KEYSTONE XL PIPELINE ACT

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

The bill clerk read as follows:

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

Pending:

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

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

Schatz amendment No. 58 (to amendment No. 2), to express the sense of Congress regarding climate change.

Murkowski (for Lee) amendment No. 33 (to amendment No. 2), to conform citizen suits under the Endangered Species Act of 1973.

Durbin amendment No. 69 (to amendment No. 2), to ensure that the storage and transportation of petroleum coke is regulated in a manner that ensures the protection of public and ecological health.

Murkowski (for Toomey) amendment No. 41 (to amendment No. 2), to continue cleaning up fields and streams while protecting neighborhoods, generating affordable energy, and creating jobs.

Whitehouse amendment No. 29 (to amendment No. 2), to express the sense of the Senate that climate change is real and not a hoax.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we are back again with the Keystone XL Pipeline, S. 1, the bipartisan 60-sponsor bill in front of us. We had a good day yesterday debating three amendments and ultimately disposing of them. We have a half dozen of them in front of us this morning and this afternoon.

I think it is worth noting, there have been several Members who have come to the floor to give comments about the State of the Union last evening delivered by President Obama. It was his sixth official State of the Union Address. It marked the sixth address that he has given to the Congress and the Nation while this project has been under review the whole time throughout his entire administration. Every one of those State of the Union Addresses has happened at a time when the Keystone XL application has been pending. It puts into context how long we have been considering this legislation.

The President didn't really speak much to the demerits or the opposition to Keystone XL—it was basically a quick reference—but he did in a manner attempt to compare this bipartisan, subsidy-free bill to major taxpayer-funded infrastructure projects. Whether it is our highways or bridges, the need is clear. But I think we also recognize those are projects that are taxpayer-funded that will require millions and perhaps billions of dollars a year. What we are talking about with the Keystone XL is something where we don't have any Federal subsidies going in. It is not taxpayer-funded. I think it is important to make sure that we understand the difference.

What we didn't hear last night was how this project could be advanced. Once again, there was no indicator. I would like to remind everyone that we are sitting at over 2,300 days where we have not had a Presidential decision. I think the good news for us here on this floor is the debate on this issue is not going to last that long, thankfully.

Again, we moved into regular order, and I think it was helpful for Members of the body to not only know that there was a series of amendments that were called up, but that we were able to have debate on them, and then we were able to dispense with them.

The majority of the Senate voted to table two of those proposals, but then when it came to the Portman-Shaheen bill, the energy efficiency provision, we were able to move that by a vote of 94 to 5, demonstrating again a great deal of support for this small energy efficiency provision. I wish it had been bigger, in fairness to the bill sponsors who have been working so hard for years on that. We just advanced a very small piece of that. I think we have more to do in the area of energy efficiency, and I am looking forward to working with them on that.

What we have in front of us now at this point in the process is we have a bill that will approve the cross-border permit for the Keystone XL Pipeline and we will work to deal with some aspects of energy efficiency. I think that is some good progress.

Once again this morning I will encourage Senators. We have called for an open amendment process, but as the leader has reminded us, it is not open-ended. We are not going to be on this bill indefinitely. So move to file your amendments. If you want a vote on them, you need to be filing them now and talking to us now.

We are at 77 amendments that have been filed and that was as of last night. So there is clearly already a line, and my hope is we will be able to dispense with this half dozen today.

Briefly speaking to the measures that we have from each side, we have Senator FISCHER's amendment 18; Schatz amendment No. 58; No. 33 is the Lee amendment; we have Senator DURBIN's amendment 69; we have Senator TOOMEY's amendment 41, as well as the Whitehouse amendment No. 29.

I spoke a little bit on a couple of these measures yesterday, and I will be speaking more this afternoon before we move, hopefully, to votes.

I do want to take a minute before I turn it over to Senator CANTWELL to be recognized and then to Senator HOEVEN. There have been several sense-of-the-Senate amendments that have been filed—presented on the issue of climate change. I think it is important for people to note that in order to approve the Keystone XL Pipeline, as the legislation itself lays out, there is no climate change provision that is required. I find it a little ironic that in neither of the two pending amendments that we have before us—Senator SCHATZ's and Senator WHITEHOUSE's—neither of them actually quotes the parts of the State Department's final EIS that explains, I think in pretty fair detail, that this project will not significantly contribute to climate change. In fact, the State Department found that without the Keystone XL Pipeline greenhouse gas emissions associated with transporting Canadian oil could actually increase, and the estimate is increasing somewhere between 28 and as high as 42 percent. One might ask, how can that be? The reality is that not only is a pipeline less costly and more efficient, but it has the least environmental impact in terms of any additional emissions.

So I think it is important to recognize that when we are talking about the oil coming from Canada, oil that Canada is producing for lots of different reasons that benefit Canada, that that oil is going to move. So our challenge is, is that oil going to move in a manner that benefits Americans with increased jobs and opportunities? Is it going to help fill our refineries in the gulf coast? Is it going to help from a safety perspective in terms of transporting a product in the safest manner as well as providing the least environmental impact?

The State Department also provided in the EIS that:

> Approval or denial of any one crude oil transport project, including the proposed project, is unlikely to significantly impact the rate of extraction in the oil sands or the continued demand for heavy crude oil at refineries in the United States based on expected oil prices, oil sands supply costs, transport costs, and supply and demand scenarios.

I think we are going to have some discussion this afternoon about what is contained in the State Department EIS. At 1,000 pages the full EIS is substantive. There is an executive summary that helps us all out and distills all of this. But I think it is important that Members look at what that report outlines.

I previously mentioned that we have about 77 amendments in front of us that have been filed at this point in time. We have nine, as of this morning, separate sense-of-the-Senate or sense-of-the-Congress amendments relating to climate change.

I have noted that this is the first time we have had an energy-related bill on the floor in a while where there has been an opportunity for debate. You will recall that this same measure was on the floor in December when the Democrats were in charge. The floor was managed at that point in time by the Senator from Louisiana, obviously very passionate in her support of the Keystone XL Pipeline. But in that debate there was no opportunity for amendments. You didn't see colleagues on either side of the aisle able to offer any amendments. We didn't see any amendments on climate. Now we have nine climate-related amendments here. So when you think about the urgency, we are having folks coming down and saying we must act on this now. I will remind people the reason we are able to

have this debate and the reason we are able to have votes on this issue is because we are operating under a regular order process where we are allowing for amendments, whether it is on issues such as climate change or whether it is on issues such as dealing with exports as we took up yesterday. We are not going to agree in many of these areas, but at least we are going to get back to being a deliberative body that not only talks about issues, but has an opportunity to vote on them.

So, again, I think we are probably going to hear a lot of different conversations about climate change.

I want to point out an article before I conclude this morning. This is an article that ran November 27, 2014, just a few months ago. It ran in the Financial Post, and it is entitled ''New emissions from Canada's oil sands 'extremely low,' says IEA's chief economist.'' The article has some interesting quotes that I think are relevant to our discussion.

The first line of that article states:

> As an energy advisor to some of the world's most developed economies, Fatih Birol worries about critical issues including security of energy and the impact of fossil fuels on the climate. One issue he does not spend any time worrying about, however, is carbon emissions from oil sands.

Mr. Birol is quoted as saying: ''There is a lot of discussion on oil sands projects in Canada and the United States and other parts of the world, but to be frank, the additional CO_2 emissions coming from the oil sands is extremely low.''

So here we have a statement by IEA's chief economist. If we combine that with what we have contained in the State Department's final EIS—again, I think these are important statements of support or fact to have on the record.

As we are debating these amendments today, I encourage everyone to keep in mind that oftentimes much of what we hear can be a little amped-up. I understand the passion that goes on, but we need to make sure we are looking critically at the facts as they exist.

I am just going to conclude my comments this morning by saying that what is happening in Canada—the simple facts are that Canada is producing its oil and it will move that oil to markets. Canada is our strongest partner, and they supply us with more oil than any of our other trading partners. So Canada is going to continue to produce oil, and they will move that oil.

The question is, Who will ultimately benefit from that production of oil? Will the United States gain the benefit of those construction jobs? Will the United States gain the benefit from the crude that will come down through the line and go into the gulf coast and benefit from the refineries that are built to handle and process that heavy crude coming from the north?

I want the United States to be a participant in this important project for a lot of different reasons, and I am encouraged that more than 60 of my colleagues seem to share that view.

We will continue the discussion through the series of amendments we have before us today. I know my colleague from North Dakota is prepared to speak, but at this time I will turn it over to my ranking member, the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I appreciate the Senator from Alaska helping us to work through this process and being down here to talk about how we move forward. I heard her say we are obviously thinking about how we move through the amendment process, and I am sure she and I will get a chance to talk about the potential votes we will have later on as we continue with this amendment process.

