

So today I am offering legislation to block Federal employees who are delinquent on their Federal taxes—here is the key—and making no effort to pay their tax liability; we will block them from receiving a bonus or award from the Federal Government. If someone is a Federal employee, they should not be receiving a bonus if they are not making an effort to pay back taxes.

I think the purpose of my bill is very simple. If someone is a Federal worker, they should be making a good-faith effort to pay their taxes like everybody else or at least work with the IRS to pay down their debt. Holding Federal employees accountable for their tax debt may even foster public confidence again in our tax system.

Amazingly there are Federal employees at almost every agency, including the Internal Revenue Service, who are significantly delinquent in their taxes and not working to pay their debts. That is wrong. That is not fair. It is not good government practice. That is an understatement. My bill will put a stop to this practice.

It is no wonder, given the IRS's behavior and the behavior of these Federal tax delinquents, that Kansans and virtually every American doubt that the government can administer the tax laws in good faith. The lack of faith in the Internal Revenue Service is an important reason why Congress must rewrite the Tax Code, simplify how we pay taxes, and reduce the government's intrusion into economic and other affairs of the public.

We don't need the IRS regulating constitutionally guaranteed free speech and muzzling lawful political activity. We also do not need to reward Federal employees who do not even make the most minimal effort to pay their tax debt and then give them bonuses. The hypocrisy of IRS agents getting bonuses when they don't pay their taxes has to stop.

Finally, there are other issues at the Internal Revenue Service. There was a recent statement by the IRS Commissioner warning—threatening—the tax-paying public, during tax-filing season no less, that the agency is drastically cutting taxpayer service functions. I am talking about answering calls, tax return help, and other programs that assist the average American to fulfill their tax obligation.

The Commissioner blames the budget sequester. I understand that. Every Federal agency is now upset about the sequester. I am upset about the sequester with regard to our national security and the spending caps setting these cuts. The IRS Commissioner is upset about that as well. That is beyond amazing when we have learned that the agency has made so many poor decisions, such as entering into a contract with the IT company that was just fired by Massachusetts, Vermont, and the Department of Health and Human Services for its failure in implementing the healthcare.gov Web site. The historic rollout was a total

disaster. I expect we will get into this in detail next week when the Commissioner comes before the Finance Committee. I am going to be asking him questions about the same topics I brought up in these remarks.

In the meantime, just a suggestion to the IRS—from the Commissioner on down—take a hard look at the mission statement, concentrate on serving the taxpayer, stop threatening the American public with the loss of service, and try to do the best you can in a most difficult budget environment.

We have an obligation to have the IRS serve with integrity and fairness to the American public, and that is not happening now. Let's work together to make sure it does happen.

I yield the floor, and after careful inspection, it appears to me we do not have a quorum present. 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. UDALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL. Mr. President, I ask unanimous consent to speak in morning business. I know the managers will be here shortly, and when they arrive I will obviously yield the floor to them.

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

#### RENEWABLE ELECTRICITY STANDARD

Mr. UDALL. Mr. President, today we are voting in the 11 o'clock series on the renewable electricity standard—a bill to promote 25 percent of our electricity to come by renewable sources by 2025.

From what we have heard these past few weeks, we are either on the floor debating an energy bill or a jobs bill. This is what my Republican friends and colleagues have been saying.

The Keystone Pipeline fits neither one of these descriptions. The Keystone Pipeline is not an energy bill. The bill lacks a comprehensive energy policy; it lacks even trying to set one. This is not a “do it all, do it right” energy bill. It isn't even a “drill, baby, drill” bill. This is the “drill, Canada” bill.

If we are going to debate energy policy, we need to debate and adopt a renewable electricity standard. The Keystone Pipeline is an investment in doing things the old way—importing foreign oil. Instead of doubling down on foreign oil, we should be talking about how we can move America forward by investing in homegrown energy for the future. The renewable electricity standard is such a bill.

I wish to point out that States already recognize this fact significantly. Colorado has a 30-percent target by 2020. Nevada has a 25-percent target by

2025. Oregon has a 25-percent target by 2025. A number of other States have renewable electricity targets. Twenty-nine States, in fact, are developing a national market. There are many States that are meeting these goals and moving forward aggressively.

In 2013, the State of Iowa produced 27 percent of its electricity alone with wind power.

I see the chairwoman of the Energy and Natural Resources Committee on the floor. I promise to yield. I only have a couple of more minutes. I thank the chairwoman.

This amendment—the renewable electricity standard—is a start to a comprehensive energy policy for the United States.

We are told the Keystone Pipeline is a jobs bill. We are told Keystone will create jobs. Of course, we are all for that. But how many jobs? We are talking about 2,000, 3,000 construction jobs, but the permanent jobs are in the range of 50. How about a renewable electricity standard that promotes long-lasting manufacturing and installation jobs—American jobs, permanent jobs—jobs that can't be outsourced?

The renewable electricity standard could create an additional 274,000 to 297,000 jobs in the United States in such areas as construction, operations, and engineering. Over 50 percent of these jobs would be created in the manufacturing sector. These are hundreds of thousands of 21st century American jobs in my State and across the country. We owe it to all Americans to consider this and other amendments that would improve the bill.

Right now, we are losing out to other countries in both solar and wind. China has the largest market share. A national renewable electricity standard would help us move forward aggressively to get our market share in those two areas.

It is clear to me a national renewable electricity standard would combat global warming while creating hundreds of thousands of jobs across the country. It will help maximize our energy potential while strengthening our economy and our energy security.

Let's vote on that. Let's move forward to meet the real energy needs of American families.

I thank the chairwoman for being so gracious and for her courtesy.

I yield the floor.

#### 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 legislative clerk read as follows: A bill (S. 1) to approve the Keystone XL Pipeline.

Pending:

Vitter/Cassidy further modified amendment No. 80, to provide for the distribution of revenues from certain areas of the outer Continental Shelf.

Murkowski (for Sullivan) amendment No. 67 (to amendment No. 2), to restrict the authority of the Environmental Protection Agency to arm agency personnel.

Murkowski amendment No. 98 (to amendment No. 2), to express the sense of Congress relating to adaptation projects in the United States Arctic region and rural communities.

Flake amendment No. 103 (to amendment No. 2), to require the evaluation and consolidation of duplicative green building programs.

Boxer amendment No. 130 (to amendment No. 2), to preserve existing permits and the authority of the agencies issuing the permits to modify the permits if necessary.

Merkley amendment No. 174 (to amendment No. 2), to express the sense of Congress that the United States should prioritize and fund adaptation projects in communities in the United States while also helping to fund climate change adaptation in developing countries.

Cantwell/Boxer amendment No. 131 (to amendment No. 2), to ensure that if the Keystone XL Pipeline is built, it will be built safely and in compliance with United States environmental laws.

Tillis/Burr amendment No. 102 (to amendment No. 2), to provide for leasing on the outer Continental Shelf and the distribution of certain qualified revenues from such leasing.

Markey amendment No. 178 (to amendment No. 2), to ensure that products derived from tar sands are treated as crude oil for purposes of the Federal excise tax on petroleum.

Booker amendment No. 155 (to amendment No. 2), to allow permitting agencies to consider new circumstances and new information.

Burr modified amendment No. 92 (to amendment No. 2), to permanently reauthorize the Land and Water Conservation Fund.

Cardin amendment No. 124 (to amendment No. 2), to clarify that treaties with Indian tribes remain in effect.

Cantwell (for Peters/Stabenow) amendment No. 55 (to amendment No. 2), to require a study of the potential environmental impact of by-products of the Keystone XL pipeline.

Murkowski (for Barrasso) amendment No. 245 (to amendment No. 2), to clarify that treaties with Indian tribes remain in effect.

Daines amendment No. 246 (to amendment No. 2), to express the sense of Congress that reauthorizing the Land and Water Conservation Fund should be a priority.

Udall amendment No. 77, to establish a renewable electricity standard.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes of debate equally divided in the usual form.

Ms. MURKOWSKI. Mr. President, as we just heard, the House has sent over legislation they have moved through that body that would allow for export of LNG. As we speak, in the Energy and Natural Resources Committee downstairs, the committee is considering a bipartisan LNG measure. Five Republicans and five Democrats are coming together with an LNG export proposal that they have not only worked with the administration on, but the administration is actually carrying out, without the law being in place. Certainly we are getting to a place with

our LNG and our natural gas opportunities where there are good, substantive developments being made in our laws and in how we can provide for not only certainty through the regulatory process—efficiency, expediency—but assurance to the public—to families, to businesses, to manufacturers—that pricing issues will be addressed and the opportunity for jobs in this country is put first and foremost. So I think there is good news going on today.

There is further good news as we begin the glidepath toward passage of the Keystone XL Pipeline. We have had a host of measures come before us in the form of some 35 amendments that we have considered as a body over the course of these several weeks. I think it has been good debate. I think it has been a good process. We are now getting to the final closeout.

#### AMENDMENT NO. 80, AS FURTHER MODIFIED

Some very important issues have been raised in this debate. I wish to thank Senator VITTER for bringing the very important issue of revenue sharing to the attention of the Senate. He offered an amendment that has been before us for consideration. He has been very steadfast in ensuring that there is a continued commitment to America's energy security and increasing offshore energy production.

The American energy revolution has provided us with high-paying jobs for millions of workers. It has led to lower gas prices. It has provided a real stimulus to the pocketbooks of just about every American. It is fundamentally changing our role on the international stage, which is so important.

The amendment Senator VITTER has offered to the underlying bill, which would increase access to our offshore energy resources and provide revenue sharing for coastal producing States, is a very important one. Again, I thank him for that.

One of my top priorities as chairman of the Energy and Natural Resources Committee is to help ensure the exploration and the development of Alaska's Outer Continental Shelf—OCS—which holds an estimated 236 billion barrels of offshore oil and 132 trillion cubic feet of offshore natural gas. This is clearly an amazing resource base. It is going to take a while—more than a decade—to develop, but it will provide substantial government revenues for generations to come.

With the benefits that come with this resource development, there are also impacts. There will be impacts both to the State of Alaska and to coastal communities. It will require major investment in new infrastructure, whether it be ports or pipelines or roads. That just comes with this kind of resource production.

I look forward to working with Senator VITTER to address the revenue sharing not only for my State but for the gulf States and other States that host energy development off of their coastline in legislation that the energy

committee will consider later this year.

I appreciate the continued support of my colleague from Louisiana and for providing a fair share of the revenue from offshore oil and gas activity to the States that are most affected. His State most clearly has experienced the benefits of offshore activity. I have seen this for myself when I have gone down to visit.

He is also working hard to ensure that others enjoy those benefits as well. Again, we are having a great debate over energy policy. We are seeing many good amendments with ideas that could be included in future bills, and I certainly look forward to working on revenue sharing with my colleagues from Louisiana, Senator VITTER and Senator CASSIDY, and with other Members of the Senate as we go forward in this Congress.

I will now yield to my colleague from Louisiana for any comments he may choose to make.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Thank you, Mr. President.

I want to thank the Senator for her kind words and continuing commitment to work on revenue-sharing measures. As her new role as the Chair of the Energy and Natural Resources Committee, that is going to happen this year, which is exciting.

As the Senator mentioned, I filed an amendment to this bill with regard to revenue sharing and worked very closely with my new Senate colleague, BILL CASSIDY, and others. This is important now more than ever, particularly in light, unfortunately, of the Obama administration's recently announced 5-year OCS plan. That plan is grossly inadequate. It really chops up and goes down even lower than we have been with regard to the development of our Outer Continental Shelf.

Revenue sharing is one key way to reverse that trend and produce more American energy in a safe and environmentally sensitive way and have all of this benefit, including, by the way, the Federal Treasury. My revenue-sharing amendment and other revenue-sharing ideas—certainly including those Senator MURKOWSKI is working on—would do just that. We have three fundamental goals in mind.

First of all, we need to expand production activity on our U.S. Outer Continental Shelf.

Secondly, we need to treat host States right. They have benefits like the economic benefits we enjoy in Louisiana, but there are also costs and burdens. There are absolutely impacts to coastal communities. That requires that some portion of that revenue from that production stay in the host States. That is what revenue sharing is all about. We need that in Alaska. We need that in the gulf. We need that when we start production on the east coast.

Finally, we need that revenue sharing because it is the most powerful incentive tool out there to significantly

boost production, to get more States into the act, to get more production online working toward American energy independence and an economic renaissance. Revenue sharing, properly formulated, will do all of that.

I really do appreciate Senator MURKOWSKI's focus on this issue and commitment to proceeding with this issue in the Senate Energy and Natural Resources Committee in legislation this year.

AMENDMENT NO. 80, AS FURTHER MODIFIED  
WITHDRAWN

With that having been said, I will withdraw my Vitter amendment No. 80 on this bill and certainly will actively partner with Senator MURKOWSKI, Senator CASSIDY, and others to advance revenue sharing this year.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is withdrawn.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank my colleague from Louisiana.

I do think this is an area where those of us from coastal States can sit down together to truly map out a proposal that is fair and equitable, truly taking advantage of the benefits of accessing our offshore resources while recognizing those States that bear the responsibility of these production and development activities should share in some of the benefit there as well. I am looking forward to working with him as well as members of the Energy and Natural Resources Committee.

At this time I ask unanimous consent that the votes on the Barrasso amendment No. 245 and the Cardin amendment No. 124 occur after the disposition of the Udall amendment No. 77, with all other provisions of the previous order remaining in effect, and there be 2 minutes equally divided before the vote on the Daines amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MURKOWSKI. Just for Members' information, we will be prepared very shortly to commence votes. The good news for Members is the list of amendments that we had scheduled prior to the lunchtime has actually been winnowed down somewhat. Some Members, such as we have just seen from the Senator from Louisiana, have chosen to withdraw. We may be in a position to take some by voice. We will be having votes commencing here very quickly. But the good news is there will be fewer than there were when we started out this morning.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I assume there is a little bit of time to make a couple of comments as we are waiting.

I would commend the chairwoman of the Energy and Natural Resources Committee, for she and the ranking Member have done an excellent job of

moving us through. I think we all appreciate it when we hear the words "an amendment has been withdrawn" in terms of being able to move the process forward.

I did want to mention a couple of things. One, just to remind everyone, when we talk about this Canadian oil company bringing a pipeline through the United States down to the Gulf—putting it on a ship and sending it to China—they are not paying into the oilspill liability trust fund. Our amendment to say the oil should stay here if Americans are taking all the risk was voted down. The amendment that would require American steel was voted down. Any commitment to make sure these were all American jobs has also been voted down.

I did also—because the distinguished Chair of the committee mentioned a bill that came over from the House—want to take a moment to say as we look at energy policy in the energy committee today we are, in fact, considering what I consider to be one of the most fundamental questions for us moving forward with this new energy source in abundance called natural gas.

It is incredibly important we get this right. As opposed to the pipeline going through the middle of our country, this is something that can greatly increase our ability to have manufacturing jobs across the country, to continue to lower and keep down the prices of heating and other energy costs for our citizens. If it is done right—the committee, I believe, dramatically does it the wrong way. The bill that came from the House is very much, in my judgment, a China-first policy and not an America-first policy. I say that because right now China is willing to pay more than three times for natural gas than we are. I understand that the gas and oil industry wants to rush it on ships over to China. But to add insult to injury for us, they were willing to pay, last year, \$16 and then turn around and subsidize their industry that is competing with us and only give it to them for I believe it was \$1.78. Our folks who are forced to pay \$16 because we don't have a prudent export policy—they just throw open the doors to send it to China. Our folks pay \$16. The folks competing with us for our jobs are paying \$1.78.

I realize we have a lot more discussion on that at a later point. I do want to say there will be a great debate on what I believe is one of the most important issues in front of us in terms of continuing to having manufacturing renaissance and the ability to create good middle-class jobs in this country. I am hopeful in the end we will have an America-first policy, not a China-first policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we are just about ready to begin our votes. Again, it was a very productive day processing amendments yesterday, and

we have some good provisions included in the bill. We were able to adopt by voice the provision of the Senator from Maine to better coordinate energy retrofitting assistance for schools. That was good for us. I think we have been available to reach agreement on several of the measures that will allow the process to go quickly this morning.

I am certainly prepared to yield back any time here so we can commence with the voting, although I want to recognize my ranking member and partner in this weeks-long effort if she wants to make any comments before the vote.

Ms. CANTWELL. I know originally we pushed the bill back, so I am happy to move it back to reclaim some of that time and help us. I know there are a few things which have been worked out, and we very much appreciate that.

I yield back our time.

AMENDMENT NO. 246

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 246, offered by the Senator from Montana, Mr. DAINES.

Who yields time?

The Senator from Colorado.

Mr. BENNET. Mr. President, I rise to oppose the Daines amendment. While I respect the perspective of my colleague from Montana, this amendment does nothing to support the Land and Water Conservation Fund. If you really want to support LWCF, you ought to support the bipartisan Burr amendment which we will consider in a few minutes. Instead of actually solving the problem, the Daines measure creates more delay for delay's sake and says LWCF should be a priority but undermines the very notion by suggesting there is something wrong with the program.

For once we have a program where there actually is nothing wrong with it. It has been one of our Nation's most successful conservation programs for 50 years, funding projects in every State and literally every single county in the United States. These are projects that range from creating new parks for inner city kids, to providing new access to sportsmen, to protecting the Nation's historic battlefields. We don't need to overhaul LWCF, we just need to reauthorize it and let the program's proven track record of success continue.

I would urge my colleagues to vote no on the Daines amendment before us now, but vote yes on the bipartisan Burr amendment to follow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I believe Senator DAINES is still in the Energy and Natural Resources Committee so I will attempt to speak on his behalf in support of his amendment.

Reauthorizing the LWCF is something that I have said we plan to take up in the energy committee. We are going to make it a priority. But I agree

the sense-of-the-Senate, in order to ensure that this program can be an effective tool for management structural improvements to the program, is going to be needed.

For example, I know the LWCF has been used to acquire inholdings in existing national parks, our national forests, and wildlife refuges. Acquiring inholdings can improve management. We should do more of these kinds of targeted land acquisitions.

Another structural change I know some are interested in making is setting aside some of the LWCF funding to address the maintenance backlog facing our Federal land management agencies. We have combined maintenance backlogs, as much as \$22 billion, according to CRS reports. We have issues. We have to do that.

I will support the Daines amendment.

Mr. DAINES. Mr. President, the Land and Water Conservation Fund has been instrumental in increasing access to our public lands, growing opportunities for outdoor recreation, and protecting wildlife. And there is great potential for the program to be used to increase access to our existing Federal lands.

My amendment expresses the sense of Congress that the Land and Water Conservation Fund serves an important role in improving wildlife habitat, increasing outdoor recreation opportunities, and facilitating economic development on our public lands.

It will also convey that funding and reauthorizing the Land and Water Conservation Fund should be a priority for Congress and as we consider its reauthorization, we should also look for improvements to the structure of the program. The benefits and opportunities for improvement to the Land and Water Conservation Fund should be thoroughly evaluated in a transparent legislative process.

