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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

Our Father in Heaven, You know our thoughts from afar. Teach us how to live to honor Your Name. Rule in our lives, injecting our intentions with such purity that even our motives can withstand Your scrutiny.

Have Your way on Capitol Hill, surrounding our Senators with Your power and love. Deliver them from fear and uncertainty as You inspire them to stay within the circle of Your will. Lord, bless and consecrate their labors today, and use them to serve the common good as You strengthen them during the hour of temptation.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. MCCONNELL. Mr. President, today the Senate will debate the motion to proceed to S. 1, a bill to approve the Keystone XL Pipeline, with the time equally divided until 5:30 p.m. At 5:30 p.m. we will have a cloture vote on the motion to proceed to this bipartisan jobs and infrastructure bill. If all time is used the Senate will begin consideration of the bill at midnight tomorrow night. Once cloture has been invoked, it is my hope that Chairman MURKOWSKI can work with Senator CANTWELL to yield back time, get on the bill during the day tomorrow, and begin to process amendments under the regular order.

The Senate will be out of session on Wednesday and Thursday of this week to accommodate our respective conference retreats. We will return for consideration of the Keystone bill on Friday, and Senators should be working with the bill managers to get their amendments in the queue.

TERRORIST ATTACKS IN PARIS

Mr. MCCONNELL. Mr. President, I wish to say a few words about what has been happening in Paris. We have seen remarkable displays of support for the French people. Out of terrible darkness, we have seen defiant recommitments to the ideals of free expression, and the French people should know that the Senate stands in solidarity with them as they work to recover from such awful terrorist attacks. They should also be assured that we are prepared to cooperate in whatever appropriate way we can.

KEYSTONE XL PIPELINE

Mr. MCCONNELL. Mr. President, last week the House of Representatives voted on a bipartisan basis to pass a Keystone jobs and infrastructure bill. Meanwhile, the Senate energy committee got the process moving in this Chamber as it debated and approved a bipartisan Keystone measure as well. The committee consideration allows Senators from both parties to offer amendments and make their voices heard. It is the kind of serious legislating many Senators have been waiting a long time to see. It is the latest example of Congress getting back to work under a new Republican majority.

Later this afternoon we will consider a cloture motion that will allow us to proceed to a similarly open debate here on the Senate floor. I know Senators from both sides are hungry for a real Senate debate. I know they want to offer amendments. I know they are anxious to finally have their voices and the voices of the people they represent heard here on the Senate floor. I expect the cloture motion to pass on a bipartisan basis.

Of course, we originally hoped to start this process last Thursday. We wanted to spend Friday working on this bipartisan jobs bill, but the Senate lost that opportunity when some colleagues across the aisle objected to beginning the debate.

Now, moving forward, what I would urge is for our Democratic friends to work with us as the new Republican majority continues to bring more openness to the Senate. The changes we are making are ones that many Democrats have indicated they want to see as well. The reforms we are implementing will give a real voice to constituents represented by Democratic Senators. We need to work together to ensure positive change takes hold. I am hopeful that will happen.

Here is one consequence of that delay I mentioned. The Nebraska Supreme Court has since eliminated what has to be the last conceivable pretext to veto the Keystone jobs bill, so we will be starting the Senate's debate at a time when the rationale for building this pipeline has almost never been more obvious.

I know the American people would welcome a change in posture from the President. I know supporters in both parties are determined to get a bipartisan jobs and infrastructure bill to his desk as soon as possible. We will take the next step in the process at 5:30 p.m. today, and then we will have an open floor debate on jobs, the middle class,

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

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infrastructure, and energy. At the end of this process, we will send a bipartisan jobs bill to the President. We will fulfill our pledge to stop protecting him from good ideas. It may force the President to finally make a difficult choice between jobs and the middle class versus the demands of powerful special interests, but President Obama now has every reason to sign the bipartisan jobs and infrastructure bill we will pass.

I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The assistant Democratic leader is recognized.

TERRORIST ATTACKS IN PARIS

Mr. DURBIN. Mr. President, later today Members of the Senate family will have two opportunities to express our solidarity with the people of France in their hour of grief and to reaffirm our commitment to the principles of freedom and tolerance—values that have bound our nations together since the creation of the United States and the French Republic.

In a short while the Senate will consider a resolution condemning the series of terrorist attacks that have shaken France, starting with the attack on the offices of the satirical newspaper Charlie Hebdo and ending with a siege Friday at a kosher supermarket in Paris. Our resolution expresses our condolences to the families of the victims and our solidarity with the people of France. It also expresses our deep commitment to the universal right of freedom of expression—a freedom for which the writers and artists of Charlie Hebdo gave their lives. I am honored to lead this resolution, along with Senators MURPHY of Connecticut and JOHNSON of Wisconsin.

Later this afternoon Senators and their staffs will have an opportunity to sign a condolence book expressing their sympathy and solidarity to the people of France. The book will be outside the Senate Foreign Relations Committee room on the first floor of the Capitol. In memory of the victims, we will welcome the French Ambassador to the United States, Ambassador Gerard Araud, in the committee room at 4:15 p.m.

If the terrorists who attacked Charlie Hebdo and the kosher supermarket in Paris meant to frighten and divide freedom-loving people in France and around the world, they have failed utterly. Yesterday 4 million people marched in demonstrations in cities across the nation of France. A million and a half people marched in Paris alone. Authorities said it was the largest gathering in Paris since the end of World War II and the largest demonstration in the history of the nation of France. They marched to declare their solidarity with the victims of the Charlie Hebdo massacre and the supermarket murders and to demonstrate their unity. The marchers included Christians, Muslims, Jews, and many other religious faiths and nonbelievers. President Francois Hollande led the March. He was joined by European and African leaders, Israeli Prime Minister Benjamin Netanyahu, Palestinian Authority President Mahmoud Abbas, America's Ambassador to France, and our Assistant Secretary of State.

Marches were also held in other cities around the globe yesterday, from Washington to the West Bank. Tens of thousands of people showed their solidarity with the victims of these terrorist attacks in France.

In Chicago hundreds of people turned out in the cold yesterday to rally at Daley Plaza under American and French flags. One of the organizers of the Chicago rally was a young woman named Eve Zuckerman who holds joint U.S. and French citizenship and has lived in Chicago for about 4 years. She said the spasm of violence that has shaken France is not simply an attack on France. In her words, ''What it really means is that anyone who is for freedom and for tolerance is also under attack.''

In our own country in the days after 9/11, our grief was made bearable by the countless acts of courage, kindness, and solidarity we witnessed amidst the carnage, and so it is within France today.

One story that has touched many in France and around the world concerns a young man who worked at the kosher supermarket in Paris that was attacked on Friday. The young man risked his life to hide seven Jewish customers in the freezer in the supermarket's basement. He then risked his life again to slip out of the basement and tell the police there were people hidden downstairs. This young man described the layout of the supermarket and the location of the hostages—crucial details that enabled the police to save so many lives and end the standoff. This young man has been hailed as a hero by the citizens of France and by Israeli President Netanyahu. One more thing about this young French hero—he is a Muslim immigrant, born in Mali.

Martin Luther King told us: We are bound together in a single garment of destiny. The millions of people in France and around the world who marched yesterday and freedom-loving people throughout the world understand this. Together in our unity and resolve, we will overcome this latest assault on our shared values.

HOMELAND SECURITY FUNDING

Mr. DURBIN. Mr. President, over the weekend, as I mentioned, as millions of people were marching on the streets of France and around the world to demonstrate the world's unity in the aftermath of the horrible terrorist attack in France, the President announced that he will convene a summit at the White House next month to discuss what can be done further to stop the threat of violent extremism.

This is a time when we should all be focusing on what we can do to stop the threat of terrorism in our country as well as the rest of the world, so it is truly surprising, to say the least, that the House of Representatives will vote on a bill this week that threatens to shut down the Department of Homeland Security. That is our government agency that is responsible for protecting Americans from terrorism. What in the world would lead the House of Representatives to threaten to shut down this agency? We should not even be debating the Department of Homeland Security at this moment in history.

Every other government agency—every single one of them—has already been funded through the end of this fiscal year, September 30, and that is normal when we fund the government. But the Republicans in the House and Senate insisted weeks ago that the Department of Homeland Security only be funded through the end of February. Why did they demand that this critical agency that is responsible for keeping us safe across America not be funded in the normal manner? Why did they put America at risk with this type of funding? Well, because they wanted an opportunity early in the year—early in the legislative session—to take a stand against President Obama's immigration policies. They feel so strongly about this, they are willing to put the Department of Homeland Security's budget at risk.

So this week the House Republicans are preparing to pass legislation that would defund President Obama's immigration policies, including the Deferred Action for Childhood Arrivals Program, known as DACA. What is that program? It puts on hold the deportations of immigrant students and children who grew up in this country and allows these young people to live and work legally in America on a temporary basis. That is what DACA is. These young people are well known to me and to most. They are known as DREAMers.

It was 13 years ago that I introduced the DREAM Act. For 13 years I have been trying to pass a bill into law which says that the sins of the parents should not be visited on the children.

These young people who are affected by DACA and the DREAM Act—many of them were brought to the United States as infants and toddlers. They had no voice in this family decision to come here. They did not know, could not know, that one of their parents was undocumented. They grew up in America. They went to school in America. They participated in America. They went to the neighborhood churches and mosques and temples. They were the ones who were standing in their classroom every single day of their lives stopping for a solemn moment to

pledge allegiance to the American flag—the only flag they have ever known. But the fact is, they were brought here as babies and children, and they were undocumented. They grew up in America. They identified this country as home. They envisioned this dream of living here. Yet they did not have a legal status.

The DREAM Act said we would give these young people a chance. If they had a clean criminal record, if they would finish high school, if they would go on to college or even enlist in our military, we would allow them to move to legal status—give these DREAMers a chance.

Time and again, we called this legislation. Sadly, it never passed the House and the Senate at the same time. Then President Obama decided 2 years ago that he would use his Executive authority to protect these young people from being deported. We estimate there are about 2 million of them across the United States. He said to them: If you will come forward, pay your fee, go through a background check—if you are prepared to do that and register with the government, we will spare you from deportation. That is what the DACA program is. Mr. President, 600,000 did. Mr. President, 600,000 came up with the money.

I can recall in the city of Chicago when we had the sign up—the very first sign up for this DACA Executive order. It was amazing. We did not know if 200 people would show up or 400 or even 1,000. Well, the night before—at midnight, the night before we started signing them up—the first day they could sign up for DACA, the families started gathering, standing outside at Navy Pier in downtown Chicago. They stood there all night waiting for a chance to sign up for this program. Many of them were parents accompanying their children. The parents themselves were not going to get any direct benefit from this, but they wanted their kids to be spared the fear of deportation. They wanted to give their kids a chance. In the end, thousands came through the door—so many we could not even handle the volume with our volunteer attorneys and many others who were helping.

But it was a clear indication that these families wanted their children to have a chance—a chance to earn their way into legal status in America. That is the DACA——

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Senator will suspend until the Sergeant at Arms has restored order in the galleries.

The assistant Democratic leader.

Mr. DURBIN. Mr. President, the young people I have described are known as DREAMers. They were brought to the United States as children. They grew up in this country, and they have overcome great obstacles to continue to live here. They are the future doctors, engineers, teachers, and soldiers who will make America stronger.

Now, in the last 2 years, as I mentioned, more than 600,000 DREAMers have received DACA—this Executive order by President Obama which allows them to stay as long as they are registered, pay their fee, and not be deported.

What has happened to these young people now that they have their chance, they have gone to school? I met 10 of them who are now at Loyola's school of medicine. They are extraordinary students. They were the best of the best. They did not have a chance because they did not have that document that gave them an opportunity to enroll. Well, they are going to school now, and they have pledged to continue to serve this country as doctors, given that chance, in some of the poorest communities in my State and our Nation.

In past speeches I have given on this floor—over 50 of them—I have highlighted the contributions that many DACA recipients already make to our country. They are working as engineers, small business owners, and public school teachers. The Center for American Progress and the Partnership for a New American Economy has found that giving legal status to DREAMers will add $329 billion to our economy and create 1.4 million new jobs by 2030.

How can this be possible that 600,000 have that kind of impact? These are not ordinary young people or ordinary young graduates. These are extraordinary young people who want to be part of this Nation of immigrants.

But the Republicans in the House of Representatives want to end DACA. They want to put an end to this program. They argue it was unconstitutional for the President to say he would suspend deportation for these young people. They want these young people to be deported, removed from this country, sent back to countries where many of them can never recall living, going to countries where they literally cannot speak the language. That is the House Republican position. They feel so strongly about deporting these young people, they are willing to hold the Homeland Security funding bill hostage to force the Democrats to agree.

Well, let me be clear. Democrats will not be swayed by this kind of blackmail. We will insist the Department of Homeland Security be funded and that the President have the authority that every President has had to establish his own immigration policies within the limits of Executive authority.

It is the height of unfairness. First congressional Republicans obstructed immigration reform legislation. Now they want to obstruct the very agency responsible for homeland security.

It was more than a year and a half ago—the date was June 27, 2013—on the floor of this Senate, we passed comprehensive immigration reform with a strong bipartisan vote of 68 to 32. This bill—which I joined seven other colleagues, Democrats and Republicans, working on it—strengthened our border to a level even greater than today, cracked down on illegal immigration, protected American workers in a fair and humane manner, and addressed the challenges facing 11 million undocumented workers currently living in our country.

But for the last year and a half, the House of Representatives, led by Speaker BOEHNER, has refused to allow a vote on the Senate's immigration reform bill. Not once would they allow this bill to come to the floor of the House for a vote. If Speaker BOEHNER had brought the bill to the floor, it would have passed with a strong bipartisan vote. He knew it and he was determined not to ever let that happen. It was only after the Speaker had demonstrated clearly to the President, to the Senate, and to the American people that he would not even participate in the debate on immigration reform that President Obama issued his second order.

I have been involved in a lot of efforts to pass bipartisan immigration reform legislation. It is so frustrating for us to have finally passed a bill in the Senate—Democrats and Republicans; supported by the AFL–CIO, representing organized labor; supported by the U.S. Chamber of Commerce, representing business; supported by virtually every major faith in this country—and then to see it ignored and stopped in the House of Representatives.

So President Obama, after the election, announced that, having given the Republicans in the House a chance to legislate, he would use his powers to try to fix our broken immigration system, to put on temporary hold the deportations of individuals who are the parents of U.S. citizens or legal permanent residents, who have lived in our country for years, and who pose no threat to America's safety.

This is clearly not amnesty, because at the end of the day, what the President has given is only a temporary reprieve to these people to stay and work in America—so long as they register and pay their fee, so long as they submit themselves regularly to criminal background checks, and so long as they pay their fair share of taxes. This deferred action status does not give them permanent status or citizenship. It is not amnesty by any definition.

The President's Executive action will make America safer, bringing millions of immigrants out of the shadows to register with the government and to go through background checks. It will also help our economy and American workers. You see, these undocumented workers, working off the books, are many times paid much less than minimum wage, if they are paid at all, and they are competing with American workers. Once they are brought out of the shadows under the President's recent Executive order, they will need to

be paid the ongoing wages, the minimum wage of America. By bringing these workers into the legal workforce, it will eliminate the unfair competition of the underground economy. And all of these workers will be paying their taxes, which will increase tax revenues by billions of dollars each year.

The President's Executive action is also smart and realistic when it comes to enforcing our immigration laws. It is not humanly possible to deport all of the undocumented immigrants in this country. So every administration has had to set priorities on those who will be deported and those who will not. The government should not waste its limited resources to deport immigrants who have lived and worked here for years, who have children who are citizens or lawful permanent residents, and who do not pose any threat to America's future. Instead, the administration has made it a top priority to deport those who have committed serious crimes or are a threat to safety.