Like her, I wish to add a few comments to this morning's comments about the State of the Union Address last night because I do feel as though it was the first time we heard a speech from a President of the United States that was all about an innovation economy.

As someone from Seattle and the Pacific Northwest, I know a lot about innovation, and I was glad to hear he basically spoke about the whole perspective of what it takes to have an innovation economy and how we have to think about research and development and investing in our workforce. He mentioned trade and a variety of things that are all components of an innovation economy and how we can continue to move forward. I was very glad to hear that level of innovation, including his community college effort because it is about training the workforce for the future.

I also heard him talk about making improvements in infrastructure. The one thing I didn't hear him talk about was the issue of plug-in vehicles or electric cars. The reason I bring that up is because I think for most of the Bush administration, and maybe even some of the earlier days of this administration, I constantly heard talk about how we had to get electric vehicles and plug-in cars so we could get off our dependence on foreign oil.

We should take pride that in last night's speech we didn't have to listen to that because we have made progress in plug-in electric cars. Plug-in electric cars are in the marketplace, and we are making great progress in that area. We are also making progress in getting off foreign oil, and we are seeing how fuel efficiency is having a positive impact on our savings.

The President of the United States was asking what is the next level of innovation we have to do and how do we move forward while still protecting ourselves from what has been the deterioration of our environment from the greenhouse gases and the threat it makes to our planet.

Again, being from the Pacific Northwest, I consider those threats to be very real. The shellfish industry has been almost ruined due to the lack of oxygen in the water and the amount of carbon that basically sinks into our oceans and causes damage to the shellfish.

I see the Presiding Officer is also from the great State of Alaska.

When it comes to sources of feeding for Pacific Northwest salmon, there are not a lot of great food sources for the salmon. Climate change is having an effect on the ecosystem and the economy, so you can bet that climate issues are very important to our State. Those issues are no longer hidden and there is no longer a way to escape from that. It is on our plate right now.

The President of the United States said: Let's deal with that and move forward, and instead of talking about one pipeline, let's talk about an energy plan and an infrastructure investment for the Nation.

I will point out to my colleagues: You are becoming dangerously close to saying we can't do something like Portman. How many times were my colleagues from Ohio and New Hampshire held up on energy efficiency because no one would let us vote on that? How long—1 year, 2 years? Then yesterday we finally had a vote, and 95 of our colleagues voted yes on moving forward on energy efficiency.

I will also point out that energy efficiency is, I believe, key to our economy of the future. If the United States is a leader in making energy—no matter what source it comes from—more efficient, we will write the playbook around the globe because so many people will want to make very dear energy resources more usable, better utilized, and have lower costs to their individual businesses and consumers.

Energy efficiency is incredibly important, but we never got to energy efficiency. It is almost as if the other side of the aisle is saying: You will only get energy efficiency if we pair it with other legislation where we are rolling back environmental rules, and that is the objection I have and the people from the State of Washington have as well.

People want people to play by the rules. They want to know that if you propose a pipeline, you will actually follow the laws to protect the environment, such as the Clean Air Act, the Clean Water Act, and follow the process of what is in the public interest. We should be having that debate. We should not usurp the President of the United States in determining what is the national interest of this country.

At the very time the State Department was saying to this company, TransCanada, you have a pipeline proposal we don't like because it goes right through an aquifer, at the very moment when the State Department was telling them we don't like the proposal and you need to adhere to the environmental laws, the same people were in Congress trying to get Senators and House Members to vote on

legislation that would have said pass the pipeline right through the aquifer.

I believe the President should be given the due diligence to drive home with this foreign company the fact that we have a national interest, that this national interest will be met, and that we will set the standard for whether these environmental laws are going to be complied with. I don't believe we should be usurping them. I think my colleagues are now offering amendments on the other side that also usurp other environmental laws.

I hope my colleagues will think about this because it will certainly give the Senator from Alaska and myself something to think about. As we try to move forward on energy legislation, we are going to have to think about how we are going to pass something that has bipartisan support.

Since I have been on the energy committee—and I have been on the committee now the entire time I have been in Congress—I have had the opinion that you should not hold up good energy legislation just to try to get bad energy legislation. I have the opinion that we should pass energy bills every year. That is the transformation our country is going under.

I wish we would have helped the Senators who wanted to usher in energy efficiency 2 years ago, but it is telling that 95 of our colleagues have always thought that was an easy lift. We should keep moving forward on those issues that are easy lifts and ensure the businesses that need predictability and certainty that we can move forward on that.

Another example is the clean energy tax credits. While we are trying to overwrite environmental rules to give a foreign interest a pipeline through our country—I should say, people thought the pipeline that went through Yellowstone was safe, and we just had a big spill there this past weekend. It is not as if these spills don't happen.

We had a colleague from Michigan talk about the spill that happened in Kalamazoo. I just saw the Commandant of the Coast Guard again last night at the State of the Union Address and we talked about how we don't have a solution for cleaning up tar sands in the water, and that is why we in the Pacific Northwest are so interested in this issue.

Let's not hurry through a process of special interest when we can do things that we need to give predictability and certainty on, such as the energy tax credits that are germane and are within the boundaries of what Congress is supposed to be deciding on. The American people are asking us to debate those issues and to come up with a resolution on them. I don't know that the American people are asking us to override a process and usurp what is the right of the President to make sure our national interests are considered in this policy debate.

I do appreciate the Senator from Alaska working through this process, and I do appreciate the fact that I think she is serious about she and I sitting down and talking about a larger energy bill. I pride myself on having a Pacific Northwest view; that is, there are things that are good for both Alaska and Washington and we should work on them together. Maybe there are some things that are well and good for Alaska and Washington but maybe the rest of the country doesn't agree with, but we will work through a process together.

I say to my colleagues, as we look at these next tranches of votes, we should consider what the President said last night. We need a broader innovation strategy for our economy. I believe there are ways to get there. I think these amendments we are considering—I don't think we need to change the Antiquities Act. I am a big believer in the fact that there are some tremendous national beauties that have been established through the Antiquities Act both—actually by lots of Republican Presidents, and I don't feel we have to change the Antiquities Act. I certainly don't think we need to change the Endangered Species Act, and I don't think we need to overrule the Clean Air Act, as the amendment does of the Senator from Pennsylvania.

We will have more time to talk about these amendments on the floor, but I hope my colleagues will understand that we want environmental rules to be followed, and we want people to follow a process. We want these issues to move forward from an energy policy that will move America to a 21st century energy policy and not continue to hold on to the 19th century pollutions that are challenging our economy.

I am sure we are going to hear from our colleagues when they come down to debate these issues as it relates to greenhouse gases and other things. Again, I appreciate my colleague from Alaska helping us to work through this process. I appreciate that it is a debate and that all of my colleagues will have a chance to come down and express their opinions.

With that, I yield back to my colleague on whatever process we are going to follow to go back and forth on amendments.

The PRESIDING OFFICER. The Senator from the great State of Alaska.

Ms. MURKOWSKI. Mr. President, I wish to acknowledge the comments of the ranking member of the energy committee and her focus on energy innovation. I think we can look to that as not only a bright spot in our economy where we have seen great progress in recent years, but we have also seen great enthusiasm and an optimism about the future of our country when we allow our great minds to work on some of the problems of the day to get us to these advanced solutions.

The Presiding Officer and I come from an energy-producing State. We are also a State that has some of the highest energy costs in the country. Right now in the village of Fort Yukon, they are paying $7.25 for a gallon of fuel. Up in Kobuk—in the northwest part of the State—they are paying $10 for a gallon of fuel. The rest of the country is enjoying a price break because of the drop in fuel, but in Alaska, when there is no neighborhood filling station that is connected to a road that is connected to someplace that brings people somewhere, people have to bring in their fuel by barge or by plane. The contract for that fuel in July—July's prices were not what they are now. Folks are locked in. Talk about being frozen in someplace—well, their prices are also frozen in.

So we know and understand the challenges when it comes to energy. We know and understand the challenges when it comes to paying to keep your house warm or your lights on. We have every interest—every interest—to make sure that we are pushing out, that we are being innovative, that we are being as efficient as we possibly can be when it comes to energy use and consumption. I want to urge us, to push us, to be really aggressive in pushing us toward those technologies that will allow us, in a small-population State that has no real energy grid, so to speak, to figure out how we can be more self-sufficient, get us off diesel, get us off $10-a-gallon oil in Kobuk, AK. We have to figure this out.