My amendment would support authorization through the legislative process and allow for oversight and transparency in improving the program. My amendment is not intended to undermine the integrity of the program.

Montana's outdoors heritage is of great importance to our State's economy and thousands of Montanans' way of life. Supporting and improving the Land and Water Conservation Fund will help us ensure that this legacy is continued for future generations.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Daines amendment, No. 246.

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 legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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

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

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

[Rollcall Vote No. 42 Leg.]

YEAS—47

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

NAYS—51

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

NOT VOTING—2

Reid Rubio

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. VITTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 92, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 92, as modified, offered by the Senator from North Carolina, Mr. BURR.

The Senator from North Carolina.

Mr. BURR. Madam President, I will be brief, but I would like my colleagues' attention because we have an opportunity today to take a program that functions well, that this body designed, funded from royalties off of exploration of energy, that has never been fully funded at what the statute said we would do, and every so often it comes up for reauthorization. That is sort of stupid.

What this amendment does is it makes permanent the Land and Water Conservation Fund. I say to my friends and colleagues, if you want to change the makeup of the fund—what it does, how it works—that still exists, but let's not have the debate as to whether this is going to continue. Let's con-

tinue it permanently, and let's make sure that what they do in their work, where they leverage a few Federal dollars with a lot of private dollars, not to acquire massive amounts of lands or create parks but to put adjoining lands together that stops encroachment on some very sensitive areas—this is a smart investment, and it is an investment we make off of the production of energy in this country.

I urge my colleagues to support amendment No. 92.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I would suggest that legislative proposals such as reauthorizing the LWCF should be considered under regular order, beginning with hearings in the Energy and Natural Resources Committee. Obviously, this is an issue in which many of us are interested. We have just had a measure before this which spoke to some of the proposed policy changes that might be considered.

So whether we are seeking to reauthorize permanently or considering different set-asides of funds that come in for different programs, I would like to think we could do it through regular order. But I certainly understand where the Senator from North Carolina is coming from, and I look forward to working with him.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 92, as modified.

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 bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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

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

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—59

Alexander	Donnelly	McCaskill
Ayotte	Durbin	Menendez
Baldwin	Feinstein	Merkley
Bennet	Franken	Mikulski
Blumenthal	Gardner	Murphy
Blunt	Gillibrand	Murray
Booker	Graham	Nelson
Boxer	Heinrich	Peters
Brown	Heitkamp	Portman
Burr	Hirono	Reed
Cantwell	Kaine	Sanders
Capito	King	Schatz
Cardin	Kirk	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Stabenow
Collins	Manchin	Tester
Coons	Markey	Thune
Corker	McCain	

Tillis	Warner	Whitehouse
Udall	Warren	Wyden

## NAYS—39

Barrasso	Flake	Paul
Boozman	Grassley	Perdue
Cassidy	Hatch	Risch
Coats	Heller	Roberts
Cochran	Hoeven	Rounds
Cornyn	Inhofe	Sasse
Cotton	Isakson	Scott
Crapo	Johnson	Sessions
Cruz	Lankford	Shelby
Daines	Lee	Sullivan
Enzi	McConnell	Toomey
Ernst	Moran	Vitter
Fischer	Murkowski	Wicker

## NOT VOTING—2

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

Ms. MURKOWSKI. Madam 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. 77

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 77, offered by the Senator from New Mexico, Mr. UDALL.

The Senator from New Mexico.

Mr. UDALL. Madam President, this amendment creates a national market for renewable energy. A bill similar to this has passed the Senate three times and also passed the House once. These are the jobs of the future—renewable energy jobs. More than half of the new generation of energy in the world is in renewables, and this amendment—it is estimated by the people who have studied it and the experts—would create about 300,000 new jobs.

So I ask my colleagues to support it. It is a good complement to the bill we are on, and it would create a lot of new jobs.

I yield back.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, this amendment is an issue that Congress has considered many times over the past 16 years, but we declined to impose a renewable electricity standard.

We called it several different names. We called it a renewable portfolio standard. Then it moved to renewable electricity standard. It was later rebranded the clean energy standard. Now it is back to the RES. But this latest proposal that 25 percent of electricity supplied by a retail provider be generated by certain renewable resources by 2025 is really no different than the EPA's move to impose a 30-percent reduction in greenhouse gases from existing powerplants by 2030 under this proposed CPP regulation.

I would encourage Members to oppose this amendment.

Further, I would note to colleagues that we are very close to finishing up

these amendments. If we move quickly, if we stay on the floor and stick to 10-minute votes, we can finish them all before lunch. I think that would be good, but it is going to require the cooperation of all Members.

With that, 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 Udall amendment No. 77.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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 45, nays 53, as follows:

[Rollcall Vote No. 44 Leg.]

## YEAS—45

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

## NAYS—53

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

## NOT VOTING—2

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

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 245

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 245, offered by the Senator from Wyoming, Mr. BARRASSO.

The Senator from Alaska.

Ms. MURKOWSKI. Madam President, this is an amendment Senator BARRASSO and Senator CARDIN have been working on together. This amendment provides that the Federal Government must consult with the relevant Indian nations before modifying or breaking any trust or treaty obligation. This obligation is already required by Executive order. The Federal Government has been fulfilling its government-to-government consultation responsibilities on the Keystone XL Pipeline project for over 6 years.

I think it is important for colleagues to recognize that this amendment does not create any new law; it is merely an additional guarantee that the Federal Government will live up to its existing obligations to consult with the Indian nations, which is a matter I think we should all be able to agree on.

This is an issue Senator BARRASSO has been working on with the Senator from Maryland, and they have indicated that they will accept a voice vote on this amendment.

## AMENDMENT NO. 245, AS MODIFIED

I ask unanimous consent that Barrasso amendment No. 245 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_\_ . CONSULTATION WITH INDIAN TRIBES.

Nothing in this Act relieves the United States of its responsibility to consult with Indian nations as required under executive order 13175 (67 Fed. Reg. 67249) (November 6, 2000).

Ms. MURKOWSKI. I ask unanimous consent that the 60-vote affirmative threshold be vitiated, and I urge its adoption by voice vote.

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

Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 245), as modified, was agreed to.

Ms. MURKOWSKI. Madam President, 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.

The PRESIDING OFFICER. The Senator from Maryland.

## AMENDMENT NO. 124

Mr. CARDIN. Madam President, I ask unanimous consent that I take a few minutes to debate the next amendment and save a little bit of time at the end by withdrawing the amendment.

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

Mr. CARDIN. Madam President, as we consider both the Barrasso and Cardin amendments, I wish to remind my colleagues of the unique history the United States has with Indian nations. This history includes over 300

treaties that were negotiated with individual tribes and nations which remain in effect today.

For over two centuries our Nation disregarded the concerns of tribal nations with respect to expansion and development that affected their communities. This often included abrogating treaty rights and disregarding trust obligations this country has to Indian nations and individual Indians. But this is no longer how we work with Indian nations in our country. We now have laws and Executive orders requiring deliberate and meaningful consultation on any actions taken by the Federal Government that affect tribal interests. We have also signed on to the United Nations Declaration Rights of Indigenous Peoples, which states that the rights of indigenous peoples cannot be abrogated without their free and informed consent.

I want to make it crystal clear that nothing in this bill is meant to abrogate the rights of any Indian nation or any individual Indian. So while I believe we could say more to affirm these policies in this bill, I am happy that at a minimum, Senator BARRASSO's amendment guarantees that Indian nations continue to have a voice through meaningful consultation on this project.

It has been necessary to have this discussion because the Great Plains Tribal Chairman's Association does not believe that the consultation required is occurring with respect to KXL. It is helpful to remind the executive branch agencies involved in this process just what their obligations are. I would like to quote from a letter the association recently sent to Interior Secretary Jewell, which states in part:

As our Trustee, DOI has a specific duty to insure that its comments and positions on this National Interest Determination accurately reflect the very real potential impacts that this Project may have on our historical Tribal homelands, sacred sites, cultural resources and water rights, all of which are protected by applicable federal law and our Treaties with the United States. While many of our Tribes have submitted comments on this document, the State Department's unwillingness to sit down with us on a government to government basis to discuss our concerns has led us to question whether that Department really respects our legal roles as elected officials of federally recognized sovereign tribes. These concerns are so serious that the Standing Rock Sioux Tribe, the Cheyenne River Sioux Tribe, the Rosebud Sioux Tribe, and the Yankton Sioux Tribe have all become party interveners in the South Dakota Public Utility Commission's proceedings challenging its 2010 action permit for this project.

Madam Secretary, we know that you have many important demands on your schedule, but meaningful government to government consultation, especially on matters of this importance, is assured to us by President Obama's Tribal Consultation policy of November 5, 2009, as well as by Executive Order 13175. President Clinton issued that Executive Order to "establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications [and] to strengthen the United States government-

to-government relationship with Indian tribes". President Obama re-committed federal agencies to this duty through a Memorandum for the Heads of Executive Departments and Agencies issued on November 5, 2009, in which he declared: "My Administration is committed to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications including, as an initial step, through a complete and consistent implementation of Executive Order 13175". To prepare final DOI comments on a document of this magnitude without affording us the opportunity for a meaningful face to face/government to government meeting is a flagrant violation of President Obama's directive in 2009 and of the commitments President Obama has made to us as recently as last December.

Now, what is meant by the term "consultation"? When the world community of nations, including the United States, worked with Indigenous Peoples over a 15-year period to develop the United Nations Declaration on the Rights of Indigenous Peoples, they used the consultative standard of "free, prior and informed consent" in Article 11, 2: which reads: "States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs."

This language was necessary because the Federal Government and the States once ran roughshod over the rights of Native peoples and simply took and used land and other property of Native nations and persons, and there was a need to make sure that this would not happen in the future. In the late 1800s and early 1900s, Native peoples were confined to reservations and could not leave without permission of the Federal Indian agent. Even in the 1950s and 1960s, Native delegations to Washington were not supposed to go to Capitol Hill without checking in at the Bureau of Indian Affairs, BIA. Native people tell me that they used to think BIA stood for "boss Indians around." Out of this sorry past have come new policies that give true meaning to the nation-to-nation relationship. Key to this relationship is ongoing consultation that is meaningful and worthy of trust, and agreements that are made are transparent and consensual.

There are many laws mandating consultation with Indian tribes and persons, regarding areas on tribal, individual trust and original lands, among them the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, the Native American Graves Protection & Repatriation Act, and the National Historic Preservation Act. Unless the consultation required under these and other statutes is open and based on informed consent, it is not meaningful and cannot lead to a good end. When we refer to consultation in the modern era, we do not mean some sleight of hand;

rather, we intend fair, good faith dealings that honor the high standards of the United States' treaty and trust relationship with the Native peoples.

I will close my remarks simply by including excerpts from just two recent judicial decisions regarding the nature of Federal-tribal consultation. First, from the U.S. District Court for the Southern District of California ruling in the case of Quechan Tribe v. United States Department of the Interior, et al (December 15, 2010), citing the National Historic Preservation Act: "The consultation requirement is not an empty formality; rather, it 'must recognize the government-to-government relationship between the Federal Government and Indian tribes' and is to be 'conducted in a manner sensitive to the concerns and needs of the Indian tribe.'"

Second, from the case of Comanche Nation, et al v. USA, et al (September 23, 2008), involving the Army's failure to consult with the Comanche Nation regarding a sacred place, Medicine Bluff, the U.S. District Court for the Western District of Oklahoma found that the National Historic Protection Act, NHPA:

... requires an agency to make a reasonable and good faith effort to identify historic properties that may be impacted, and to identify ... issues in connection with such potential impact. ... The reasonable and good faith efforts requirement extends to consultation with Native American tribes which may attach religious and cultural significance to potentially affected property ... It has been said that, in a general sense, the NHPA requires agencies to 'stop, look, and listen' before commencing actions which could impact historic or culturally significant properties. ... The evidence submitted during the preliminary injunction hearing substantially demonstrates Defendants' actions were contrary to the letter and the spirit of the NHPA and its implementing regulations. ... Defendants virtually ignored the concerns regarding the viewscape up to the Bluffs from the southern approach. ... Contrary to the direction of the Ft. Sill Garrison Commander ... to 'get with the tribes' about their viewscape issues, that same day the Section 106 letter was sent out without a reference to Medicine Bluffs and without mentioning the potential impact on viewscape. Instead, the details of the TSC project were buried in technical attachments, and the consulting parties were left to ferret out for themselves the adverse impact on viewscape then known by Defendants to exist. ... Moreover, the requirement of good faith consultation suggests that the consulted Native American tribes would have considered it important to know, and therefore should have been told, that the TSC warehouse was the tip of the iceberg regarding plans to build within the southern approach to the Bluffs. ... In reality, the area in question is also slated for construction of a DRMO facility (which will occupy about 20 acres), construction of a fire station, and a widening of Randolph Road on its north side. Had this cumulative impact been disclosed to the area tribes, their initial reaction may well have been different. As it was, the Comanche Nation began complaining in earnest in the fall of 2007 and early 2008. These protests, asserted after the close of the 30-day comment period announced in the August 10, 2007 Section 106



letter, were brushed off by defendants as untimely. Having concluded that they technically complied with the Section 106 process, Defendants decided to proceed with the TSC project despite the mounting objections from the Comanche Nation. . . . it has been said that the NHPA requires an agency to 'stop, look and listen' Coliseum Square Ass'n, Inc., 465 F.3d at 225; the evidence in the present case suggests that Defendants merely paused, glanced, and turned a deaf ear to warnings of adverse impact. Thus, Defendants' efforts fell short of the reasonable and good faith efforts required by the law. Where a plaintiff shows that an agency failed to comply with the NHPA requirements, injunctive relief may issue.

The bottom line is that for over two centuries, our Nation disregarded the concerns of tribal nations with respect to projects affecting tribal communities. We now have laws and executive orders requiring deliberate and meaningful consultation on any actions taken by the Federal Government that affect tribal interests. This certainly applies to the Keystone pipeline.

I want to thank Senator BARRASSO for working with us on the amendment we just approved that makes it very clear that the consultation obligations must be adhered to. I also want to thank Senator HEINRICH, Senator TESTER, and Senator CANTWELL for their incredible help on this issue so we could get a compromise.

The work that Senator BARRASSO and I have done in consultation with other Members, with the amendments that have been filed, to try to find common ground exemplifies what I hope we would do more of here in the Senate: finding common ground.

So I am pleased we were able to adopt the Barrasso amendment.

#### AMENDMENT NO. 124 WITHDRAWN

With that, I ask unanimous consent to withdraw my amendment.

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

The amendment is withdrawn.

Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on S. 1 is agreed to, and the motion to reconsider is also agreed to.

#### CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative 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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1, a bill to approve the Keystone XL pipeline, shall

be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Hawaii (Ms. HIRONO) and the Senator from Nevada (Mr. REID) are necessarily absent.

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

The yeas and nays resulted—yeas 62, nays 35, as follows:

[Rollcall Vote No. 45 Leg.]

#### YEAS—62

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

#### NAYS—35

Baldwin	Heinrich	Peters
Blumenthal	Kaine	Reed
Booker	King	Sanders
Boxer	Klobuchar	Schatz
Brown	Leahy	Schumer
Cantwell	Markley	Shaheen
Cardin	Menendez	Stabenow
Coons	Merkley	Udall
Durbin	Mikulski	Warren
Feinstein	Murphy	Whitehouse
Franken	Murray	Wyden
Gillibrand	Nelson	

#### NOT VOTING—3

Hirono	Reid	Rubio
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The PRESIDING OFFICER (Mr. COTTON). On this vote, the yeas are 62, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, upon reconsideration, the motion is agreed to.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes, and that following me, the Senator from North Carolina be recognized for up to 15 minutes.

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

Mr. ALEXANDER. Mr. President, I am advised by the highly competent floor staff that Senators NELSON and COLLINS will be worked in to be able to speak shortly after we have because I know they both are hoping to do that.

AMENDMENTS NOS. 67, 98, 103, 174, 102, AND 55  
WITHDRAWN

Mr. ALEXANDER. I ask unanimous consent that the following amendments be withdrawn: Sullivan No. 67, Murkowski No. 98, Flake No. 103, Merkley No. 174, Tillis No. 102, and Peters No. 55.

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

#### INNOVATION FOR HEALTHIER AMERICANS REPORT

Mr. ALEXANDER. The Senator from North Carolina, Senator BURR, and I are here to speak about an important and exciting development that is about to occur in our Health, Education, Labor, and Pensions Committee. What we are talking about and we will describe in our remarks today is a report entitled "Innovation for Healthier Americans" which will launch a bipartisan effort to look at how Congress can help to get cutting-edge treatments, drugs, and devices to America's patients more quickly while still preserving this Nation's gold standard for safety and quality. This report and the actions we hope to take will affect virtually every American.

I am especially glad today to be here with the Senator from North Carolina. While there are a number of Senators on this body who worked hard on these issues—which in our government are usually dealt with by the Food and Drug Administration and by the National Institutes of Health—no one has been more effective, no one has worked harder, and no one has had more foresight and vision on these issues than RICHARD BURR, the Senator from North Carolina. The report today is substantially his work product, and he will be deeply involved in the next year as we work with Senator MURRAY, our Democratic friends, and with President Obama to try to bring this to a result.

In 2013, Dr. Francis Collins, Director of the National Institutes of Health, wrote the following:

Drugs exist for only about 250 of the more than 4,400 conditions with defined molecular causes. And it takes far too long and far too much money to get a new drug into our medicine cabinets. This is an old problem that cries out for new and creative solutions.

Since Dr. Collins said that, the number of conditions with defined molecular causes has increased now to about 5,390, yet the number of new drugs approved has not kept pace with these discoveries.

The President of the United States has recognized this problem. In his State of the Union message a few days ago, President Obama said this:

21st century businesses will rely on American science, technology, research and development. I want the country that eliminated polio and mapped the human genome to lead a new era of medicine—one that delivers the right treatment at the right time. In some patients with cystic fibrosis, this approach has reversed a disease once thought unstoppable.

The President said:

Tonight, I'm launching a new Precision Medicine Initiative to bring us closer to curing diseases like cancer and diabetes—and to give all of us access to the personalized information we need to keep ourselves and our families healthier.

Senator MURRAY and I had breakfast yesterday with Secretary Burwell and talked with her about the President's statement and about Secretary

Burwell's own desire to help implement that initiative.

Today Senator BURR and I released a report titled "Innovation for Healthier Americans."

Next, Senator MURRAY—who is ranking member of the Committee on Health, Education, Labor, and Pensions—and I will start examining the issues in this report and other issues raised in comments, through a bipartisan HELP Committee staff working group.

I emphasize that we are going to be working together, Democrats and Republicans. We are going to be working with Secretary Burwell, we are going to be working with the President of the United States, and we are going to be on a parallel track with the House of Representatives, where Chairman UPTON and his team have been working for several months on what they call 21st century cures. In our committee in the Senate we will begin hearings in March.