Now, Executive action on deportation is clearly lawful. Every single President—Democrat and Republican—every one of them since President Dwight David Eisenhower has used his Executive authority to improve our immigration system. This argument that it is somehow unconstitutional just does not bear basic scrutiny. The Supreme Court has repeatedly affirmed that the Federal Government has broad authority to decide whom to deport. President Obama is acting well within his legal authority when he establishes policies about whom will be deported by this administration.

The American people have elected us to solve problems. Because the House Republican leadership has failed to reform our immigration system, the President had no choice but to use his authority under the law to improve our economy and security and keep families together and at least do a small part toward solving America's broken immigration system problems.

However you feel about the President's immigration policies, it is hypocritical and counterproductive—it is just wrong—to take out your frustration by putting at risk critical homeland security funding.

I hope the House Republicans will somehow or another overcome this fit of pique that has led us to this moment and realize their first obligation is to this great Nation.

CONGRATULATING GOVERNOR BRUCE RAUNER

Mr. DURBIN. Mr. President, I was unable to attend the inauguration of the new Governor of Illinois today. Bruce Rauner was elected November 4 to serve as the 42nd Governor of the State of Illinois. His wife Diana was by his side when he took the oath of office.

I had a chance to attend some of the receptions last night and called him over the weekend and said my duties in the Senate made it impossible to accept his invitation to say a few words at his inaugural. But despite the fact that we come from different political parties and despite the fact that we have many differences when it comes to issues before us, I certainly wish our new Governor, Bruce Rauner, the very best in his efforts to lead the Land of Lincoln, the great State of Illinois. He faces an extraordinary number of challenges—broken public pension systems, struggles in coming up with the revenue we need to keep our schools moving forward, and the safety net to protect the most vulnerable people living in our State.

I have given him my personal pledge, and I will renew it on the floor of the Senate today, to stand by him and his administration to solve these problems and to lead Illinois forward.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

KEYSTONE XL PIPELINE ACT—MOTION TO PROCEED

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

The bill clerk read as follows:

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

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled in the usual form.

The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for up to 15 minutes as in morning business.

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

Ms. COLLINS. Thank you, Mr. President.

I further request that the time not be charged to either side on the debate on the Keystone pipeline, if that is necessary.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object—I am sorry, I was discussing with the staff. If the Senator will please repeat her request.

Ms. COLLINS. I asked unanimous consent to proceed for up to 15 minutes as in morning business, and since my remarks do not pertain to the debate for the Keystone Pipeline, that the time not be charged to either side in that debate.

Mr. DURBIN. I have no objection.

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

PRIORITIES OF SENATE SPECIAL COMMITTEE ON AGING

Ms. COLLINS. Mr. President, it has been my privilege to serve on the Senate Special Committee on Aging since my very first days in the Senate, and I am honored to have been elected to chair this committee for the 114th Congress. I wish to welcome the Presiding Officer, Senator COTTON of Arkansas, to the committee. He will be a new member on our committee, and I believe he will enjoy his service as much as I have.

My service on the aging committee is particularly appropriate since Maine is the oldest State in the Nation by median age. Many people would guess that Florida would have that distinction, but, in fact, it is the great State of Maine.

Throughout its history, the aging committee has spurred Congress to action on issues that are important to older Americans through its hearings, its investigations, and its reports. This is the first time a Maine Senator has chaired the committee since the 1990s, when my predecessor, mentor, and friend, Senator Bill Cohen, served as chairman.

I wish to share with my colleagues today my priorities for the committee as we begin this new Congress. I have three major priorities for the committee's work: first, retirement security; second, investments in biomedical research targeting diseases that disproportionately affect older Americans, such as Alzheimer's and diabetes; and, third, protecting seniors against financial exploitation and scams.

I am increasingly concerned that our seniors will not have adequate savings and other financial resources during their retirement years. The committee will, therefore, focus on retirement security and, in particular, on the need to encourage more savings and better financial planning. According to the nonpartisan Center for Retirement Research at Boston College, there currently is an estimated $6.6 trillion gap between the savings Americans have today and what they should have in order to maintain their standard of living during retirement.

Nationally, one in four Americans has no source of income beyond Social Security. In the State of Maine, the number is one in three. Social Security provides an absolutely vital safety net. However, with an average benefit of just $16,000 a year, it certainly is not enough to finance a comfortable retirement for many Americans.

According to a Gallup survey published in 2012, more than half of all Americans are worried they will not be able to maintain their standard of living in retirement. That is up sharply from 34 percent two decades ago, and the Boston College analysis demonstrates that their concern is warranted.

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 recent financial crisis, which wiped out much of the net worth of many

seniors, at least temporarily; rising health care costs; the need for long-term care; and, most of all, the simple fact that Americans are living far longer than we used to. Many Americans reaching retirement age also have more debt than retirees of previous generations.

I remember when my parents paid off the mortgage on their home and had a mortgage-burning party. Well, today, people who are the age my parents were when they paid off their house are taking on new debt and new mortgages. We found in the aging committee that there are seniors who are still paying off their student loans or the student loans of their children. These are all issues I look forward to the committee exploring in depth in this new Congress.

Another priority will be highlighting the importance of biomedical research on diseases such as Alzheimer's and diabetes, which take such a devastating toll on older Americans and their families. Investments in biomedical research not only improve the health and longevity of Americans but also provide benefits to our economy and to the Federal budget.

For example, nearly one out of three Medicare dollars is spent treating people living with diabetes. According to multiple economic analyses, there is roughly a 2-to-1 return on investment in Federal support for biomedical research. This investment at the National Institutes of Health and at research centers across the country spur job creation and are critical to America's competitiveness in the global research environment.

As the Senate cochair of the Congressional Task Force on Alzheimer's Disease, I am particularly committed to helping to spur breakthroughs in Alzheimer's disease, which has had such a devastating impact on 5.2 million Americans and their families. In addition to the suffering it causes, Alzheimer's costs the United States an astonishing $214 billion a year. That includes $150 billion in costs to the Medicare and Medicaid programs. These costs will only skyrocket as the baby boom generation ages.

Fortunately, there is promising research that holds hope for Alzheimer's patients and their families. The research community is poised to make important advances through clinical trials and investigating new therapeutic targets. But adequate funding is critical to advance this research and to achieve these breakthroughs.

At a time when the United States is spending more than $200 billion a year for Alzheimer's patients, we are spending less than three-tenths of 1 percent of that amount—about $600 million a year—on research. Surely, we can do more for Alzheimer's, given its tremendous human and economic price.

The National Plan to Address Alzheimer's Disease has as its primary goal the prevention and effective treatment of Alzheimer's by the year 2025. To meet that goal, the chairman of the Federal Alzheimer's Advisory Council says that we need to devote $2 billion a year to Alzheimer's research. Well, think about that. That is only 1 percent—in fact, it is less than 1 percent—of what we as a society are spending to care for people with Alzheimer's. That investment will lead to better treatments and ultimately to a means of prevention or even a cure for this awful and expensive disease.

The aging committee will also continue its focus on scams that target our seniors, such as the Jamaican lottery phone scam we exposed in the last Congress. This nefarious scheme, which is estimated to have cost Americans as much as $300 million a year, particularly targeted seniors in the Northeast. Some seniors in my State lost tens of thousands of dollars to the scam which involved a con artist calling a victim to tell him or her that they had won the Jamaican lottery but needed to pay fees to process the winnings. I don't need to tell my colleagues that these seniors had won nothing of the sort. But this was a very sophisticated scheme.

In addition to educating seniors to help them avoid becoming victims of such scams, the hearing resulted in the Jamaican Government passing new laws targeting the scammers and prompted Federal law enforcement to make several arrests. The aging committee will also continue its fraud hotline to help protect seniors from these kinds of scams and financial exploitation, and the phone number for that fraud hotline, which is toll-free, is 1–855–303–9470.

In addition to these three major priorities, it is my hope our committee in the second year will also take a close look—really scrutinize—Federal programs designed to help our seniors, such as those authorized by the Older Americans Act. We want to make sure these programs are as effective and efficient as possible and that their benefits reach those seniors as intended. So we will be performing that oversight function and sharing our findings with the committee of jurisdiction—the Health, Education, Labor, and Pensions Committee—on which I am also privileged to serve.

The Senate Special Committee on Aging has a long history and tradition of bipartisanship, and my work on this committee during the past Congress was particularly rewarding because of the strong partnership I forged with the committee chairman, the senior Senator from Florida, BILL NELSON. I look forward to continuing that bipartisan tradition with my good friend and close colleague, Senator CLAIRE MCCASKILL of Missouri, who will be serving as the committee's ranking member in the 114th Congress.

Finally, I encourage the Presiding Officer and all of the other members of the committee not only to be active participants in the committee but also to share with us their thoughts on issues that we should pursue.

Thank you, Mr. President. I yield the floor, and seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

Mr. SCHATZ. Madam President, I rise today in opposition to S. 1, which will circumvent the administration's official review process for projects crossing international borders and approve construction of the Keystone XL Pipeline, a pipeline dedicated to increasing production of some of the dirtiest, most polluting, and most dangerous crude oil in the world.

Supporters of this pipeline in Congress have been relentless. Over the last 2 Congresses they have held 44 votes in the House and Senate intended to approve Keystone. On Tuesday, the very first bill the new Republican majority introduced, traditionally reserved for a party's highest legislative priority, was Keystone. Think about this. Here we stand in what people still call the world's greatest deliberative body, and the first bill we are taking up is not infrastructure generally, not national energy policy, not even national laws as they relate to our pipeline infrastructure. No, we are legislating about a specific pipeline which will move oil from Canada through the United States to be primarily exported from our southern border.

I understand there are people of good will and good faith, including the Presiding Officer, who are on both sides of this issue. But it is hard to imagine why this should be the first piece of legislation we take up in this Congress. We have yet to seriously consider or to clarify our policy with respect to the Islamic State. Income inequality is gutting the middle class. Our national infrastructure needs a jolt of investment. Our immigration policy is a failure and a mess. I do not understand why this would be S. 1.

Supporters of this bill have stood up three main arguments in favor of Keystone and expanding drilling of tar sands oil reserves in Canada. One, they say it will increase energy security; two, they think it will lower oil and gas prices; third, they say it is a jobs bill.

Let's examine these claims, because however tenuous they were, they have been undermined further by facts over the last couple of years.

First, the United States has never during the modern age of global energy trade been more energy secure. We import far less oil from unstable regimes and unfriendly countries than we have in decades. We are continuing to build massive amounts of ever cheaper homegrown clean energy such as wind

and solar, even as we use our energy more efficiently.

The United States will add nearly 10 gigawatts of wind and solar capacity in the next year. Not including hydro, the United States has over 85,000 megawatts of renewable energy capacity and continues to build on that number year over year. The prices for solar have dropped 80 percent since 2008 and prices for wind power, which are already competitive with fossil fuels, have dropped 30 percent since 2008.

These trends are creating jobs right here at home. For example, the wind industry has over 500 manufacturing facilities across 44 States that are responsible for making wind turbines with over 66 percent domestic content.

Second, the recent collapse of crude oil and gasoline prices demonstrates two things. In my home State of Hawaii, energy prices remain far too high. But on the mainland, oil and gas prices are currently very low. The idea that Keystone would make a significant difference was never based in reality, but now it is just obvious. We have low prices and the project has not even started.

Gasoline is now $2.21 a gallon. Crude oil prices have slipped below $50 a barrel. The last time gasoline prices were this low was in the aftermath of the financial crisis. As a practical matter, it is not clear to me, and it is certainly not clear to most energy experts, how moving oil from Canada through the United States and exporting refined crude from the Gulf of Mexico would significantly reduce energy prices for us in the United States.

Finally, this is called a jobs bill by some. This is many things. It is anti-clean air; it is anti-clean water; it is anti-public health. It is a regulatory earmark. But it is not a jobs bill. It is not deserving of being the No. 1 priority of the 114th Congress.

We have heard estimates ranging as high as 42,000 indirect or induced jobs during the construction phase. We know, and everyone seems to agree, that Keystone will employ approximately 35 full-time employees when construction is finished. That is not 3,500 employees. That is not 35,000 employees. That is the 35 full-time employees when construction is completed.

If we want to do a real jobs bill worthy of the Senate, we should do a real jobs bill. An infrastructure bank, a highway bill, Shaheen-Portman—all would create orders of magnitude more jobs than this.

The American economy added 353,000 jobs in November alone, which made 2014 the strongest year for job growth since 1999. If we pass a highway bill, we get millions of jobs. If we pass an infrastructure bank, we will get hundreds of thousands of jobs. If we pass the bipartisan Shaheen-Portman energy efficiency bill, we will also get hundreds of thousands of jobs. Look, even one new job is a good thing. But if we want to do a jobs bill, let's do a jobs bill.

There is plenty of room for us to work together on infrastructure, on energy efficiency, and create hundreds of thousands and even millions of jobs. But this is an energy bill. It moves us in the wrong direction. There are colleagues, with whom I agree, who are arguing against this legislation primarily saying they want to allow the administration's process to play out and that we should not supersede the State Department review. I agree.

It is fair to say this is unprecedented, even a little strange, for the Congress to legislate the specifics of a particular infrastructure project. But I want to be clear. This is not a process argument for me. I oppose Keystone because it is a bad idea. Whether it is done through the regular order or in an expedited fashion, whether it is done through the administrative process or the legislative process, I oppose any action, whether through legislation, litigation, or administrative action, that will enable the extraction of Canadian tar sands oil.

My reasons are very simple—climate change and math. Climate change, because it is the greatest and most urgent challenge to the health of our families, to the economy, and to our way of life. I want to preserve the American way of life, not endanger it. Math, because we have crunched the numbers and we know we simply cannot afford to burn the oil from tar sands and put its pollution into the air.

It is simple. We have a budget. Just as every family in this country must stick to its budget and live within its means, we have to do the same as a planet when it comes to carbon pollution. A new study published last week in the scientific journal Nature makes this clear. The authors asked the question: If we want to stay within our carbon budget and limit warming to 2 degrees Celsius, which is the limit 167 countries agree we must meet to avoid catastrophic effects of climate change, how much more coal, gas, and oil can we burn?

The study finds that in order to meet this goal, the majority of the world's known reserves of fossil fuel must stay in the ground between now and 2050. This includes one-third of the world's current oil reserves and 80 percent of current coal reserves. It also finds, and this is critical, that:

> Any increase in unconventional oil production—
>
> Which includes Canadian tar sands.
>
> —is incommensurate with efforts to limit average global warming to 2 degrees Celsius.

As we learn more about climate change amidst a clean energy revolution, we find that moving toward clean energy, taking control of our future, is good for business. Our economy will do better. It will grow faster and it will be more resilient if we embrace the technologies and solutions at our fingertips and end our reliance on fossil fuel. We have a chance to embrace the future here. Our future is not tar sands oil. Our future is wind and solar and geothermal and energy efficiency. Our future is not in adding carbon pollution. Our future is in innovating our way out of this problem. Throughout our history, America always leads when we are needed the most. That is what we have to do, not in the direction of more carbon pollution but toward a clean energy economy.

A report by New Climate Economy, a group chaired by former Mexican President Felipe Calderon, and including Bank of America chairman Chad Holliday, among others, marshals quantitative evidence to show that action on climate change is a requirement for future global economic growth. In other words, those who warn about the EPA regulation or prices on carbon killing jobs have it exactly backward. The truth is that in order to avoid major disruptions to our economy, we have to reduce carbon pollution and work with other countries such as Canada to ensure that they do the same.