We are talking about the challenges we face, but as we begin this good, robust debate on issues such as the climate, I think we need to be careful about what we are doing in response to the issue of a changing climate. If the answer is to increase energy costs, if it is to implement a carbon tax, if it is to make it more expensive, if it is to cripple our economy, then we don't have the ability to move out on these technologies because they are expensive.

We need to have a strong economy. We need to figure out how we can address climate through adaptation, mitigation, and new technologies that are going to take us to cleaner fuel sources, to renewable energy sources we have in great abundance in Alaska and elsewhere. But it takes money. It takes a strong economy. So I am not willing to do anything that is going to put the brakes on our economic strength and viability.

This is a good part of the discussion. It is very germane to where we are right now.

I mentioned in my comments that we currently have six amendments pending to the bill. Our side would like to set up votes on these amendments, with a 60-vote threshold required for any amendment that is not germane. We are working on a side-by-side right now on the Schatz amendment as well as a potential modification to the Fischer amendment. But I don't think there is any reason why we wouldn't be voting on most, if not all, of the pending amendments shortly after lunch today. Once we have gotten through those amendments, Senator CANTWELL and I will queue up the next batch of

two to three amendments from each side so we can continue to make progress on this bill.

At this time, I turn to my colleague Senator HOEVEN, the sponsor of S. 1, who has been waiting to address the body.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent that Senator HOEVEN be followed by the Senator from Vermont to speak for 10 minutes about an amendment he has filed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I wish to verify that I have 10 minutes before my time expires. Is that correct?

The PRESIDING OFFICER. The Chair is not aware of a limit on the time of the Senator from North Dakota.

The Senator from Washington.

Ms. MURKOWSKI. Mr. President, I don't know how much time the Senator from North Dakota is seeking this morning. Maybe that would help the Senator from Vermont in understanding the schedule.

Mr. HOEVEN. Mr. President, that is fine. I will use 10 minutes at this point, and I will use more later.

Ms. MURKOWSKI. Mr. President, I understand the Senator from Vermont is just going to speak to an amendment he has filed. He is not seeking to call up the amendment; is that correct?

Mr. LEAHY. That is correct. I will probably need about 5 or 6 minutes.

Ms. MURKOWSKI. No objection, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, if the Senator from Vermont is only going to speak for 5 minutes, then I will defer to him. I may go longer than 10 minutes, so I will defer to him if we would like to proceed at this time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator for his usual courtesy, and I appreciate it.

As the most senior Member of this body, I have served in both the majority and minority numerous times, under three Democratic Presidents, four Republican Presidents, and Democratic and Republican majorities. Throughout that time, I learned that the Senate can be productive. The Keystone Pipeline legislation we are considering today, though, is not one of those productive topics.

I hoped we would begin the 114th Congress by showing the American people that Congress is putting the needs of hard-working American families over those of powerful special interests, from job creation to charting a sustainable energy future for this country. We ought to be considering legislation that supports the highway trust fund. That would create tens of thousands of jobs across the country. We should be considering tax legislation.

Mr. President, I yield the floor at this time.

The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I wish to respond regarding the legislation that is currently on the floor in several regards. I would like to discuss some of the environmental arguments that have been brought up. I wish to also reference the issue of export as well as touch on some of the comments of the President relative to this project and comments others have made regarding the Keystone XL Pipeline approval bill, S. 1, being the first bill we brought up.

One of the things we hear is, well, this is a private investment, it is $8 billion, but we should somehow be doing something else. The reality is this is an $8 billion shovel-ready project, good to go. It is vital energy infrastructure for this country. So it is important in its own right. To compare it to the highway bill, which is all funded by Federal tax dollars, whereas this is a private investment which is going to generate revenues in addition to providing vital infrastructure and providing jobs—that is not a fair comparison.

The point in bringing up this bill first was not only because this is important energy infrastructure but also because we wanted to try to get the Senate back to regular order, to an open amendment process. We just spent the last session and even before where we couldn't get amendments offered. Whether Republican or Democrat, we could not come to the floor of this body—the most deliberative body in government—and offer amendments, have the debate, and get a vote.

So understand that bringing up this legislation is important in its own right, particularly as we consider how we best build the energy future of the United States and have this important energy debate.

Look what is going on at the pump right now. We pull up to the pump and gas is down more than a dollar. I think the national average price of gasoline is $2.05, when it was up between $3 and in some cases $4 in some markets. That is a huge savings. That is hundreds of billions of dollars in consumers' pockets. That didn't just happen; that happened because we are building the right energy future for this country.

We are working to create energy security for the United States by producing more oil and gas in this country, along with other types of energy, and working with Canada to produce more oil and gas so we don't have to get it from OPEC, so OPEC doesn't get to dictate terms to American consumers and American businesses. And why don't they get to dictate terms? Because we are producing more energy. As we produce more energy and we get more energy from Canada, our closest friend and ally in the world, we become energy secure. That is more energy, that is more jobs, that is economic growth, that is national security, and that is what the American people want.

So when we talk about why this bill is up first, it is because we want to build an energy plan that works for this country. We want our Nation to be energy secure. This is how we do it. This kind of infrastructure is a vital part of building that energy plan where we produce more energy than we consume. So, together with Canada, we truly have North American energy security. That means lower prices, that means a stronger economy, and that means we don't have to depend on OPEC for our energy.

Now look what is happening. OPEC is pushing back, aren't they? We are now in this market fight, a fight for market share. So what do we do? Do we continue to build our energy resources here in this country or do we say: No, we are not going to build the infrastructure. We are not going to continue to produce more oil and gas in this country. We are not going to work with Canada. We are going to have Canada send that oil to China because they want it.

Then we will go right back to where we were before, where our energy shrinks back down and we don't work with Canada, and OPEC is right back in business. That has to be music to OPEC's ears. They probably love it when they hear that the President is going to block our efforts to build vital energy infrastructure—and private investment, mind you, not taxpayer dollars—that will create hundreds of millions of dollars of revenue for all of these States as they collect property taxes and payment in lieu of taxes. OPEC is doing great.

When we shrink our industry back down and Canada sends its energy to China, who is back in business? Who is back in the driver's seat? OPEC and the other petro-dependent countries, such as Russia. Russia finances virtually 50 percent or more of their economy on what? Petro dollars. Iran is a petro-dependent state. Do we want to be in the driver's seat or do we want to keep them in the driver's seat? Do we want to repeat history or do we want to take control of our own destiny? That is why this is an important issue.

It is also an important issue because it is about getting this body back to a regular order so we break the gridlock. We are offering amendments. We are saying to Republicans and Democrats: Come down and offer amendments.

We voted on three amendments yesterday. We have six pending amendments right now. We are looking for more. This is about breaking the gridlock and getting the important work of the country done.

It is the difference between the President giving a speech wherein he outlines all of his initiatives—OK, everybody, do it my way—and then spends the second half of the speech talking about how if we do it his way, somehow that is a compromise—that is not the case. That versus a project he has talked about vetoing.

Let's take a look at whether this is a bipartisan project where people have come together.

No. 1, it has been reviewed by the administration for more than 6 years. How long do we have to hold up private enterprise before we let them build the vital energy infrastructure we need—infrastructure that will not only move Canadian crude to our refineries but will move light sweet Balkan crude from my State and from Montana to other refineries as well. So it is moving domestic crude as well as Canadian crude. If we can't move it on this pipeline, it will be 1,400 railcars a day. How do we move our agriculture products and other goods when we have that kind of congestion on our railroads?

The whole point is that the President talks about coming together on issues that have broad bipartisan support. Let's think about it. We have broad bipartisan support in the House. This bill has already passed the House. We went through cloture in this body with 63 votes. The last time I checked, 63 votes out of 100 is a pretty strong majority. So we have bipartisan majority support in the Congress.

Second, in the polling over the 6 years that this project has been under review and under study, the public has overwhelmingly supported it. They said: Yes, we want to be energy independent in this country. We don't want to get our oil from OPEC. We would rather get it from Canada and produce it here at home, and we need the infrastructure to move it around. So in the polls, 65, 70 percent of the people consistently said: Build it. Build it.

By the way, all six States on the route, including Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, have all approved it. It wasn't as though they had to rush because they had 6 years to do it, but they have all approved it. Is the U.S. Federal Government the only entity that can make a good decision around here? All of these States, their legislatures, their Governors—they don't know what they are doing? The only one who can make a decision about whether this works or not is the administration?

What are we saying to our friends in Canada? They are our largest trading partner in the world. Think about our relationship with Canada. What if the situation were reversed and Canada wanted to work with us on a project of this importance to them and we said: No, go work with China.

When we think about all of these things, it brings home the reality. People can have their opinions on all kinds of issues, but those are the facts as they relate to this project.