We are releasing the report today in order to ask for comments. Surely we missed something in the report. If someone who is listening or reading it may have an idea or solution, we would like to know about that. We have opened an email account just to hear from those outside of Washington, DC, that is: [innovation@help.senate.gov](mailto:innovation@help.senate.gov).

Improving medical device and drug development is not a new topic for the HELP Committee. Legislation was passed in 1997 and different legislation was passed in 2012 to try to get at the same goal of speeding delivery of drugs and devices while ensuring they are still safe. Our goal will be to give bipartisan legislation to the President this year.

It is encouraging to have the House, the Senate, and the President working on such an important common goal that affects virtually every American during the same Congress. That greatly increases our likelihood of securing a result.

We want to improve and modernize how drugs and medical devices are discovered, developed, and approved. We will examine the work of the National Institutes of Health, which funds and enables much of the research that leads to medical breakthroughs and the Food and Drug Administration which regulates all the medical products we come in contact with.

As I mentioned, this work will touch the life of almost every single American—from a very ill patient who has run out of treatment options and is counting on the most cutting-edge drug to an active child with asthma who is hoping to run faster and farther with the aid of a new drug.

Today our scientists and researchers are making discoveries at a pace that our development process is not equipped to match. Patients wait while treatments languish in laboratories, going through our drawn out, inefficient, and outrageously expensive development process.

FDA Commissioner Dr. Margaret Hamburg has acknowledged that "we are left relying on the 20th century approaches for the review, approval and oversight of the treatments and cures of the 21st century."

There is no time to waste in solving this problem. The mapping of the human genome opened a whole new world of individualized medicine in which a person's genetic makeup can drive the doctor's plan for disease prevention, diagnosis, and treatment.

In the words of Andrew von Eschenbach, the former Commissioner of the FDA and Director of the National Cancer Institute:

We stand on the cusp of a revolution in health care. Advances in molecular medicine will allow us to develop powerful new treatments that can cure or even prevent diseases like Alzheimer's and cancer. Tomorrow's high-tech cures can also slash health-care costs and eliminate ineffective treatments. What will it take to realize the potential of the new medicine?

Today's report is the first step of our initiative. It seeks to answer the questions: What today is driving innovation? What barriers are standing in the way? What can we improve?

The report has five main themes:

No. 1, it costs too much to bring medical products to patients; No. 2, as science and technology advance, the discovery and development process takes too long; No. 3, the Food and Drug Administration's responsibilities have grown to include many unrelated to regulating medical products; No. 4, science outside the FDA is moving at a faster pace than ever; No. 5, an effective FDA is essential to maintain the U.S. leadership in biomedical innovation.

Some of the report's key findings include that complex medical devices approved in the U.S. were available to patients in Europe on average four years earlier than in the U.S., and increased competition for NIH grants may be discouraging researchers from proposing risky projects. Further, the average cost to develop a drug is disputed—some say \$1 billion, some say \$2 billion, some more—but all agree it is rising, and unpredictable and inconsistent development requirement standards in the FDA review process drive product developers to design clinical trials that are unnecessarily expensive.

Since World War II, the U.S. has dominated the biomedical industry space. Even 20 years ago, studies suggested that the U.S. share of global biomedical research funding was as high as 70–80 percent.

However, from 2007 to 2012, the U.S. share of research and development declined from about 51 percent to 45 percent. While the U.S. continued to lead the world in public sector investment during this time, private sector investment shrank by almost \$13 billion and largely reallocated to Asia.

This is a chance to step back and look at where we are and how all the different reauthorizations have added up. We need to ensure that legislative

efforts over the last 30 years are helping and not getting in the way of having the best treatment and technology available for the right patient at the right time. Our goal is simple but ambitious—to work in a bipartisan way with members of the HELP Committee to make sure policies support medical innovation and patient access to important medicines and medical technologies.

I ask unanimous consent to have printed in the RECORD the copy of the executive summary from the report that Senator BURR and I are releasing today.

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

#### EXECUTIVE SUMMARY

"We stand on the cusp of a revolution in health care. Advances in molecular medicine will allow us to develop powerful new treatments that can cure or even prevent diseases like Alzheimer's and cancer. Tomorrow's high-tech cures can also slash health-care costs and eliminate ineffective treatments. What will it take to realize the potential of the new medicine?"

—Andrew von Eschenbach, former FDA Commissioner, 2012

The federal government has been an enthusiastic investor in biomedical research for five decades. That investment has helped drive rapid innovation and bring us to a crossroads: Will we use what we have learned to transform the discovery and development of new drugs and medical devices, or will we maintain the status quo, depriving patients of cutting-edge products?

With the release of this report, the Senate Health, Education, Labor and Pensions (HELP) Committee is beginning an inclusive and transparent process to:

Candidly assess the status quo: What works? What's not working? What can we do better?

Identify how Congress can improve public policies to promote the efficiency and effectiveness of medical product development to cut down on the total time it takes for these products to get to American patients.

Pass transformational legislation that the President can sign this year.

Every American is personally affected by the U.S. Food and Drug Administration (FDA) and National Institutes of Health (NIH). Anytime we take medicine, have a routine check-up, or undergo a serious procedure for a health problem, like surgery or cancer treatment, we are using medical products regulated by the FDA. In many cases, the research leading to the discovery and development of these products has been advanced, funded, or enabled in some way by the NIH.

These two agencies have an enormous influence on our economy. FDA-regulated products account for about 25 cents of every dollar spent by American consumers each year.

For generations, America has led the world in medical innovation. The dedicated professionals at the NIH and FDA have helped to instill confidence in FDA-approved products. Scientists from across the globe take seriously the findings and caliber of research that NIH funds, as well as the safety and efficacy of products FDA approves.

But our global edge is slipping.

Medical discoveries and advancements to treat and cure diseases, including new targeted drugs, could, and should, be reaching American patients more quickly and with less cost to developers, without lessening the



standards of safety and efficacy. Too many patients with no treatment options wait while potential treatments languish in laboratories awaiting further development, testing, and/or approval. At the same time, each additional \$1 billion spent on pharmaceutical research and development results in fewer drugs than in years past. The time and cost of developing medical products is increasing without a discussion of whether there is enough incremental assurance of safety and effectiveness for the additional delays and costs.

Over the past several decades, FDA's mission and regulatory reach has expanded dramatically. This has resulted in an increasingly complex bureaucracy while the science of discovery and development has evolved more rapidly than ever in academia and private industry. FDA has struggled to regulate the most cutting-edge medical products. The disparity between the pace of scientific discovery and development outside of the FDA and FDA's scientific knowledge threatens America's position as a global leader in medical innovation.

FDA Commissioner, Dr. Margaret Hamburg, has acknowledged that "... we are left relying on the 20th century approaches for the review, approval and oversight of the treatments and cures of the 21st century." While the FDA has reviewed drugs in as little as three months, and meets the timelines set for medical device reviews the majority of the time, the inability of medical product developers to predict what questions will be asked during the review forces a multi-year process simply to get an application ready for FDA consideration. This lack of predictability is driven by fast changing and complex science, inefficient and inconsistent processes, and difficulty in hiring and retaining review staff and managers. This challenge will grow as new medical products and the clinical methods used to test them continue to evolve at an exciting pace.

This report aims to examine the current process of drug and device development and identify the inefficiencies that stand in the way of a modern development and review process. We take a close and honest look at what is, and is not, working well at the NIH and FDA. We want to know what successes we can replicate, and what failures must be learned from and fixed.

This report is organized to follow the process it examines—in other words it takes us from discovery to approval. We outline key problems, partnerships, initiatives, dollars, and data involved in helping to bring promising medical products through the research, development, and regulatory review process. We identify the challenges at the NIH and FDA—inefficiencies, unnecessary regulatory burden, a lack of predictability, and ever increasing regulatory costs—that must be addressed. We identify ways to facilitate stakeholder engagement in these processes, and we intend to continue regular and responsible congressional oversight.

Our goal is simple and ambitious—to work in a bipartisan way with members of the HELP Committee to align public policies to support accelerating medical innovation and patient access to important medicines and medical technologies.

Science has never held greater potential to improve the quality of life and outcomes for America's patients. In order to fully realize this exciting potential, we must identify, candidly assess, and confront existing factors that may be stifling efforts to innovate. We have identified five guiding principles for this effort:

(1) It costs too much to bring medical products through the pipeline to patients.

(2) As science and technology advance, the discovery and development process takes too

long for medical products to make their way to patients.

(3) FDA's responsibilities have grown to include many activities unrelated to the core function of regulating medical products to advance the public health.

(4) The disparity in scientific knowledge at FDA and the fast pace of biomedical innovation are slowing, and in some cases, stifling, innovation in American medicine.

(5) A working FDA is essential to continuing biomedical innovation in the United States and maintaining America's global leadership in medical innovation.

For us to succeed, we need your help. The full spectrum of stakeholders here is incredibly large and diverse, so it may be challenging to identify specific challenges and/or best practices that would have wide-ranging impact. We wish to solicit ideas on how to address these challenges in order to inform action in the 114th Congress. This report and the feedback we receive in response to it will inform what we expect will become a bipartisan legislative package to address the challenges we identify through this process. Please send your ideas to us at [Innovate@help.senate.gov](mailto:Innovate@help.senate.gov) not later than February 23, 2015. These comments will be shared with Ranking Member Patty Murray and all of our colleagues on the HELP Committee as we work to achieve this important goal.

Mr. ALEXANDER. I look forward to the remarks from the Senator from North Carolina. As I have said, no Senator has done more on either side of the aisle in this area of helping us think about creative new ways to move treatments, medical devices, and drugs through our safety process into the medicine cabinets and into the hands of patients who desperately need them. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I am pleased to talk about an issue that as Senator ALEXANDER said is near and dear to my heart; that is, ensuring that America's patients have access to the most cutting-edge medical products in as timely a manner as possible. I look forward to the partnership that Chairman Alexander and I have in what I think is one of the most crucial studies and processes we will go through in this session of Congress.

Many of my colleagues know that holding the National Institutes of Health and the Food and Drug Administration accountable for their work on behalf of America's patients is not a new area of focus for either one of us. After I was first elected to serve in the House of Representatives, I was tasked with modernizing the Food and Drug Administration, a Federal agency that controls 25 cents of every \$1 of our economy. This work culminated in the Food and Drug Administration Modernization Act of 1977, FDAMA, a total revamp of that agency.

FDAMA sought to ensure that the FDA had the tools it needed to keep pace with modern scientific advances. We modernized the agency in a way that supported regulating in the least burdensome manner, while ensuring that innovative products would reach patients in as timely a manner as pos-

sible. As many of my colleagues remember, these reforms were adopted at a critical point in the fight against the HIV/AIDS epidemic. But while we have made great strides in certain areas, FDAMA's tools haven't been fully leveraged, and the challenges of keeping pace with the cutting-edge technologies have only increased.

Today the timely and predictable review of medical products is key to promoting and protecting the public health, just as it was 18 years ago. But the agency's mission and responsibilities have expanded dramatically over that same period of time. The size and the scope of the FDA as an organization has never been more complex than it is today. By its own admission, FDA has struggled to regulate the most cutting-edge medical products at the same time our understanding of medicine and the ability to target treatments to individualized patients has never been greater. The growth of the agency and its responsibilities presents serious management challenges.

Our report, as the chairman said, entitled "Innovation for Healthier Americans: Identifying Opportunities for Meaningful Reform to Our Nation's Medical Product Discovery and Development," takes a hard look at the current status quo and poses targeted questions that can help inform how we do things better. We need to identify how we can improve our policies to promote more efficient and effective medical product development and review processes to cut down on total time it takes for these lifesaving products to actually reach America's patients.

We have seen how regulatory burden and uncertainty results in innovation going overseas, while America's patients wait for the FDA to catch up. The day-to-day actions and in many cases inaction at the agency has a profound effect on our Nation's patients and our health care.

It also directly impacts our economy, as FDA-regulated products account for about 25 cents of every \$1 spent by American consumers. The importance of holding the agency accountable for its actions and inactions—all the way from the frontline reviewers to the Commissioner—has never been more important than now.

This is what the current landscape tells us:

No. 1, it costs too much to bring medical products through the development pipeline to patients. There is no disputing that the costs to bring medical products through the development pipeline have grown over time.

No. 2, as science and technology advance, the discovery and development process takes longer for medical products to make their ways to patients. We need to look at the total real time it takes for medical products to reach a patient, not only the time of FDA review.

In 2004, FDA's Critical Path Report warned that:

Today's revolution in biomedical science has raised new hope for the prevention, treatment, and cure of severe illnesses. However, there is a growing concern that many of the new basic science discoveries made in recent years may not quickly yield more effective, more affordable, and safe medical products for patients. This is because the current medical product development path is becoming increasingly challenging, inefficient, and costly.

More than a decade later, these challenges continue to confront us. We must find a way to embrace our advances and to cut down on the total time it takes medical products to reach an American patient. Our report asks for feedback, as the chairman said, on how we do that.

No. 3, FDA's responsibilities have grown to include many activities unrelated to the core function of regulating medical devices to advance the public health. Today there are more than 12,000 employees at the Food and Drug Administration. This growth has exacerbated the management challenges of the agency, and the question is, How do we ensure that FDA is equipped to fulfill its mission?

No. 4, the disparity in scientific knowledge at FDA and the fast pace of biological innovation are slowing and in some cases stifling innovation in American medicine. To ensure that medical product innovation continues to benefit America's patients, our report asks how we could better leverage the regulatory science initiatives to ensure that the novel medical products are reaching America's patients in that timely fashion.

No. 5, we know that a working FDA is essential to be continuing biomedical innovation in the United States and maintaining America's global leadership in medical innovation. Therefore, we ask for feedback on how Congress and the FDA can work to align public policy and regulation to support biomedical research as a vibrant and healthy component of the U.S. economy.

We have a unique opportunity this Congress to take a hard look at what is and is not working and advance solutions that will ultimately ensure that the NIH and the FDA serve America's patients better. We have an opportunity to focus on these issues without a crisis demanding action, such as the unfortunate meningitis outbreak in 2012.

The drug and medical device user fee negotiations have not yet begun. I should add that these negotiations should not begin until everyone has the data to inform how well the agency is currently meeting what was agreed to in the last round of negotiations. It makes no sense to me why anyone would rush to engage in a negotiation before they have the data to know what they are getting or what they are currently paying for.

It is my hope that looking at these issues without the pressure of an eminent, expiring, user fee reauthorization will help to facilitate candid dialogue

among all stakeholders about where we are, where we need to go on behalf of America's patients.

While we do not have these pressures upon us today, we do bring an urgency to this work because of what is at stake. These issues impact every single one of our constituents and every single American, but they affect not only our patients but our economy and our global competitiveness.

Our goal is simple, to align public policies to support accelerated medical innovation and patient access to medicines and medical technologies, because when we advance innovation, we help America's patients be able to access the most cutting-edge, lifesaving medical devices, and products in as timely a fashion as possible.

We foster and facilitate the next generation of cutting-edge products which, in turn, help to ensure America's continued standing as the world leader of innovation.

This is good for our innovators, it is good for our patients, and it is good for North Carolina.

Dr. Paul Howard of the Manhattan Institute's Center for Medical Progress was right when he pointed out that innovation is not an option, it is a national imperative. Innovation is central to addressing our Nation's unsustainable health care costs. It is also central to improving the treatments, outcomes, and ultimately the quality of life for the American people.

Former FDA Commissioner Andrew von Eschenbach was kind enough to pen the foreword of this report. The chairman has already alluded to some of his statements, but in that foreword he writes:

Government policy can either inhibit or accelerate the next revolution in science and technology. The time has come to examine whether our nation has the right public policies in place to realize the full promise of discovery, development, and delivery of 21st century medicine.

Toward that end, I really do look forward to working with my good friend Chairman ALEXANDER, with our ranking member, Senator MURRAY, and with all the members of the HELP Committee as we begin this important process of ensuring that the National Institutes of Health and the Food and Drug Administration work as well as they can for patients today and, more importantly, into the future.

I thank the chairman for the opportunity to work with him on this issue. It won't be an easy road, but it is one we are committed to tackling. I urge those who might have input for the purposes of this study and this initiative to please visit the HELP Web site and submit feedback to [innovation@help.senate.gov](mailto:innovation@help.senate.gov). I am glad to see we have put that in place.

I say to my colleagues on both sides of the aisle, health care doesn't distinguish between parties. Health care requires us to come together and to put policies in place that drive innovation and drive quality outcomes. If we can

do that, we might set a new pathway for how we cure disease, for how we bring down health care costs, and for how Americans look forward to a generation that grows up with less genetically transmitted diseases.

With that, I yield the floor.

I suggest the absence of a quorum.

Mr. COTTON. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Florida, Mr. NELSON, and I be permitted to proceed for up to 20 minutes.

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

#### RETIREMENT SECURITY ACT

Ms. COLLINS. Mr. President, today Senator NELSON and I rise to discuss S. 266, the Retirement Security Act, legislation we filed earlier this week and first introduced last year. Our bill would encourage more small employers to offer retirement plans that would provide incentives for employees to save more for retirement and would ensure that low-income and middle-income taxpayers are able to claim tax benefits for retirement savings that are already authorized in law.

Our bill is the product of the work that Senator NELSON and I did together on the Special Committee on Aging. In the fall of 2013, the committee conducted a hearing on retirement security where we heard from witnesses that far too many American seniors have real reason to fear they will outlive their savings. According to the nonpartisan Center for Retirement Research at Boston College, there is an estimated \$6.6 trillion gap between the savings that American households need to maintain their standard of living in retirement and what they actually have. The group that was surveyed were those Americans between ages 32 and 64.

Nationally, one in four retired Americans has no source of income beyond Social Security. In the State of Maine the number is one in three. While 4 in 10 rely on this vital program for 90 percent of their retirement income, Social Security provides an average benefit of just \$1,294 per month—less than \$16,000 per year.

It is hard to imagine stretching those dollars far enough to pay the bills. Certainly a comfortable retirement would be out of the question for most Americans.

A recent Gallup poll shows there is an increase in concern among the American people about their standard of living in retirement. This has gone up over time. Two decades ago 34 percent of Americans were concerned. Now 60 percent of Americans are worried about their standard of living in retirement.

Sadly, they are right to be concerned. Projections published in 2014 by the Employee Benefit Research Institute showed that nearly half of “early boomers”—those between ages 56 and 62 when the study was conducted—are at risk of not having enough money to pay for basic costs in retirement, including health care costs not covered by insurance.

There are many reasons for the decline in retirement security facing American seniors, including the demise of many defined-benefit pension plans in the private sector, the severity of the financial crisis we recently endured, rising health care costs, the greater and expanding need for long-term care, which is so expensive, but most of all the fact that Americans are living far longer than they did in the past. Many of us are also reaching retirement age with far more debt than retirees of previous generations.

Another contributing factor we found is that employees of small businesses are much less likely to participate in employer-based retirement plans. According to a July 2013 GAO study, more than half of the 42 million Americans who work for businesses with fewer than 100 employees lack access to a work-based plan to save for retirement. Cost and complexity are among the reasons that plans are not more widely offered by smaller employers.