I am looking forward to the open amendment process on this bill that the majority leader has promised. It will be an opportunity for the American public to see where Members of the Senate stand on the facts of climate change. Anyone who looks at the facts and does the math ought to oppose this bill and oppose construction of the Keystone XL Pipeline. For me and for many Americans, a vote against this bill is a vote to preserve and protect the air we breathe and the water we drink. It is a vote to ensure that we continue to reduce carbon pollution and fight climate change. It is a vote to leave our children a healthy world.

I urge my colleagues to oppose cloture on the motion to proceed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ENTRY-EXIT VISA SYSTEM

Mr. SESSIONS. Madam President, the attacks on the people of France demonstrate in the most chilling terms the threats posed to Western nations by those who are imbued with Islamic terrorism. While there are many factors that play into the spread of this jihadist ideology in the West, it is time for an honest and plain admission that our open immigration policies are ineffective and have failed to meet the minimum standards that are set by existing law in the United States.

This is something I have been dealing with for quite a number of years—a decade really. We have laws that would improve dramatically our ability to identify and block terrorists from entering and staying in the country, but they are not funded and they are not

carried out and it is unacceptable, as I will point out.

Dozens of terrorists and terror plotters have been admitted to the United States on visas or are relying on broader networks to simply enter into our country, taking advantage of lax immigration policies. For instance, the 9/11 attackers all came here on visas. A visa is a document that allows an individual to come for a limited period of time and then return to their home country. This visa system is essential in a modern world, but it needs to be managed and carried out in an effective way.

The Boston bombers came as asylees, people seeking asylum, while their mosque was linked to foreign nationals tied to ISIS and foreign terrorists.

The individual behind the attempted Christmas bombing in Oregon was a refugee. We have a class of individuals we accept each year who claim to be refugees from foreign countries. This one was from Somalia.

The recently foiled plot to bomb a courthouse and school in Connecticut was attempted by a Moroccan national who had a revoked student visa. Many individuals have visas to be students in the United States. We are not managing that well at all. This one had a revoked student visa. It was revoked because of information that came to the attention of officials, but no one made an effort or successfully attempted in any real way to find the individual so he might be deported.

Al Qaeda operatives who were apprehended in Kentucky were on visas from Iraq.

These are only some of the examples that are out there. These individuals use lax visa policies, flawed asylum policies, flawed refugee policies, and flawed border protection policies. In addition, we are not organized in a way that works effectively. In addition to that, the President of the United States has directed his ICE officers, his Citizenship and Immigration Services officers, and his Border Patrol officers, who are the key individuals in this system, to conduct their business in a way that guarantees failure. That is just the fact.

The 9/11 Commission—we all remember that great Commission after the terrible attack on 9/11—zeroed in on our lax immigration policies. Among other things, the Commission demanded implementation of a biometric entry-exit visa system. What does that mean? That means a biometric system where people are identified effectively through fingerprints or some other identifier.

I have been through this for years. Back when President Bush was President and we worked with Homeland Security, Governor Ridge was the Secretary of Homeland Security. I think at the end he was finally convinced, and I worked on him very hard. But he volunteered, the last day in office, to use a fingerprint biometric system. It should have already been done by the time President Bush left office, but it wasn't, and it hasn't been done yet. We need a system that works.

By the way, police officers have in their cars all over America computer-type screens where they can stop someone on the road, they can ask them to put their hand on the screen, and it reads their fingerprints. It checks the National Crime Information Center to find out whether the person is wanted for murder in New York. He might have caught him in Texas. It lets the officer know whether there are warrants out for these individuals. This is the way the system works in our country, and we need to use it with regard to people who come here on visas.

It is an outrage that this hasn't been done, completed fully, and made operational years ago. It is an outrage. It is in the law of the United States. Congress has funded money for this project and it has not yet been done. It will cost us in the future, as the 9/11 Commission has so warned. The 9/11 Commission demanded this system, and it is designed to track those entering and departing the United States on visas.

By the way, almost half of the people, at least 40-plus percent now of individuals unlawfully in America entered on a visa. In other words, they didn't come across the border unlawfully. They came lawfully—perhaps using false documents, but they got a visa. They came to the United States maybe lawfully, but they just did not return to their home country when the visa expired.

My colleagues have to know no one is checking. We have no idea whether they left the country or stayed in the country. We do not have an operable exit visa system. This is so bizarre because it is not expensive. It can be implemented rapidly. It will work and give us valuable information that we must have if we are serious about this process, and we must be serious about the process.

The individuals in France—I mentioned the ones in the United States—left the country, went through Yemen, apparently, were trained in some sort of terrorist camp, and came back and executed their violent acts in France. So we have to do a better job of this, and we can do it.

President Obama's administration has refused to implement the entry-exit system as required by law. We have talked about this publicly and debated it for years. Just last year the co-chairs of the 9/11 Commission, in an evaluation of how well the recommendations they made back after 9/11 have been carried out—a 10-year review of how their report had been received and how much of it had been accomplished—issued this written statement.

> Without exit-tracking, our government does not know when a foreign visitor admitted to the United States on a temporary basis has overstayed his or her admission.

Here is the language. We put it on a chart because it is important that we understand this.

> Without exit-tracking, our government does not know when a foreign visitor admitted to the United States on a temporary basis has overstayed his or her admission. Had this system been in place before 9/11, we would have had a better chance of detecting the plotters before they struck. . . . There is no excuse for the fact that 13 years after 9/11 we do not have this much capability in place.

Amen. That is exactly correct. That is from ''Reflections on the Tenth Anniversary of the 9/11 Commission Report,'' Thomas H. Kean and Lee H. Hamilton, in 2014.

In fact, the original report said this:

> The Department of Homeland Security, properly supported by the Congress, should complete, as quickly as possible, a biometric entry-exit screening system.

That was the report from 2004. It is a very important report. They went to great length to help this Nation figure out what is the responsible thing to do to protect ourselves better from those attackers on 9/11, many of whom were visa overstayers. They didn't come across the border unlawfully; they came across on a lawful visa. Some of them I think had false documentation to get that visa, but they came on a visa, for the most part lawfully, and did not go home as they were required to go home. They overstayed their visa. Nobody knew they had overstayed. Nobody made an inquiry about it.

The ''Tenth Anniversary Report Card: The Status of the 9/11 Commission Recommendations,'' by Thomas H. Kean and Lee H. Hamilton, 2011, said this:

> Full deployment of the biometric exit component of US-VISIT should be a high priority. Such a capability would have assisted law enforcement and intelligence officials in August and September 2001 in conducting a search for two of the 9/11 hijackers that were in the U.S. on expired visas.

This would have helped. Indeed, of course, those of us who have some experience in law enforcement know that when you get to one or two of the guys, the whole scheme may get disrupted, and we can penetrate the organization and break it up and stop crime from occurring. To me, it is mind boggling, as the commission leaders have told us, that we haven't completed this.

I am told there are forces that don't like the exit visa system. They think it might slow things down a little bit. First, this is not correct. When you come into the country, you are clocked in and you are biometrically fingerprinted. What would you have to do when you leave? Go to the airport, go in a certain line, go through, show your ticket, show your passport, put your hand on a biometric screener, you are read, and you are approved to leave. It is not going to take any massive amounts of time. One excuse after the other has slowed this down, and it is not acceptable. We have to do better.

In fact, the administration has suspended enforcement of the visa system almost entirely. We have to understand, colleagues: If we don't have even an exit visa system where we know

who left the country, how do we know who overstayed and who stayed in the country? Unless somebody overstays their visa and they are caught for speeding and the police officer identified that, I will ask colleagues, what happens? Under the policy of this President of the United States, directed to the lowest officers in America, nothing happens. If the individual does not commit a serious felony, they will not be processed for deportation, even though they have come to the country on a promise to leave on a certain date and flatly refused to do so.

This is not acceptable. If we don't have a system that has integrity, then everybody gets the message pretty soon: Just get a visa, come to America, you never have to leave. If you don't get a felony charge against you, you are never going to be deported.

This is the policy of this government at this very moment. It is hard for anybody to believe, but that is the truth. We have approximately 5 million visa overstays in the United States. But as the National ICE—Immigration Customs Enforcement—officers Council president Chris Crane has explained:

> ICE agents are now prohibited from arresting illegal aliens solely on charges of illegal entry or visa overstay.

What a dramatic statement that is. And not only visa overstays, they are prohibited from arresting and removing people who came across the border illegally. That is what he means by illegal entry or visa overstays.

This of course removes a cornerstone of integrity in any law system. If we can't look people in the eye and say: We give you a visa, you have a 6-month visa, but at 6 months you have to return to your home country, and mean it, and say: Eventually you will be apprehended and deported if you don't—then the system has no integrity. That is where we are today.

Unsurprisingly, ABC News reported that the Obama administration had lost track of 6,000 foreign students who had overstayed their visas and were of ''heightened concern.''

In other words, these 6,000 had some special concern in their background that made us worry about them, whether it was drugs or terrorism or whatever. Of course they have lost sight of them. They are not attempting to find them.

So the head of the union representing U.S. Citizenship and Immigration Services officers, one of the three major components of the Department of Homeland Security dealing with immigration, Mr. Ken Palinkas, was explicit in his warning to us. It is remarkable what Mr. Crane has said and now what Mr. Palinkas has said:

> There is no doubt that there are already many individuals in the United States, on visas—expired or active—who are being targeted for radicalization or who already subscribe to radicalized views. Many millions come legally to the U.S. through our wide open immigration policy every year—whether as temporary visitors, lifetime immigrants, refugees, asylum-seekers, foreign students, or recipients of our ''visa waiver program'' which allows people to come and go freely. Yet our government cannot effectively track these foreign visitors and immigrants.

This is the man whose officers do this job. They are the ones who approve the visas and manage this system.

He went on to warn that the President's so-called Executive amnesty would make the situation radically worse, saying:

> I write today to warn the general public that this situation is about to get exponentially worse—and more dangerous. . . . Express your concern to your Senators and Congressmen before it is too late.

It is a national security imperative to stop this Executive amnesty. It sends exactly the wrong message. What it says is that if you can get into America—through the border, by boat, by plane, on a visa—any way you get into this country and pass the border, you are not going to be asked to leave unless you commit some felony—some serious felony, for that matter. Many felonies don't qualify. And we have over 100,000 people who have committed serious felonies who have been released into America. We don't know where they are, and they are not going to be deported.

We have to restore immigration enforcement, establish better controls and screening on immigration from high-risk regions of the world. We really should give more attention to that. It is perfectly legitimate.

The visa system, the immigration system of the United States, should serve who? It should serve the interests of the American people. Somebody doesn't have a constitutional right to come to America. The decision is whether America feels like it is in its interests. We have always accepted a large number of people. In fact, we have the largest immigration numbers of any nation in the world. We admit 1 million a year lawfully. When they come from high-risk areas of the world, terrorist states, we should indeed give more scrutiny to those applicants.

Census data shows that legal immigration to the United States from the Middle East is one of the largest and fastest growing categories of new admittances. For the national security of the United States, it is imperative that Congress block Executive amnesty and restore essential enforcement, basic bread-and-butter law enforcement. Anyone who claims to be concerned about our national security should be resolutely focused on this task. There is so much that can be done with relatively little difficulty if we have the leadership and will to get it done.

It would be unthinkable for the President to veto the Homeland Security appropriations bill in order to continue this illegal and dangerous amnesty scheme during a time of growing threats abroad.

Again, let me say that this: the entry-exit visa system is an unappreciated, important part of American immigration law. It is critical to the national security of the United States, as the 9/11 Commission has so stated on more than one occasion. We can do this. Why is it not being done? What forces, what special interests, are interceding between the people of the United States, the national interests, and their special interests that block this kind of system?

We can make it work. It is not that hard. We need a biometric system, and that system should be founded on the fingerprint. It took us a number of years, but I think the government has finally concluded it must be the fingerprint for a lot of reasons, one of which is if somebody got a visa to the United States and they committed a murder, an armed robbery, a terrorist act, a major fraud, and a warrant was issued for their arrest—if you don't clock it in at the airport, who knows when they are leaving? So this would pick it up and would pick up any warrants that might be outstanding for those individuals anywhere in the United States that are put in the NCIC, National Crime Information Center.

That is the way the system should work. It is long overdue. In the course of the discussions we will have in the weeks and months to come about the necessity of fixing a broken immigration system, the entry-exit visa system has to be implemented. It is long overdue. We can make it happen. It is not that expensive. It is relatively inexpensive, actually, and it will make us much safer in the process.

I yield the floor, and 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. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. I ask unanimous consent that the time allotted to each side and utilized be counted against both sides equally during quorum calls.

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

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

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

Mr. COATS. Madam President, here we are at the beginning of a new year and a new Congress, and I think we all feel a responsibility to do what the American people voted for in the November 2014 election, which is to come together in this body and in this Congress and work together to find sensible solutions to the very real problems facing Americans.

It is no secret that the last 6 years have been pretty tough for a lot of people who are out of work or doing part-time work; kids graduating from high school, graduating from college, graduating from community schools, 2-year schools; going back and getting new training and still unable to find meaningful jobs; finding jobs that are part time, two or three of those together; parents trying to save money, pay the mortgage, save money to send the kids to postgraduate school. It has not been easy. So we have come to a point where we have legislation in a new session of Congress, with commitments on a bipartisan basis to stand together, to work together, to try to find solutions, to get people back to work and get our economy moving again. Now we come to the very first issue up for discussion and debate and hopefully passage in this new Congress—the Keystone Pipeline.

This is an issue that has been going on for 6 years. The President has been obstinate in his obstruction in letting this go forward, in making a decision. Yet here we are, finally, with an opportunity to not only pass legislation which has passed the House of Representatives, again, just last week with very significant bipartisan support—but now in the Senate to take up this legislation and to move it forward tonight with this vote, to start the process to allow amendments, to allow debate, and to move forward and hopefully enjoy bipartisan support with over 60 votes and then move it to final passage and then send it to the President for, hopefully, signing.

This project is the largest, ready-to-build infrastructure project in the United States. It supports tens of thousands of jobs. The estimate has been well over 42,000. It invests billions of dollars in the American economy. It increases revenue to States and local governments, all without spending one dime of taxpayer money. This is a private sector initiative that can be of great benefit to our country. It can provide meaningful jobs and has many benefits for us in the future.

It is supported by Democrats, by Republicans, and by a number of labor unions. For instance, the Indiana State Building and Construction Trade Council, which represents 75,000 working Hoosiers in my State, reached out to me recently and asked me to support construction of the Keystone Pipeline, calling it ''an important job creation and energy security issue.'' They are right on the mark. They know I have been a longtime supporter of this effort, but they wanted to put it in writing. I am not sure it was necessary, and they weren't weighing this on the basis of Republican or Democrat, liberal or conservative; they were saying that this is good for us and we hope all of our Senators can support it. We hope it passes. This is an initiative that puts our people to work. Other labor unions, including the North America's Building Trade Unions and the Laborers' International Union of North America support this project.

I mentioned the President, for 6 years, has come up with more feeble excuses in terms of why he believes this should not go forward. The last excuse was: We are in a process here and the process has to go forward. That process was waiting, apparently, on the Nebraska Supreme Court approval of the pipeline route through Nebraska, and that was his excuse for why he would have to veto it. I am sure my colleagues now have the word that the Nebraska Supreme Court has upheld State approval of the Keystone Pipeline. In fact, the President's own State Department, in response to numerous calls for environmental studies—all of which were used as an excuse for not going forward—the President's own State Department has repeatedly approved this, saying it will not have a negative environmental imprint.

