural Gas

SEC. 111. REPEAL OF OUTER CONTINENTAL SHELF DEEP WATER AND DEEP GAS ROYALTY RELIEF.

(a) IN GENERAL.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) ADMINISTRATION.—The Secretary of the Interior shall not be required to provide for royalty relief in the lease sale terms beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published.

TITLE II—INFRASTRUCTURE FUNDING

SEC. 201. INFRASTRUCTURE FUNDING.

(a) IN GENERAL.—

(1) TRANSFERS.—Not later than 90 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer an amount equal to the net amount of any savings realized as a result of the enactment of this Act and the amendments made by this Act (after any expenditures authorized by this Act and the amendments made by this Act)—

(A) in accordance with subsections (b) and (c); and

(B) in the case of any additional savings after the application of such subsections, into the Highway Trust Fund in the following manner:

(i) 75 percent of such additional savings shall be transferred into the Highway Trust Fund (other than the Mass Transit Account).

(ii) 25 percent of such additional savings shall be transferred into the Mass Transit Account.

(2) CONFORMING AMENDMENT TO THE INTERNAL REVENUE CODE.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) 2015 INCREASE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated to the Highway Account (as defined in subsection (e)(5)(B)) and the Mass Transit Account in the Highway Trust Fund amounts equal to the amounts determined under section 201(a)(1)(B) of the Rebuilding America's Infrastructure Act of 2015.''.

(b) WATER INFRASTRUCTURE INNOVATIVE FINANCING PILOT PROJECTS.—Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Army and the Administrator of the Environmental Protection Agency jointly, $2,000,000,000 to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) through 2019.

(c) TIGER DISCRETIONARY GRANTS.—

(1) DEFINITION OF TIGER DISCRETIONARY GRANT.—In this section, the term ''TIGER discretionary grant'' means a grant awarded and administered by the Secretary of Transportation using funds made available for—

(A) supplemental discretionary grants for a national surface transportation system under title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 203);

(B) the national infrastructure investments discretionary grant program under title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–17; 123 Stat. 3035);

(C) national infrastructure investments under section 2202 of division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 191);

(D) national infrastructure investments under title I of division C of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112–55; 125 Stat. 641);

(E) national infrastructure investments under title VIII of division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 432);

(F) national infrastructure investments under title I of division L of the Consolidated Appropriations Act, 2014 (Public Law 113–76; 128 Stat. 574); or

(G) national infrastructure investments under title I of division K of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235).

(2) APPROPRIATION.—Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Transportation, $2,000,000,000 to provide TIGER discretionary grants for fiscal year 2016.

(d) MAINTENANCE OF FUNDING.—The funding provided under this section shall supplement (and not supplant) other Federal funding for the programs and accounts funded under this section.

SEC. 202. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE III—STATE REVOLVING FUNDS

SEC. 301. STATE WATER POLLUTION CONTROL REVOLVING FUNDS.

Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency, $1,500,000,000 for State water pollution control revolving funds established in accordance with title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

SEC. 302. STATE DRINKING WATER TREATMENT REVOLVING LOAN FUNDS.

Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency, $1,000,000,000 for State drinking water treatment revolving loan funds established in accordance with section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

TITLE IV—MISCELLANEOUS

SEC. 401. ENFORCEMENT OF DISCRETIONARY SPENDING LIMITS.

The Office of Management and Budget shall not include amounts made available under subsections (b) or (c) of section 201 or title III during a fiscal year in determining whether there has been a breach of the discretionary spending limits under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) during the fiscal year.

SA 126. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; 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 consistently with the Constitution.

SA 127. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE II—LEASE SALES

SEC. 201. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Ocean Energy Management.

(2) QUALIFIED REVENUES.—The term ''qualified revenues'' means all bonus bids, rentals, royalties, and other sums due and payable to the United States from all leases entered into after the date of enactment of this Act that cover an area in the South Atlantic planning area.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SOUTH ATLANTIC PLANNING AREA.—The term ''South Atlantic planning area'' means the area of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) that is located between the northern lateral seaward administrative boundary of the Commonwealth of Virginia and the southernmost lateral seaward administrative boundary of the State of Georgia.