So now I just want to take a few minutes and reference a couple of specific things, both on the environmental aspects that have been brought up and then also on whether this oil will be exported or used here at home. Again, this is an open-amendment process. So people can come down and offer amendments on climate change or all those other things. Everybody is entitled to their opinion and to advocate for whatever they want to advocate for. But at the end of the day, we are going to keep bringing them back to the facts on this project. Those facts were laid out in not one but five reports, three draft environmental impact statements and two final impact statements done by the Obama administration's Department of State.

When we come down and people want to use different discussions and talk about their views on climate change and all these other things, they can do that and we can vote on amendments in regard to those things. They can come down and talk about their views on whether oil should or shouldn't be exported and all of those kinds of things. They can offer amendments on them, and that is the process. But at the end of the day, we are going to work to bring them back to the facts. The facts are this is the finding in the Obama administration's environmental impact statements—three draft statements and two final statements done over 5 years. The Keystone XL Pipeline will have no significant environmental impact according to the U.S. Department of State environmental impact statements.

There is one thing I want to add to that. I talked about the fact that if we don't build a pipeline, if we are going to get the oil, it is going to have 1,400 railcars coming in here on a daily basis. The environmental impact statements point out that we get more greenhouse gas without the pipeline than with it because without the pipeline we are either going to move that by railcar or it is going to China. And if it goes to China, it goes in tanker ships, and they produce more greenhouse gas. It is refined in Chinese refineries, and they have higher emissions than our refineries. And we still have to bring our oil in from the Middle East. So now you have more greenhouse emissions from those tankers. The environmental impact statement itself points out that we have more emissions without the pipeline than if we actually build it.

I also want to take a minute to talk about the effort going on in Alberta for carbon capture and sequestration. In other words, one of the things I have always talked about in terms of building the right kind of energy plan for this country is that instead of holding up the investment, we empower the investment. If we empower private investment, we not only produce more energy here at home and with our closest ally in the world, we not only produce more energy, we not only get the infrastructure we need to move it—now understand, I am talking about private investment, just getting the government out of the way and letting the private sector do what they do. If we empower that investment, we not only get the infrastructure we need to move energy around, we not only get the new technologies that develop that energy more cost-effectively and more efficiently, we get better environmental stewardship.

New technologies produce better environmental stewardship. We are seeing that over and over. Take directional drilling in my State of North Dakota. We now drill down 2 miles off one ECO-Pad. We can put as many as 16 wells on one ECO-Pad. We drill down 2 miles, and we go out 3 miles and more in all different directions underground. Whereas before we would have seen wells all over the terrain, now we see one spot where there is a well for miles, and it is producing for miles around.

Think how much you reduced that environmental footprint, right? It is the same with carbon capture sequestration. People talk about clean coal technology. They talk about carbon capture sequestration. There are other fossil fuels such as oil and gas. The only way we are going to get to that is by stimulating private investment and encouraging not only the research and development that creates those technologies but actually getting them to deploy those technologies. That is exactly what is happening right now in the oil sands up in the Province of Alberta.

Since 1990 the greenhouse gas footprint of oil produced in the oil sands has gone down 28 percent. Because of better drilling techniques, because of cogeneration, because of other processes that have been put in place, the greenhouse gas emissions on a per-barrel basis for the oil producing oil sands has gone down by almost a third, 28 percent. Right now major companies are continuing not only to produce more oil in the oil sands but to find ways to reduce the greenhouse gas and do what is called carbon capture and sequestration—carbon capture and storage.

I will just touch on two of those for a minute and then relinquish the floor to the good Senator from Vermont, because there is more that I will pick up on related to this environmental aspect as we debate this legislation, as well as this whole issue of making sure that we get our country to energy security. But let me just touch for a minute on two projects. Exxon is one of the companies that produces oil up in the oil sands region, and they are investing on the order of $10 billion in that oil development and production. Their Kearl project, which is a huge part of it, will use cogeneration for steam and low-energy extraction processes to recover oil and heat integration between the extraction and the treatment facilities to minimize energy consumption. As a result, oil produced from Kearl will have about the same life-cycle greenhouse gas emissions as many other crude oils refined in the United States as a result of technologies which significantly enhance environmental performance.

Other environmental innovations for Kearl include onsite water storage to

eliminate river withdrawals and low-flow periods and progressive land reclamation which will return the land to the boreal forest.

The plan is this. They are developing these new technologies so the environmental footprint is the same as conventional drilling. That is what they are working to develop. How else are we going to develop this technology to reduce the carbon footprint if we continue to block these investments? That is what we have heard from opponents of the project is: Oh, well, gee, we don't want to have oil from Canada if it has higher greenhouse gas emissions or a higher environmental footprint.

Yet we pointed out that oil produced in California, oil that produced in Venezuela right now has the same level of carbon emissions, and we have huge projects going on up here to actually reduce greenhouse gas emissions and develop that technology that will not only reduce the environmental footprint up here and reduce the greenhouse gas emissions up here but technology that we can use in the United States and around the globe.

That is how we get better environmental stewardship, by developing those technologies that help us do it. And who better to accomplish it, who better than the ingenuity of American companies and Americans—American entrepreneurs. That is how we make it happen. So the reality is—another one is the Quest project that Shell is undertaking. They are working right now with the Provincial government in Alberta on carbon capture and storage. So the Province of Alberta actually has a program where they work with these companies on carbon capture and storage. This is a tremendous opportunity to develop those technologies we hear talked about on this floor so often if we are willing to work with these companies and allow them to make the investments to do it.

My question to opponents or critics to the project is: How in the world are we going to develop these new technologies to improve environmental stewardship if we block the very projects that are trying to do it?

I see the Senator from Vermont is here, and so I want to provide him with his time to introduce his amendment, as well as the Senator from Louisiana. I will stop at this point. We will continue this debate, but I want to end on this very important subject by saying, again, the environmental impact shows we will have higher greenhouse gases without this project versus with it. Again, I understand people can come down and talk about their opinions, but that is what the reports determine—five reports done over 6 years. Furthermore, what I am pointing out is that doesn't even take into account the kind of carbon capture and other projects that are being done in a huge way up here to develop really the technologies that are not only going to help us in terms of reducing emissions and the environmental impacts of energy production in the oil sands but will help us in the United States and technology that can be adopted in other countries around the globe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank my friend from North Dakota for his usual courtesy shown earlier. Unfortunately, I had a nose bleed, and I had to stop my speech. I think I am not used to the elevation—the altitude of the Senate—but after over 40 years I should be.

I was saying earlier, I had hoped we begin this 114th Congress by showing the American people that Congress is putting the needs of hard-working American families first. I wish we were considering legislation to support the Highway Trust Fund. That supports tens of thousands of jobs around the country in every one of our States. I wish we were considering tax legislation to bring investments to our small local businesses and encouraging energy efficiency in construction and investment. I wish we were finding places to support the educational pursuits of our children. I would like to maintain our status as a premier leader on the world stage.

Instead, we are considering legislation that puts Canadian tar sands—which are intended for export, not to be used in the United States—as our priority. The pipeline will support 35 permanent jobs—just 35—not hundreds, not thousands—35. I would like to be considering legislation that creates thousands of jobs. It is hard not to question whether the new Senate majority is truly focused on the needs of hardworking Americans.

Some who support the legislation claim the pipeline is truly ''shovel ready.'' They claim the project has been thoroughly studied and analyzed, and that the Administration sat for 6 years with no decision on the permit.

Even before the Nebraska Supreme Court recently released its decision on the location of this pipeline, the Republican leadership said this should be our priority even ahead of that decision. The decision did not clarify lingering questions about the process. In fact, the majority of the justices said the decision to circumvent the public process and block Nebraskans' ability to raise concerns about the pipeline was unconstitutional. Four of the seven justices said that it is unconstitutional under State law. But in their state procedure, you need a supermajority of 5 of the 7 justices to halt this project, so the landowners' appeal was rejected.

What bothers me is not only that the majority opinion is being ignored in Nebraska but that the legislation approved last week by the House in consideration here would remove consideration of all appeals. You have to take them out of local Federal courts and put them before the DC Circuit. In other words, if you are in a State where this pipeline goes through your community and you have a question, you would have to make an appeal to the DC Circuit. What that is saying is that Congress believes that Washington knows best. Frankly, the people in my State of Vermont—and I suspect in States across the country—would prefer to trust the courts in their States.

We ought to be showing the American people that Congress cares more about the public process and the public's access to their courts, than about the wishes of foreign special interests. That is why I have offered an amendment that would strike the judicial review provision and restore the role of local federal district courts in reviewing challenges arising from the Keystone Pipeline.