So what could possibly be the reason the President remains intransigent on this particular issue, because every other box has been checked? We have to come down to the inevitable conclusion that it is all political, that an extreme environmental wing of the President's own party is simply putting untold pressure on him to not go forward with anything having to do with fossil fuels or providing energy security for America from our own resources. After all, a significant portion comes from Montana and North Dakota—and the last time I checked they are in the United States—and from our friendly neighbor to the north, Canada. If this doesn't go through, we will keep importing large quantities of oil from the Middle East. We know what complications there are in terms of securing that oil and how much volatility occurs there based on what is happening today in the Middle East.

So getting this product from our Northern States of North Dakota and Montana and getting this product from our friend to the north, Canada, simply makes a great deal of sense in terms of our energy security, our energy supplies, and lessening our reliance on the volatility that comes from getting oil from other sources.

To conclude, let me just make it clear what it is we are trying to do. This will help the United States diversify its energy supply. It will offset our dependence on Middle East oil. It will support tens of thousands of American jobs in construction. It will invest billions of dollars in the American economy. It will increase revenue to State and local governments. It will not harm our environment, as numerous studies have indicated—all these benefits without spending a dime of taxpayer money.

So after 6 years of delay, procrastination, and evermore feeble excuses, it is time for the President to make a decision. Soon he will have an opportunity to use that pen he so famously talked about not to sign a veto or to declare a veto but to sign a bill approving the Keystone Pipeline into law.

I strongly support construction of this pipeline and I urge my colleagues to do the same.

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

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. COATS. I certainly will. I didn't see my colleague. I am happy to do so.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Madam President, I am happy I was here for the comments of my colleague from Indiana on the Keystone Pipeline and, similar to the Senator from Indiana, I am also happy to finally have this debate. The comments he made are very sincere and passionately believed. I accept that. I only challenge one aspect of the comments, which is the suggestion that opposition of Keystone is feeble or only for political reasons.

I am a pro-energy Senator. The first bill I introduced in the 114th Congress was a bill I am cosponsoring with Senator BARRASSO of Wyoming to expedite American exports of liquid natural gas, but I am an opponent of Keystone on environmental and economic grounds, and I wish to spend a few minutes describing why.

To begin with, it can probably be summed up in a question: Why embrace dirty energy when America is in the midst of a clean energy revolution? That is a primary reason I oppose Keystone. The United States, thank goodness, is on a clean energy roll. Not only are we on a clean energy roll, we are on an energy production roll that is helping our economy, helping our trade deficit, and hurting some of our most significant global adversaries, notably Russia and Iran.

We have embraced over the last few years a set of conservation and efficiency investments, probably most notably the increased CAFE standards that have saved energy use in the vehicle sector as well as helped the American auto industry significantly rebound. Our natural gas revolution, of which I am a strong supporter, has enabled American industry and consumers to get lower priced energy, and it has enabled us to lessen our dependence on dirtier fuels in the production of electric power and other aspects of our power usage. Wind and solar and other noncarbon energy developments have rocketed ahead. Nearly one-third of the energy that has been added to the American electricity grid since 2005 has been in the wind and solar area. We are one of the few nations in the world that in the period from 2005 to 2012 actually saw a reduction in our carbon emissions.

We are on a clean energy roll. We are innovating for the world and we are selling technologies to the rest of the world and that is good for our economy as well as good for the environment.

We are also asserting American energy leadership not just in the advances in clean energy but also in the significant advances in American energy production. I think we should feel

good about the fact that we are a country that has gone from being one of the greatest net importers of energy in the world to now a country that is going to be one of the greatest energy producers in the world, and in many energy areas we are now a net exporter. So emissions are going down. Production and exports are going up.

The other thing that is great for Americans is that prices are going down. A barrel of oil right now is in the $50-a-barrel range, which is putting about $1,000 a year back into the pockets of an American family. It is helping American businesses, and it is imposing, as I mentioned earlier, some significant harm upon two of our most persistent global adversaries—Iran and Russia—that rely on energy exports to drive their economy.

This energy revolution—higher production, greater economic efficiency, greater cleanliness—has all been happening without the Keystone Pipeline. It has all been happening without the United States embracing tar sands oil. We are going in the right direction now. I oppose the Keystone Pipeline because accelerating the use of tar sands oil turns us around. Instead of going in the right direction to more production, more national security and greater emissions control, the Keystone Pipeline accelerates tar sands oil and takes us in the wrong direction. Simply put, tar sands oil and the exploitation of that resource is a bad bet for the environment and, I believe, a bad bet for the economy.

Last month, December 2014, a magazine I really like that normally has a lot of articles about the outdoors, Outside magazine, ran a lengthy article on the area of Canada in Alberta where tar sands are mined. The article is called ''The High Cost of Oil.''

To anyone who is interested in this debate—pro, con or undecided—go online to Outside magazine, December 2014, ''The High Cost of Oil,'' and read what the mining of tar sands oil does to this part of Canada and to this planet.

Tar sands oil is not like conventional gas or petroleum. Tar sands oil, the mining and refining and production of it, produces about 15 to 20 percent more greenhouse gas emissions per unit of energy than conventional petroleum. Natural gas produces dramatically less CO_2 than conventional petroleum, but tar sands oil produces dramatically more. If you care about the emissions of CO_2—and I think we should all care about the emissions of CO_2 because I accept the science that says CO_2 emissions cause significant climate effects—if you care about CO_2 emissions, then tar sands oil is absolutely the worst thing that can be done.

Over the 2 years now that I have been in the Senate, I have had a lot of folks come to me and talk to me about Keystone. They never say a word about greenhouse gas or CO_2 emissions—not a word. Senator COATS didn't say a word in his comments about CO_2 or greenhouse gas emissions. I ask individuals, when they come and talk to me about Keystone: What do you think about CO_2 emissions? What do you think about the fact that tar sands oil is significantly more carbon dense than normal petroleum? The response I find myself getting is: I don't know; I am not a scientist. In fact, I heard that from an energy CEO who employs tons of scientists in his organizations: I don't know; I am not a scientist.

The scientific consensus I believe is very clear. We have to do what we can—not drastically and dramatically but in an incremental way—every day to bring down our CO_2 emissions. I believe we need to do that in smart ways. Yet, from an emissions standpoint, tar sands oil goes exactly in the wrong direction. It is not just CO_2 emissions. Tar sands oil also involves the mining of it. I would encourage you to read this article. It involves scraping up vast acreages of an arboreal forest in Alberta to get to the tar sands underneath. So far, an area about the size of the State of Rhode Island has been completely despoiled to look like a moonscape to get to tar sands, and this will significantly accelerate the more tar sands are built.

In the area of Alberta where the mining and refining is taking place, there has been a dramatic increase in respiratory illness and other illnesses associated either with airborne emissions or with the contamination of the area's water supply.

Probably one of the most powerful things about the article is not the lengthy analysis, not the words, it is the pictures. The pictures in that article are staggering. When you see what has to be done to these arboreal forests to mine tar sands oil, you come back to this question: Why would we embrace a dirtier technology when America is on a clean-energy revolution that is driving down prices, driving up production, and also driving down emissions.

Tar sands oil takes us in the wrong direction. It is not so much about the pipeline. We rely on pipelines in this country, but it is about the acceleration of the development of a resource that, frankly, just doesn't need to be developed.

I will conclude and say this. Some say—and I made this argument—well, look, it is going to be mined anyway and refined anyway. If the pipeline doesn't go through the United States, it will go westward or eastward through Canada or another direction. I am not completely sure that is correct. The article in Outside discusses the fact that Canadians, who know this better than anybody because they live in the neighborhood, are fighting against pipelines being built in Canada. There is also the matter with oil now at a significantly lower price than it has been. Even the economics of this tar sands oil, which is pretty expensive because of what you have to do to refine it, may not make any sense. But even if we set those arguments aside and somebody says to me, why shouldn't the United States just give the big green light to tar sands oil because somebody is going to get it, the reason I think we shouldn't is the United States is showing the world right now what it means to be an energy leader.

With increased production, lower emissions, lower prices through innovation—through American innovation—we are showing the world what it means to be an energy leader. We are a leader because we have embraced a simple effort.

I am not an engineer, but as I look at what happened in innovation in the last decade, the ethic we have embraced is: Let's do it cleaner tomorrow than today. That is pretty simple. Let's do it cleaner tomorrow than today—not dramatically cleaner. It doesn't have to turn day and night from today to tomorrow. Let's just get a little bit cleaner tomorrow than today.

That is what we have been doing as a Nation. It has been increasing supply. It has been driving down demand. It has been driving down prices. It has been helping us control emissions. That is what we should keep doing. I am a pro-energy Senator, but I am a deep skeptic about the use of tar sands oil. For that reason, I am glad we are going to have the debate. I think we should finally be at it. But I am going to oppose the Keystone Pipeline because tar sands oil is going backwards and not forwards. We are showing the world what it means to go forward, and that is the direction we should continue to go.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. CANTWELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. CANTWELL. Mr. President, we are going to be voting shortly on the motion to proceed to S. 1, the Keystone XL Pipeline. I am here to urge my colleagues to vote no on that motion to proceed. We had a couple of chances to come to the Senate floor already today and last week and talk about the important issue of energy development in the United States and how we move our country forward with job creation and energy development. The President—we got to hear his remarks and certainly we respect people's points of view that this issue is an issue we have had a lot of time to discuss.

Mr. President, the issue is whether the American public and people in affected States have had a lot of time to talk about this issue and whether they have had a transparent process to talk about this issue.

I ask unanimous consent to have printed in the RECORD an article that

was in USA TODAY whose headline is ''Permit problems plague Keystone XL pipeline's S.D. leg.''

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

[From USA Today, Jan. 7, 2015]

PERMIT PROBLEMS PLAGUE KEYSTONE XL PIPELINE'S S.D. LEG

(By John Hultjhult)

The South Dakota Public Utilities Commission on Tuesday voted down a move by tribal and environmental groups to force a reboot to the Keystone XL pipeline's state-level permitting process. (http://www.argusleader.com/story/news/2015/01/06/sd-permit-keystone-xl-still-question/21359367/)

PUC commissioners said there are clear questions about whether South Dakota's stretch of the massive and controversial project is still due the construction permit it earned in 2010, given a series of changes to its original scope.

The 2014 version of the pipeline would be able to carry crude from North Dakota, for example, along with the anticipated crude extracted from tar sands in Alberta, Canada.

Even so, commissioners ruled that forcing pipeline owner TransCanada to start over without being offered a chance to explain how it could make those changes while meeting its old obligations would be a denial of due process.

''We need to go through the process to find out,'' Commissioner Chris Nelson said.

TransCanada asked for re-certification of its 2010 construction permit in September. The company had to ask for re-certification because four years had passed since the permit was granted.

The pipeline stalled as President Obama chose Tuesday to delay the issuance of a federal permit indefinitely, a move that has frustrated supporters, who say the project will add jobs and boost energy security. If completed, the Keystone XL pipeline would release more than 800,000 barrels of oil a day.

The GOP-controlled Senate is expected to take up the issue this week.

In a new application for the 313 miles of pipeline planned for South Dakota, the company notes 30 changes to the original project, including the addition of North Dakota oil, minor route changes, alterations to construction plans and costs.

The Yankton Sioux Tribe filed a motion to dismiss the company's application based on those changes, saying the re-certification process is meant for projects that have been delayed, not those that have altered dramatically in scope.

The permit was issued with a set of 50 conditions, which were based on the project as approved four years ago.

Thomasina Real Bird, a lawyer for the Yankton Sioux Tribe, told commissioners that the changes to the pipeline are simply too significant to allow the company to apply for re-certification.

The company isn't just asking to re-certify a stalled project, she said.

''They're going a step beyond, and that step is not allowed by law,'' Real Bird said.

Several others spoke in support of the Yankton Sioux Tribe's motion to dismiss, including Kimberly Craven of the Indigenous Environmental Network.

''I would urge the commission to start over,'' Craven said. ''It's a new permit, a new ballgame.''

Bill Taylor, a lawyer for TransCanada, told commissioners that re-certification is meant to determine whether delayed projects still fall within the scope of an old permit. Dropping a re-certification request because a project changes renders the re-certification process pointless.

Keystone XL has changed, but Taylor said the company is prepared to prove that it still meets each of the 50 conditions attached to its 2010 approval. The pipeline is still a pipeline, the product is the same, and the end result is more energy security for the U.S., Taylor said.

''The current iteration of the project can and will meeting the conditions upon which the permit is issued,'' Taylor said.

The PUC voted 3–0 to deny the motions to dismiss the application brought by the Yankton Sioux Tribe and joined by others. The hearing on the merits of the re-certification is planned for May.

Ms. CANTWELL. This is an article that just recently appeared in the paper about how South Dakota is bringing up objections to the pipeline, and they want to do due process with their public utility commission to make sure this project meets the criteria of environmental and safety concerns and security concerns that State wants to see met.

The reason this is still an issue in South Dakota is because part of the pipeline will go through South Dakota. There have been many changes since the original proposal was put forth, and people in South Dakota want to know exactly what these changes are and exactly how they will go through the process. In fact, one Native American tribe representative who was objecting said:

The company is not just asking to recertify its old project. They are going a step beyond that that is not allowed by law.

So there are people who want them to go through the normal process because siting of a pipeline of this nature is of great concern to local residents, to property owners.

I find it interesting that in the debate on this issue, we on this side of the aisle are the ones who are advocating and standing up for property owners to make sure there is not a taking of their property without a transparent process and input for that process because that is exactly what transpired here when the company, with the help of the State of Nebraska, did not continue to proceed through their public service commission, their public utility commission, and instead tried to pass a law saying that the environmental review and security issues and oversight could be done by the Governor.

Now, my colleagues who are Governors know that when you are Governor, you do not have the most transparent process. It is not as if citizens are going to come to hearings in the Governor's office. It is not as though all of that is there for review. Certainly those citizens do not have the ability to object and make sure they are getting the right compensation for their property and make sure issues of safety and security are addressed.

So that is why some private property owners sued. Because the legislature and the Governor did not have the right to act; the law taking the power away from the utility commission and giving it to the Governor was unconstitutional. The separation of powers is divided between the Governor and their public service commission. It is the job of those UTCs—utilities and transportation commissions around the country—to protect the interests of the public in the siting of these facilities. That this authority was now moved up through the legislature to the Governor to decide all of that was clearly something that was not constitutional. I find it very interesting that four of the seven supreme court justices said, in fact, yes, that law passed by the legislature was not constitutional.

So my question is, What is the hurry? Now that this issue, based on standing and the other justices not deciding, has the process to move forward, Congress feels some sort of urgency to be a siting commission and site a pipeline that has, No. 1, failed to go through the public process in the State of Nebraska; No. 2, has a public process now being questioned in the State of South Dakota, raising concern and urgency that those issues of the public be addressed; and No. 3, goes over what the President of the United States has said he wants to follow as a due process and make sure all the issues are brought to the table.

I will remind my colleagues that if everybody here had their way, the President would have approved the original Keystone XL pipeline route. Congress thought they should stick their hands in the middle of this siting and land use issue and put in legislative language on a passed bill by the Congress saying the President, if it was a national security interest, must decide and site the Keystone Pipeline. Thank God those at the State Department and the White House decided that was not such a smart idea because that current pipeline went through a major aquifer that served eight States and posed a great deal of concern to landowners, farmers, residents, and various individuals about that particular proposal.