These employers would very much like to offer plans, but oftentimes the cost and the complexity make the plans out of reach. Therefore, making it easier for smaller businesses to provide access to retirement plans for their workers would make a significant difference in the financial security of many retirees. That is why the bill that we reintroduced earlier this week focuses on reducing the cost and complexity of retirement plans, especially for small businesses, and on encouraging individuals to save more for retirement.

Let me now go into detail about the provisions of our bill.

First, our bill would allow small businesses to enter into multiple employer plans, MEPs, to offer retirement programs jointly to their employees. This allows small companies to share the administrative burden of a retirement plan, which helps lower costs. Current law discourages the use of MEPs because it requires a connection, or “nexus,” between unrelated businesses in order to join a MEP, such as membership in the same trade association. Our bill would waive the nexus requirement for businesses with fewer than 500 employees. So as not to discourage growth, our bill provides a long phase-out under which businesses are not automatically disqualified from a MEP when they hire their 500th employee.

Second, our bill makes joining a MEP a more attractive option for small businesses. Under current law, if one employer in a MEP fails to meet the minimum criteria necessary for retire-

ment plans to obtain tax benefits, all employers and their employees could lose these tax benefits, which are substantial. For employees, they include delaying the taxation of income contributed to a plan until funds are withdrawn. For employers, plan disqualification could result in limited deductions and a higher tax burden. Our bill directs Treasury to issue regulations to address this uncertainty, and protect members of a MEP from the failure of one bad apple to meet its obligations.

Third, our bill reduces the cost of maintaining a retirement plan. Current law requires that participants in a retirement plan receive a variety of notices. Our bill would direct Treasury to simplify, clarify, and consolidate these required notices, to lessen costs.

Fourth, the Retirement Security Act encourages those still in the workforce to save more for retirement. Retirement plans are often designed to comply with existing safe harbors to prevent the IRS from challenging the tax benefits that flow to employees and employers. The existing safe harbor for so-called “automatic enrollment” plans effectively caps employee contributions at 10 percent of annual pay, with the employer contributing a “matching” amount of up to 6 percent. Our bill creates an additional safe harbor for these plans that would allow employees to receive an employer match on contributions of up to 10 percent of their pay.

I recognize that businesses that choose to adopt a plan with this new optional safe harbor may face additional costs due to the increased employer match. That is why our bill helps the smallest businesses—those with fewer than 100 employees—offset this cost by providing a new tax credit equal to the increased match.

Finally, our bill ensures that current measures to encourage savings are functioning as they were intended. One such measure is the so-called “saver’s credit,” which reduces the tax burden on low- and middle-income individuals who contribute to retirement plans, including IRAs and 401(k) plans. Yet the credit cannot be claimed on a form 1040EZ, which is frequently used by these individuals. A 2013 Transamerica Center for Retirement Studies survey found that only 23 percent of people with household incomes of less than \$50,000 per year, the group most likely to qualify, were aware of the saver’s credit. To address this, our bill directs Treasury to make the credit available on Form 1040 EZ.

I do want to emphasize in closing that there is nothing in our bill that would force a small business to offer a 401(k) plan. That may be impractical for some small employers. What we are trying to do is to provide incentives for them to do so, to reduce the cost, and to make it possible for them to join together with other employers to offer retirement plans. We are trying also to provide incentives for employees to save more for their retirement.

During my time on the Special Committee on Aging, I have heard countless stories of retirees whose savings did not go as far as they had anticipated. Adequate savings reduce poverty among our seniors in what should be their golden years. As the HELP Committee noted in a July 2012 report, poverty among the elderly also increases Medicare and Medicaid costs and strains our social safety net. Giving those not yet at retirement age more opportunities to save—and to save more—would help ease this additional burden on entitlement programs that are already projected to be unsustainable.

In light of the positive impacts this bill would have in strengthening retirement security for millions of Americans, I urge our colleagues to join Senator NELSON and me in supporting the Retirement Security Act of 2015. This bill has been endorsed by the Maine State Chamber of Commerce, the American Benefits Council, the American Council of Life Insurers, Fidelity Investments, Lincoln Financial Group, the National Association of Insurance and Financial Advisors, the Plan Sponsor Council of America, the Principal Financial Group, the Society for Human Resource Management, TransAmerica, and the U.S. Chamber of Commerce.

I ask unanimous consent to have printed in the RECORD these as well as other letters of support.

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

MAINE STATE CHAMBER OF COMMERCE,  
Augusta, ME, January 8, 2015.

Hon. SUSAN M. COLLINS,  
Dirksen Senate Office Building, U.S. Senate,  
Washington, DC.

DEAR SENATOR COLLINS: First, I want to wish you a Happy New Year. I would also like to thank you for your continued service to the state of Maine, particularly the business community. Your efforts in Washington are most appreciated!

I am writing to you today about your efforts to enable more businesses to offer retirement plans to their employees. The Maine State Chamber of Commerce fully supports your efforts on this front. As you know, small businesses drive Maine’s economy—80% of businesses here in Maine employ fewer than 20 people—and their employees are like family to them.

I regularly hear from small businesses who want to offer more retirement benefits to their employees, but are not in the financial position to do so. Coming from a small business state, you clearly understand this. Your proposed legislation can change this dynamic and make offering retirement plans a more viable option for more small businesses—not only in Maine, but across the country.

Again, thank you for your efforts on behalf of Maine’s business community. Please let me know if you have any questions.

Sincerely,

DANA F. CONNORS,  
President/CEO.

AMERICAN BENEFITS COUNCIL,  
Washington, DC, January 21, 2015.

Hon. SUSAN COLLINS,  
U.S. Senate,  
Washington, DC.  
Hon. BILL NELSON,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR COLLINS AND SENATOR NELSON: On behalf of the American Benefits Council, I am writing to applaud the introduction of the Retirement Security Act of 2015. We stand ready to assist you in working toward enactment of this important piece of legislation.

The Council is a public policy organization representing principally Fortune 500 companies and other organizations that assist employers of all sizes in providing benefits to employees. Collectively, the Council's members either sponsor directly or provide services to retirement and health plans that cover more than 100 million Americans.

The private retirement system is a great success and has helped ensure the retirement security of millions of Americans. But there is still more work to be done, especially with respect to the coverage of small business employees and with respect to benefit levels.

Your bill would take major steps forward in addressing both of these issues. We believe the bill's reforms of the multiple employer plans rules will expand opportunities for small businesses to band together to maintain plans at a lower cost. In particular, we applaud the provision that would prevent an entire multiple employer plan from being disqualified by reason of a violation of the qualification rules by one or more participating employers. This inappropriate result under current law can deter many small employers from joining a multiple employer plan.

The Council is a strong supporter of automatic enrollment, and believes that the Retirement Security Act of 2015 would substantially increase the use of automatic enrollment through the establishment of an alternative safe harbor with key incentives to adopt it. Moreover, the alternative safe harbor would set default contributions at higher levels that are better designed to achieve retirement security.

We thank you for your leadership in this important area and look forward to working toward enactment of this important bill.

Sincerely,

LYNN D. DUDLEY,  
Senior Vice President,  
Global Retirement  
and Compensation  
Policy, American  
Benefits Council.

AMERICAN COUNCIL OF LIFE INSURERS,  
Washington, DC, January 21, 2015.

Hon. SUSAN COLLINS,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.  
Hon. BILL NELSON,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS AND SENATOR NELSON: The American Council of Life Insurers (ACLI) would like to express our appreciation for your leadership in the field of retirement security, especially in your roles as Chairman and Ranking Member of the Senate Special Committee on Aging. We support you for reintroducing the Retirement Security Act of 2015, a bill that would greatly expand the ability of Americans to better save for their retirement.

ACLI represents approximately 300 legal reserve life insurer and fraternal benefit society member companies operating in the United States and abroad. ACLI member companies offer insurance contracts and

other investment products and services to qualified retirement plans, including defined benefit pensions, 401(k) and 403(b) arrangements, and to individuals through individual retirement accounts (IRAs) or on a non-qualified basis. Our members and their products help Americans accumulate retirement savings and turn those savings into guaranteed lifetime income.

ACLI supports proposals that will help expand coverage and encourage small businesses to sponsor retirement savings plans for their employees. The Retirement Security Act of 2015 would help facilitate the use of private multiple employer plans, encourage greater use of auto-enrollment and auto-escalation features, and allow employers to use a "stretch match" to incent employees to save even more. The bill would expand tax incentives for small businesses to offer retirement plans, an important consideration for many employers. Likewise, the bill would make it easier for more individuals to access the Savers' Credit, helping low-income workers maximize their savings. These valuable reforms will help to expand a system already important to millions of Americans.

Again, we appreciate your continued support of the current retirement security system. ACLI and its member companies look forward to working with you and your staffs to improve retirement security for all Americans.

Sincerely,

DIRK KEMPTHORNE,  
President and Chief Executive Officer.

FIDELITY INVESTMENTS,  
Boston, MA, January 20, 2015.

Hon. SUSAN COLLINS,  
Dirksen Office Building,  
Washington, DC.  
Hon. BILL NELSON,  
Hart Office Building,  
Washington, DC.

DEAR SENATORS COLLINS AND NELSON: On behalf of Fidelity Investments, I would like to thank you for your efforts to improve retirement security and enhance pension coverage among small employers. The private employer retirement system has been a great success, yet more can be done to improve retirement security and expand access to workplace savings plans.

Fidelity supports provisions in the Retirement Security Act of 2013 that would establish a new safe harbor from the 401(k) non-discrimination rules for plans that automatically enroll employees at a minimum contribution level equal to 6 percent of pay. One of the key actions to boost retirement security for workers is to save at the right rates in a workplace savings plan. Automatic enrollment at a minimum of 6 percent of pay, along with annual automatic increases and investing appropriately, puts workers on a better path toward retirement security. Our data and analysis show that the average participation rate among plans with automatic enrollment is approximately 90 percent, regardless of the default contribution rate and regardless of the salary level. The 3 percent minimum contribution rate under the current safe harbor is too low and woefully inadequate to put employees on a path to reach their retirement savings goals. Due to human inertia many employees who auto-enroll at 3 percent are unlikely to take any action to increase their savings. Raising the minimum contribution level from 3 percent to 6 percent would go a long way toward increasing savings rates and improving retirement security.

Furthermore, Fidelity supports provisions in the bill to streamline and simplify regulations and reduce unnecessary burdens that serve as an obstacle to retirement plan coverage. Regulatory burdens are one of the big-

gest obstacles to small employers that may otherwise want to offer a retirement plan to their employees.

Fidelity applauds your leadership on retirement security and appreciates your efforts to advance these reforms. We hope to work with you as the bill moves through the legislative process to further simplify the rules and streamline duplicative or unnecessary regulations to help achieve your goal of expanding pension coverage.

Regards,

DOUGLAS B. FISHER,  
Senior Vice President.

LINCOLN FINANCIAL GROUP,  
Greensboro, NC, January 20, 2015.

Hon. SUSAN COLLINS,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS: On behalf of Lincoln Financial Group, I am writing to express our strong support for the Retirement Security Act of 2015. We thank you for your leadership in sponsoring this very important bill.

Congress has made great strides forward in enhancing retirement security, but there are many challenges still ahead. One of the key challenges is improving retirement plan coverage among small businesses. The Act would help address the small business issue by reforming the rules regarding multiple employer plans, which help small businesses achieve many of the economies of scale that large businesses have. The Act would modify the rules to make multiple employer plans more efficient and more workable for small businesses.

We also applaud the Act's new automatic enrollment safe harbor and its important enhancement of access to the saver's credit. These provisions will increase participation levels, especially among low and middle-income individuals.

We strongly support your efforts and stand ready to assist you in moving forward with this important piece of legislation.

Sincerely,

CHARLES C. CORNELIO,  
President, Retirement Plan Services.

NATIONAL ASSOCIATION OF  
INSURANCE AND FINANCIAL ADVISORS,  
Falls Church, VA, January 7, 2015.

Hon. SUSAN M. COLLINS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR COLLINS: The National Association of Insurance and Financial Advisors (NAIFA) applauds your efforts in preserving and enhancing the voluntary employer-provided retirement system and the tax incentives that support it. These plans are helping millions of American families achieve a secure retirement.

The employer-sponsored retirement plan system has introduced tens of millions of American workers to retirement saving. Employers voluntarily establish and promote these plans to help their workers build assets for a secure retirement.

NAIFA encourages support for the Retirement Security Act of 2015 introduced by Senator Susan M. Collins. The bill would add a new more generous safe harbor for small business retirement plans, establish a tax credit for employer matches for plan sponsors using the new (optional) safe harbor, and ease the rules allowing small employers to join multiple employer pension plans.

Cost is often a factor in whether a business will offer a plan for its employees to adequately save for retirement. This bill lowers costs by waiving a requirement that there be a nexus among businesses to join multiple employer plans, thereby allowing more entities to share plan administrative burdens.

The bill instructs Treasury to simplify, clarify and consolidate notice requirements for retirement plans, and instructs Treasury to provide taxpayers using a 1040EZ filing the ability to report and receive a tax credit, if eligible.

We thank you for your leadership in helping employees plan and prepare for a financially secure retirement.

Sincerely,

JULI Y. MCNEELY,  
LUTCF, CFP, CLU,  
NAIFA President.

PRINCIPAL FINANCIAL GROUP,  
Des Moines, IA, January 9, 2015.

Hon. SUSAN COLLINS,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

Hon. BILL NELSON,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS AND NELSON: On behalf of Principal Financial Group, I want to thank you for your leadership in seeking to improve and enhance the existing voluntary defined contribution system through the Retirement Security Act of 2015. Employer sponsored 401(k) plans and other worksite retirement plans have helped millions of workers save trillions of dollars. These plans have proven to be resilient even in challenging times but more is needed to expand access to worksite retirement plans. Your proposal builds upon the strength of the existing system, providing main street businesses the necessary tools to address retirement savings adequacy and coverage challenges.

Principal Financial Group is a leading provider of defined contribution plans with more than 70 years' experience working with small to medium-sized employers and their employees. We currently provide retirement services to more than 41,000 retirement plans and 4.5 million employee participants.

Principal was particularly pleased with your inclusion of the enhanced automatic contribution safe harbor. We must find ways to encourage far greater numbers of plan sponsors to adopt automatic enrollment and escalation features with substantive employer match contributions. To do this, we feel more flexibility is needed in the existing safe harbor requirements and your proposal offers a good starting point for gaining that additional flexibility.

Thank you for your leadership in this area. We look forward to working with you as the process continues. Seeking solutions to these important policy considerations to expand savings rates in the current employer based retirement system is vital to the economic wellbeing of millions of future retirees.

Sincerely,

GREGORY J. BURROWS,  
Senior Vice President.

SOCIETY FOR HUMAN  
RESOURCE MANAGEMENT,  
Alexandria, VA, January 9, 2015.

Hon. SUSAN COLLINS,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

Hon. BILL NELSON,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATORS COLLINS AND NELSON: On behalf of more than 275,000 human resource professionals who belong to the Society for Human Resource Management (SHRM), I would like to thank you for your leadership on the issue of retirement security. The introduction of the Retirement Security Act of 2015, demonstrates your commitment to ensuring that all Americans are given the ability to save for retirement.

Founded in 1948, SHRM is the world's largest membership organization devoted to

human resource management. Representing more than 275,000 members in over 160 countries, SHRM is the leading provider of resources to meet the evolving needs of HR professionals, while advancing the professional practice of human resource management. SHRM has more than 575 affiliated chapters throughout the United States.

As human resource professionals, it has been our members' experience that a comprehensive and flexible benefits package is an essential tool in recruiting and retaining talented employees. Regardless of an employer's size, it is vitally important that every employee be given the opportunity to save and plan for retirement and to protect his or her family's financial health. Steps the government can take to facilitate and encourage voluntary employer-sponsored retirement plans and individual savings plans are critical to achieving this goal.

Removing barriers and disincentives, especially for small businesses, is a tactic that can lead to greater participation in employer-provided defined benefit retirement plans. A variety of options including tax incentives, increased contribution limits, catch-up contributions for older workers and increased access for employees, are all elements that have proven to increase participation and contribution levels in retirement plans. SHRM believes that the Retirement Security Act of 2015 would benefit both employers and employees by expanding important tax credits to small businesses as well as expanding auto-enrollment safe harbor provisions. These elements are essential for small businesses, who comprise an important segment of our membership, to offer retirement plans that enable their employees to save for retirement.

We look forward to working with you in the future to ensure that retirement security for all Americans is preserved.

Sincerely,

MICHAEL P. AITKEN,  
Vice President, Government Affairs.

TRANSAMERICA,  
GOVERNMENT AFFAIRS,  
Washington, DC, January 22, 2015.

Re Retirement Security Act of 2015

Hon. SUSAN COLLINS,  
Dirksen Senate Office Building, U.S. Senate,  
Washington, DC.

DEAR SENATOR COLLINS: On behalf of Transamerica, I would like to thank you for your leadership on retirement security issues as most recently evidenced by your introduction today of the Retirement Security Act of 2015.

Your bill addresses in a comprehensive manner problems faced by small and large employers in providing their employees the means to save for a secure retirement, as well as by individuals in trying to achieve a secure retirement through workplace savings. In particular, removing impediments to the adoption of multiple employer plans, expanding the auto enrollment safe harbor and making it easier to claim the Saver's Credit are areas in which Transamerica has been extremely active—from a policy, participant education and market development standpoint. I and others at Transamerica look forward to working with you and your staff as you move the bill forward.

The Transamerica companies market life insurance, annuities, pensions and supplemental health insurance, as well as mutual funds and related investment products throughout the U.S. and in selected countries worldwide. Transamerica Retirement Solutions provides and services workforce retirement savings plans in the small and mid-large employer markets. As of December 31, 2014, these plans held in the aggregate

over \$132 billion in assets for 3.7 million participants. The Transamerica companies are ranked among the top insurance groups in the U.S., based on admitted assets, and employ approximately 11,000 people nationwide.

Please do not hesitate to contact either me if I can provide any specific information regarding our retirement plan business or market expertise to support your efforts.

Very truly yours,

JEANNE DE CERVENS,  
Vice President & Director,  
Federal Government Affairs.

CHAMBER OF COMMERCE,  
UNITED STATES OF AMERICA,  
Washington, DC, January 21, 2015.

Hon. SUSAN COLLINS,  
U.S. Senate,  
Washington, DC.

Hon. VERN BUCHANAN,  
House of Representatives,  
Washington, DC.

DEAR SENATOR COLLINS AND REPRESENTATIVE BUCHANAN: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, thanks you for introducing the "Retirement Security Act of 2015." Retirement security is a critical issue, and our members support all efforts to encourage voluntary participation in retirement savings plans.