The majority leader promised an open debate and open amendment process. I appreciate that. I certainly have concerns about circumventing what would be normal court procedure and the President's approval process, and I want to be able to address that. But more than that, I hope this debate can be an open and honest conversation, not about a pipeline that supports special interests but about the direction in which our country is moving on sustainable energy, on job creation, and on issues as fundamental to all Americans—Republicans or Democrats—as who will have access to our courts. Will it just be special interests or will it be the American people? I prefer the American people.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Louisiana.

Mr. VITTER. Madam President, I have an amendment on this important bill at the desk, amendment No. 80. I am not going to offer that amendment now because the minority side is blocking the offering and calling up of additional amendments until we dispose of those presently called up. I want to do that right now. But hopefully, I will be doing that in the very near future. I look forward to a full debate and a vote on this amendment, probably in the next tranche of amendments on the bill.

My amendment is about energy. It is about a very crucial part of the domestic policy, something I believe will absolutely be a huge positive incentive and factor to allow us to produce even more American energy, to become even more energy independent, and to provide an even greater boost to our economy; that is, through revenue sharing, sharing the revenue produced by domestic energy production with the producing States.

That is fair for two reasons: one, because those producing States do bear costs and burdens and impacts, including environmental impacts, and, two, providing that incentive is the most important way we can boost even further important domestic energy production. That energy production is vital for our country and our economy. In fact, we are not in recession right now because of those U.S. energy jobs.

If it were not for those oil and gas and related jobs in America, we would still be in a technical recession right now. Last night President Obama talked glowingly of the state of our economy. I think he exaggerated that significantly. However, we would be in a technical recession and we would be in a far different and worse place were it not for those domestic oil and gas and energy jobs. That is what this amendment would boost and would improve even further.

Again, the heart of this amendment is revenue sharing, establishing and expanding revenue sharing for producing States. So rather than all the royalty and revenue produced by this domestic production just going to the Federal Treasury, we need to share that. A lot will go to the Federal Treasury. Most will go to the Federal Treasury. But we need to give producing States a fair share.

Again, as I stated, that is for two reasons—two very important, very basic reasons. First of all, those States bear a burden. They have impacts from that production, including environmental impacts. They need funds to deal with those impacts. It is manageable and it is worth doing, but there are impacts.

Secondly, and maybe even more importantly, providing that revenue sharing for producing States—host States—is the most important way that we will get more producing States, that we will get more host States, that we will have more American energy. So that is what this is all about.

My amendment, again, will be amendment No. 80. I look forward to a vote on the Senate floor soon. It is simple and straightforward. It does several important things. First, it would expedite Outer Continental Shelf lease sales and move forward with a positive OCS lease plan. By expediting leasing and opening up more areas to production, we can create jobs and further enhance and build our manufacturing renaissance and our American energy revolution.

In recognizing concerns for production in the North Atlantic Planning Area as well as the North Aleutian Planning Area in Alaska, this proposal excludes lease sales in those particular regions. Secondly, the bill would increase revenue sharing for Gulf States, and it would establish revenue sharing for brand new production in other areas, such as Alaska and the east coast.

Again, revenue sharing is fair, and it is the most powerful, positive thing we can do to get more States into the act in a positive way of producing American energy, helping our economy, and helping our energy independence. So that would provide revenue sharing for the first time for the Atlantic States of Virginia, North Carolina, and South Carolina. It would provide that revenue sharing for the first time for new production we would be authorizing for Alaska—a clear net gain for North Carolina, Virginia, South Carolina, and Alaska.

This is critical. I know my colleagues from those States are all very supportive of that offshore energy activity. So again, for Alaska, for the first time, Alaska would enjoy revenue sharing with the potential for significant dollars from offshore production going to Alaska. Now, one might ask: What about the Federal revenue impact? What about the fiscal impact? This amendment is fully offset in terms of the Federal Treasury. It is fully offset with revenue from two sources: No. 1, expedited and increased lease sales in our OCS that will produce more Federal revenue, and No. 2, trimming our Federal workforce by attrition, a policy laid out by the Simpson-Bowles Commission—bipartisan, straightforward, and exactly what we need to do in a fiscally responsible way.

Now, on that piece, the legislation would not fire anyone. It would simply reduce the Federal workforce through attrition. For every three Federal workers who retire, only one could be hired. That is exactly what Simpson-Bowles proposed. Two exemptions exist to this rule that could be used by the President in a state of war or extraordinary emergency—again, exactly the Simpson-Bowles proposal.

This amendment is very important in the area of energy and to be fair to producing States and to be a powerful incentive—the single most powerful incentive possible to get more producing States, more American production into the act. That is vital for our energy independence. It is also vital for our economy. This amendment, No. 80, would be a big, positive boost over time for our economy.

As I said, right now we would be in a recession still were it not for those American energy jobs. That energy renaissance has led the way in our economy. But for those jobs, we would still be in a recession. This can make a good thing better. This can provide more incentives to go further in a powerful, responsible way. It will also be a responsible way on the environment.

Let me note that in Louisiana, you know what we do with our revenue sharing? We spend all of it on environmental concerns, mostly coastal restoration. We are losing our coastline. We are losing a football field of Louisiana costal area every 38 minutes—every 38 minutes, 24 hours a day, 7 days a week, 52 weeks a year. That is the biggest environmental issue we have by far. That is what this money goes to in Louisiana—proper environmental stewardship.

So with that, I urge bipartisan support of this important amendment. I look forward to formally calling it up soon, after we vote on the pending amendments early this afternoon. I look forward to a vote on this on the Senate floor—hopefully, a strong bipartisan vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 58

Mr. SCHATZ. Madam President, yesterday I offered an amendment to the Keystone XL bill which is really straightforward and will not affect the underlying legislation. I do think it has the potential to get strong bipartisan support. That is because my amendment states a simple set of facts—that climate change is real and humans are contributing to it.

This is an opportunity for people on either side of the Keystone debate to agree on something; that is, the facts. It will inform, I think, what happens next in energy policy. As intense as this debate over this pipeline is, the real question in front of us, after we dispose of this legislation and it goes to the President's desk for a certain veto, is that then we have to contend with our national energy policy.

We need to agree on the set of facts that everyone outside of this Congress agrees on. These claims require evidence, and my amendment provides those pieces of evidence. It cites the final supplemental environmental impact statement prepared for the Keystone Pipeline by the State Department, which says that ''human activities . . . have added to the greenhouse gas accumulation and exacerbated the greenhouse . . . effect, resulting in greater amounts of heat being trapped in the atmosphere.''

Now, this is not controversial. It also states: ''These climate change shifts can . . . affect other processes and spark changes that cascade through natural systems to affect ecosystems, societies, and human health.'' Only in the halls of Congress is this a controversial piece of legislation.

This impact statement, in turn, cites the work of thousands of scientists who have contributed to reports by the IPCC, the National Research Council, and the U.S. Global Change Research Program. These independent fact-finding bodies have conducted decades of research on questions related to climate change. They have been subject to intense scrutiny both internally and externally. Their work has held up to repeated concerns about impartiality and accuracy.

This scrutiny helps. It has forced these organizations to improve their methodology and be increasingly deliberate as they develop their findings and present the facts and only the facts. Human-caused climate change is accepted by Fortune 500 companies, school teachers, religious groups, and the U.S. Department of Defense. It is accepted by nurses and doctors, professional sports leagues, the majority of other countries, more than 97 percent of scientists, and many of my colleagues in the House and Senate.

For most people, climate change existing is not a controversial issue. Certainly, the Keystone Pipeline is a controversial issue. Once we together set the premise of climate change facts, there is plenty to argue about. What approach ought we take with respect to

solving this problem? Is a carbon tax the right approach? Is the President's clean powerplant the right approach? Ought we to wait for or accelerate our actions with respect to international coalitions and agreements?

Those are legitimate debates to have. But we have to agree on the facts. That is why a vote on my amendment is so important. The Senate has before it a bill to approve a pipeline and an environmental impact statement touted by Keystone supporters as a comprehensive, accurate document that impartially assesses the environmental impacts of the pipeline. Within that impact statement is a comprehensive review and an acknowledgment of the reality of the facts of climate change.

Many of my colleagues who support Keystone might be the same ones who question the reality of climate change, but I want to try to create a political space where one can be for Keystone XL and still want action on the climate. Now, I think Keystone XL is the wrong direction to move in. I think it is absolutely doubling down on fossil fuel energy and the tar sands oil. So I will be voting against Keystone.

But I understand there are people of good faith and plenty of knowledge who are going to be supporting the pipeline. What we need to do after this legislation is disposed of—and it will be relatively quickly—is agree on a set of facts and move forward with intelligent, bipartisan climate policy.