So if this body would have had its way before—those who support this pipeline—they would have pressured the President to approve what is now a defunct, horrible idea of what was proposed by TransCanada. So now I ask my colleagues, are you sure all of the issues have been addressed here at the local level? Because clearly there are people in Nebraska and people in South Dakota who do not think so.

Last I checked, our job is not to site pipelines; our job is to move our country forward on an energy strategy that will produce jobs, diversify our resources, and make the United States a leader in energy.

I know my colleagues feel as if we will get a chance to address a lot of issues if we do move forward in a debate, and I am sure there will be many on many sides. I question whether we shouldn't be spending our time focusing on a bipartisan energy bill with lots of support on a whole myriad of

others issues we need to work on, as we did in 2007, to make sure we are helping in the transformation of energy policy moving forward that will produce a lot more jobs.

This particular proposal, as many of my colleagues have pointed out, while there are some immediate construction jobs, the long-term jobs are very few compared to many of the other things we have been doing.

I would also like to point out that since Keystone has undertaken more development in the United States, that part of that development in the United States has also come into question lately. The security of the welding on the pipeline that has been done in the southern part of that pipeline has come into question, even to the point where I think the State Department has said to the company: We are going to have a third-party validator approve whether you are actually meeting the standards we would like to see in the development of this pipeline in the United States.

But there are many issues here about safety and security, as my colleagues can point out who have brought up these issues before. My colleague from Michigan suffered one of the most devastating oilspills in her area. That was a tar sands oilspill. My colleague from Michigan, Senator STABENOW, has actually flown over that oilspill and cited that it took 4 years and $1.2 billion to clean it up and that the tar sands sunk to the bottom of the river and the river had to be dredged.

So this is something my colleagues may not quite understand, that the tar sands, even according to the Commandant of the Coast Guard—we do not really have a solution for its cleanup when it spills in water. That is why I want to make sure that tar sands pay into the oilspill liability trust fund, as any other oil source does, so that we can make sure we are planning for the future and for getting help and response for any of these oilspills that could occur in the future.

But needless to say Michigan and the Kalamazoo spill taught our Nation how dangerous this oilspill process could be. So why are we prematurely trying to cut off the debate on this issue at the local government level and say that we in Congress know better than these utility and transportation commissions and their transparent siting process for the American public? Why do we somehow know better that this is where a pipeline should go and how the process should work?

So I hope my colleagues will stop and think more about how TransCanada proposal. I know some of my colleagues like to talk about being a good neighbor, and I like to say, you know, we in the Pacific Northwest consider British Columbia a very big friend and neighbor. There are many times that people talk about two provinces and five States working together as an organization on economic issues. So that structure has been in place for many years in the Pacific Northwest. But the people of British Columbia have not been a big supporter of tar sands oil expansion. Something like 60 percent of the public of British Columbia opposes having a tar sands pipeline cross their province. TransCanada knows they are not going to be successful in getting this oil from Alberta across British Columbia out to the Pacific because the people of British Columbia do not want it. So, of course, why not come to the United States? Why not ask them if they want a pipeline going through the middle of their country?

British Columbia Premier Christy Clark laid out five principles that ought to have been met in order to site a pipeline of tar sands. Those conditions have not been met, and the province is officially opposed to the pipeline. So there was a lot of opposition and concern there.

I will note for my colleagues that when a public UTC—a utility commission or public service commission—when they evaluate a project, they have to look at the environmental impact, and that is water supply, wildlife, vegetation, plants, and they have to look at the economic and social impact. They need to look at alternative routes, the impact to future development near the pipeline, and the views of cities and counties. Again, I will note that I think all of those are a part of having a transparent process instead of a political process on siting.

So I am not for moving forward on what I consider special interest legislation, Congress siting for a special interest—this TransCanada company—a project that even people in Canada have raised suspicion about.

I hope that we will allow the President to still do due process on such an important issue of environmental concern and that we will not start setting a standard that if you want to short-circuit the eminent domain and protection rights of individuals, we will just bypass all of that at the local level and somehow go to Congress and they will get that done for you. I think that is a very bad message.

I hope my colleagues will turn down this legislation, I hope that we can move on to other energy issues that will help our country diversify and move forward in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HOEVEN. Mr. President, I rise to again talk about the Keystone XL Pipeline approval bill. We will be voting on cloture on the motion to proceed in about 15 minutes or so.

I believe we have a bipartisan majority. We have 60 sponsors of the legislation, and we will have some others join us in voting to proceed on the bill.

That is important, not just because this is bipartisan legislation, important energy legislation for our country but, as I have said before, this is an opportunity for all the Members of this body—Republican and Democrat—to come forward with their amendments in an open amendment process and really have an energy debate.

Let's talk about the energy future of this country and let's bring forward amendments to this legislation that can be good amendments and help us build the right kind of energy plan for our country.

What I would point out about this Keystone Pipeline approval bill is that as we work to build an energy plan for this country, as we work to produce more energy so we are truly energy secure—a lot of people call it energy independence—but the way I define it is energy security for our country where we produce more energy than we consume, so we control our destiny. If we produce more energy than we consume, then we control our destiny when it comes to energy. But to do that, we would not only have to produce that energy, we have to have the infrastructure to move it safely, cost effectively, and efficiently from where it is produced to where it is consumed.

We have this incredible opportunity with Canada to have North American energy security. We are working with our closest friend and ally in the world. We together produce more energy than we consume, and we have the infrastructure in place to move it from where it is produced to where it is consumed in our country. Now we control our own destiny.

When it comes to OPEC or when it comes to Russia or when it comes to China, when it comes to geopolitical events that affect the price of energy, we are in a strong situation. Look at what is going on in Western Europe right now. Look at what is going on in Ukraine. They are in a tremendously difficult situation because they are dependent on Russia for their energy, for their natural gas, at a time when Vladimir Putin is undertaking very aggressive action in Europe. He is invading Ukraine. He has taken Crimea. He continues his aggressive efforts. And at the same time the European Union is trying to support Ukraine, Ukraine is fighting with Russia. This is a situation where Ukraine is depending upon Russia for its energy.

Does America really want to be in that kind of a situation in the future when we have real problems in the Middle East, when we have real problems with fundamentalists, Islamic jihadists conducting terror on our people and other freedom-loving people around the world? Do we want to be in a situation where we continue to depend upon the Middle East for our oil?

Well, the answer to that is no. The American people resoundingly answer that question—no.

Also, the American people well know that the reason gas prices at the pump today are lower is not because OPEC just decided to give us a Christmas present. They know the reason energy prices are low in this country, that when they pull up to the pump they are saving money, is because we are producing so much more energy in this country and we are getting more energy from Canada.

Unless OPEC cuts back their production, more supply drives prices down. So it is not only about low prices now, it is about making sure we are able to control our energy destiny in the future. We have to take a long-term view. It is working.

Of the 18 million barrels of oil a day this country consumes, we now produce 11 million barrels in this country. We are up to 11 million barrels that we produce in this country of the total we consume, so we are still importing about 7 million barrels a day.

Canada is now up to 3 million of those 7 million barrels, so we are down to only importing about 4 million barrels a day, but if we keep working at this, we can continue to produce more in this country. Canada's production is continuing to grow. And if we build the infrastructure, we can make sure that we control that energy—North American energy security.

That means not only now do our consumers and small businesses and our whole Nation benefit from lower energy prices, lower gas prices at the pump, but we have that ability to make sure we control our destiny and that we benefit in the future.

Let's not repeat the mistakes of the past where we return to this dependency on OPEC down the road because we haven't built the infrastructure, we haven't worked with Canada, and we haven't brought our domestic industry to North America so that we truly are energy secure. If we don't build the necessary infrastructure, if we block the necessary infrastructure, we can't build that energy plan for the future.

I have heard my counterparts, some of the critics, say: Well, it is not up to us to issue a building permit for infrastructure.

Really? So you mean it is the President's job and it is Congress's job to block critical energy that will get us to energy security? Our job is to block it? Our job is to prevent the very infrastructure we need to build energy security for this country, to block the private investment, the $8 billion that private companies want to spend to build this infrastructure, to create jobs, to produce more energy in North America, and to help make this country's energy security? The President's job and this body's job is to block the ability of our country and Canada to build this necessary infrastructure? Well, I don't think so.

If you want to put it in terms of: Oh, well, we are not supposed to issue a building permit—really? So our job is to prevent the building of critical infrastructure even when it does not cost one single penny—not one penny—of government money?

This is almost $8 billion of private investment that will generate hundreds of millions of dollars of revenue—State, local, and Federal. Every State on the route has approved it.

There is an idea somehow we are jumping the gun after 6 years? Let's see, it has been in process for 6 years. Every State on the route has approved it. We are not spending any Federal money. We are saying our job as a Congress and the President is to block that kind of investment, block that kind of job creation, block that kind of energy development, and block our ability to get to energy security for this country.

Then there is this argument: Oh, well, it is TransCanada. It is one company. It is only one company, so it really doesn't matter.

Really? Well, if you were a company—a Canadian company or a U.S. company—and you were about to build infrastructure so that we could continue to produce more energy in this country, would you do it? If, in spite of the process that the Federal Government has to approve this project, where all of the requirements have been met—not once, but over and over again—and Congress and the President continue to block your ability to build that infrastructure, are you going to jump up and spend billions of dollars and do it? I doubt it.

And isn't that really what this is all about? That is what it is about, isn't it? It is for the folks, for the extreme environmental groups that don't want the development of fossil fuels—they are going to block it. This is sending the message and making sure they shut her down here. That has to be music to OPEC's ears. I have to believe that OPEC is going: Boy, that is great; they are not going to build the infrastructure in their country to produce the energy.

That is going to keep OPEC in business.

There is another country that I think will be very pleased, really excited, if this project gets blocked, and that is China. China is so anxious to get this oil, they are trying to buy that production in Canada. Because, make no mistake, if the energy doesn't come to the United States, it is going somewhere else, and it is most likely going to China.

So when we get back in that situation down the road when oil prices move back up, energy demand goes back up, and we have prevented our industry from growing—and Canada is sending all the oil to China, and we have to go back hat in hand to OPEC, Venezuela, and all of these countries, remember——

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

Mr. HOEVEN. I ask unanimous consent to continue for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. Reserving the right to object. Is the vote scheduled for 4 minutes from now?

The PRESIDING OFFICER. Yes, the vote is scheduled for 5:30 p.m.

Ms. CANTWELL. I am happy if the Senator speaks until the time of the vote, but I think we should keep to the vote schedule.

Mr. HOEVEN. What time is the vote scheduled?

The PRESIDING OFFICER. The vote is scheduled at 5:30 p.m. That would leave the Senator 2 minutes.

Mr. HOEVEN. I note the presence of the chairman of the Energy Committee. I defer to her for some time if she wishes to speak before the vote. That would be my question, whether we could get maybe a couple of minutes for that purpose. I can certainly wrap up in a couple of minutes.

Ms. MURKOWSKI. Mr. President, I defer to my colleague, the sponsor of this legislation, Senator HOEVEN from North Dakota, to conclude his remarks within the remaining time so that we can begin our vote at 5:30 p.m. We appreciate his leadership on this bill.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. HOEVEN. I will wrap up on this note.

Let's not get back into the same predicament we have gotten ourselves into before. Let's build this vital energy infrastructure so we can develop energy security for our country, together with Canada.

The other point I want to make is on the environmental point: No significant environmental impact. That is the finding of the Obama administration's environmental impact statement done by the State Department. That is their own report: No significant environmental impact.

I look forward to having more discussion on the environmental aspects as well.

I urge my colleagues to vote in favor of this legislation.

CLOTURE MOTION

The PRESIDING OFFICER. All time having expired, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant 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 the pending motion to proceed to S. 1, a bill to approve the Keystone XL Pipeline.

Mitch McConnell, Lisa Murkowski, Chuck Grassley, Richard Burr, Tim Scott, John Boozman, Ron Johnson, Lindsey Graham, James Lankford, James M. Inhofe, Dean Heller, Rand Paul, Kelly Ayotte, Bill Cassidy, John Cornyn, David Vitter, John Hoeven.

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 the motion to

proceed to S. 1, a bill to approve the Keystone XL Pipeline, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Further, if present and voting, the Senator from Louisiana (Mr. CASSIDY) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Nevada (Mr. REID), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

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

The yeas and nays resulted—yeas 63, nays 32, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—63

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

NAYS—32

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

NOT VOTING—5

Brown	Reid	Wyden
Cassidy	Rubio	

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 32.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Pennsylvania is recognized.

MORNING BUSINESS

Mr. TOOMEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each and that that time count postcloture.

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

Mr. TOOMEY. Mr. President, I ask unanimous consent that I be allowed to speak for 15 minutes.

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

The Senator is recognized.

KEYSTONE XL PIPELINE

Mr. TOOMEY. Mr. President, first, I congratulate my colleagues Senator HOEVEN and Senator MANCHIN, the cosponsors of this legislation. I also commend the energy committee chair, Senator MURKOWSKI. This is important legislation. It is long overdue that we take this up, but it is encouraging that we finally are doing that. So I commend them for that.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Could Senators please take their conversations out of the Chamber. The Senate will be in order.

The Senator is recognized.

Mr. TOOMEY. Thank you, Mr. President.

A couple of things about the Keystone Pipeline, and then I wish to talk about an amendment I am going to be offering.

First, I think one of the encouraging things about approving this pipeline is the benefits for the environment. The fact is we will be moving oil on a pipeline which is a cleaner, safer way to do it than any available alternative. That is good news.

It is good news that it is going to create jobs across our country. The State Department has estimated 42,000 jobs in the development of this pipeline. That is terrific news for everyone who is going to get a chance to benefit from that work.

Clearly it is going to reduce our dependence on non-North American oil, which can only be good from a geopolitical point of view as well as an economic point of view. Of course, the fact is this legislation has bipartisan support and has for a long time. It received 31 Democratic votes in the House, 14 Democratic votes in the Senate, as well as every Republican Senator the last time it was brought up. It is strongly supported by the labor community because they recognize the benefits of the jobs it will create, and I urge my colleagues to support this important legislation.

I also would like to take a moment to thank Leader MCCONNELL for doing exactly what he said he would do and what many of us said we needed to do in this Chamber, which is to reopen this body—reopen it and have debate and put legislation on the floor and open it for amendment. Let's have a discussion. Let's change policy in this country in ways that will be constructive. We are beginning this process now as we said we would, and I think that is terrific and I intend to take advantage of the opportunity.

I have several amendments I am going to file and I intend to bring up with respect to this legislation. One is going to be an amendment that will encourage a transition of our Federal Government's vehicle fleet from the current practice of burning gasoline mostly, and I encourage the adoption of natural gas as an alternative fuel because natural gas is cleaner, it is domestic, it is actually cheaper. Without any government subsidy or taxpayer help, natural gas is a cheaper source of fuel.

We have a staggering quantity. The United States is the world's No. 1 producer of natural gas. We have 2.2 quadrillion cubic feet of natural gas. That is too big a number for me to wrap my brain around, but let's put it this way: That is the gas we know of, and it is enough to last the next 85 years, based on any plausible projection of our use. It is a staggering amount.

I have another amendment that also has bipartisan support. I thank Senator FEINSTEIN, Senators FLAKE and MANCHIN for supporting the effort to repeal the corn ethanol mandate in our fuel. This is a very bad policy that we have had for far too long. It is time to end this mandate that we grow corn and use it to burn in our gas tanks. It is a practice that is bad for the environment. It raises the cost of filling our tanks. It raises the cost of food because so much of our corn production goes into this, and it is not good for our engines. There is no good reason to continue this, and I look forward to having the debate that will enable us to repeal the corn ethanol mandate.