(5) STATE.—The term ''State'' means any of the following States:

(A) Georgia.

(B) North Carolina.

(C) South Carolina.

(D) Virginia.

SEC. 202. ENHANCING STATE RIGHTS.

(a) IN GENERAL.—The Secretary shall promulgate regulations that establish management of the surface occupancy of each portion of the South Atlantic planning area for the applicable coastline of a State for any lease sale authorized under this Act to the effect that—

(1) the applicable State shall have sole authority to restrict or allow surface facilities above the waterline for the purpose of production of oil or gas resources in any area that is within 12 nautical miles seaward from the coastline of the State;

(2) unless permanent surface occupancy is authorized by a State, only sub-surface production facilities may be installed in areas that are located between the point that is 12 nautical miles from seaward from the coastline of the State and the point that is 20 nautical miles seaward from the coastline of the State;

(3) new offshore production facilities are encouraged and the impacts on coastal vistas are minimized, to the maximum extent practical; and

(4) onshore facilities that facilitate the development and production of the oil and gas resources of the South Atlantic planning area within 12 nautical miles seaward of the coastline of a State are allowed.

(b) TEMPORARY ACTIVITIES NOT AFFECTED.—Nothing in the regulations described in subsection (a) shall restrict, or give the States authority to restrict, temporary surface activities related to operations associated with outer Continental Shelf oil and gas leases.

SEC. 203. REINSTATEMENT OF VIRGINIA LEASE SALE 220.

Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct Lease Sale 220 (as described in the notice of intent to prepare an environmental impact statement dated November 13, 2008 (73 Fed. Reg. 67201)).

SEC. 204. SOUTH CAROLINA LEASE SALE.

Notwithstanding the exclusion of the South Atlantic planning area in the outer Continental Shelf leasing program for fiscal years 2012-2017 prepared under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344), the Secretary shall conduct a lease sale not later than 2 years after the date of enactment of this Act in areas off the coast of the State of South Carolina—

(1) determined by the Secretary to have the most geologically promising hydrocarbon resources; and

(2) that constitute not less than 25 percent of the leasable area located within the offshore administrative boundaries of the State of South Carolina depicted in the notice entitled ''Federal Outer Continental Shelf (OCS) Administrative Boundaries Extending from the Submerged Lands Act Boundary seaward to the Limit of the United States Outer Continental Shelf'', published January 3, 2006 (71 Fed. Reg. 127).

SEC. 205. ENVIRONMENTAL IMPACT STATEMENT.

The Secretary shall complete a multisale environmental impact statement for each lease sale conducted under this title.

SEC. 206. SOUTH ATLANTIC PLANNING AREA LEASE SALES.

(a) IN GENERAL.—The Secretary shall conduct 3 lease sales in the South Atlantic planning area before June 30, 2017, in areas—

(1) to be determined by the Secretary based on—

(A) analysis by the Bureau of Ocean Energy Management; and

(B) industry nomination; and

(2) determined by the Secretary to contain the most hydrocarbon resource potential.

(b) 2017-2022 LEASING PROGRAM.—The Secretary shall—

(1) include the South Atlantic planning area in the outer Continental Shelf leasing program for fiscal years 2017-2022 prepared under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); and

(2) conduct 1 lease sale in the South Atlantic planning area during each year of the program, for a total of 5 lease sales.

SEC. 207. BALANCING OF MILITARY AND ENERGY PRODUCTION GOALS.