Last week, we learned that 2014 was the hottest year on record according to two separate studies by our Nation's brightest scientists at NASA and NOAA. That means that the 10 hottest years on record have all occurred since the year 2000. A warmer planet means big changes in weather patterns, rising sea levels, and increases in extreme weather events.

Sea level has been rising more than twice as fast since 1990 as it did over the previous century, nearly doubling the likelihood of storm surges such as the one we experienced during Hurricane Sandy. Over the years, the issue of climate change has, unfortunately, become a partisan issue. It did not used to be that way. It does not need to be that way going forward.

We may not agree on the solutions, on the path forward or even on some of the details, but I do believe it is time for us to begin to agree on a basic set of facts. The purpose of my amendment is to take a step back, to take a deep breath on a very contentious issue, and to give the Senate an opportunity to come together and state with no value judgment that we accept the work of thousands of the world's brightest and most dedicated scientists, including those working at U.S. agencies and for U.S. companies; that we accept the reality our farmers, our fisherman, and our families see with the every passing season.

I urge all of my colleagues to vote for this amendment. It is an opportunity to restate a set of facts with which a majority of Americans already agree. It makes no presumptions about where we go from here.

I am hopeful that we will have a big bipartisan vote this afternoon on this amendment. I think there is an opportunity for common ground.

Obviously, Keystone XL is dividing not just this Congress but the Democratic conference, so I understand that. But agreeing on the set of facts related to climate change is a good predicate for all of us moving forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SANDERS. Madam President, I rise today to speak on behalf of my amendment to the proposed Keystone XL Pipeline bill. I thank Senators BENNET, CARPER, LEAHY, MENENDEZ, WARREN, and WHITEHOUSE for cosponsoring this amendment.

My amendment is extremely simple. It is about 1½ pages, and I think it is easily understood by anyone who reads it. It says:

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

That is it. That is the entire amendment.

What this amendment does is simply ask the Members of the Senate whether they agree with the overwhelming majority of scientists who have told us over and over and over again that climate change is real, that climate change is caused by human activity, including the emission of carbon, that climate change is already causing devastating problems in the United States and around the world, and that if we are going to leave our children and our grandchildren a planet that is habitable, we must transform our energy system away from fossil fuels.

Progressives, conservatives, and people in between have many disagreements on issues—and that is called democracy. There is nothing to be ashamed about that; that is the democratic process. We all have differences of opinion. But what is not a good thing is when we make public policy in contradiction to what the scientific community tells us. That is not a good thing.

When we look at medical issues such as cancer or heart disease, what we do is look at the scientific communities and medical doctors for their opinions as to how we should proceed.

When we look at infrastructure issues, the issues of roads and bridges, we look at engineers for their opinion as to how we should proceed.

When we look at education and try to understand how best kids can best learn, we look at educators and those people who know most about education for advice as to how we should proceed.

In terms of the issue of climate change, the process should not be any different. The Intergovernmental Panel on Climate Change, the IPCC, is the leading scientific body that deals with the issue of climate change. I will very briefly quote what the IPCC said last fall:

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

More than 97 percent of the scientific community in the United States and across the globe agrees with these findings, including the American Chemical Society, the American Association for the Advancement of Science, the American Meteorological Society, and the American Geophysical Union, to name just a few.

In fact, at least 37 American scientific organizations, 135 international scientific organizations and national academies of science, and 21 medical associations, all agree that climate change is real and is significantly caused by human activities.

Madam President, I ask unanimous consent to have printed in the RECORD the names of 37 American scientific organizations, 135 international scientific organizations and national academies, and 21 medical associations which all have gone on record as stating that climate change is real and is significantly caused by human activity.

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

> Virtually every major scientific organization in this country and throughout the world have said that climate change is real, climate change is caused by carbon emissions and human activity, and that climate change is already causing devastating problems in the United States of America and around the world.
>
> This list includes at least: 37 American scientific organizations, 135 international scientific organizations, 21 medical associations, 4 religious organizations.
>
> 37 AMERICAN SCIENTIFIC ORGANIZATIONS
>
> American Anthropological Association, American Association for the Advancement of Science, American Association of Geographers, American Association of State Climatologists, American Astronomical Society, American Chemical Society, American Fisheries Society, American Geophysical Union, American Institute of Biological Sciences, American Institute of Physics, American Meteorological Society, American Physical Society, American Quaternary Association, American Society for Microbiology, American Society of Agronomy,

American Society of Plant Biologists, American Statistical Association, Association of American Geographers, Association of Ecosystem Research Centers, Botanical Society of America.

California Academy of Sciences, Crop Science Society of America, Ecological Society of America, National Academy of Engineering, National Academy of Sciences (USA), National Association of State Foresters, New York Academy of Sciences, Scripps Institution of Oceanography, Society for Industrial and Applied Mathematics, Society of American Foresters, Society of Systematic Biologists, Soil Science Society of America, The Geological Society of America, The Wildlife Society, United States National Research Council, University Corporation for Atmospheric Research, Woods Hole Oceanographic Institution.

135 INTERNATIONAL SCIENTIFIC ASSOCIATIONS

Academia Brasiliera de Ciências (Brazil), Academia Chilena de Ciencias (Chile), Academia das Ciencias de Lisboa (Portugal), Academia de Ciencias de la República Dominicana, Academia de Ciencias Físicas, Matemáticas y Naturales de Venezuela, Academia de Ciencias Medicas, Fisicas y Naturales de Guatemala, Academia Mexicana de Ciencias, Academia Nacional de Ciencias de Bolivia, Academia Nacional de Ciencias del Peru, Academia Sinica, Taiwan, China, Académie des Sciences et Techniques du Sénégal, Academiê des Sciences (France), Academy of Athens, Academy of Science for South Africa, Academy of Science of Mozambique, Academy of Sciences Malaysia, Academy of Sciences of Moldova.

Academy of Sciences of the Czech Republic, Academy of Sciences of the Islamic Republic of Iran, Academy of Scientific Research and Technology, Egypt, Accademia dei Lincei (Italy), Africa Centre for Climate and Earth Systems Science, African Academy of Sciences, Albanian Academy of Sciences, Amazon Environmental Research Institute, Australian Academy of Science (Australia), Australian Coral Reef Society, Australian Institute of Marine Science, Australian Institute of Physics, Australian Marine Sciences Association, Australian Meteorological and Oceanographic Society, Bangladesh Academy of Sciences, Botanical Society of America, British Antarctic Survey, Bulgarian Academy of Sciences, Cameroon Academy of Sciences, Canadian Association of Physicists, Canadian Foundation for Climate and Atmospheric Sciences, Canadian Geophysical Union, Canadian Meteorological and Oceanographic Society.

Canadian Society of Soil Science, Canadian Society of Zoologists, Caribbean Academy of Sciences, Center for International Forestry Research, Chinese Academy of the Sciences, Colombian Academy of Exact, Physical and Natural Sciences, Commonwealth Scientific and Industrial Research Organisation (Australia), Croatian Academy of Arts and Sciences, Cuban Academy of Sciences, Delegation of the Finnish Academies of Science and Letters, Deustche Akademie der Naturforscher Leopoldina (Germany), Ecological Society of Australia, European Academy of Sciences and Arts, European Federation of Geologists, European Geosciences Union, European Physical Society, European Science Foundation, Federation of Australian Scientific and Technological Societies.

Geological Society of Australia, Geological Society of London, Georgian Academy of Sciences, Ghana Academy of Arts and Sciences, Indian National Science Academy, Indonesian Academy of the Sciences, Institute of Biology (UK), Institute of Ecology and Environmental Management, Institute of Marine Engineering, Science and Technology, Institution of Mechanical Engineers, UK, InterAcademy Council, International Alliance of Research Universities, International Arctic Science Committee, International Association for Great Lakes Research, International Council for Science, International Council of Academies of Engineering and Technological Sciences, International Research Institute for Climate and Society, International Union for Quaternary Research, International Union of Geodesy and Geophysics, International Union of Pure and Applied Physics, Islamic World Academy of Sciences, Israel Academy of Sciences and Humanities.

Kenya National Academy of Sciences, Korean Academy of Science and Technology, Kosovo Academy of Sciences and Arts, Latin American Academy of Sciences, Latvian Academy of Sciences, Lithuanian Academy of Sciences, Madagascar National Academy of Arts, Letters, and Sciences, Mauritius Academy of Science and Technology, Montenegrin Academy of Sciences and Arts, National Academy of Exact, Physical and Natural Sciences, Argentina, National Academy of Sciences of Armenia, National Academy of Sciences of the Kyrgyz Republic, National Academy of Sciences, Sri Lanka, National Council of Engineers Australia, National Institute of Water & Atmospheric Research, New Zealand, Natural Environment Research Council, UK, Nicaraguan Academy of Sciences, Nigerian Academy of Science, Norwegian Academy of Sciences and Letters, Organization of Biological Field Stations.