But the amendment I wish to talk about is another bipartisan amendment. I thank Senator CASEY for being the Democratic cosponsor for this amendment, and I thank Senator HATCH for joining me. This is an amendment that will preserve an important, environmentally beneficial source of alternative energy that we have especially in Pennsylvania and West Virginia, and it is under threat by two new rules that have been proposed by the EPA.

Let me give a little bit of background as to why we have gotten to this place. In Pennsylvania and West Virginia we have been mining coal for well over a century, and for many of the decades, especially in the early years of our coal development, we took the high-energy density coal and our coal miners sold it to the steel industry where it was used in the manufacturing process of making steel, and the low-energy coal was left in piles—huge piles—actually mountains. It is often referred to as waste coal.

The first photograph illustrates one of these waste coal piles. It is in Nanty Glo in Cambria County, PA. It is one of many piles or, as I say, mountains throughout Pennsylvania and West Virginia. The Pennsylvania Department of Environmental Protection estimates that there are 2 billion tons of waste coal such as this covering 180,000 acres in Pennsylvania alone. Think about that. It is a massive scale because of over a century of legacy of coal mining. Some of these piles are literally in people's backyards.

Here we can see the people who live literally within a stone's throw—if you have a reasonably good arm—within a stone's throw you can reach this pile. That is also Nanty Glo in Cambria County. There are people who live within a couple of hundred feet.

What is the problem with these mountains? The problem with these mountains of coal is it rains on them, and when it rains the runoff is horrendous. It looks like this. It looks like this in every one of these mountains of waste coal everywhere that one exists, every time it rains. In 2003 in an op-ed entitled ''The Benefits of Waste Coal,'' former Democratic Governor of Pennsylvania Ed Rendell's Department of Environmental Protection secretary, whose name is Kathleen McGinty, wrote: ''For years these piles sat abandoned, generating iron, manganese and aluminum pollution that discharged as runoff into Pennsylvania's waterways.''

That is exactly what happens when these piles just sit here.

In 2011 the Pennsylvania Department of Environmental Protection report states:

> Coal refuse piles that are not removed (i.e. burned for fuel) generally create severe acid mine drainage, with pH in the 2.5 range . . .

A pH that high, by the way, is somewhere between the intensity of stomach acid and hydrochloric acid. That kind of acidic chemical running into our waters is enormously damaging.

Slide No. 4 is another depiction of exactly what happens when rainwater runs through these piles and finds its way into the streams, rivers, ponds, and lakes of Pennsylvania. It pollutes hundreds of miles of rivers and streams.

In 2007 former Democratic Governor of Pennsylvania, Ed Rendell said:

> These piles are domestic energy sources that have significant value when put into production in CFB cogeneration plants. When left on the ground, waste coal presents a grave environmental threat. Runoff from these piles contributes to the ''abandoned mine drainage'' that is the second leading water pollution problem in the Commonwealth, literally killing all life in some 2,000 stream miles in Pennsylvania.

But that is not all. Photo No. 5 shows something else that happens with these piles. They catch fire. They spontaneously combust. It could be from lightning, carelessness, and sometimes it is unknown, but they catch fire. This particular photo is from Fell Township in Lackawanna County, PA.

The pile caught fire in December of 2013. It burned for over a year. It is very hard to put these fires out. It burned out of control with, obviously, no ability to do anything about the pollutants that are being released by the combustion because it is completely uncontrolled.

We think the fire went out in January, but authorities are still not certain that it may not be smoldering somewhere below the surface. By the way, this mountain is 600 feet from residential housing. What is the effect of this kind of combustion on the residents in that area?

How much of this will burn? Maybe some people think this is just a freak incident. Not really, the Pennsylvania Department of Environmental Protection estimates that 6.6 million tons of waste coal burns each year—unintended, uncontrolled, but it is burning—and in the process it emits 9 million tons of carbon dioxide and many tons of other uncontrolled air pollution.

What about cleaning all of this up? The costs would be absolutely staggering. Again, former Pennsylvania Department of Environmental Protection Secretary McGinty estimated that it costs between $20,000 and $40,000 to reclaim just one acre of waste coal. We have hundreds of thousands of acres of waste coal.

The Pennsylvania General Assembly has estimated it would cost approximately $15 billion to remediate Pennsylvania's abandoned mine set. That is the bad news.

The good news is the market has figured out a solution to address this matter. The free market has developed a way to systematically eliminate these mountains of waste coal, and for decades we have had powerplants designed specifically for the purpose of burning this coal and doing so in a controlled and regulated fashion. They have removed 210 million tons of waste coal and used it to produce electricity.

They have remediated over 8,000 acres. They have generated 1.769 gigawatts of electricity, which is enough to power 1.3 million homes, and in the process the generation of electricity from this waste coal has directly resulted in creating 1,200 jobs.

In the past, the EPA has always acknowledged the benefits of systematically eliminating these mountains of waste coal and doing so by generating electricity. In fact, I will quote a report from the EPA in 2011 that says this: ''Because of the unique environmental benefits that coal refuse-fired EGUs provide, these units warrant special consideration.''

The problem I am here to address is that there are two new rules passed by the EPA that would bring an end to the systemic elimination of these mountains because these rules are prohibitive. It is not possible for the waste coal powerplants to comply with these rules, so they would all be shut down and we would be left with these piles indefinitely, which would mar our landscape and pollute our water and air.

The two specific rules that would do this—the cross-State air pollution rule is very likely to have the effect of imposing absolutely unattainable goals on waste coal powerplants, and the utility MACT rule establishes new and very stringent emission controls and a whole new generation of very stringent regulations that this industry cannot meet.

If these rules go into effect—and they are scheduled to go into effect later this year—then waste coal and electric generation ends, and these plants close. As a result, we lose the electric power they have been generating, the 1,200 jobs they sustain, and the low-cost energy that is reliable and domestic. We will end up with a more serious air pollution problem when the spontaneous combustion continues, and we will have an ongoing problem with water and air pollution as the nearby streams and water table will be polluted.

That is why Senator CASEY, Senator HATCH, and I have joined together to offer an amendment to this legislation that will exempt the waste coal powerplants from the most onerous and prohibitive aspects of these new rules.

With respect to utility MACT, we would retain all of the regulatory limits on mercury, chromium, nickel, and other heavy metals, but it would exempt the waste coal plants from the cross-State air pollution rules, and it would allow these plants to continue remediating these waste coal sites.

I wish to stress that it is important to point out that all of the existing regulations that have long been in effect will remain in effect. What we are talking about are the two new rules that would be guaranteed to shut down the industry. Those two rules would not go into effect with respect to the waste coal electric generation.

The fact is if our amendment is adopted and becomes law, we will be helping our environment by continuing to systematically eliminate these blights. I want more success stories like the one in this photograph.

This photo was taken in Nesquehoning in Carbon County, PA. The first photo shows what the ground looked like when the waste coal was piled up. The second photo shows what happens after it has been consumed and the land has been restored. This happened precisely because there is a nearby waste coal powerplant that was able to take this coal, generate electricity for us to use, and restore the land to a much safer, much more environmentally friendly, and much more attractive environment.

We need to keep these plants operating. It is about improving our environment, it is about keeping people working, it is about the low-cost, reliable electricity that we have from it, and I urge my colleagues to support this amendment.

With that, I yield the floor.

MISSOURI'S EMANCIPATION PROCLAMATION

Mrs. MCCASKILL. Mr. President, I ask the Senate to join me today in honoring the 150th anniversary of the State of Missouri's Emancipation Proclamation which ended slavery in the State of Missouri. This proclamation of freedom was imperative for democracy and progress in our State. It is undoubtedly a landmark in Missouri's history.

In 1720, the arrival of 500 slaves to the areas presently known as St. Louis

County and Jefferson County, marked the beginning of slavery in Missouri. Those slaves, who were brought to work in the lead mines in those counties, experienced great discrimination over the course of 1½ centuries. When the Territorial Slave Codes were created in 1804, slaves were banned from using firearms, participating in assemblies, holding church services and selling alcohol. Under the codes, slaves were also punished severely for participating in resistance efforts and the mutilation of slaves for the sexual assault of white women was made legal. White men who sexually assaulted slave women, however, were charged for trespassing upon a slave owner's property.

Retained by the State Constitution in 1820, the Territorial Slave Codes were only a premonition of more to come. In 1821, Missouri entered the Union as a slave State with the passing of the Missouri Compromise and in 1825, the Missouri Legislature passed a law which declared slaves to be incompetent as witnesses in legal cases involving whites. That gloomy trend continued as the education of slaves was banned in an 1847 ordinance. One of the most foreboding events, however, occurred in 1857 with the infamous Supreme Court case Dred Scott v. Sandford when the judicial system in the state of Missouri and the wider judicial system in the United States decided that persons of African descent were not U.S. citizens.

At the time of the Civil War, over 100,000 slaves were living in the State of Missouri and when President Abraham Lincoln signed the Emancipation Proclamation in 1863, Missouri's slaves were not freed as Missouri was not officially in rebellion against the United States. Missouri's slaves received their freedom on January 11, 1865, when the Emancipation Ordinance was signed at a State convention in St. Louis. That ordinance was made effective immediately and the strict codes of the past were eliminated.

I ask that the Senate join me in reflecting upon this difficult time in Missouri's history and honoring the historical significance of the Emancipation Ordinance which ended slavery in the State of Missouri, 150 years ago.

ADDITIONAL STATEMENTS

REMEMBERING WILLIAM ''BILL'' HARRISON BULLOCK

• Mr. COONS. Mr. President, today I highlight the service of William ''Bill'' Harrison Bullock to his country, commitment to his family, and contribution to both the city of Wilmington and the State of Delaware.

Bill was born on November 11, 1926, in Wilmington, DE, to William and Amy Bullock. He graduated from P.S. DuPont in 1945 and was immediately drafted to serve as an aircraft mechanic in the Asia-Pacific theater during the Second World War.

Upon his return to the United States, Bill joined and ultimately took over the five generation family business, Bullock Iron Works, which allowed him to meld his passions of building and construction with artistry. Bill invented a process for the precision bending of cold steel for decorative applications, including railings. The family business gave him an opportunity to work with his brother-in-law James Broad—husband to his sister Amy—and his nephew Jim Broad. Bill very much enjoyed and spoke often of the bond created by working and creating beautiful ornamental steel creations with his family members.

Bill had a long-standing bet with his brother-in-law that he would not get married before he turned 30 years old. Bill married Norma McBride on November 10, 1956—1 day before his 30th birthday. They had two children, William and June. Through his management of Bullock Iron Works, Bill developed a very strong set of business principles and ethics, which he was able to pass along to his children, even though neither went into the family business.

His friends often joked with Bill that Delaware is not flat and that if he left he would not fall off a cliff into a chasm. He retorted that he never left the State because he had no need or reason to do so. Bill loved Delaware and found there everything he needed to raise a family, to grow the family business, and to enjoy his hobbies and passions: fresh and salt water fishing, cultivating beautiful phalaenopsis and cattleya orchids, and enjoying the comradery of his fellow veterans at the Delaware Veterans Club, Post #1.

Bill was preceded in death by his wife of 33 years Norma, his sister Amy, and brother-in-law James Broad. He is survived by his daughter Blake McBride, son William H. Bullock II, and daughter-in-law Marci Hanlon, three grandchildren, his sister and brother-in-law, and several nieces and nephews.

Bill was a true Delawarean and one of the best and brightest of the Greatest Generation. He helped to win the Second World War, raised a strong and loving family, grew and bolstered his business, and was a true friend to his neighbors, war buddies, and the wider Wilmington community. He will be missed.•

COMMEMORATING THE 20TH ANNIVERSARY OF VIRGINIA ORGANIZING

• Mr. WARNER. Mr. President, I wish to commemorate the 20th anniversary of Virginia Organizing, a group committed to challenging injustice by empowering people in local communities across the Commonwealth to address the issues affecting the quality of their lives.

Virginia Organizing has been on the forefront of the debate on local, statewide, and national issues such as economic security for families, education, environment, health care, equality, poverty, and other social justice issues.

Virginia Organizing and I share a common goal—one that I have spoken about many times—that all Virginians and all Americans should have a fair shot at success. We share the belief that all people should be treated fairly and with dignity in all aspects of life, regardless of race, class, gender, religion, sexual orientation, age, ability or country of origin. Both as Governor and now as Senator, I am proud to have served alongside a group who embraces and celebrates diversity.

This year, during their 20th anniversary, I would like to recognize and thank the leaders, members, and staff of Virginia Organizing, who continue to work tirelessly to provide children, low-income residents, immigrants, veterans, retirees, people with disabilities, and other underrepresented groups with the resources that they need to have a fair shot. I appreciate their work for the people of the Commonwealth and wish them all the best as they embark on their next 20 years.•

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2015, the following enrolled bill, previously signed by the Speaker of the House, was signed on January 9, 2015, during the adjournment of the Senate, by the President pro tempore (Mr. HATCH):

H.R. 26. An act to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes.

MESSAGE FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3. An act to approve the Keystone XL Pipeline.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

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

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3. An act to approve the Keystone XL Pipeline.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–217. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Clarification to Scope of Certain '600 Series' ECCNs'' (RIN0694–AG40) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–218. A message from the President of the United States, transmitting, pursuant to law, a report relative to the issuance of an Executive Order to take additional steps to address the Russian occupation of the Crimea region of Ukraine, with respect to the national emergency declared in Executive Order 13660 of March 6, 2014, received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–219. A message from the President of the United States, transmitting, pursuant to law, a report relative to the issuance of an Executive Order with respect to North Korea that expands the national emergency declared in Executive Order 13455 of June 26, 2008, received during adjournment of the Senate in the Office of the President of the Senate on January 2, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–220. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Electronic Import Inspection Application and Certification of Imported Products and Foreign Establishments; Amendments To Facilitate the Public Health Information System (PHIS) and Other Changes to Import Inspection Regulations'' (RIN0583–AD39) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–221. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Accredited Laboratory Fees'' (RIN0583–AD55) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–222. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Energy for America Program'' (RIN0570–AA76) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–223. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Khapra Beetle; New Regulated Countries and Regulated Articles'' (Docket No. APHIS–2013–0079) received during adjournment of the Senate in the Office of the President of the Senate on December 29, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–224. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Agency Financial Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–225. A communication from the Chairman, National Mediation Board, transmitting, pursuant to law, the Board's Annual Performance and Accountability Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–226. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Federal Awarding Agency Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' (RIN1991–AB94) received in the Office of the President of the Senate on January 6, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–227. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Veterans' Preference'' (RIN3206–AM79) received in the Office of the President of the Senate on January 6, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–228. A communication from the Chief Operating Officer and Acting Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, a report entitled ''Fiscal Year 2013 Activities''; to the Committee on Rules and Administration.

EC–229. A communication from the Deputy Director, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children'' (RIN0970–AC61) received during adjournment of the Senate in the Office of the President of the Senate on December 23, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–230. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022 and 29 CFR Part 4044) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–231. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age'' (29 CFR Part 4044) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–232. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District'' (FRL No. 9921–38–Region 9) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Environment and Public Works.

EC–233. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Washington: Infrastructure Requirements for the 2008 and 2010 Nitrogen Dioxide National Ambient Air Quality Standards'' (FRL No. 9921–29–Region 10) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Environment and Public Works.

EC–234. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL No. 9921–19–Region 7) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Environment and Public Works.

EC–235. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Alaska: Nonattainment New Source'' (FRL No. 9921–40–Region 10) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Environment and Public Works.