(a) IN GENERAL.—In recognition that the outer Continental Shelf oil and gas leasing program and the domestic energy resources produced under the program are integral to national security, the Secretary and the Secretary of Defense shall work jointly in implementing lease sales under this Act—

(1) to preserve the ability of the Armed Forces of the United States to maintain an optimum state of readiness through the continued use of the outer Continental Shelf; and

(2) to allow effective exploration, development, and production of the oil, gas, and renewable energy resources of the United States.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas on the outer Continental Shelf under a lease issued under this Act that would conflict with any military operation, as determined in accordance with—

(1) the agreement entitled ''Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf'' signed July 20, 1983; and

(2) any revision or replacement for the agreement described in paragraph (1) that is agreed to by the Secretary of Defense and the Secretary after that date but before the date of issuance of the lease under which the exploration, development, or production is conducted.

SEC. 208. REVENUE SHARING AND DEFICIT REDUCTION.

Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), each fiscal year the Secretary shall deposit—

(1) 37.5 percent of the qualified revenues in a special account in the Treasury, from which the Secretary shall allocate amounts in accordance with section 209;

(2) 12.5 percent of the qualified revenues dedicated towards deficit reduction; and

(3) 50 percent of the qualified revenues in the general fund of the Treasury.

SEC. 209. ALLOCATION TO STATES.

(a) IN GENERAL.—Of the qualified revenues deposited in the account under section 208(1), 37.5 percent shall be distributed to each State—

(1) using the formula established under subsection (b); and

(2) in amounts that are inversely proportional to the respective distances between the point on the coastline of each State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(b) FORMULA.—The formula used to make the calculation under subsection (a) shall be—

(1) established by the Secretary by regulation; and

(2) modeled after the final rule entitled ''Allocation and Disbursement of Royalties, Rentals, and Bonuses—Oil and Gas, Offshore'', dated December 23, 2008 (73 Fed. Reg. 78622).

(c) MINIMUM ALLOCATION.—Each State shall be entitled to an amount equal to not less than 10 percent of the qualified revenues allocated under subsection (a).

(d) USE OF FUNDS.—A State receiving amounts under this section may use the amounts in accordance with State law.

SA 128. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EFFECTIVE DATE.

This Act shall not take effect until the President determines that the Administrator of the Environmental Protection Agency, in consultation with other relevant Federal agencies, has completed a comprehensive study analyzing the human health impacts of the pipeline described in section 2(a), including—

(1) increased air pollution in communities near refineries that will process the up to 830,000 barrels per day of tar sands crude that will be transported through the pipeline, including assessment of the cumulative air pollution impacts on the communities;

(2) increased exposure of communities to particulate matter and heavy metals from the disposal, storage, and use of petroleum coke that results from the refining of the tar sands crude that will be transported through the pipeline; and

(3) increased exposures in communities to benzene, volatile organic compounds, hydrogen sulfide, and other toxic substances that may result from spills or the contamination of water supplies from tar sands crude transported through the pipeline.

SA 129. Mr. BOOKER (for himself, Ms. CANTWELL, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

In section 2, strike subsection (b) and insert the following:

(b) ENVIRONMENTAL IMPACT STATEMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Final Supplemental Environmental Impact Statement issued by the Secretary of State in January 2014, regarding the pipeline referred to in subsection (a), and the environmental analysis, consultation, and review described in that document (including appendices) shall be considered to fully satisfy—

(A) all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) any other provision of law that requires Federal agency consultation or review (including the consultation or review required under section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a))) with respect to the pipeline and facilities referred to in subsection (a).

(2) SAVINGS CLAUSE.—Nothing in paragraph (1) relieves any Federal agency of the obligation of the Federal agency to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the obligation of the Federal agency to prepare a supplement to the final supplemental environmental impact statement described in paragraph (1) in connection with the issuance of any permit or authorization needed to construct, connect, operate, or maintain the pipeline and cross-border facilities described in subsection (a) if there are significant new circumstances or information relevant to environmental concerns and bearing on the environmental impacts resulting from the construction, connection, operation, and maintenance of the pipeline and cross-border facilities, including from greenhouse gas emissions associated with the crude oil being transported by the pipeline.

SA 130. Mrs. BOXER (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

On page 2, strike lines 20 through 23 and insert the following:

(c) PERMIT SAVINGS CLAUSE.—Nothing in this Act shall affect the status of any Federal permit or authorization issued before the date of enactment of this Act for the pipeline and cross-border facilities referred to in subsection (a).