The Retirement Security Act of 2015 includes key provisions that the Chamber has set forth as important reforms to the retirement system including eliminating barriers to the use of multiple employer plans; providing optional safe harbor alternatives; and simplifying notice requirements. Overall, the Chamber believes that the Retirement Security Act of 2015 would provide important reforms to encourage participation by both plan sponsors and plan participants in the employer-provided retirement system.

The Chamber looks forward to working with you on this bill and urges Congress to take steps to further the enactment of the bill.

Sincerely,

R. BRUCE JOSTEN,  
Executive Vice President,  
Government Affairs.

PLAN SPONSOR COUNCIL OF AMERICA,  
Washington, DC, January 20, 2015.

Hon. SUSAN M. COLLINS,  
U.S. Senate,  
Washington, DC.

Hon. BILL NELSON,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS COLLINS AND NELSON, The Plan Sponsor Council of America (PSCA) is pleased to endorse the Retirement Security Act of 2015. The Act removes several impediments that restrict the ability of small businesses to participate in multiple employer plans, or MEPs. Expanded MEP access will open another important avenue for small business owners to provide critically important retirement plans for hardworking employees.

The small business arena is the last frontier for improving access to an employer-provided retirement plan. The Retirement Security Act of 2015 will help conquer this frontier, providing a uniform, federal response. This is an especially timely endeavor as states consider enacting new legislation relating to employer-based retirement plans that could result in a problematic patchwork of disparate laws impacting plan sponsors and employees.

Thank you for your efforts on behalf of American workers.

Sincerely,

STEPHEN MCCAFFREY,  
Chairman, PSCA Legal  
and Legislative Committee.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, this bill is borne out of the work Senator COLLINS and I did on the Special Committee on Aging. After we had a hearing on the condition of the American senior citizen, it was certainly clear that something had to be done to give them better access to retirement plans.

A lot of the situation that Senator COLLINS has just described is so true. Fewer than half of workers have access to any retirement plan at work, and those numbers are even constricted when you start talking about employees who work for smaller business. Only one quarter of small businesses with less than 100 employees offers any type of retirement plan for their employees.

The lack of a retirement plan at work means when an individual gets to be a senior citizen they are going to end up relying on Social Security, where we are talking about a benefit of maybe \$1,300 a month, or \$15,000 a year. That is simply not enough to pay for housing and medical care and other expenses. In my State of Florida, one-third of the senior citizens rely on Social Security income to get by in retirement. We have to fix this problem. There are too many people who work too hard throughout their lives and get to be in those golden years, and then they are faced with a real crisis.

So the legislation the two of us have worked on for well over a year will offer retirement plans by encouraging small businesses to set up those retirement plans. One example would be small businesses will be able to pool together their resources and take advantage of the economies of scale. There is no reason that a very good retirement plan can't be as a result of cobbling together the resources of many small businesses and still have a retirement plan that makes sense for the individual retirement business because they are getting the economies of scale.

The bill is going to encourage the employees to save more with things such as providing automatic enrollment in retirement plans, and it is going to encourage increasing the employer match. Those things are all common sense.

I join Senator COLLINS in urging our colleagues to come together, and let's try to do this for the American senior citizens.

Mr. President, I yield the floor.

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.

Ms. WARREN. Mr. 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. WARREN pertaining to the introduction of S. 320 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. HOEVEN). The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 203

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 4:30 p.m. on Monday, February 2, the Senate proceed to the consideration of Calendar No. 6, H.R. 203; that the time until 5:30 p.m. be equally divided in the usual form, and that following the use or yielding back of that time, the bill be read a third time and the Senate vote on passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. FEINSTEIN. Mr. President, I wish to speak in opposition to the Keystone XL Pipeline. This bill will not help our economy, it will not create permanent jobs, and it certainly is not a boon to the environment. On item after item, the Keystone pipeline just doesn't make sense for the United States.

When we last debated Keystone in November, the price for a barrel of oil was about \$75. That price was already down from a peak of \$100 in 2014, and since then the price has dropped another \$25, to less than \$50 a barrel.

In November, the average price of gas was nearly \$3 per gallon. This week, gas averages around \$2.20 per gallon—the cheapest in nearly six years—and many States are seeing gas under \$2 per gallon.

In fact, since this pipeline was first proposed in 2008, America has gone from the third largest producer of oil to the world's largest producer, surpassing both Russia and Saudi Arabia. As a result of new production and increasing fuel economy, the final months of 2014 saw the lowest net imports of crude oil since 1986.

The Keystone Pipeline is simply not necessary for America's energy independence.

Even worse, the oil that moves through the pipeline isn't necessarily for the benefit of the United States. Instead, the pipeline would be a conduit to move the oil from Canada to the Gulf of Mexico, where it will be refined and sold on the global market. Some individual barrels may be kept in the United States, but much will be exported and prices will be set by international supply and demand. The State Department's review projected that building a pipeline would have "little impact on the prices U.S. consumers pay for refined products such as gasoline." I fail to see how the United States gains any economic benefit from this project.

Finally, Keystone supporters often argue that the pipeline creates large numbers of jobs. It is great that this

project will create nearly 2,000 direct construction jobs over 2 years, and more indirectly. Unfortunately, those jobs are temporary. That means once the pipeline is complete in two years, operating the pipeline will support only around 50 permanent jobs.

The American economy won't benefit from this bill. American companies won't benefit. American drivers won't benefit, and American workers won't benefit. The economic policies behind the pipeline just don't make sense.

Unfortunately, the problems also don't end with the lack of economic value. This project also comes with substantial hazards for the environment. Extracting oil from these tar sands would essentially mean the destruction of huge swaths of land in Alberta. The tar sands are beneath 54,000 square miles of boreal forest and peat bog, an area the size of the state of New York.

An estimated 20 percent of the deposits require destructive surface mining, which entails clearing huge swaths of boreal forest and top soil to get at the tar sands beneath. Already, 175,000 acres of forest have been cleared, but an additional 1 million acres of forest have already been leased for surface mining operations.

This destructive form of mining generates large volumes of toxic wastewater, which must be stored in vast tailings ponds that already cover around 70 square miles. These tailings contain high concentrations of benzene and other carcinogens, as well as lead and mercury. Significantly higher levels of these pollutants have been found downstream from tar sands refineries, leading to higher rates of cancers, including leukemia and non-Hodgkin's lymphoma.

The development of these tar sands will have negative effects on the environment and public health, and it has also contributed significantly to Canada's failure to fulfill its Kyoto Protocol obligations. I believe that Canada should rethink its approach to tar sands development.

Finally, I wish like to address climate change. No matter how hard some of my colleagues hope climate change isn't real, it is, and we are already seeing harmful effects.

Transforming the oil from tar sands into useful gasoline is 80 percent more carbon intensive than the processing of typical crude oil. Producing, refining, and combusting the oil that Keystone would carry will release up to 168 million metric tons of greenhouse gas emissions every year. That is 27 million metric tons more greenhouse gas emissions than would be emitted from burning the same amount of typical crude oil. To put this in context, those additional emissions over normal processing are equivalent to the annual emissions from 5.7 million cars, 1.4 million homes or nearly 8 coal-fired power plants.

The economics of the Keystone Pipeline don't make sense, and the environmental risks could well be tragic. We



are being asked to approve a project that will primarily benefit Canadian companies and foreign oil markets, while at the same time accepting the consequences of the harm the pipeline and tar sands oil would create.

If this is about jobs, let's invest in clean energy. The Shaheen-Portman energy efficiency bill, for example, is estimated to create 190,000 jobs. If our goal is to lower fuel costs for American families, let's speed up improvements to fuel economy standards. If we want to modernize our infrastructure, let's get to work on a real transportation reauthorization bill. And if our aim is to exploit our energy resources, let's focus on wind and solar, biofuels, or the future of batteries and fuel cells.

We can do better than the Keystone Pipeline, both for our economy and for the environment. I encourage my colleagues to vote "no" on the Keystone Pipeline.

Mr. PERDUE. Mr. President, today I wish to speak on S. 1, legislation to approve the Keystone XL pipeline.

I am proud to be a cosponsor of this bipartisan bill, which will approve construction of the pipeline that has been under review for 6 long years. By moving this project forward, we are helping to secure America's energy future, improve our national defense, and create tens of thousands of jobs for Americans.

The Keystone XL Pipeline is a commonsense jobs bill. It should never have been a political issue. It goes far beyond the labor to construct the pipeline—it will drastically increase employment across many industries as we work to develop our North American energy resources. It is disappointing that the President is threatening to veto its approval when building Keystone would create American jobs and help lower energy costs for families across the country.

The American people are still struggling in today's economy, and they expect and deserve Washington to cut red tape and unleash America's energy resources. Building the Keystone XL pipeline is an important step toward meeting these goals, will help ensure America's energy security, and reinforce relations with our largest trading partner.

Unleashing our Nation's full energy potential remains one of my top priorities in the U.S. Senate. I will work to advance serious policies that responsibly develop all of our energy resources, create good jobs, and make America more energy independent.

It is time we start putting America's issues on the President's desk. I urge the President to reconsider his threat to veto the bipartisan Keystone jobs bill and to finally take the opportunity to work with Congress to find solutions the American people want.

The Senator from Florida.

TELEPHONE TRACKING DEVICES

Mr. NELSON. Mr. President, there is a disturbing report in the Washington Post today about a major telephone

company, Verizon, putting supercookies on the phones that its customers are using which will allow those customers to be tracked, and if that information is turned over to third parties, to be utilized for purposes of advertising, even though the customer has indicated they do not want that particular cookie placed on their device.

Our staff on the commerce committee will be investigating this, and we certainly want to make sure that in this time of ubiquity of eyes prying all around in this electronic age we are living in that we preserve the rights of privacy for all individuals.

This is a matter of particular importance to the commerce committee. It is of extreme importance to this Senator, and I will keep the Senate informed.

Mr. President, I yield the floor.

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

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

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. MURPHY. Mr. President, I know we are about to bring some final votes on Keystone to the floor, but I want to take a few minutes to speak on the topic we will be focused on next week, and that is the impending crisis at the Department of Homeland Security should we not continue to fund their operations, which matters greatly to a State such as Connecticut—a State with expansive coastline, with natural disasters as part of our recent history, and with a close connection to some of the potential epicenters for terrorist activity and attacks, New York City being at the top of the list.

It was just 3 weeks ago that terrorists staged a horrific attack in downtown Paris. Before they were stopped by law enforcement, dozens of people were killed or injured and the world was given another reminder of the threats that exist all around us. Across Europe countries stepped up their alert, increasing their law enforcement presence, raiding suspected terror cells, and requesting the assistance of the United States to help track down the people who carried out the attacks.

Astoundingly, though, here at home, it seems as though there are a lot of Republicans in Congress who would rather talk about deporting children who were brought to this country without documentation rather than talk about funding the very agency that every day seems to keep our homeland safe from threats.

Even as our allies in Europe look for ways to improve their security, the House of Representatives, in particular, has told us that the only way we can fund the Department of Homeland Security—keeping this country

safe—is to start deporting young boys and girls who are here trying to make it in the United States.

The United States is no stranger to the types of attacks that happened in France. An Ohio man was arrested 3 weeks ago when it was discovered he was plotting to blow up the United States Capitol. I am certain we have not already forgotten about the Boston marathon bombing or what happened before that in Oklahoma City. The threats against this country continue to evolve.

Why should we play politics with the agency that is most responsible for responding and getting this country ready for those threats? It is the height of irresponsibility to suggest, as some of my colleagues have, that shutting down the Department of Homeland Security—the Department responsible for protecting the United States from terrorist attacks—would be no big deal.

This is what the Secretary of Homeland Security has said. Last week he said:

... as long as we are on a CR, we cannot engage in new starts, new spending, new initiatives, new grants to state and local law enforcement to fund homeland security missions. We can't put in place the independent panel that recommended changes to the secret service. We can't do a lot of things for border security. Our counterterrorism efforts are limited.

In 28 days, the Department of Homeland Security, the agency charged with border security, aviation security, cyber security, Presidential security, and counterterrorism efforts, is going to run out of funding. Instead of working with the Senate, which overwhelmingly passed a bipartisan bill to fix our immigration system and secure our border, Republicans are willing to hold up this funding bill so they can deport DREAMers against the President's Executive order. It is not just irresponsible, it is dangerous.

In my State, as I said, it matters greatly. Over the past several years, we have seen, as the northeast has been battered by hurricanes and superstorms and blizzards, the indispensable nature of agencies funded in the Department of Homeland Security budget. Failing to pass this bill would delay upgrades to critical and necessary emergency communication systems for first responders in my State that are responding to emergencies and disasters. Whether we like it or not, they are happening with greater frequency.

Fortunately, thanks to the leadership of Senator MIKULSKI and Senator SHAHEEN, there is a path forward. Yesterday they introduced a clean, full-year funding bill that has been endorsed by every Democratic Senator. This is the same bipartisan, bicameral bill that was negotiated by the House and the Senate last year.

This agreement includes critical assistance, critical increases in funding for our border security, cyber security, air and maritime surveillance, and biological and explosive detection at our borders. All of these things keep us

safe at a time when we know that terrorism is a more real threat than ever, not just to the United States but to our partner countries all around the world.

Last week, the Senate unanimously passed a resolution I was proud to have written, declaring that we stand in solidarity with the people in France, that we mourn the loss of innocent victims and condemn the atrocity of these attacks.

I submit that just as important as our words, which we all came together to support, are our deeds. Will our response now be to engage in a partisan fight over immigration or do we come together as Republicans and Democrats to fund the law enforcement personnel who are charged with keeping our citizens safe?

Next week when we return to this body, I strongly urge my Republican colleagues to quickly bring a clean, bipartisan Department of Homeland Security appropriations bill to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

#### CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. BROWN. Mr. President, I rise to discuss the Children's Health Insurance Program. This Congress 20 years ago passed CHIP. It was an invention of Senator Kennedy and Senator HATCH, both Senators who cared a lot about what we do to help low-income children.

I was at Mercy Health Clinic in Cincinnati late last week, and early this week I was at Dayton Children's Hospital, talking to families who have benefitted from the Children's Health Insurance Program.

In the great majority of cases, the parents of these children have full-time jobs—often two jobs. They typically make significantly less than what we would call a living wage. They rarely have any kind of health insurance, although now they are entering the exchanges or perhaps Medicaid—more likely the exchanges—but their children are not getting health insurance except through CHIP. It has been around for 20 years, and there are about 10 million children in the United States who benefit from the Children's Health Insurance Program.

The Children's Health Insurance Program is law. It has been reauthorized up through 2019, but the funding for it expires this September. I have spoken with members of the Senate Finance Committee, including my colleague here, Senator NELSON from Florida, who has been a big supporter of the Children's Health Insurance Program. Senators CASEY and STABENOW have been very involved, Senator GILLIBRAND, and as I said, Senator HATCH was one of the founders of this program, along with Senator Kennedy.

It is so important that we move as quickly as possible, in part because the

States need to budget these dollars—this Federal passthrough—so that it directly goes to the Children's Health Insurance Program. There are a few things we can do that are even more important than that.

In closing, I will add that it is not just the right thing to do, to fund the Children's Health Insurance Program, it is also a smart thing to do because it means that parents will take their child who has an earache to the family doctor because they have insurance, instead of waiting a week, when the pain is unbearable, and taking that child to the emergency room and costing all of us more as taxpayers and perhaps causing that child some hearing loss.

In addition to helping these families with health insurance and saving money, it also makes a big difference in schools. The children are less likely to miss school and children will be better able to learn if, in fact, they have better health insurance.

We know that is the case for our own children. All of us here have government health insurance, if you will, as Members of the Senate, and it is important that we do what we ought to do for the Children's Health Insurance Program. It matters for so many families in North Dakota, the Presiding Officer's State, and my State of Ohio.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

(The remarks of Mr. THUNE and Mr. NELSON pertaining to the introduction of S. 304 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that there be 2 minutes equally divided after each vote and that all after the first vote in the series be 10 minutes each.

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

#### AMENDMENT NO. 155

The question occurs on the Booker amendment No. 155.

Who yields time?

The Senator from New Jersey.

Mr. BOOKER. Mr. President, my amendment No. 155 ensures that Federal agencies disclose to the public, landowners, and communities any significant new circumstances learned about the impact of the Keystone XL Pipeline.

The National Environmental Policy Act—NEPA—is one of the most emulated statutes in the world. It is used as a model around the world. NEPA in fact is often referred to as the modern-day "environmental Magna Carta."

These are very commonsense ideas. NEPA regulations really do require agencies to actually supplement already issued environmental impact statements when significant new circumstances or information is found to exist relating to the environmental impacts of a project.

The pending Keystone bill, however, would deem the final environmental

impact statement issued last January to fully satisfy NEPA. In other words, if new circumstances come up that are germane and important, they do not get a chance to alter that statement. My amendment would change that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOOKER. I respectfully request 25 more seconds to conclude my comments.

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

Mr. BOOKER. My amendment would change that and would preserve the applications of agencies to supplement the EIS. For example, if the proposed route of the pipeline was to change, it could mean drinking water supplies and other critical resources would have a higher risk of contamination from a spill. People should know that.

When American companies are building projects, they comply with this important NEPA safeguard. Foreign companies should not be given a shortcut. If American companies do it, foreign companies should do the same.

This amendment is supported by the Natural Resources Defense Fund, the Sierra Club, and a number of other organizations. I ask my colleagues to support this amendment.

I yield the floor.

Ms. MURKOWSKI. Mr. President, we are here today because the Keystone Pipeline border crossing permit has been pending for years. There are no shortcuts at play.

The Booker amendment, drafted as a savings clause, would withhold the approval the bill seeks to confer if there are any new circumstances, new information relevant to environmental concerns. That is the whole point here.

The Keystone administrative record is already thousands of pages long. We have had 6 years of dos and redos. If this amendment is adopted, it begs the question as to whether there will ever be a decision.

I think the obvious strategy of pipeline opponents is to drag out the approval process until everybody gives up on it; everyone walks away. That is certainly not the intent of those of us who support this bipartisan bill. We don't want to see an endless round of further considerations. I think the majority here in the Senate believes it is time to move forward. Let's not have continued delays.

I urge a rejection of this amendment.

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 Booker amendment No. 155.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Utah (Mr. LEE) and the Senator from Florida (Mr. RUBIO).

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 41, nays 56, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—41

Baldwin	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	Tester
Coons	Menendez	Udall
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

NAYS—56

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

NOT VOTING—3

Lee	Reid	Rubio
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The amendment (No. 155) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 130

Ms. MURKOWSKI. Mr. President, I call for the regular order with respect to the Boxer amendment No. 130.

The PRESIDING OFFICER. The amendment is now pending.

Ms. MURKOWSKI. It is my understanding that Senator BOXER is willing to forgo a rollcall vote, but she would like to speak to her amendment.

I turn to Senator BOXER.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. If I could ask for the attention of my friends.

The reason I so wanted have this 1 minute even though I am not asking for a rollcall vote is because I want to make clear what we are doing in this underlying bill.

This is the only time in the history of the Senate that we have given such a big hug and kiss to a private company—any private company, American or foreign.