Pakistan Academy of Sciences, Palestine Academy for Science and Technology, Polish Academy of the Sciences, Romanian Academy, Royal Academies for Science and the Arts of Belgium (Belgium), Royal Academy of Exact, Physical and Natural Sciences of Spain, Royal Astronomical Society, UK, Royal Danish Academy of Sciences and Letters, Royal Irish Academy, Royal Meteorological Society, Royal Netherlands Academy of Arts and Sciences, Royal Netherlands Institute for Sea Research, Royal Scientific Society of Jordan, Royal Society of Canada, Royal Society of Chemistry, UK, Royal Society of New Zealand, Royal Society, UK, Royal Swedish Academy of Sciences, Russian Academy of Sciences, Science Council of Japan.

Serbian Academy of Sciences and Arts, Slovak Academy of Sciences, Slovenian Academy of Sciences and Arts, Society of Biology, UK, Society of Systematic Biologists, Sudanese National Academy of Science, Tanzania Academy of Sciences, The Geological Society (UK), The World Academy of Sciences (TWAS) for the developing world, Turkish Academy of Sciences, Uganda National Academy of Sciences, Union der Deutschen Akademien der Wissenschaften, World Meteorological Association, Zambia Academy of Sciences, Zimbabwe Academy of Sciences Sudan National Academy of Sciences.

21 MEDICAL ASSOCIATIONS

American Academy of Pediatrics, American College of Occupational and Environmental Medicine, American College of Preventive Medicine, American Lung Association, American Medical Association, American Nurses Association, American Public Health Association, American Thoracic Society, Association of State and Territorial Health Officials, Australian Medical Association, Children's Environmental Health Network, Health Care without Harm, Hepatitis Foundation International, National Association of County and City Health Officials, National Association of Local Boards of Health, National Environmental Health Association, Partnership for Prevention, Physicians for Social Responsibility, Trust for America's Health, World Federation of Public Health Associations, World Health Organization.

4 RELIGIOUS ORGANIZATIONS

Interfaith Power and Light, National Association of Evangelicals, Presbyterian Mission Agency, The Pope.

OTHER ORGANIZATIONS

American Association for Wildlife Veterinarians, American Society of Civil Engineers, International Association for Great Lakes Research, Institute of Professional Engineers New Zealand, Natural Science Collections Alliance, Organization of Biological Field Stations, The Institution of Engineers Australia, The World Federation of Engineering Organizations, World Forestry Congress.

Mr. SANDERS. I know that recently a number of my colleagues have made the point that they are not scientists and they cannot formulate an opinion on this subject. Well, let me be clear: I am not a scientist. I had a lot of problems with physics when I was in college. I am not a scientist.

But these are scientists. These are 37 American scientific organizations and 135 international scientific organizations. These are scientists who tell us that climate change is real, it is caused by human activity, and that it is imperative we transform our energy system away from fossil fuel.

I will read an excerpt from a letter sent to the Senate in 2009 signed by virtually every major scientific organization in this country:

> Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer reviewed science. Moreover, there is strong evidence that ongoing climate change will have broad impacts on society, including the global economy and on the environment. For the United States, climate change impacts include sea level rise for coastal states, greater threats of extreme weather events, and increase risk of regional water scarcity, urban heat waves, western wildfires, and a disturbance of biological systems throughout the country. The severity of climate change impacts is expected to increase substantially in the coming decades.

Once again, I am not a scientist, but that is what the scientific community overwhelmingly in the United States and around the world is saying. It is imperative the Senate goes on record in saying we agree with science.

Climate change is one of the great threats facing our country and the entire planet. It has the capability of causing severe harm to our economy, to our food supply, to access to water, and to national security.

According to NASA and NOAA, 2014 was the warmest year ever recorded. The most recent decade was the Nation's warmest on record. Across the globe, the 10 warmest years on record have all occurred since 1997. We know that the Earth's climate is warming and doing so quickly.

According to NOAA, October, August, June, and May were the hottest October, August, June, and May months ever recorded.

The consequences of this rapid and dramatic rise in global temperatures will have a profound impact on billions of people throughout the world. What we can expect are more severe weather disturbances, more flooding, more heat waves, more droughts, more forest fires, and saltwater inundation of water supplies and agricultural land.

As the New York Times reported in August, droughts in the Western and Southwestern United States appear to be intensifying as a result of climate change:

> Over the past decade, droughts in some regions have rivaled the epic dry spells of the 1930s and 1950s . . . The country is in the midst of one of its most sustained periods of increasing drought on record.

China's heat wave 1½ years ago was the worst in at least 140 years. As ClimateWire reported in November, the Sao Paulo region in Brazil is suffering from its worst drought in 80 years. In the United States, fire suppression costs have increased from roughly $1 billion annually in the mid-1990s to an average of more than $3 billion in the past 5 years.

Our oceans are not only getting warmer, they are also becoming more acidic, threatening fish, coral reefs, and other sea life. As a study published in the journal Science reported, carbon dioxide emissions in the atmosphere are driving a rate of change in ocean acidity that is already thought to be faster than any time in the past 50 million years. The authors warned that we may be ''entering an unknown territory of marine ecosystem change.''

Extreme storms, weather disturbances, are also becoming more common and more intense with extraordinary impacts. When Typhoon Haiyan struck the Philippines over 1 year ago, it displaced more than 4.1 million people, killed thousands, and cost that country at least $15 million in damages.

The situation clearly is bad today in the United States and around the world, but—according to the scientific community—if we do not get our act together, if we do not cut carbon emissions, it will only get worse in years to come.

The IPCC estimates—and I hope people listen to this—that without any additional efforts to reduce greenhouse gas emissions—in other words, if we continue to go along our merry old way of dependency on fossil fuels—''warming is more likely than not'' to exceed 4 degrees Celsius, which is 7.2 degrees Fahrenheit, by the end of the century.

Let me repeat that extraordinary observation. If we continue along our present course, ''warming is more likely than not'' to exceed 7.2 degrees Fahrenheit by the end of the century.

Similarly, just last year the White House released the National Climate Assessment warning that global warming could exceed 10 degrees Fahrenheit in the United States by the end of this century. Take a deep breath and imagine what it will mean to this country—the huge impact on every aspect of our life, on our economy, on agriculture, on health—if the temperature of the United States rises, as some are predicting, by 10 degrees Fahrenheit by the end of the century. It is almost unthinkable. Yet that is what the scientific community is telling us.

The World Bank is by no means a radical institution. It is a very conservative institution. It tells us that temperature increases by even just 7.2 degrees Fahrenheit would bring about unprecedented heat waves, severe drought, and major floods in many regions, with serious impacts on human systems, ecosystems, and associated services.

The IPCC reports that sea levels are likely to rise by another 10 to 32 inches by the end of this century. As the New York Times reported, a sea level rise of less than 4 feet—less than 4 feet—would inundate land on which some 3.7 million Americans live today. We are talking about Miami, New Orleans, New York City, and Boston all being highly vulnerable to rising sea levels. Similarly, of course, this problem will impact people all over the world.

According to the IPCC:

> Many small island nations are only a few meters above present sea level. These states may face serious threat of permanent inundation from sea-level rise. Among the most vulnerable of these island states are the Marshall Islands, Kiribati, Tuvalu, Tonga, the Federated States of Micronesia, and the Cook Islands.

The Army Corps of Engineers has predicted that the entire village of Newtok, AK, could be underwater by 2017 and that more than 180 additional Native Alaskan villages are at risk. Parts of Alaska—one of our great and beautiful States—are already vanishing as a result of climate change.

The evidence is overwhelming, and it is no longer good enough for people to say: I am not a scientist; I don't know. We may not be scientists, but we can read and we can listen to what the overwhelming majority of scientists are telling us. That is our job—to listen to the experts who know something about this issue.

As we debate the Keystone Pipeline, what disturbs me very much is that in the face of this overwhelming evidence from the scientific community, in the face of deep concerns about climate change all over the world, what is the Senate going to be doing in the next week or two as part of the Keystone Pipeline? Are we going to be voting to impose a tax on carbon so we can break our dependence on fossil fuel? Is that what we are going to be voting on? No, I don't think so. Are we going to be voting to pass legislation that moves us aggressively toward energy efficiency and weatherization and such sustainable energies as wind, solar, and geothermal? Is that what we are going to be voting on as we listen to the scientific community? No, I don't think so. Are we going to be passing a bill investing in research and development so that we can make our transportation system more energy efficient? Is that what we are going to be voting on? No, we are not. In fact, what we are going to be voting on is a bill that will allow for an increase in the production and transportation of some of the dirtiest oil on this planet. That is what we are going to be voting on. What we are voting on is a proposal that moves us in exactly the opposite direction from what the scientific community wants us to do.