SA 131. Ms. CANTWELL (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

In section 2(a), strike the period at the end and insert the following:

, subject to—

(1) all applicable laws (including regulations);

(2) all mitigation measures that are required in permits issued by permitting agencies; and

(3) all project-specific special conditions listed in Appendix Z of the Final Supplemental Environmental Impact Statement issued by the Secretary of State in January 2014.

SA 132. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

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.

SA 133. Ms. HEITKAMP (for herself, Mr. DONNELLY, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. SENSE OF CONGRESS REGARDING 5-YEAR EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) FINDINGS.—Congress finds that—

(1) the energy policy of the United States is based on an all-of-the-above approach to production sources;

(2) an all-of-the-above approach reduces dependence on foreign oil, increases national security and creates jobs;

(3) smart investments in renewable resources are critical to increase the energy independence of the United States, reduce emissions, and create jobs;

(4) wind energy is a critical component of an all-of-the-above energy policy and has a proven track record of creating jobs, reducing emissions, and provides an alternative and compatible energy resource to the existing generation infrastructure of the United States;

(5) the wind energy industry and utilities require long-term certainty regarding the Production Tax Credit for project planning in order to continue build out of this valuable natural resource; and

(6) the stop-start unpredictability of short-term Production Tax Credit extensions should be avoided, as short-term extensions have disrupted the wind industry, slowing the ability of the wind industry to cut costs,

as compared to what would have occurred with a long-term, predictable policy in place.

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

(1) section 45(d) of the Internal Revenue Code of 1986 should be amended by striking ''January 1, 2015'' each place it appears and inserting ''January 1, 2020'' in—

(A) paragraph (1);
(B) paragraph (2)(A);
(C) paragraph (3)(A);
(D) paragraph (4)(B);
(E) paragraph (6);
(F) paragraph (7);
(G) paragraph (9); and
(H) paragraph (11)(B);

(2) clause (ii) of section 48(a)(5)(C) should be amended by striking ''January 1, 2015'' and inserting ''January 1, 2020''; and

(3) the amendments that would be made by paragraphs (1) and (2) should take effect on January 1, 2015.

SA 134. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF THE WIND PRODUCTION TAX CREDIT.

This Act shall not take effect prior to the date that, pursuant to an Act of Congress, the credit allowed under section 45 of the Internal Revenue Code of 1986 is extended for a period of not less than 5 years for facilities described in subsection (d)(1) of such section.

SA 135. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. ___. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) DEFINITION OF FULL FUNDING AMOUNT.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102(11)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C)—

(A) by striking ''fiscal year 2012 and each fiscal year thereafter'' and inserting ''each of fiscal years 2012 and 2013''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) for fiscal year 2014 and each fiscal year thereafter, the amount that is equal to the full funding amount for fiscal year 2013.''.

(b) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) AVAILABILITY OF PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by striking ''2013'' each place it appears and inserting ''2014''.

(2) ELECTIONS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(A) in paragraph (1)(A), by striking ''by August 1, 2013 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter'' and inserting ''by August 1 of each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)''; and

(B) in paragraph (2)(B), by striking ''2013'' each place it appears and inserting ''2014''.

(3) ELECTION AS TO USE OF BALANCE.—Section 102(d)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(1)) is amended—

(A) in subparagraph (B)(ii), by striking ''not more than 7 percent of the total share for the eligible county of the State payment or the county payment'' and inserting ''any portion of the balance''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to which $350,000 or more is distributed for any fiscal year pursuant to paragraph (1)(B) or (2)(B) of subsection (a), the eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.''.

(4) NOTIFICATION OF ELECTION.—Section 102(d)(3)(A) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(A)) is amended by striking ''2012,'' and inserting ''2014 (or as soon thereafter as the Secretary concerned determines is practicable)''.