EC–236. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Labor Organization Protocol and Recommendation concerning Forced or Compulsory Labor, 1930 (No. 29) and Supplementary Measures for the Effective Suppression of Forced Labor (No. 203), adopted by the 103rd session of the International Labor Conference in Geneva, Switzerland; to the Committee on Foreign Relations.

EC–237. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2014–0180 - 2014–0187); to the Committee on Foreign Relations.

EC–238. A communication from the Secretary of the Interior, transmitting, pursuant to law, an annual report related to the Colorado River System Reservoirs for 2015; to the Committee on Energy and Natural Resources.

EC–239. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Physical Security Reliability Standard'' (Docket No. RM14–15–000) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Energy and Natural Resources.

EC–240. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Commercial Clothes Washers'' ((RIN1904–AC77) (Docket No. EERE–2012–BT–STD–0020)) received in the Office of the President of the Senate on January 6, 2015; to the Committee on Energy and Natural Resources.

EC–241. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Alternative Efficiency Determination Methods and Compliance for Commercial HVAC, Refrigeration, and Water Heating Equipment'' ((RIN1904–AC46) (Docket No. EERE–2011–BT–TP–0024)) received in the Office of the President of the Senate on January 6, 2015; to the Committee on Energy and Natural Resources.

EC–242. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Test Procedures for Direct Heating Equipment and Pool Heaters'' ((RIN1904–AC94) (Docket No. EERE–2013–BT–TP–0004)) received in the Office of the President of the

Senate on January 6, 2015; to the Committee on Energy and Natural Resources.

EC–243. A communication from the Federal Register Liaison Officer, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Extension of Expiration Dates for Several Body Systems Listings'' (RIN0960–AH72) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Finance.

EC–244. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Direct Fee Payment Rules'' (RIN0960–AH21) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Finance.

EC–245. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''The Center for Medicare and Medicaid Innovation: Report to Congress'' ; to the Committee on Finance.

EC–246. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Reallocation of Section 48B Credits Under the Qualifying Gasification Project Program'' (Notice 2014–81) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Finance.

EC–247. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Base Period T–Bill Rate'' (Rev. Rul. 2014–33) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Finance.

EC–248. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Additional Requirements for Charitable Hospitals; Community Health Needs Assessments for Charitable Hospitals; Requirement of a Section 4959 Excise Tax Return and Time for Filing the Return'' ((RIN1545–BK57; RIN1545–BL30; and RIN1545–BL58) (TD 9708)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Finance.

EC–249. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Safe Harbor Methods of Accounting for Cable System Operators'' (Rev. Proc. 2015–12) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Finance.

EC–250. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Filing of Form 5472'' ((RIN1545–BM08) (TD 9707)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Finance.

EC–251. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Title IV Treatment of Rollovers From Defined Contribution Plans to Defined Benefit Plans'' (RIN1212–AB23) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Finance.

EC–252. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Changes to Employee Plans Determination Letter Processing'' (Announcement 2015–1) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Finance.

EC–253. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to discretionary appropriations legislation; to the Committee on the Budget.

EC–254. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone, Elizabeth River; Portsmouth, VA'' ((RIN1625–AA00) (Docket No. USCG–2014–1032)) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Commerce, Science, and Transportation.

EC–255. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''List of Fisheries for 2015'' (RIN0648–BE13) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–1. A resolution adopted by the Legislature of the State of Louisiana urging the Congress of the United States, pursuant to Article V of the United States Constitution, to call a convention of the states for the sole and exclusive purpose of proposing an amendment to the United States Constitution that would provide for a balanced budget; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 70

Whereas, the failure of the federal budget process has produced an enormous federal budget deficit, and growing national debt presently burdens the American people and threatens to burden their descendants for generations to come; and

Whereas, the congressional practice of deficit spending and repeated raising of the ceiling on the federal debt has had the effect of endangering the jobs, incomes, retirement security, welfare, and future of American citizens; and

Whereas, such debt diverts scarce resources from crucial programs to pay interest on the national debt, constricts the ability of the federal government to address long-standing national problems and to respond to new needs, and increases pressures to raise taxes on the American people; and

Whereas, Article V of the Constitution of the United States provides that an amendment to the constitution may be proposed by congress, or on the application of the legislatures of two-thirds of the states, congress is required to call a constitutional convention for the purpose of proposing an amendment, which, in either case, shall become part of the constitution when ratified by three-fourths of the several states: Now, therefore be it

Resolved, That the Legislature of Louisiana does hereby make application to the Congress of the United States to call a convention pursuant to Article V of the Constitution of the United States of America for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States, for submission to the states for ratification, to require that in the absence of a national emergency the total of all federal outlays made by congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further

Resolved, That this application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including but not limited to previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Ohio, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, Tennessee, and Texas; and that this application shall be aggregated with such applications for the purpose of attaining the two-thirds of states necessary to require the calling of a convention but shall not be aggregated with applications on any other subject; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted by the secretary of state to the president and the secretary of the United States Senate, to the speaker and clerk of the United States House of Representatives, to each member of this state's delegation to the congress, and to the presiding officer of each house of each state legislature in the United States, requesting their cooperation; and be it further

Resolved, That this application by this legislature supersedes all previous applications by this legislature on this same subject matter and that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made application for a similar convention pursuant to Article V.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 147. An original bill to approve the Keystone XL Pipeline (Rept. No. 114–1).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. FLAKE (for himself, Mr. ALEXANDER, Mr. BENNET, Mr. CORKER, Mr. GARDNER, Mr. LEE, Mr. MCCAIN, Mr. HATCH, and Mr. THUNE):

S. 145. A bill to require the Director of the National Park Service to refund to States all State funds that were used to reopen and temporarily operate a unit of the National Park System during the October 2013 shutdown; to the Committee on Energy and Natural Resources.

By Mr. FLAKE (for himself, Mr. LEE, Mr. MCCAIN, and Mr. HATCH):

S. 146. A bill to authorize the Secretary of the Interior or the Secretary of Agriculture to enter into agreements with States and political subdivisions of States providing for

the continued operation, in whole or in part, of public land, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System in the State during any period in which the Secretary of the Interior or the Secretary of Agriculture is unable to maintain normal level of operations at the units due to a lapse in appropriations, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 147. An original bill to approve the Keystone XL Pipeline; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mr. PORTMAN (for himself, Mr. CARDIN, Mr. HOEVEN, Mr. CASEY, and Mr. BENNET):

S. 148. A bill to amend title XVIII of the Social Security Act to require State licensure and bid surety bonds for entities submitting bids under the Medicare durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) competitive acquisition program, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S.J. Res. 3. A joint resolution providing for the reappointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BLUNT, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 11, a bill to protect the separation of powers in the Constitution of the United States by ensuring that the President takes care that the laws be faithfully executed, and for other purposes.

S. 12

At the request of Mr. BLUNT, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

S. 30

At the request of Ms. COLLINS, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 30, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act.

S. 55

At the request of Mr. VITTER, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 55, a bill to extend the seaward boundaries of certain States, and for other purposes.

S. 117

At the request of Mr. HELLER, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 117, a bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes.

S. 125

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 125, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2020, and for other purposes.

S. 128

At the request of Mr. PORTMAN, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Maine (Ms. COLLINS) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 128, a bill to promote energy efficiency, and for other purposes.

S. 141

At the request of Mr. CORNYN, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 141, a bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

S.J. RES. 2

At the request of Mr. LEE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced.

AMENDMENTS SUBMITTED AND PROPOSED

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

SA 3. Mr. PORTMAN (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2 submitted by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) and intended to be proposed to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

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

Strike all after the enacting clause and insert the following:

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).

SA 3. Mr. PORTMAN (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2 submitted by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) and intended to be proposed to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

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 EFFICIENT GOVERNMENT TECHNOLOGY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Energy Efficient Government Technology Act''.

SEC. 302. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

Subtitle C of title V of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1661) is amended by adding at the end the following:

''SEC. 530. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(2) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given that term in section 11101 of title 40, United States Code.

''(b) DEVELOPMENT OF IMPLEMENTATION STRATEGY.—Not later than 1 year after the date of enactment of this section, each Federal agency shall coordinate with the Director, the Secretary, and the Administrator of the Environmental Protection Agency to develop an implementation strategy (that includes best practices and measurement and verification techniques) for the maintenance, purchase, and use by the Federal agency of energy-efficient and energy-saving information technologies, taking into consideration the performance goals established under subsection (d).

''(c) ADMINISTRATION.—In developing an implementation strategy under subsection (b), each Federal agency shall consider—

''(1) advanced metering infrastructure;

''(2) energy-efficient data center strategies and methods of increasing asset and infrastructure utilization;

''(3) advanced power management tools;

''(4) building information modeling, including building energy management;

''(5) secure telework and travel substitution tools; and

''(6) mechanisms to ensure that the agency realizes the energy cost savings brought about through increased efficiency and utilization.

''(d) PERFORMANCE GOALS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Director, in consultation with the Secretary, shall establish performance goals for evaluating the efforts of Federal agencies in improving the maintenance, purchase, and use of energy-efficient and energy-saving information technology.

''(2) BEST PRACTICES.—The Chief Information Officers Council established under section 3603 of title 44, United States Code, shall recommend best practices for the attainment of the performance goals, which shall include Federal agency consideration of the use of—

''(A) energy savings performance contracting; and

''(B) utility energy services contracting.

''(e) REPORTS.—

''(1) AGENCY REPORTS.—Each Federal agency shall include in the report of the agency under section 527 a description of the efforts and results of the agency under this section.

''(2) OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.—Effective beginning not later than October 1, 2015, the Director shall include in the annual report and scorecard of the Director required under section 528 a description of the efforts and results of Federal agencies under this section.''.

SEC. 303. ENERGY EFFICIENT DATA CENTERS.

Section 453 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17112) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(D)(iv), by striking ''the organization'' and inserting ''an organization''; and

(B) by striking paragraph (3); and

(2) by striking subsections (c) through (g) and inserting the following:

''(c) STAKEHOLDER INVOLVEMENT.—The Secretary and the Administrator shall carry out subsection (b) in collaboration with information technology industry and other key stakeholders, with the goal of producing results that accurately reflect the best knowledge in the most pertinent domains. In such collaboration, the Secretary and the Administrator shall pay particular attention to organizations that—

''(1) have members with expertise in energy efficiency and in the development, operation, and functionality of data centers, information technology equipment, and software, such as representatives of hardware manufacturers, data center operators, and facility managers;

''(2) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise;

''(3) follow—

''(A) commonly accepted procedures for the development of specifications; and

''(B) accredited standards development processes; and

''(4) have a mission to promote energy efficiency for data centers and information technology.

''(d) MEASUREMENTS AND SPECIFICATIONS.—The Secretary and the Administrator shall consider and assess the adequacy of the specifications, measurements, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy or the Environmental Protection Agency.

''(e) STUDY.—The Secretary, in collaboration with the Administrator, shall, not later than 18 months after the date of enactment of the Energy Efficient Government Technology Act, make available to the public an update to the Report to Congress on Server and Data Center Energy Efficiency published on August 2, 2007, under section 1 of Public Law 109–431 (120 Stat. 2920), that provides—

''(1) a comparison and gap analysis of the estimates and projections contained in the original report with new data regarding the period from 2007 through 2014;

''(2) an analysis considering the impact of information technologies, to include virtualization and cloud computing, in the public and private sectors;

''(3) an evaluation of the impact of the combination of cloud platforms, mobile devices, social media, and big data on data center energy usage; and

''(4) updated projections and recommendations for best practices through fiscal year 2020.

''(f) DATA CENTER ENERGY PRACTITIONER PROGRAM.—The Secretary, in collaboration with key stakeholders and the Director of the Office of Management and Budget, shall maintain a data center energy practitioner program that leads to the certification of energy practitioners qualified to evaluate the energy usage and efficiency opportunities in Federal data centers. Each Federal agency shall consider having the data centers of the agency evaluated every 4 years by energy practitioners certified pursuant to such program, whenever practicable using certified practitioners employed by the agency.

''(g) OPEN DATA INITIATIVE.—The Secretary, in collaboration with key stakeholders and the Office of Management and Budget, shall establish an open data initiative for Federal data center energy usage data, with the purpose of making such data available and accessible in a manner that encourages further data center innovation, optimization, and consolidation. In establishing the initiative, the Secretary shall consider the use of the online Data Center Maturity Model.

''(h) INTERNATIONAL SPECIFICATIONS AND METRICS.—The Secretary, in collaboration with key stakeholders, shall actively participate in efforts to harmonize global specifications and metrics for data center energy efficiency.

''(i) DATA CENTER UTILIZATION METRIC.—The Secretary, in collaboration with key stakeholders, shall facilitate in the development of an efficiency metric that measures the energy efficiency of a data center (including equipment and facilities).

''(j) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary and the Administrator shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the programs and initiatives established under this section.''.

TITLE IV—ENERGY INFORMATION FOR COMMERCIAL BUILDINGS

SEC. 401. 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 multitenant 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 televisions 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.

PRIVILEGES OF THE FLOOR

Mr. SCHATZ. Mr. President, I ask unanimous consent that floor privileges be granted to Jimmy O'Dea, a fellow in my office, for the remainder of the 114th Congress.

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

The PRESIDING OFFICER. The Senator from California.

CONGRATULATING THE PRESIDING OFFICER

Mrs. BOXER. Mr. President, I congratulate the Presiding Officer on his election and welcome him to the Senate.

The PRESIDING OFFICER. Thank you.

Mrs. BOXER. Mr. President, I remember when I first came to the Senate and I sat in that chair, it was a moment to really learn a lot about the heartbeat of the Senate—the ebb and flow. So congratulations to you.

I was a little shocked to hear the majority leader, Senator MCCONNELL, say that the economic uptick coincided with the election of the Republicans in this last election. There is no question that the Republicans won many seats here, and it is clear that the Democrats lost, but to say that is why we are having this economic uptick, I believe, would win my friend, the majority leader, the award for most creative spinner. I see he is here because I think he wants to stop me from speaking at this point.

Without losing the floor, I yield to my friend.

Mr. MCCONNELL. I thank my friend from California.

The PRESIDING OFFICER. The majority leader.

ORDERS FOR TUESDAY, JANUARY 13, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, January 13, 2015; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume the motion to proceed to S. 1 until 12:30 p.m., with the time equally divided between the two leaders or their designees; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings to occur; finally, that notwithstanding the provisions of rule XXII, all time during morning business, the recess, and the adjournment of the Senate count postcloture on the motion to proceed to S. 1.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Unfortunately, there is an objection from our colleagues on the other side of the aisle to yielding back time on the motion to proceed to the bill. So I say to my colleagues that if all time is used, we will be on the bill shortly after midnight tomorrow night, and then we would have to begin to offer amendments under the regular order.

Chairman MURKOWSKI is ready to start that process on the floor tomorrow whenever that may occur—whether it is during the day by agreement or whether it is in the middle of the night without agreement.

I encourage Senators on both sides of the aisle to file their amendments and get them in the queue.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator BOXER for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

THE ECONOMY AND KEYSTONE PIPELINE

Mrs. BOXER. I thank the majority leader for allowing me this time to proceed. It is one thing to rewrite history a few years after it passes. It is another thing to rewrite it while you are still living through it. To say that this economic recovery is a Republican recovery is kind of funny and strange.

In fact, the year 2014 was the best year for job creation since 1999, and it could have been a lot better in 2014 and in prior years if our Republican friends had not filibustered every single job proposal that President Obama put forward. It is sad because we could have gotten here much quicker.