My amendment simply says that if TransCanada breaks the rules related to any permit they have—for example, there is an oilspill and they don't follow the oilspill plan or they don't handle hazardous waste in the right way—a whole list: They use the wrong steel.

It is dangerous. They are dangerous to their workers. It doesn't matter what they do, under the underlying bill, S. 1, they can never lose their permit. We don't do that for any other company, let alone a foreign special interest company that is going to take this oil and siphon it right out of America. There are 35 permanent jobs. A trail of misery follows the tar sands.

I am not going to ask for a rollcall vote because I get the writing on the wall. I would hope we would have a voice vote, and I would urge my folks to yell a “yes” if they can.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I think it is clear that the good Senator from California and I disagree on whether the Keystone XL Pipeline should proceed. It is apparent that we disagree on the reach of the section on permits as currently in the bill and also, more specifically, the substitute amendment we are discussing.

I am willing to agree that the permits which have already been issued should not be affected. That was the intent of the provision within the substitute. I am going to be voicing my opposition through a loud “nay” and would encourage my colleagues to do the same.

With that, I ask for the yeas and nays.

I withdraw my request.

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

The amendment (No. 130) was rejected.

AMENDMENT NO. 141

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided before a vote on the Markey amendment No. 141.

The Senator from Massachusetts.

Mr. MARKEY. Mr. President, my amendment is very simple. It would require that before the Keystone XL Pipeline is deemed approved, we should determine whether carbon pollution, including the carbon pollution from tar sands oil production, will contribute to an increase in more extreme weather events. We should know if carbon pollution is going to put another climate change card in a deck that is already stacked for more extreme rainfall and snowfall and for more dangerously hot summer days.

Since 2010 there have been 49 weather and climate disasters in our country that caused at least \$1 billion in damages across the United States. We should not be making energy policy decisions that increase the risk of costly, extreme weather events.

I urge an “aye” vote.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I would suggest that this amendment is designed to further delay this pipeline. It requires that a study be done by all Federal agencies with even a smidgen of review authority to determine whether in-

creased greenhouse gas emissions are likely to contribute to an increase in more extreme weather events. It doesn't specify that the increased greenhouse gases that are under study are only related to the pipeline project. So, for instance, the President's deal to allow an increase in greenhouse gas emissions until 2030—if it caused the impacts listed in this amendment, it would stop the pipeline. That is not what we want to do.

I am going to be urging my colleagues to vote no.

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 legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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 36, nays 62, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—36

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

NAYS—62

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

NOT VOTING—2

Reid	Rubio
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The amendment (No. 141) was rejected.

Ms. MURKOWSKI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 178

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided prior to a vote in relation to the Markey amendment No. 178.

The Senator from Massachusetts

Mr. MARKEY. Mr. President, right now the Canadian pipeline company is receiving a “get out of Canada free” slip. They do not have to pay taxes into the oilspill liability fund.

My colleagues may remember that last week the Republicans objected because they said the amendment of Senator WYDEN had a blue slip problem from the House because the tax has to originate in the House. You might remember that last Thursday night Senators on the Republican side objected to my amendments—late at night and, again, on procedural grounds. Well, the good news is we have been able to find a way to have a straight up-or-down vote on the substance of whether the Canadians have to pay into the oilspill liability fund. So this is going to be the vote that determines whether they are going to be able to build a pipeline right through our country—where we are running all the environmental risk—and if a spill occurs, they have not contributed to the oilspill liability fund.

This is a pure vote. It is not procedural. It is yes or no—do they contribute or not to that fund. I urge an aye vote.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I will be opposing this amendment. I believe it is unnecessary. We already debated and dispensed with this just last week. We voted for the sense of the Senate amendment which called for a loophole within the oilspill liability trust fund to be closed. We set us on a path to work with the House on that. That amendment is now part of this bill.

I thank the Senator from Massachusetts for his support in making sure we did adopt that. I think most of us believe this loophole should be closed, and I am confident that we will close it well before the Keystone XL Pipeline goes into operation.

We have to remember, my friends, that before any oil flows through this pipeline which can be put into the oilspill liability trust fund, it has to be built. That is what this bill before us does. I want to make sure that we address this with the House. We will do so.

I urge a “no” vote on this amendment.

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 legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 48 Leg.]

## YEAS—44

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

## NAYS—54

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

## NOT VOTING—2

Reid                      Rubio

The amendment was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

## AMENDMENT NO. 131 WITHDRAWN

Ms. CANTWELL. Given the results on other votes—given the vote on the Boxer and Booker amendments, and given everybody here, I ask unanimous consent to withdraw the Cantwell amendment No. 131.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is withdrawn.

The majority leader.

Mr. MCCONNELL. Thank you, Mr. President. I would like to announce that this is the last vote of the week. The final vote on the Keystone Pipeline is the last vote of the week. The next vote will be at 5:30 p.m. on Monday.

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to the vote on passage of S. 1, as amended.

Mr. CORKER. I yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

Mr. CORKER. 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 assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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 62, nays 36, as follows:

[Rollcall Vote No. 49 Leg.]

## YEAS—62

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

## NAYS—36

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

## NOT VOTING—2

Reid                      Rubio

The bill (S. 1), as amended, was passed, as follows:

## S. 1

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Keystone XL Pipeline Approval Act”.

## SEC. 2. KEYSTONE XL APPROVAL.

(a) IN GENERAL.—TransCanada Keystone Pipeline, L.P. may construct, connect, operate, and maintain the pipeline and cross-border facilities described in the application filed on May 4, 2012, by TransCanada Corporation to the Department of State (including any subsequent revision to the pipeline route within the State of Nebraska required or authorized by the State of Nebraska).

(b) ENVIRONMENTAL IMPACT STATEMENT.—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—

(1) all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) 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).

(c) **PERMITS.**—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) shall remain in effect.

(d) **JUDICIAL REVIEW.**—Except for review in the Supreme Court of the United States, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any civil action for the review of an order or action of a Federal agency regarding the pipeline and cross-border facilities described in subsection (a), and the related facilities in the United States, that are approved by this Act (including any order granting a permit or right-of-way, or any other agency action taken to construct or complete the project pursuant to Federal law).

(e) **PRIVATE PROPERTY SAVINGS CLAUSE.**—Nothing in this Act alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the pipeline and cross-border facilities described in subsection (a).

(f) **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.

### SEC. 3. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

(a) **DEFINITIONS.**—In this section:

(1) **SCHOOL.**—The term “school” means—

(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(C) a school of the defense dependents’ education system under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

(D) a school operated by the Bureau of Indian Affairs;

(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(b) **DESIGNATION OF LEAD AGENCY.**—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall act as the lead Federal agency for coordinating and disseminating information on existing Federal programs and assistance that may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

(c) **REQUIREMENTS.**—In carrying out coordination and outreach under subsection (b), the Secretary shall—

(1) in consultation and coordination with the appropriate Federal agencies, carry out a review of existing programs and financing mechanisms (including revolving loan funds and loan guarantees) available in or from the Department of Agriculture, the Department

of Energy, the Department of Education, the Department of the Treasury, the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal agencies with jurisdiction over energy financing and facilitation that are currently used or may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools;

(2) establish a Federal cross-departmental collaborative coordination, education, and outreach effort to streamline communication and promote available Federal opportunities and assistance described in paragraph (1) for energy efficiency, renewable energy, and energy retrofitting projects that enables States, local educational agencies, and schools—

(A) to use existing Federal opportunities more effectively; and

(B) to form partnerships with Governors, State energy programs, local educational, financial, and energy officials, State and local government officials, nonprofit organizations, and other appropriate entities to support the initiation of the projects;

(3) provide technical assistance for States, local educational agencies, and schools to help develop and finance energy efficiency, renewable energy, and energy retrofitting projects—

(A) to increase the energy efficiency of buildings or facilities;

(B) to install systems that individually generate energy from renewable energy resources;

(C) to establish partnerships to leverage economies of scale and additional financing mechanisms available to larger clean energy initiatives; or

(D) to promote—

(i) the maintenance of health, environmental quality, and safety in schools, including the ambient air quality, through energy efficiency, renewable energy, and energy retrofit projects; and

(ii) the achievement of expected energy savings and renewable energy production through proper operations and maintenance practices;

(4) develop and maintain a single online resource website with contact information for relevant technical assistance and support staff in the Office of Energy Efficiency and Renewable Energy for States, local educational agencies, and schools to effectively access and use Federal opportunities and assistance described in paragraph (1) to develop energy efficiency, renewable energy, and energy retrofitting projects; and

(5) establish a process for recognition of schools that—

(A) have successfully implemented energy efficiency, renewable energy, and energy retrofitting projects; and

(B) are willing to serve as resources for other local educational agencies and schools to assist initiation of similar efforts.

(d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

### SEC. 4. CONSULTATION WITH INDIAN TRIBES.

Nothing in this Act relieves the United States of its responsibility to consult with Indian nations as required under executive order 13175 (67 Fed. Reg. 67249) (November 6, 2000).

### SEC. 5. SENSE OF THE SENATE REGARDING CLIMATE CHANGE.

It is the sense of the Senate that climate change is real and not a hoax.

### SEC. 6. 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.

## DIVISION B—ENERGY EFFICIENCY IMPROVEMENT

### SECTION 1. SHORT TITLE.

This division may be cited as the “Energy Efficiency Improvement Act of 2015”.

### TITLE I—BETTER BUILDINGS

#### SEC. 101. SHORT TITLE.

This title may be cited as the “Better Buildings Act of 2015”.

#### SEC. 102. ENERGY EFFICIENCY IN FEDERAL AND OTHER BUILDINGS.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of General Services.

(2) **COST-EFFECTIVE ENERGY EFFICIENCY MEASURE.**—The term “cost-effective energy efficiency measure” means any building product, material, equipment, or service, and the installing, implementing, or operating thereof, that provides energy savings in an amount that is not less than the cost of such installing, implementing, or operating.

(3) **COST-EFFECTIVE WATER EFFICIENCY MEASURE.**—The term “cost-effective water efficiency measure” means any building product, material, equipment, or service, and the installing, implementing, or operating thereof, that provides water savings in an amount that is not less than the cost of such installing, implementing, or operating.

(b) **MODEL PROVISIONS, POLICIES, AND BEST PRACTICES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy and after providing the public with an opportunity for notice and comment, shall develop model commercial leasing provisions and best practices in accordance with this subsection.

(2) **COMMERCIAL LEASING.**—

(A) **IN GENERAL.**—The model commercial leasing provisions developed under this subsection shall, at a minimum, align the interests of building owners and tenants with regard to investments in cost-effective energy efficiency measures and cost-effective water efficiency measures to encourage building owners and tenants to collaborate to invest in such measures.

(B) **USE OF MODEL PROVISIONS.**—The Administrator may use the model commercial leasing provisions developed under this subsection in any standard leasing document that designates a Federal agency (or other

client of the Administrator) as a landlord or tenant.

(C) PUBLICATION.—The Administrator shall periodically publish the model commercial leasing provisions developed under this subsection, along with explanatory materials, to encourage building owners and tenants in the private sector to use such provisions and materials.

(3) REALTY SERVICES.—The Administrator shall develop policies and practices to implement cost-effective energy efficiency measures and cost-effective water efficiency measures for the realty services provided by the Administrator to Federal agencies (or other clients of the Administrator), including periodic training of appropriate Federal employees and contractors on how to identify and evaluate those measures.

(4) STATE AND LOCAL ASSISTANCE.—The Administrator, in consultation with the Secretary of Energy, shall make available model commercial leasing provisions and best practices developed under this subsection to State, county, and municipal governments for use in managing owned and leased building space in accordance with the goal of encouraging investment in all cost-effective energy efficiency measures and cost-effective water efficiency measures.

#### **SEC. 103. SEPARATE SPACES WITH HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURES.**

(a) IN GENERAL.—Subtitle B of title IV of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081 et seq.) is amended by adding at the end the following:

#### **“SEC. 424. SEPARATE SPACES WITH HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURES.**

“(a) DEFINITIONS.—In this section:

“(1) HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURE.—The term ‘high-performance energy efficiency measure’ means a technology, product, or practice that will result in substantial operational cost savings by reducing energy consumption and utility costs.

“(2) SEPARATE SPACES.—The term ‘separate spaces’ means areas within a commercial building that are leased or otherwise occupied by a tenant or other occupant for a period of time pursuant to the terms of a written agreement.

“(b) STUDY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy, shall complete a study on the feasibility of—

“(A) significantly improving energy efficiency in commercial buildings through the design and construction, by owners and tenants, of separate spaces with high-performance energy efficiency measures; and

“(B) encouraging owners and tenants to implement high-performance energy efficiency measures in separate spaces.

“(2) SCOPE.—The study shall, at a minimum, include—

“(A) descriptions of—

“(i) high-performance energy efficiency measures that should be considered as part of the initial design and construction of separate spaces;

“(ii) processes that owners, tenants, architects, and engineers may replicate when designing and constructing separate spaces with high-performance energy efficiency measures;

“(iii) policies and best practices to achieve reductions in energy intensities for lighting, plug loads, heating, cooling, cooking, laundry, and other systems to satisfy the needs of the commercial building tenant;

“(iv) return on investment and payback analyses of the incremental cost and projected energy savings of the proposed set of

high-performance energy efficiency measures, including consideration of available incentives;

“(v) models and simulation methods that predict the quantity of energy used by separate spaces with high-performance energy efficiency measures and that compare that predicted quantity to the quantity of energy used by separate spaces without high-performance energy efficiency measures but that otherwise comply with applicable building code requirements;

“(vi) measurement and verification platforms demonstrating actual energy use of high-performance energy efficiency measures installed in separate spaces, and whether such measures generate the savings intended in the initial design and construction of the separate spaces;

“(vii) best practices that encourage an integrated approach to designing and constructing separate spaces to perform at optimum energy efficiency in conjunction with the central systems of a commercial building; and

“(viii) any impact on employment resulting from the design and construction of separate spaces with high-performance energy efficiency measures; and

“(B) case studies reporting economic and energy savings returns in the design and construction of separate spaces with high-performance energy efficiency measures.

“(3) PUBLIC PARTICIPATION.—Not later than 90 days after the date of the enactment of this section, the Secretary shall publish a notice in the Federal Register requesting public comments regarding effective methods, measures, and practices for the design and construction of separate spaces with high-performance energy efficiency measures.

“(4) PUBLICATION.—The Secretary shall publish the study on the website of the Department of Energy.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Energy Independence and Security Act of 2007 is amended by inserting after the item relating to section 423 the following new item:

“Sec. 424. Separate spaces with high-performance energy efficiency measures.”.

#### **SEC. 104. TENANT STAR PROGRAM.**

(a) IN GENERAL.—Subtitle B of title IV of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081 et seq.) (as amended by section 103) is amended by adding at the end the following:

#### **“SEC. 425. TENANT STAR PROGRAM.**

“(a) DEFINITIONS.—In this section:

“(1) HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURE.—The term ‘high-performance energy efficiency measure’ has the meaning given the term in section 424.

“(2) SEPARATE SPACES.—The term ‘separate spaces’ has the meaning given the term in section 424.

“(b) TENANT STAR.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall develop a voluntary program within the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), which may be known as ‘Tenant Star’, to promote energy efficiency in separate spaces leased by tenants or otherwise occupied within commercial buildings.

“(c) EXPANDING SURVEY DATA.—The Secretary of Energy, acting through the Administrator of the Energy Information Administration, shall—

“(1) collect, through each Commercial Buildings Energy Consumption Survey of the Energy Information Administration that is conducted after the date of enactment of this section, data on—

“(A) categories of building occupancy that are known to consume significant quantities of energy, such as occupancy by data centers, trading floors, and restaurants; and

“(B) other aspects of the property, building operation, or building occupancy determined by the Administrator of the Energy Information Administration, in consultation with the Administrator of the Environmental Protection Agency, to be relevant in lowering energy consumption;

“(2) with respect to the first Commercial Buildings Energy Consumption Survey conducted after the date of enactment of this section, to the extent full compliance with the requirements of paragraph (1) is not feasible, conduct activities to develop the capability to collect such data and begin to collect such data; and

“(3) make data collected under paragraphs (1) and (2) available to the public in aggregated form and provide such data, and any associated results, to the Administrator of the Environmental Protection Agency for use in accordance with subsection (d).

“(d) RECOGNITION OF OWNERS AND TENANTS.—

“(1) OCCUPANCY-BASED RECOGNITION.—Not later than 1 year after the date on which sufficient data is received pursuant to subsection (c), the Administrator of the Environmental Protection Agency shall, following an opportunity for public notice and comment—

“(A) in a manner similar to the Energy Star rating system for commercial buildings, develop policies and procedures to recognize tenants in commercial buildings that voluntarily achieve high levels of energy efficiency in separate spaces;

“(B) establish building occupancy categories eligible for Tenant Star recognition based on the data collected under subsection (c) and any other appropriate data sources; and

“(C) consider other forms of recognition for commercial building tenants or other occupants that lower energy consumption in separate spaces.

“(2) DESIGN- AND CONSTRUCTION-BASED RECOGNITION.—After the study required by section 424(b) is completed, the Administrator of the Environmental Protection Agency, in consultation with the Secretary and following an opportunity for public notice and comment, may develop a voluntary program to recognize commercial building owners and tenants that use high-performance energy efficiency measures in the design and construction of separate spaces.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Energy Independence and Security Act of 2007 is amended by inserting after the item relating to section 424 (as added by section 103(b)) the following new item:

“Sec. 425. Tenant Star program.”.

### **TITLE II—GRID-ENABLED WATER HEATERS**

#### **SEC. 201. GRID-ENABLED WATER HEATERS.**

Part B of title III of the Energy Policy and Conservation Act is amended—

(1) in section 325(e) (42 U.S.C. 6295(e)), by adding at the end the following:

“(6) ADDITIONAL STANDARDS FOR GRID-ENABLED WATER HEATERS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) ACTIVATION LOCK.—The term ‘activation lock’ means a control mechanism (either a physical device directly on the water heater or a control system integrated into the water heater) that is locked by default and contains a physical, software, or digital communication that must be activated with an activation key to enable the product to operate at its designed specifications and capabilities and without which activation the



product will provide not greater than 50 percent of the rated first hour delivery of hot water certified by the manufacturer.

“(ii) GRID-ENABLED WATER HEATER.—The term ‘grid-enabled water heater’ means an electric resistance water heater that—

“(I) has a rated storage tank volume of more than 75 gallons;

“(II) is manufactured on or after April 16, 2015;

“(III) has—

“(aa) an energy factor of not less than 1.061 minus the product obtained by multiplying—

“(AA) the rated storage volume of the tank, expressed in gallons; and

“(BB) 0.00168; or

“(bb) an equivalent alternative standard prescribed by the Secretary and developed pursuant to paragraph (5)(E);

“(IV) is equipped at the point of manufacture with an activation lock; and

“(V) bears a permanent label applied by the manufacturer that—

“(aa) is made of material not adversely affected by water;

“(bb) is attached by means of non-water-soluble adhesive; and

“(cc) advises purchasers and end-users of the intended and appropriate use of the product with the following notice printed in 16.5 point Arial Narrow Bold font:

“‘IMPORTANT INFORMATION: This water heater is intended only for use as part of an electric thermal storage or demand response program. It will not provide adequate hot water unless enrolled in such a program and activated by your utility company or another program operator. Confirm the availability of a program in your local area before purchasing or installing this product.’”