(5) FAILURE TO ELECT.—Section 102(d)(3)(B)(ii) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(B)(ii)) is amended by striking ''purpose described in section 202(b)'' and inserting ''purposes described in section 202(b), 203(c), or 204(a)(5)''.

(6) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''2013'' and inserting ''2014''.

(c) CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) SUBMISSION OF PROJECT PROPOSALS.—Section 203(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7123(a)(1)) is amended by striking ''September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2013'' and inserting ''September 30 of each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)''.

(2) EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(3) RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking ''2012'' each place it appears and inserting ''2015''.

(4) AVAILABILITY OF PROJECT FUNDS.—Section 207(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7127(a)) is amended by striking ''September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2013'' and inserting ''September 30 of each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)''.

(5) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking ''2013'' and inserting ''2014 (or as soon thereafter as the Secretary concerned determines is practicable)''; and

(B) in subsection (b), by striking ''2014'' and inserting ''2016''.

(d) CONTINUATION OF AUTHORITY TO RESERVE AND USE COUNTY FUNDS.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking ''2013'' and inserting ''2014 (or as soon thereafter as the Secretary concerned determines is practicable)''; and

(2) in subsection (b), by striking ''September 30, 2014, shall be returned to the Treasury of the United States'' and inserting ''September 30, 2015, may be retained by the counties for the purposes identified in section 302(a)(2)''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 402 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7152) is amended by inserting ''and fiscal year 2015 for payments to States and counties for fiscal year 2014'' before the period at the end.

(f) AVAILABILITY OF FUNDS.—

(1) TITLE II FUNDS.—Any funds that were not obligated as required by section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) (as in effect on the day before the date of enactment of this Act) shall be available for use in accordance with title II of that Act (16 U.S.C. 7121 et seq.).

(2) TITLE III FUNDS.—Any funds that were not obligated as required by section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) (as in effect on the day before the date of enactment of this Act) shall be available for use in accordance with title III of that Act (16 U.S.C. 7141 et seq.).

SA 136. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTORING MANDATORY FUNDING STATUS TO PAYMENT IN LIEU OF TAXES.

(a) PERMANENT PAYMENT.—Section 6906 of title 31, United States Code, is amended in the matter preceding paragraph (1), by striking ''of fiscal years 2008 through 2014'' and inserting ''fiscal year''.

SA 137. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. EFFECTIVE DATE.

This Act shall not take effect prior to the date that, pursuant to an Act of Congress, the limit on liability with respect to offshore oil spills is modified to be unlimited.

SA 138. Mr. MARKEY submitted an amendment intended to be proposed to

amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. EFFECTIVE DATE.

This Act shall not take effect prior to the date that, pursuant to an Act of Congress, the following tax breaks are repealed for major integrated oil companies (as that term is defined in section 167(h)(5)(B) of the Internal Revenue Code of 1986):

(1) Percentage depletion allowances under sections 613 and 613A of the Internal Revenue Code of 1986.

(2) The domestic production activities deduction under section 199 of the Internal Revenue Code of 1986.

SA 139. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. EFFECTIVE DATE.

Notwithstanding subsections (2)(a) and (2)(b), this Act shall not take effect until any consultation, analysis or review required by the National Environmental Policy Act, Endangered Species Act, or any other provision of law that requires Federal agency consultation or review, is completed with respect to whether increased greenhouse gas emissions, including the indirect greenhouse gas emissions over the lifecycle of oil sands crude oil production, and transportation from the diluted bitumen and other bituminous mixtures derived from tar sands or oil sands transported through the pipeline, described in section 2(a), are likely to contribute to any of the following:

(1) Increased water temperatures.

(2) Significant migration of economically important species from United States waters.

(3) A decrease in the productivity of United States fisheries and ecosystems.

(4) An increase in diseases affecting United States fisheries and humans.

SA 140. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. EFFECTIVE DATE.