The economy added almost 3 million jobs in 2014, averaging almost 250,000 jobs a month. The unemployment rate has fallen to 5.6 percent, and most of that decline—and here is the good news—came from long-term unemployed workers getting back to work. The GDP growth has accelerated, reaching an annualized rate of 5 percent in the third quarter of 2014. This is the best GDP growth we have seen in over 10 years.

Our economic recovery has been long, it has been tough, but it is happening and I thank the President for his leadership. We have added 11.2 million private sector jobs since February of 2010. That is the longest streak of recorded private sector job gains in American history.

The stock market has bounced back from the crash and added more than 10,000 points, reaching an all-time high of over 18,000 points. Our annual deficit has been reduced by almost two-thirds.

I think it is important to put into context the job growth under Presidents Democratic and Republican. I think we need to look at private sector job growth. This is an extraordinary chart. Under George Herbert Walker Bush, there were 1.5 million jobs created in his term of office. In Bill Clinton's term of office, there were 21.2 million jobs created. I have seen that number up to 23 million, but that is probably including the public sector. But during Bill Clinton's term, there were 21.2 million private sector jobs. Under George W. Bush, there was a loss of 460,000 jobs. Under President Obama, there is a gain so far of 7 million, and he has 2 years to go, and we are just moving forward.

To me this says that we Democrats know what we are doing, and if you want to look at deficits, that is another day's speech. It was Bill Clinton who balanced the budget. It was George W. Bush who unbalanced it, put two wars on a credit card, gave a tax cut to the rich, and we had terrible deficits. Barack Obama has now reduced this deficit by two-thirds.

So I say all this leading up to my discussion of the Keystone Pipeline. How does that even connect? I will tell you. When a new majority takes over in Congress you know the first bill they take up symbolizes their priorities. Out of all the things that they pick, all the things that they pick, they pick a bill that in terms of permanent job creation will be thirty-five jobs. And that

is proven by the State Department—35 long-term jobs.

One has to wonder, Why are they doing this? I believe I know the answer. This is really a big hug and a big kiss to big oil and Canadian interests. That is what it is about. Otherwise, why wouldn't we turn to the highway bill? I think the Presiding Officer and I know we have worked across partisan lines on that issue, and it means good jobs for America—good jobs, long-lasting jobs, rebuilding our bridges and our roads and making sure we have transit systems that work. We have a terrible record in terms of the condition of our bridges today. Thousands and thousands—tens of thousands of bridges are not in good shape, and we have seen bridges fail, and we know the outcome. Why are we pursuing a project for Canadian oil business interests that they will make billions off of instead of pursuing projects for America—America—such as building our infrastructure?

This bill isn't about helping American workers or families. Let's be very clear. It does nothing. Again, when I say 35 permanent jobs, I am not making that up. That is in the final supplemental environmental impact statement which I believe the Republicans want to make final, so they are accepting it. The Republicans are accepting the fact that there are 35 permanent jobs, because they, in their language, say, We approve of the final supplemental environmental impact statement, which is where it says there will be 35 permanent jobs.

Now, yes, there are temporary jobs for 2 years—a couple thousand—but the fact is we can have millions of jobs when we rebuild our infrastructure. We have 400 new jobs coming to the Imperial Valley in my home State because we have lithium there and they are going to start producing it. So 400 jobs, just one little project. This is 35 jobs for Americans. They have to be kidding. This is what they have for us, after all that blood, sweat, and tears during the election? I think that wasting another minute on the tar sands project doesn't make any sense.

What we need is a multiyear surface transportation bill. We still have unemployed people in the construction industry. We have 600,000 construction workers who remain out of work. What are we giving them? We are giving them 2,000 temporary jobs and 35 permanent jobs? Let's do a highway bill. By the way, the trust fund is running dry and in 4 months will be completely dry. Let's step up to the plate and do our job, not do the job for the Canadian oil interests.

I don't get it. I don't think it makes sense, because I know we have worked together on transportation projects. We are worried. Billions of dollars going to our States—whether it is Oklahoma, California, Nevada, east coast, west coast—the funding is going to be delayed or stopped. And all these short-term extensions the House did are absolutely irresponsible. It doesn't provide stability to our local governments, to our businesses.

So we know what we have to do. We have to invest in our aging infrastructure. No country can be great if we don't have an infrastructure that moves people and moves goods. Again, 50 percent of our Nation's roads are in less than good condition and 63,000 bridges are structurally deficient. Let's do something for America. That is what we are here for; not to do something good for Canadian oil companies. Let's focus on what is good for the people.

Now let's turn to this infrastructure project, the Keystone Pipeline. I want to say unequivocally—and I don't have any doubts because I resource everything I say—that from extraction to transportation to refining to [waste/waist] storage, misery follows the tar sands. That is the oil that gets put in the pipeline—the dirtiest oil. I think XL stands for extra lethal.

So a pipeline is a pipeline. Fine. It is what we put in it. This is the filthiest, most polluted kind of oil. Tar sands oil contains levels of toxic pollutants and metals that are much higher than conventional crude oil—11 times more sulfur and nickel, 6 times more nitrogen, 5 times more lead than conventional crude oil. Who is saying that? Is it BARBARA BOXER? No. Let me source it: The USGS, the U.S. Geological Survey, the heavy oil and natural bitumen resources in geological basins of the world—documented. Tar sands equal the dirtiest oil.

Why do some of my Republican friends and some of my Democratic friends—I admit that; I know there are a few—want to rush to bring this filthy oil into our country? The only benefit is to the Canadian oil interests. The fact is we need less pollution, not more pollution.

Now high levels of dangerous air pollutants and carcinogens have been documented downwind from the tar sands refineries. People in nearby communities are suffering higher rates and types of cancers, such as leukemia and non-Hodgkin's lymphoma. Again, is this me saying it? Some rightwing blog took me to task the last time I said it. They said, Oh, she was on the floor making stuff up. OK. Let's be clear. I am not making stuff up. I am telling the truth, and I am going to document it in every case: Significantly higher levels of volatile compounds and carcinogens were found downwind of tar sands processing facilities. There were elevated rates of cancers linked to these toxic chemicals, including leukemia and non-Hodgkins lymphoma.

Where does this come from? Simpson, I.J., et al., air quality in the Industrial Heartland of Alberta, Canada and potential impacts on human health. Characterization of trace gases measured over Alberta oil sands mining operations: 76 speciated C2–C10 volatile organic compounds, and they list what they are. This is from two peer-reviewed papers.

Is this what the Republicans do first? I thought we wanted to make people healthy. It is one thing to want to repeal the Affordable Care Act, which now, in my State, has reduced the uninsured by close to 50 percent—that is bad enough. Now they want to bring in this oil and help the Canadian oil people and it is going to bring all of these carcinogens and all of this pollution to our country.

We already know about the people from Port Arthur, TX, where they have these refineries. Look at this picture. A picture is worth a thousand words. I know that is a cliche, but it is a fact. I could try to explain to my colleagues what happens near the playground when this stuff is refined. One might say, Oh, that is nice, Barbara, but are you really making this up? No. Here it is. Look at it. They suffer asthma, respiratory ailments, skin irritations, and cancer. This is what happens, right near a playground. Now, there are some politicians down there saying, Bring it on. We want it. We like it. But talk to the real people there who live there with children. They have had enough of tar sands. They have had it up to here with them. They want none of it. Let's not forget about the waste. Once they burn all of this stuff, they have waste left over. It is called petcoke, petroleum coke. Look at this. This is what it looks like, as shown in this picture. It is stored in the Midwest. A lot of it is stored in the Midwest. What happens? In this photograph we can see it is not wet, so it can blow in the wind. Billowing black clouds have contaminated our children. They contain heavy metals. Children playing baseball have been forced off the field to seek cover from the clouds of black dust that pelted homes and cars.

This happened. This is why my friend Senator DURBIN is so concerned, because it happened to his Little League players in the Chicago area. When inhaled, these particles can increase the number and severity of asthma attacks. They can aggravate bronchitis—I am coughing just at the thought of it—lung disease. They reduce the body's ability to fight infections. Where does that come from? I will say it again. When inhaled, these particles can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. What is the source of that? California Air Resources Board, Air Pollution Particulate Matter brochure dated May 6, 2009.

So I don't know how exposing Americans to this kind of pollution is in the national interests. I believe instead of waiving all of the environmental reports as my Republican friends do in their bill, they ought to call for more studies on the health impact of the tar sands oil so our families know what they are going to get with this pipeline.

Also there are spills to worry about. Not only is the Keystone tar sands

pipeline harmful to human health, it hurts environments and communities located near it, because if there is a spill, it is the toughest kind of oil to clean up. Here is the source for that: The EPA NEPA compliance comment letter, State Department. That is what they talk about.

We have had spills at the tar sands—spills in Michigan, spills in Arkansas. If my colleagues don't believe me, ask those folks. Do my colleagues know in 2010 a pipeline ruptured and spilled over a million gallons of tar sands oil into the Kalamazoo River in Michigan? The local health department ordered the evacuation of 50 households and approximately 100 families were advised not to drink the water. The Michigan spill was the largest inland spill in U.S. history and more than 40 years and $1 billion later, it is not cleaned up.

So wait a minute. Let's review. Republicans take over and the first bill they give us is the tar sands bill. The only people it helps, in my opinion, backed up by fact, are Canadian oil interests. The only jobs it creates permanently are 35 jobs. What it does to our health is a disaster, because the tar sands oil is the most toxic, dirty type of oil, and if there is a spill, it is the hardest to clean up. Who do we think is paying the $1 billion to clean up a tar sand spill in Michigan? I can tell my colleagues. It is probably most of the government. Maybe we are trying to collect some from the private sector.

If my colleagues don't believe me about Michigan, let's turn to Mayflower, AR. This is a beautiful neighborhood of homes, as shown in this picture. This is filthy, dirty, disgusting oil and the camera is taking pictures of it. In 2013, 200,000 gallons of tar sands burst from a pipeline, because it is volatile. It burst from the pipeline and spilled into the streets of a subdivision. It forced the evacuation and abandonment of 22 homes—residents who were exposed to high levels of benzene, a known carcinogen, and hydrogen sulfide. People in this community—not some made-up, mystical community or mythical community—in this community they suffered dizziness, nausea, headaches, respiratory problems, all classic symptoms of exposure to the chemicals found in the tar sands. So remember this picture and remember the picture of the filthy, dirty oil and the petcoke, because a picture tells a thousand words, and that is the picture my friends want to make a reality in America. Their first great bill, their first great contribution to the economy, 35 jobs. Please. We can do better. We can work together on a highway bill, on a transportation bill. We do so well on that. And we can add millions of jobs, especially in the construction industry.

Now there is the issue of climate change. We know we are dealing with a lot of deniers on the other side of the aisle. They deny climate change is real. It doesn't matter what we tell them. July was the hottest month, August was the hottest month, and September was the hottest month in 2014.

We know what is happening. The world knows what is happening. We have deniers here, so they deny any problem and they go rush to build the Keystone Pipeline. What will happen is the Keystone Pipeline will undermine our efforts to address climate change. The State Department's own analysis says a barrel of tar sands oil carried by the Keystone tar sands pipeline will create at least 17 percent more carbon pollution than domestic oil.

Peer-reviewed research estimates that the increase in oil consumption caused by Keystone could result in up to 110 million metric tons of carbon pollution each year—four times the State Department's estimate. So this is even more than the State Department says. The source there is Erickson et al., ''Nature Climate Change.'' That is a peer-reviewed study as well. This is equivalent to carbon pollution adding 23 million new cars to the road or building 29 coal-fired powerplants. So the State Department is very modest in its projection. Even that is too much.

Here is more. Here is the State Department. That is the 17 percent quote. And it could add up to an additional 27 million metric tons of carbon pollution each year. That is more of the State Department. This is their modest conclusion. We believe the peer-reviewed study shows it is far worse than even the State Department says.

If you don't believe climate change is a problem, I am really sorry for your constituency because let me tell you what scientists are saying. And I am saying it is 98 percent of scientists. Let's be clear. Ninety-eight percent of scientists say climate change is real, and 2 percent say: We are not so sure. So my friends side with the 2 percent.

Suppose one of my friends didn't feel well and went to the doctor, and the doctor said: I am sorry to tell you this, sir, but you have a cancer that is raging over your body, and we need to operate today.

You say: I want a second opinion.

That is good. You go get a second opinion.

The second doctor says: Absolutely, you better get that operation.

You say: Well, I want a third opinion.

All right. I understand it. You go for a third opinion. Absolutely, those two doctors were right, but you keep going, and you get nine opinions that all say: Sir, you are a dead man if you don't get this operation. And then you find the 10th, and he says: You know, just go on a vegetarian diet, and you will be fine. If you listen to that one out of 10 doctors, there is something wrong with you.

It is just like Big Tobacco. They did the same thing. They said: Oh, tobacco is fine, not a problem—until we realized there was a whole campaign by the big tobacco companies to turn us away from the fact that tobacco causes cancer. That is the truth. Guess what we found out. In a Union of Concerned Scientists expose, they found out that the same people who led that fight of tobacco denial are leading the fight of climate denial.

If this was just going to hurt you, I say to my Republican friends rhetorically, I wouldn't care. I mean, I would be really sad and sorry if one of my friends went to the doctor and didn't listen to the best advice. But you know what. That hurts him. I would be miserable, and I would try to talk him out of it. But this is about my constituents and the people of this country. I have to say this is wrong. This is just wrong.

This is an opportunity to bring the parties together. We could have done it around so many issues and in particular the highway bill. So common sense tells us this isn't the right thing to do. We are looking at unleashing this dirty, filthy oil. It is going to be harmful to our families' health. It is going to worsen the impact of climate change. It will not create the jobs we need to create.

Again, I urge my colleagues vote no. It is not ready for prime time. There are going to be amendments that will reveal the fact that if we go forward with this, it is actually going to raise gas prices for Americans because all this stuff is going to be exported. Even the tar sands that are now currently in America—they are going to export it because of the world market. We are going to have amendments that are going to show that.

This bill doesn't even have a ''Made in America'' amendment to it. We are going to offer that. Why don't we make this deal here? Why don't we put people to work here? That is not in this bill. This bill is not ready. This bill does not help us; this bill hurts us. I know my friends came here to make this country better. I think they think it helps. I don't question that. But if you look at all of the facts—and I have them lined up here, one after the other—whether it is the jobs impact, the health impact, who benefits, who gets hurt, it is pretty clear. It is on the record. All you have to do is look at it. Don't shop around for a doctor who will tell you this is a good deal because they have already spoken. It is not a good deal. We can do so much better.

Because I think it is going to be a contentious debate, after this I hope we turn to the highway bill. My friend JIM INHOFE and I, who worked so well together, and my colleagues on both sides of the aisle and across the Capitol on the other side, the House, can finally come together and do something that will send a strong signal to the American people that the election just ended, now let's govern. But when you bring things before the body that some of us feel are so detrimental to the American people, I am willing to vote on it at midnight. It is OK with me. We will vote at midnight and vote at 1 o'clock in the morning. I don't care what time we vote, but why are we taking this up? This is not what we should be doing.

S. 1—I looked at some of the S. 1 bills the Democrats have put forward, and they mostly have to do with creating a lot of jobs or making sure there is equal pay for equal work or making sure the minimum wage is increased. We could be doing all of those things together.

It is with pride that I stand here again for my State. It is with no animosity about the election. It was hard-fought and hard-won. But I believe this is an enormous mistake, and I will continue to stand on my feet as long as it takes to make the case as to why I think it is wrong and make the case where I think there is so much else we could do for the good of our people.

I thank the Presiding Officer for his courtesy.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow morning.

Thereupon, the Senate, at 6:54 p.m., adjourned until Tuesday, January 13, 2015, at 10 a.m.