“(B) REQUIREMENT.—The manufacturer or private labeler shall provide the activation key for a grid-enabled water heater only to a utility or other company that operates an electric thermal storage or demand response program that uses such a grid-enabled water heater.

“(C) REPORTS.—

“(i) MANUFACTURERS.—The Secretary shall require each manufacturer of grid-enabled water heaters to report to the Secretary annually the quantity of grid-enabled water heaters that the manufacturer ships each year.

“(ii) OPERATORS.—The Secretary shall require utilities and other demand response and thermal storage program operators to report annually the quantity of grid-enabled water heaters activated for their programs using forms of the Energy Information Agency or using such other mechanism that the Secretary determines appropriate after an opportunity for notice and comment.

“(iii) CONFIDENTIALITY REQUIREMENTS.—The Secretary shall treat shipment data reported by manufacturers as confidential business information.

“(D) PUBLICATION OF INFORMATION.—

“(i) IN GENERAL.—In 2017 and 2019, the Secretary shall publish an analysis of the data collected under subparagraph (C) to assess the extent to which shipped products are put into use in demand response and thermal storage programs.

“(ii) PREVENTION OF PRODUCT DIVERSION.—If the Secretary determines that sales of grid-enabled water heaters exceed by 15 percent or greater the quantity of such products activated for use in demand response and thermal storage programs annually, the Secretary shall, after opportunity for notice and comment, establish procedures to prevent product diversion for non-program purposes.

“(E) COMPLIANCE.—

“(i) IN GENERAL.—Subparagraphs (A) through (D) shall remain in effect until the Secretary determines under this section that—

“(I) grid-enabled water heaters do not require a separate efficiency requirement; or

“(II) sales of grid-enabled water heaters exceed by 15 percent or greater the quantity of such products activated for use in demand response and thermal storage programs annually and procedures to prevent product diversion for non-program purposes would not be adequate to prevent such product diversion.

“(ii) EFFECTIVE DATE.—If the Secretary exercises the authority described in clause (i) or amends the efficiency requirement for grid-enabled water heaters, that action will take effect on the date described in subsection (m)(4)(A)(ii).

“(iii) CONSIDERATION.—In carrying out this section with respect to electric water heaters, the Secretary shall consider the impact on thermal storage and demand response programs, including any impact on energy savings, electric bills, peak load reduction, electric reliability, integration of renewable resources, and the environment.

“(iv) REQUIREMENTS.—In carrying out this paragraph, the Secretary shall require that grid-enabled water heaters be equipped with communication capability to enable the grid-enabled water heaters to participate in ancillary services programs if the Secretary determines that the technology is available, practical, and cost-effective.”

(2) in section 332(a) (42 U.S.C. 6302(a))—

(A) in paragraph (5), by striking “or” at the end;

(B) in the first paragraph (6), by striking the period at the end and inserting a semicolon;

(C) by redesignating the second paragraph (6) as paragraph (7);

(D) in subparagraph (B) of paragraph (7) (as so redesignated), by striking the period at the end and inserting “; or”; and

(E) by adding at the end the following:

“(8) for any person—

“(A) to activate an activation lock for a grid-enabled water heater with knowledge that such water heater is not used as part of an electric thermal storage or demand response program;

“(B) to distribute an activation key for a grid-enabled water heater with knowledge that such activation key will be used to activate a grid-enabled water heater that is not used as part of an electric thermal storage or demand response program;

“(C) to otherwise enable a grid-enabled water heater to operate at its designed specification and capabilities with knowledge that such water heater is not used as part of an electric thermal storage or demand response program; or

“(D) to knowingly remove or render illegible the label of a grid-enabled water heater described in section 325(e)(6)(A)(ii)(V).”

(3) in section 333(a) (42 U.S.C. 6303(a))—

(A) by striking “section 332(a)(5)” and inserting “paragraph (5), (6), (7), or (8) of section 332(a)”; and

(B) by striking “paragraph (1), (2), or (5) of section 332(a)” and inserting “paragraph (1), (2), (5), (6), (7), or (8) of section 332(a)”; and

(4) in section 334 (42 U.S.C. 6304)—

(A) by striking “section 332(a)(5)” and inserting “paragraph (5), (6), (7), or (8) of section 332(a)”; and

(B) by striking “section 332(a)(6)” and inserting “section 332(a)(7)”.

### TITLE III—ENERGY INFORMATION FOR COMMERCIAL BUILDINGS

#### SEC. 301. ENERGY INFORMATION FOR COMMERCIAL BUILDINGS.

(a) REQUIREMENT OF BENCHMARKING AND DISCLOSURE FOR LEASING BUILDINGS WITHOUT ENERGY STAR LABELS.—Section 435(b)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17091(b)(2)) is amended—

(1) by striking “paragraph (2)” and inserting “paragraph (1)”; and

(2) by striking “signing the contract,” and all that follows through the period at the end and inserting the following:

“signing the contract, the following requirements are met:

“(A) The space is renovated for all energy efficiency and conservation improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.

“(B)(i) Subject to clause (ii), the space is benchmarked under a nationally recognized, online, free benchmarking program, with public disclosure, unless the space is a space for which owners cannot access whole building utility consumption data, including spaces—

“(I) that are located in States with privacy laws that provide that utilities shall not provide such aggregated information to multi-tenant building owners; and

“(II) for which tenants do not provide energy consumption information to the commercial building owner in response to a request from the building owner.

“(ii) A Federal agency that is a tenant of the space shall provide to the building owner, or authorize the owner to obtain from the utility, the energy consumption information of the space for the benchmarking and disclosure required by this subparagraph.”

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Administrator of the Environmental Protection Agency, shall complete a study—

(A) on the impact of—

(i) State and local performance benchmarking and disclosure policies, and any associated building efficiency policies, for commercial and multifamily buildings; and

(ii) programs and systems in which utilities provide aggregated information regarding whole building energy consumption and usage information to owners of multitenant commercial, residential, and mixed-use buildings;

(B) that identifies best practice policy approaches studied under subparagraph (A) that have resulted in the greatest improvements in building energy efficiency; and

(C) that considers—

(i) compliance rates and the benefits and costs of the policies and programs on building owners, utilities, tenants, and other parties;

(ii) utility practices, programs, and systems that provide aggregated energy consumption information to multitenant building owners, and the impact of public utility commissions and State privacy laws on those practices, programs, and systems;

(iii) exceptions to compliance in existing laws where building owners are not able to gather or access whole building energy information from tenants or utilities;

(iv) the treatment of buildings with—

(I) multiple uses;

(II) uses for which baseline information is not available; and

(III) uses that require high levels of energy intensities, such as data centers, trading floors, and television studios;

(v) implementation practices, including disclosure methods and phase-in of compliance;

(vi) the safety and security of benchmarking tools offered by government agencies, and the resiliency of those tools against cyber attacks; and

(vii) international experiences with regard to building benchmarking and disclosure

laws and data aggregation for multitenant buildings.

(2) **SUBMISSION TO CONGRESS.**—At the conclusion of the study, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and Committee on Energy and Natural Resources of the Senate a report on the results of the study.

(C) **CREATION AND MAINTENANCE OF DATABASE.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act and following opportunity for public notice and comment, the Secretary of Energy, in coordination with other relevant agencies, shall maintain, and if necessary create, a database for the purpose of storing and making available public energy-related information on commercial and multifamily buildings, including—

(A) data provided under Federal, State, local, and other laws or programs regarding building benchmarking and energy information disclosure;

(B) information on buildings that have disclosed energy ratings and certifications; and

(C) energy-related information on buildings provided voluntarily by the owners of the buildings, only in an anonymous form unless the owner provides otherwise.

(2) **COMPLEMENTARY PROGRAMS.**—The database maintained pursuant to paragraph (1) shall complement and not duplicate the functions of the Environmental Protection Agency's Energy Star Portfolio Manager tool.

(d) **INPUT FROM STAKEHOLDERS.**—The Secretary of Energy shall seek input from stakeholders to maximize the effectiveness of the actions taken under this section.

(e) **REPORT.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and Committee on Energy and Natural Resources of the Senate a report on the progress made in complying with this section.

Ms. MURKOWSKI. 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.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I am very pleased that we are at this point after three solid weeks of debate. The Presiding Officer introduced this bill on January 8, 2015, and it is now January 29. After weeks of good, solid debate, we have officially passed our bipartisan bill to approve the Keystone XL Pipeline.

This legislation was not only important to pass so we could add more jobs, have energy security, and good trade relationships with our neighbor in Canada, but also we were able to return to what we call regular order in the Chamber. The Senate has been given the title of the world's most deliberative body. I think it is fair to say that in recent years we have not really worn that title very well. We have not been able to engage in the deliberation and debate that I think Members of the Senate and the public at large expect.

What we have seen over these past few weeks was a return to regular order where a Member is free to call up an amendment, have it debated, and have it fall or succeed based on a proc-

ess that has been long established in this Chamber. That is a good thing to see.

Boy, did we have our share of ideas. By last count, I believe there were close to 250 amendments that Members had offered from both sides of the aisle. That is a lot of ideas. There was a lot of pent-up demand, if you will, on energy-related legislation.

All in all, we voted on just over 40 amendments. I believe the final count was 41 amendments. We made a lot out of the statement that we have surpassed—with just this one bill in 1 month—all of the recorded votes that we had throughout 2014. In fact, we surpassed it with nearly three times more votes than we had in all of 2014.

Senator CANTWELL and I have been here in the well during this last vote, and we have received thanks from Members who said: Thank you for getting us to this point. We appreciate that. Good job.

But I think we all recognize there were some points of very clear tension around here, and that is just part of the process. Fortunately, cooler heads prevailed, and we were able to come back together. We were able to get the process moving forward and keep this bipartisan coalition in tact.

I will just point out to the Members that with the help of the ranking member on the energy committee—with the exception of one night—we did it all during daylight hours. Not to get real personal around here, but we have gotten into a habit in recent years of not taking up votes until just about the dinnertime hour. I don't know about the rest of you, but when I call the family in for dinner, we kind of expect it is dinnertime.

I am pleased that we were able to work with everyone's schedule and move through amendments in a fashion that was reasonable and structured. Yesterday was not exactly convenient with the numbers that we processed, but we did it. So I appreciate the great level of cooperation we have had. It is not easy to start out a new Congress in a new majority as the manager of the first bill brought to the floor, but I had a lot of phenomenal help.

I wish to take a brief moment to thank those who have provided counsel and assistance to us. This is kind of like the Academy Awards for the first bill coming through the Senate.

I would like to recognize my staff on the Energy and Natural Resources Committee who have done a fabulous job with every part of this process: My staff director, Karen Billups, Pat McCormick, Kellie Donnelly, Colin Hayes, Lucy Murfitt, Tristan Abbey, Kate Williams, Robert Dillon, Chelsea Thompson, Chuck Kleeschulte, Cathy Cahill, Chris Kearney, Mike Pawlowski, Chester Carson, Mike Tadeo, Isaac Edwards, Jason Huffnagle, and Brian Hughes, on the Energy and Natural Resources Committee and on my personal staff as well. Our interns on the Energy and Natural Resources Committee, Samin Peirovi and Will Treadwell, also did a great job assist-

ing my staff, including putting together binders, making sure we had the current amendments and the modifications that were in front of them. So they did a great job as well.

I also want to thank the members of the natural resources team in the Senate Office of the Legislative Counsel. These folks are kind of the unsung heroes. These are the ones who helped prepare the more than 240 amendments that were offered to this bill. We never see these folks, but they are churning out amendments as quickly as we can move ideas to them. Gary Endicott, Heather Burnham, Christina Jacquet, Michelle Johnson-Weider, Deanna Edwards, and Heather Lowell.

It is absolutely not possible to do what we did in moving this measure through—or any measure—without recognizing the work our floor staff does for us. I wish to thank Laura Dove and the entire cloakroom staff, including Robert Duncan and Chris Tuck. The Parliamentarians and the clerks really worked hard.

Also I wish to recognize on the Democratic side of the aisle Gary and—everybody has just done a phenomenal job and we so appreciate it.

I truly must say the opportunity to start with this first bill and to be working with my ranking member, MARIA CANTWELL, on this effort, knowing that she was just getting her staff in line as we moved to this bill—the staff director on the ranking side I don't even think had officially been brought on—and it was full on. They have done extraordinary work, working with us.

I want to recognize Angela Becker-Dippmann and Sam Fowler and all the rest of the team because they were extraordinary.

I also want to recognize BARBARA BOXER and her staff as well. There was so much that needed to be coordinated.

I thank my ranking member for her patience, for her partnership, and for really the very good-faith efforts she has made as we have worked to get this bill to a conclusion, and offer a continued gesture of wanting to work together with her. I want her to know that I will be with her this weekend rooting for the Seahawks at the Super Bowl. So yet one more area of her operation, but a grand thanks to my ranking member and my partner on this bill.

With that, I thank the Chair and I yield the floor to Senator CANTWELL.

The PRESIDING OFFICER (Mrs. CAPITO). The Senator from Washington.

Ms. CANTWELL. Madam President, I wish to speak also for a few minutes about what an incredible process this has been. As the Senator from Alaska stated, this was all a very unique experience, coming to a new Congress and being the very first bill up and everybody moving to that discussion. So I thank the Senator from Alaska.

Let's just say both sides of the aisle tested people on amendments and the amendment process, but I would say it was the trust we could negotiate that got us through a couple of rough spots and the fact that I could count on the Senator from Alaska for negotiating and trusting what she had to say about how we could move forward in getting those votes and getting things done. So I thank her for that and I thank her for her leadership. I certainly can't wait to work with her on broader energy policy legislation, because while I think people probably still look at us as representing the States of Washington and Alaska, what people may not realize is how intertwined Alaska's and Washington's economies are. So if there is anybody who can find commonality on energy policy, even given the difference of our States and the differences on each side of the aisle, I think the Senator from Alaska and I will have a chance to do that. I think this process we just went through bodes well for us trying to say to both sides of our aisles that there are things we can put on the table and discuss and a process we can go through, and that process can work. So I thank her for that.

I look forward to the many initiatives—in fact, we just had a hearing this morning. I said, with two women heading up this leadership on the Energy and Natural Resources Committee and two women staff directors, multitasking is front and center in the U.S. Senate. I don't think a lot of people would see either of us out in the halls making declarations. I think we just hustled our way to the floor to try to get things done. I hope that is what we can do as we move forward through this process.

I too wish to thank certainly Karen Billups on the majority side staff. I hadn't had a chance to work with her yet in this capacity and I certainly appreciated her steady hand on that. I want to thank on our side our staff director, Angela Becker-Dippmann. The very first day—like sometime in mid-January, I think—to come back to the Energy and Natural Resources Committee and then have the first bill and have it right in front of us and not be totally staffed up, I certainly appreciate her leadership and her dedication to energy policy. Also, I thank Sam Fowler and David Brooks and Jared Leopold on my staff for their hard work on this.

I too have a list of staff that I wish to read quickly: Will Dempster, Clayton Allen, Renae Black, Elizabeth Weiner, Tara Billingsley, David Gillers, Al Stayman, Dan Adamson, Elizabeth Craddock, Nick Sutter, Aisha Johnson, Caroline Bruckner, Bryan Petit, Faye Matthews, and Carl Seip. There are also a couple of other people from my staff, Nicole Teutschel and Travis Lumpkin who also helped.

I really want to thank the floor staff. This is the first time I have managed a bill on the floor, so thanks to Gary Myrick and Tim Mitchell and Tricia

Engle; and Reema in Senator DURBIN's office, and Emma, thanks so much for helping us through a process that, as my colleague said, for the most part didn't take us way late into the night and we got a lot of things accomplished when we could during the day.

Needless to say, I am not as excited about the passage of this legislation as my colleague on the other side of the aisle, but we did find out some things during this process. We found out that the majority of the Senate doesn't think that climate change is a hoax. We couldn't quite agree on whether it is significantly caused by man, or just caused by man in some areas, but that was a step. We saw huge enthusiasm for energy efficiency. We saw that people were willing to accept voice votes or receive 95 votes on things that were energy efficiency items, so I think that bodes well for the Senator from Alaska and me thinking about more energy efficiency policy.

Obviously, I remain concerned about the holes in the legislation, everything from the things we didn't get to pass—the trust fund—and the fact that we still need to figure out oilspill cleanup processes on something like tar sands.

I appreciate the Senator from Alaska mentioning some of these issues as areas for continued work because we will definitely take her up on that process. And, certainly, we want to try to take up some of the issues our colleagues, such as Senator PETERS, brought up and work on them moving forward. I hope this process, as it relates to this legislation—I hope our colleagues—coming from the State of Washington where we have so many coal trains and oil trains coming through our area, I wish the pipeline would be some remedy for us, but it is not. Even according to railroad statistics and other statistics, a pipeline is not going to make one dent in the number of oil trains coming to the Pacific Northwest. So the fact that the Commandant of the Coast Guard says we don't have a solution for cleaning up tar sands is something we want to work on and push forward on.

I hope we can get our colleagues around the fact that the number of crude oil incidents has been growing since 2009. It used to be we were having a decline and now, according to the Associated Press, we are seeing an increase; at least 73 different accidents in 2014, an 87-percent increase over 2009.

We are seeing these new sources being developed and new ways of transporting them, and huge acceleration, and I hope Congress will take a deep breath and get to these issues as it relates to safety and security outlined and into law. I hope we will have a chance to do that.

I still hope the President of the United States vetoes this legislation because, frankly, I want him to be able to negotiate. I want him to be able to negotiate with this company the terms and agreements by which this pipeline is going to be built. I want him to pro-

tect the American economy, I want him to protect the American farmers, and I want him to protect the American environment.

Again, I say to my colleague from Alaska that if she and I can get through these few weeks on a bill that a lot of our colleagues were predetermined on, but have so many different amendment discussions, then, yes, maybe it bodes well for a bigger bipartisan energy bill. I will certainly look forward to working with her on that.

I thank her for her leadership during a time period where she had many things on her plate, and this was just one of them. I hope we can get some of the issues we care about on our side of the aisle that I think really do lead to job growth, such as the energy tax credits, a focus on energy efficiency, and a focus of diversification also on the energy agenda.

With that, I yield the floor.

Ms. MURKOWSKI. Madam President, I wish to thank the Senator from Washington for her comments. I think it is clear that we have a great deal of work in front of us, but I think we also have a better idea of where some of that common ground may be as a result of the discussions this past month. So I am looking forward to advancing an energy initiative through the committee and, hopefully, through the full process, that will speak to the attributes of affordability, abundance, a clean energy supply, diverse and secure. We have a lot of work to do.