Notwithstanding subsections (2)(a) and (2)(b), this Act shall not take effect until any consultation, analysis or review required by the National Environmental Policy Act, Endangered Species Act, or any other provision of law that requires Federal agency consultation or review, is completed with respect to whether increased greenhouse gas emissions, including the indirect greenhouse gas emissions over the lifecycle of oil sands crude oil production, and transportation from the diluted bitumen and other bituminous mixtures derived from tar sands or oil sands transported through the pipeline, described in section 2(a), are likely to contribute to higher sea levels.

SA 141. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. EFFECTIVE DATE.

Notwithstanding subsections (2)(a) and (2)(b), this Act shall not take effect until any consultation, analysis or review required by the National Environmental Policy Act, Endangered Species Act, or any other provision of law that requires Federal agency consultation or review, is completed with respect to whether increased greenhouse gas emissions, including the indirect greenhouse gas emissions over the lifecycle of oil sands crude oil production, and transportation from the diluted bitumen and other bituminous mixtures derived from tar sands or oil sands transported through the pipeline, described in section 2(a), are likely to contribute to an increase in more extreme weather events.

SA 142. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

SEC. ___.

This Act shall not take effect prior to the date that, pursuant to an Act of Congress, an adaptation fund is established for State and Indian tribes that funds projects to build resilience to the impacts of climate change, including—

(A) extreme weather events such as flooding and tropical cyclones;

(B) more frequent heavy precipitation events;

(C) loss of snowpack and Arctic land and sea ice;

(D) water scarcity and adverse impacts on water quality;

(E) stronger and longer heat waves;

(F) more frequent and severe droughts;

(G) rises in sea level;

(H) ecosystem disruption;

(I) increased air pollution; and

(J) effects on public health.

SA 143. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. QUARTERLY JOBS REPORTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and not less frequently than once every 90 days thereafter during the period described in subsection (b), the Secretary of Labor shall prepare and submit to Congress a report that describes, for the period covered by the report, the quantity of construction, operations, and maintenance jobs—

(1) directly associated with the Keystone XL Pipeline described in section 1, in accordance with section ES4.3.1 of the final environmental impact statement issued by the Secretary of State referred to in section 1(c); or

(2) in the renewable energy development and production sectors (including wind energy, solar energy, geothermal energy, biomass and biofuels, and hydropower) of the United States.

(b) DESCRIPTION OF PERIOD.—The period referred to in subsection (a) is the 6-year period beginning on the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 22, 2015, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 22, 2015, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on January 22, 2015, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Jobs and a Healthy Economy.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on January 22, 2015, at 9:30 a.m., in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Examining Job-Based Health Insurance and Defining Full-Time Work.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to

meet during the session of the Senate on January 22, 2015, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 22, 2015, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 22, 2015, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that privileges of the floor be granted to William Treadwell and Samin Peirovi effective today through June 1, 2015.

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

Mr. REED. Mr. President, I ask unanimous consent that Paulina Rippere, a fellow in my office, be granted the privilege of the floor for this session of the 114th Congress.

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

RELATIVE TO THE DEATH OF WENDELL H. FORD, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF KENTUCKY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 38, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 38) relative to the death of Wendell H. Ford, former United States Senator for the Commonwealth of Kentucky.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 38) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR MONDAY, JANUARY 26, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4:30 p.m., Monday, January 26; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1. I further ask that notwithstanding the adjournment of the Senate, the filing deadline for first-degree amendments be at 3 p.m. on Monday, with second degrees at 5 p.m.

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

PROGRAM

Mr. MCCONNELL. Mr. President, the next vote will occur at 5:30 p.m. on Monday. If Chairman MURKOWSKI and Senator CANTWELL can reach an agreement for additional votes on amendments, those could be scheduled for Monday night as well.

ADJOURNMENT UNTIL MONDAY, JANUARY 26, 2015, AT 4:30 P.M.

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the provisions of S. Res. 38 as a further mark of respect to the memory of the late Senator Wendell H. Ford of Kentucky.

There being no objection, the Senate, at 12:21 a.m., adjourned until Monday, January 26, 2015, at 4:30 p.m.