In the comments I made, I thanked a lot of people, but I think it is important to recognize that the Senator from Washington and I would not have been able to do the job we did—managing this bill on the floor, working with other Members, working with staff on the floor and our respective staffs—if there had not been a very clear and a conscious decision that management of what was going to happen on the Senate floor was going to be a little bit different, that there would be an opportunity for debate, and some have described free-wheeling debate. What is free-wheeling debate? I think we have just kind of defined it here with the Keystone XL Pipeline. I don't know whether that is going to be the course for everything going forward, but this was a pledge that the majority leader Senator MCCONNELL made when he became the majority leader. I think we have seen that play out in a process that has been respectful, where at the end of the discussion we can still agree to disagree on the bill itself, but the process that has gotten us through final passage has been one that, again, was respectful and did allow for full and civil discourse. I think that is what the Senate should be all about and I am proud to have been a part of it.

With that, I know my good friend from North Dakota, the prime sponsor of this bill, is waiting to speak and I congratulate him for a phenomenal job. He and his staff—I should have mentioned his staff. Ryan and the others

who have been working behind the Senator from North Dakota have been doing a great job. Senator HOEVEN has been articulate, persistent, and really has done a phenomenal job moving this through the process.

I congratulate the Senator from North Dakota, and I yield to him.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I wish to thank the Senator from Alaska and the Senator from Washington as the bill managers. I think they have done an exceptional job. I know that is not just my opinion, but it is the opinion on both sides of the aisle. It is not just that they were able to do the work on this bill, but actually to facilitate the debate that really enabled us to move through an open amendment process and a return to regular order. It is not easy to do. Because, obviously, we had people who had ideas on a whole variety of issues, and, clearly, we have strong support for legislation, but there are those who oppose legislation as well. So to find a way to keep that amendment process going and with more than 40 amendments and, of course, to get to a final vote and pass the legislation is a real testament to both of the bill managers.

I thank all of the Members of this body who supported the legislation. A bipartisan vote getting more than 60 votes is no small achievement for any piece of legislation. Of course this bill already passed the House.

We are already conferring now with the House on whether we will need to go to conference or hopefully get their concurrence, but obviously our objective is to put it on the President's desk as soon as possible. This is an important step in building the kind of energy plan this country needs. We can't get to energy independence or energy security without building the infrastructure we need to move that energy from where it is produced to where it is consumed.

We have to remember that, yes, this is about working with our closest friend and ally, Canada. Some of the oil in the pipeline will be moved from oil production in Canada, but it is also about moving our domestic oil in this country from States such as mine and from the State of Montana and moving that oil as safely and as efficiently and effectively as possible and moving it in a way that actually produces less emissions than if we try to move all that oil on trains, which is what is being done now.

Moved on trains, we are talking 1,400 railcars a day instead of moving it through a pipeline. It is not only a safety issue, it is not only a cost issue, it is not only an efficiency issue, it is about producing less emissions and making sure we don't create congestion on our railroads to move all of the other goods we want to move. This is about building the kind of infrastructure plan for energy and other things we want for this country. I hope the

President now will join with us. Clearly we are going to move this to his desk, and I hope he will work with us. That is what the American people want.

If we look at this legislation, if we look at this Keystone XL Pipeline project, it is about energy. It is about jobs. It is about helping to grow our economy. It is about working to achieve national security in terms of energy security. It is about building the right kind of energy plan for the future of our country.

Here is where we are. This process was started over 6 years ago. Not only has this Congress, both the House and the Senate, now advanced this bill in a bipartisan way with strong bipartisan majorities in both Chambers, but every State on the route, all six States on the route have approved this project as well. We have the Congress that has approved it on a bipartisan basis. We have all six States that are included on the route. They have approved it through their processes. We have the supreme court in the State of Nebraska which has adjudicated, legislated in that State. That has been resolved.

Our closest friend and ally, Canada, wants us to work with them on energy security for North American energy security, but most important of all the American people want this done. In poll after poll, the American people overwhelmingly support this project. Over the last 3 years, the support has ranged from 65 percent to 75 percent. Even in the most recent poll that came out this month, 3 to 1, 65 percent to 22 percent, the people want the President to sign this bill. Again, I hope the President will join with us and work with us and support this legislation as we work with our leader on the energy committee and with our ranking member.

We don't agree on everything, obviously, but there are things we can work on together. We are working to build the right kind of energy plan for this country to get energy security. There will be more work to do, but I hope the President will join us in a bipartisan way and sign this legislation.

Again, my thanks to the bill managers, to the Members of this body who supported the legislation. I appreciate it very much.

I know the good Senator from Texas has a few words, but I will first yield the floor back to the Senator from Alaska.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Madam President, let me say to the Senator from Alaska and the Senator from North Dakota, congratulations, and tell them how much I admire and appreciate their tenacity. The 114th Congress had a lot to prove. Mainly what we had to prove is we weren't like the 113th Congress that was completely dysfunctional, particularly the Senate.

I have to say to our good friend, the Presiding Officer, it wasn't the House.

It was the Senate that was dysfunctional. The House passed a lot of legislation that came to die in the Senate because the then-majority leader made the decision he wasn't going to move it. It is a new day in the Senate. While I am sure the bill managers would tell us it wasn't easy, we actually have an accomplishment thanks to the leadership of the Senator from Alaska and the Senator from North Dakota, and thanks to an awful lot of people. That is progress.

I hope the first efforts we have made by being able to pass legislation—hopefully the House will concur, the Senate, and the President—we will have done our job. What the President decides to do is about him doing his job, but we can't fail to do our jobs just because he refuses to do his job.

In fact, when he has announced for seven different pieces of legislation he is going to veto them, the easiest thing for us to do would be to curl up in a fetal position and say we give up, we are not even going try. We haven't done that. Again, I think this is a great accomplishment.

I would say to my friends, the Senator from Alaska, the Senator from North Dakota, and others who have gotten us here today, well done.

#### PRESIDENT OBAMA'S 2016 BUDGET

Madam President, I would like to turn to another topic. That seems as though it is a metaphor for life in the Senate. We finished one important piece of legislation, and we turn the page to the next topic. I would like to talk about the budget.

Next Monday the President is expected to release his 2016 budget. Budgets are a time when you talk about and deal with your priorities. This budget will reflect the President's priorities, I am sure. I hope one of those priorities is to put the country on a more sustainable path. But one of the things I am very glad about is that for the first time the President, in a long time, is actually going to propose his budget on time. The President missed so many previous deadlines over the years that people hardly ever notice anymore—but that is good, the President releasing his budget on time.

While I am happy to see he will finally meet his statutory deadline in submitting his annual budget, what I am interested in seeing is what he has in the budget, to see if he is willing to meet the challenges of our day by drafting a serious budget, including realistic priorities. That also means making tough decisions, but that is where budgets are so helpful.

I am an optimistic person, but if the President's State of the Union rhetoric is any indication as to what we will see next week, I am concerned the budget will be loaded with more taxes, more spending, and more debt. That certainly isn't a sustainable path forward for the country, but last year the President's 2015 budget would have raised taxes by more than \$1 trillion

and increased our national debt by trillions more and his budget would have never balanced.

I can't think of anything worse during a time of slow economic growth than layering on \$1 trillion of additional taxes on the people we are depending upon to create jobs and make the investment to get the economy growing again and get America back to work.

Here is another sort of sleight of hand the President has been using lately. He has been talking a little bit about deficits. Deficits, as we all know, is the difference between the money that comes in and the money that is paid out on an annual basis. The debt is a different topic. That is the long-term debt. Actually, it is the accumulated deficits which represent the biggest challenge.

The President likes to say that, well, the deficit has come down—which is true—but primarily the reason for that is because of a huge tax increase he embraced a couple of years ago along with the sequester or discretionary spending caps that were in the Budget Control Act of 2011. The combination of higher taxes the President sought and got and the spending restraint that essentially was championed on this side of the aisle resulted in lower annual deficits.

But the fact is we are still spending money we don't have. As the distinguished chairman of the Budget Committee likes to say, we are still overspending. We are still spending money we don't have as long as we have any deficit. But deficits will not hold up for long as a reliable red herring. Factors contributing to lower deficits will soon change. Spending on ObamaCare and other broken entitlements will only ramp up from here. On the President's current trajectory, it is only a matter of time before those annual deficits start building again and adding even more to our national debt.

What the President is hoping is that they will be distracted by his happy talk about lower annual defenses, and we will not pay attention to the looming elephant in the room, which is our national debt which has grown more than \$7 trillion in the 6 years he has been in office. More than \$1 trillion a year. The national debt is \$18 trillion and counting. It is set to explode over the long term.

I realize most of us can't possibly conceive of what \$18 trillion is, but if we consider the fact we have 320 million people in America and we have an \$18.1 trillion national debt, each one of us—from the oldest American, most senior American, to the baby who was just born—owes \$56,500 in debt.

Earlier this week the Congressional Budget Office released its annual Budget and Economic Outlook which provides an updated economic forecast for the current fiscal year and for 10 subsequent years. According to the Congressional Budget Office, under current law the national debt is expected to grow

more than \$9 trillion in the next 10 years. The President added \$7 trillion during the 6 years he has been in office. If we don't do something quickly, we are on a trajectory to add \$9 trillion more over the next 10 years.

The Congressional Budget Office's report also shows that in 5 years the Federal Government will spend more than \$500 billion in interest on the debt alone and \$827 billion in 10 years.

Here is the ticking timebomb if you think about it. Because of slow economic growth globally, a lot of the Federal Reserve Banks essentially for the United States and other countries have done the best they can to keep interest rates low. In America they are next to zero. All we need to do is look at the return on our savings accounts to see what a meager interest rate is being offered by the bank or credit union on our savings. That is because of Federal Reserve policy. That is true of central banks throughout the world. But inevitably over time those interest rates are unsustainable, so they are going to start ticking back up. When they go from roughly zero to 4 percent or 5 percent, the amount of money we will have to pay on the current \$18.1 trillion in debt and on the additional debt that will be added over the next 10 years—unless we get hold of this problem—is going to crowd out our ability to do everything from protecting the most vulnerable in our society through our safety net programs to jeopardizing our national defense which is something we can't outsource to somebody else. This is something only the Federal Government can do.

We had an office holder in Texas a few years ago who talked about the Yellow Pages test. It always resonated with me. She used to say government should not be doing things that we can find in the Yellow Pages because that means the private sector is doing it. But the one thing you won't find in the Yellow Pages is national security, and so our ability to protect our way of life and our future is going to be jeopardized by this debt. That is why Admiral Mullen—former Chairman of the Joint Chiefs of Staff a few years ago—shocked all of us when he was asked “What is the single largest threat to our national security?” and he said “The debt.” That got a lot of us going to the books trying to figure out what he was talking about, and what he was talking about is what I have been referring to here.

Let me repeat that second part again. In 2025 we will be spending \$827 billion in interest on our debt alone. We won't be paying down the principal; we will just be paying interest on the debt by 2025—\$827 billion. That would be the third largest line item in the Federal budget, just behind Medicare and Social Security.

The Director of the Congressional Budget Office, Doug Elmendorf, has been testifying on findings from this report. On Tuesday, before the House Budget Committee, Dr. Elmendorf stat-

ed that “such large and growing federal debt would have serious negative consequences.” He is exactly right. When we have to basically take up available credit to finance our national debt, that leaves less credit available to the private sector to make investments that will actually create jobs. It acts like a wet blanket on economic growth. Nothing but fiscal uncertainty and crisis will come from our debt continuing to spiral out of control.

The bottom line is this: Under President Obama the Federal Government has spent the past several years raising taxes. It has increased regulations. It is driving our national debt to unprecedented levels, and we have a growth rate which reflects that.

I know the President was celebrating. He was almost spiking the football at the State of the Union, saying: Well, we had a 5-percent spurt of growth in the gross domestic product last quarter.

Well, that is great, but all of the projections show that for the next year, because of all of the factors I have mentioned, growth is going to continue to bounce along the bottom at a rate of roughly 2 to 2.2 percent. That is not enough growth to get the economy moving again to create the jobs to create the prosperity and lift our economy needs to get Americans back to work.

In my opinion, the President's policies over the last year have actually made it more difficult for businesses to hire workers and for families to plan for the future. I would argue that his policies have introduced enormous uncertainty into our health care system, our tax system, and our financial system.

What our country needs now is the same thing which we have needed all along but which we haven't had over the past 6 years. We need genuine Presidential leadership, the type of leadership that is required to restore Americans' confidence in the future and to ensure better opportunities for the next generations and beyond. We don't need Presidential leadership that leads us into more debt, less opportunity, and a more dismal future.

It is my hope that the President's budget will be exactly what it should be and exactly what the American people deserve; that is, a responsible blueprint for robust, economic growth. There are not a lot of problems that face our country that couldn't be addressed in large part by robust economic growth. Our economy would grow. Revenues to the Federal Treasury would grow, thus reducing our deficits and giving us a better opportunity to address our debt. More Americans would be working again instead of the lowest percentage of people in the workforce in the past 30 years. That is what they call the labor participation rate.

I hope the President's budget will get behind some of these progrowth policies, such as progrowth tax reform—something we are eager to work with

the President on—and support serious efforts to save Social Security and Medicare. The dirty little secret in Washington is that if we don't do anything to save Medicare and Social Security, they are going to fall off the fiscal cliff. So doing nothing is not an option, but we need a bipartisan commitment to save Social Security and Medicare.

I hope the President's budget will be a balanced one and finally offer a long-term plan for controlling our national debt. If it is not, well, we are not going to depend on the President alone; we are going to do our job in the Senate and the House and pass a responsible budget. If the President does not propose one, we will show the American people what one looks like because we cannot let the President continue to lead us down this path of unsustainable debt and a darker future for American people.

#### MORNING BUSINESS

Mr. CORNYN. Madam 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. Is there objection?

Mr. SANDERS. Reserving the right to object, I need more than 10 minutes. Is that all right? That was the expectation. That is fine.

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

The Senator from Vermont.

#### INCOME INEQUALITY

Mr. SANDERS. Madam President, I am delighted to have heard the speech from my good friend Senator CORNYN. As the ranking member of the Budget Committee, I think we are going to have some very serious discussions about the assertion Senator CORNYN and many other Republicans made.

Let me begin by saying I am delighted that some of my Republican friends have expressed great concern about our deficit and our national debt. I ask them where they were several years ago when we went to war in Iraq and forgot to pay for that war. I happen to think the war in Iraq is not a war we should have ever gotten into, but be that as it may, I find it interesting that some of the leading deficit hawks went to war—a war which will end up costing us some \$3 to \$6 trillion. For the first time in the modern history of our country, they went to war and yet they chose not to pay for it. Then on top of that, in the midst of the war, during that period, they gave substantial tax breaks to the wealthiest people in this country. In addition to that, they passed a Medicare Part D prescription drug program—much more expensive than it should be—written by the insurance companies, also not paid for. But now these same Republicans

who came to the floor having voted to spend trillions of dollars on a war we should not have gotten into, having voted to give huge tax breaks to billionaires, having voted for a Medicare Part D prescription drug program that was not paid for—lo and behold, they have discovered we have a deficit problem and a national debt problem. This country would be in a lot better shape if they had expressed those concerns 7 or 8 years ago.

In my view, there is a war going on in this country. And I am not talking about the war in Afghanistan or Iraq or the instability in the Middle East; I am talking about the war being waged in America today against the American middle class, against the American standard of living, and against the American dream.

Today in the United States of America we have more income and wealth inequality than any other major country on Earth.

Today in America we have the highest rate of childhood poverty of any major country on Earth.

Today in America we are the only major nation not to guarantee health care to all of our people as a right of citizenship.

The United States of America once led the world 40 years ago in terms of the percentage of our people who graduated from college. In short, we were the best educated people in the world. Today we are in 12th place, and millions of our young people are graduating from college deeply in debt, while others are looking at the cost of college and saying: I am not going to college. I am not going to get a higher education. I can't afford it. I don't want to leave school in debt. Our competing nations—whether it is Germany, Scandinavia, whether it is many of the European countries—are saying their kids are going to go to college regardless of the income of their families.

In terms of our infrastructure, we were once the envy of the world. Today, according to the World Economic Forum, we are in 12th place.

Today in America real unemployment is not the official unemployment rate of 5.8 percent; it is over 11 percent if we count those people who have given up looking for work and are working part time.

Youth unemployment—an issue we do not talk about—is 18 percent. We have over 5 million young people in this country who either dropped out of high school or graduated from high school. Do you know what they are doing? They are doing nothing. They are hanging out on street corners in Vermont, Louisiana, and all over this country. There are no jobs for them. In terms of African-American youth unemployment, that number, if you can believe it, is close to 30 percent.

What the war against the middle-class and working families is about is that millions of our people are working longer hours for lower wages. In inflation-adjusted dollars, the median male

worker today is earning some \$700 less than that worker made 40 years ago. The median woman worker—that woman right in the middle of the economy—made \$1,300 less last year than she earned in 2007. Since 1999, the median middle-class family has seen their income go down by about \$4,000.

The great recession, which was caused by the greed, recklessness, and illegal behavior on Wall Street, cost our country millions of good-paying jobs. It cost millions of Americans their homes and their life savings. It destroyed marriages and left people so destitute that they took their own lives. But the fact is, when people are in economic despair and economic recession, suicide rates go up. While the worst is clearly behind us, millions are still trying to claw their way back to where they were before the greed and financial abuses of Wall Street ripped the middle class apart.

The good news is that in the past 6 years our economy has made significant progress. We have created millions of jobs, and that is a good thing. Our unemployment rate is down, and we have seen a whole lot of people return to work. But when we talk about the economy, we also have to understand that the recovery we are seeing is extremely uneven. Some people—the people on top—have done remarkably, unbelievably well. A tiny slice of the population has gobbled up all of the economic gains since 2009.

Let me repeat that because it is almost impossible to believe, but it is true. All of the new income gains after 2009—not 50 percent, not 80 percent, not 90 percent—100 percent of all of the income gains after 2009 have landed in the pockets of the top 1 percent.

Today the top one-tenth of 1 percent owns more wealth than the bottom 90 percent. Today the Walton family—six people—owns more wealth than the bottom 41 percent. Here is the Walton family, six people who are worth \$144.7 billion, and here is the bottom 41.5 percent of our population—131 million people who are worth about \$123.4 billion. I ask the American people, is this what our country is supposed to be about—one family owning more wealth than the bottom 41 percent, the bottom 131 million Americans? Our economy and our distribution of wealth and income is completely out of balance, and this imbalance is not only fundamentally immoral, it is wrong that so few have so much and so many have so little. But it is also detrimental to economic growth, it is dangerous for our financial stability, and in fact it threatens our democracy. Our task is to rebalance this economy; to create an economy that works well for all of our people and not just wealthy campaign contributors—not just the Koch brothers but the working class of this country.

There was a time after the Great Depression when we built an economy that allowed workers to share in our Nation's prosperity. There was a time when the economy grew to help all people—the rich got richer, the middle