Let me conclude by saying this: Honest people can and do have disagreements on many issues, but it is not a good thing for the United States to reject what the scientists and the experts are telling us. That is not a good thing. So I hope very much that on the amendment I have brought forth—which says nothing more than to listen to the scientists on this important issue; do not reject science—that we can get widespread bipartisan support for the amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 33

Mr. LEE. Madam President, excessive litigation under the Endangered Species Act has become an obstacle to the act itself and the good it promises to do for the American people.

According to the Department of Justice, more than 500 Endangered Species Act-related lawsuits have been filed or opened against the Federal Government since 2009. As a result, Federal agencies have to spend their time, their energy, and taxpayer-funded resources fighting lawsuits instead of protecting endangered species.

One of the primary reasons for this excessive litigation is the potential for massive awards of attorney's fees under section 11(g)4 of the Endangered Species Act. These awards can be granted regardless of whether the parties seeking the attorney's fee award prevails, and there is no limit on the hourly fee that can be collected. These attorney's fees can reach upward of $700 per hour. In one case involving a series of lawsuits related to the operation of hydroelectric power facilities in the Northwestern United States, attorney's fees were awarded in an amount totaling nearly $2 million—in one case lasting just a few years. Such lofty levels of compensation would be high even in a private law firm setting, even in a big city, but they are completely indefensible when one considers they are paid for by American taxpayers, often to well-funded activist organizations.

Excessive awards of attorney's fees also create perverse incentives for cottage industries of lawyers to sue the Federal Government in order to advance specific policies—policies that cannot be achieved through the legislative process and are therefore sought

out by these very same lawyers in the courts. This is what many call a sue-and-settle strategy: Sue the Federal Government and then settle with the Federal Government. Achieve what you want to achieve and then get paid by the court without limit. Sue-and-settle is the dishonest, distorted practice of suing the Federal Government not to achieve a judicial outcome in court but to resolve the suit in a settlement with terms that advance narrow political ends, narrow political goals. The recent decision by the Fish and Wildlife Service to grant Gunnison sage-grouse protected status under the Endangered Species Act is the result of this precise sue-and-settle strategy.

Congress must put an end to policymaking by litigation, and it must do so by removing the incentives to engage in this kind of litigation. My amendment would do just that by bringing a citizen's suit provision of the Endangered Species Act into harmony with a similar provision of the Equal Access to Justice Act. The Equal Access to Justice Act limits awards for attorney's fees to $125 per hour and allows those awards to be granted only to prevailing parties. Any departure from this limit has to be approved by the judge based on some unique circumstance in that case. If such terms are acceptable for nearly every other type of lawsuit against the Federal Government, certainly they should be acceptable as applied to the Endangered Species Act. This simple fix would deter the frivolous lawsuits that so often end up in closed-door settlements with Federal agencies.

There is a lot of work to do to reform the implementation of the Endangered Species Act. This amendment is just one of many reforms I am developing with my colleagues in the Senate and our counterparts in the House of Representatives.

I ask for support on this amendment. Again, this is something that just brings into harmony section 11(g)4 of the Endangered Species Act with requirements that are already in existence, already on the books in connection with the Equal Access to Justice Act. We need those same limitations in this Endangered Species Act that already exist in the Equal Access to Justice Act. I ask all my colleagues to support this amendment and to help us resolve this problem that has crept into Federal law based on an inequity and imbalance in these two statutory regimes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

Ms. COLLINS. Before I begin my comments, let me commend the Presiding Officer on her excellent presentation last night. The Presiding Officer did an extraordinary job and made all of us very proud.

FORTY HOURS IS FULL TIME ACT

Ms. COLLINS. Madam President, 2 weeks ago Senator JOE DONNELLY and I reintroduced bipartisan legislation that we call the Forty Hours is Full Time Act. It would correct a serious flaw in the Affordable Care Act that threatens the hours and pay of part-time workers all across America. Our bill would change the definition of ''full-time'' work under ObamaCare from 30 hours a week to the standard 40 hours a week, a commonsense threshold that has always been the standard for full-time work. In fact, under the Fair Labor Standards Act, it is 40 hours a week that defines ''full time,'' after which workers are eligible in many cases for overtime.

Information I received from the Home Care & Hospice Alliance of Maine demonstrates that this illogical definition of ''full-time'' work could result in hundreds of home health care workers losing their jobs and 1,000 seniors losing access to home care services in the State of Maine alone.

The impact would be just as severe outside of Maine, a point driven home by a letter I recently received from the National Association for Home Care & Hospice, an organization that represents caregivers who provide in-home health and hospice services to chronically ill, disabled, and dying Americans. The association just conducted a survey of its members that reveals the devastating impact this definition will have on home care and hospice services around the country if Congress does not act to change it. Let me share with my colleagues just a few of the key findings of this survey.

Nationally, four out of five home care and hospice providers are unable to provide health benefits to their employees because they rely on government programs such as Medicaid, with its low reimbursement levels, and because they provide services to people with limited incomes.

So it is not as if they can simply boost their rates. In many cases their rates are set by Medicaid and at a very low level. In other cases they are serving people with limited incomes who simply cannot afford more expensive home care.

Another finding: Three out of four providers will have to cut the hours of their caregivers. That means those caregivers who are engaged in such compassionate and skilled work will have smaller paychecks on which to live.

Nine out of ten providers expect patients to lose access to home care in their communities.

One in five providers of home care and hospice services will actually have to close their doors. Think of the impact closing one in five home care and hospice agencies would have on America's seniors and our disabled citizens. In my view, taking action to spare this vulnerable population would, by itself, justify restoring the threshold for full-time work to the standard 40 hours a week.

But this is not the only reason to do so. Reforming the law would also help protect the caregivers who provide the services as well as their patients, and ironically it would protect taxpayers as well. Data from Maine's Medicaid Program shows that home care services are extremely cost-effective compared to alternatives. If access to these services is restricted because of the application of the 30-hour rule, those in need of these services will be forced into costlier forms of care paid for by Medicaid and Medicare, such as hospitals and nursing homes, driving up both Federal and State costs. In addition, the patients now served by home health care providers would no longer be able to receive vital care in the comfort, privacy, and security of their own homes.

So whether we look at it from the perspective of the patients served or the caregivers employed or the taxpayers who pay for the Medicare and Medicaid Programs, this hurts all three groups. Of course, there is obviously a lot of overlap among those groups.

I ask unanimous consent to have printed in the RECORD, immediately following my remarks, an excellent letter from the National Association for Home Care & Hospice which elaborates on the problems created by this definition under ObamaCare.

Of course, the justification for using the standard definition of full-time work extends far beyond the field of home care services to the full breadth of our economy. Raising the threshold for full-time work to 40 hours a week is necessary not only to protect the paychecks of workers employed by private sector businesses, such as restaurants and hotel staff, but also to protect those who work in the public sector, such as substitute teachers, ed techs, and schoolbus drivers, to name just a few.

The 30-hour rule will not only harm school staff who want and need more work, but it will also hurt our students by causing unnecessary disruption in the classroom. It does not make sense to have to limit substitute teachers to 29 hours a week because of the definition of ''full-time'' work under ObamaCare. That means there will be a revolving door of substitutes in our classrooms and lower paychecks once again for those substitute teachers.

I have also heard of a school district that has been forced to cut field trips and transportation to athletic events and employees who used to work more than 30 hours total in two jobs who have been forced to give up one of their

jobs, thus hurting their financial security.

Several Maine municipalities have described to me the impact on their workers, particularly volunteer and oncall firefighters, emergency medical technicians, and employees of the parks and recreation and public works departments.

Although the IRS adopted regulations last year in an attempt to exclude volunteer firefighters from the calculation of the employer mandate, these regulations do not give our towns and cities the level of protection provided by the Forty Hours is Full Time Act.

In most Maine communities, the fire department is staffed by volunteers and oncall firefighters who typically have health care coverage through their regular day jobs. In fact, in Maine, oncall firefighters for our smaller communities often serve as full-time firefighters—receiving full health care benefits—in a neighboring community. They help the smaller towns by serving as on-call firefighters. Unfortunately, under ObamaCare it doesn't matter that these on-call firefighters already have health care coverage; the towns that employ them for more than 30 hours a week may still face the $2,000 penalty per on-call firefighter for doing so. This makes no sense whatsoever.

For example, one town in southern Maine has told me that the 30-hour rule will require it to offer health care coverage to more than a dozen volunteer and on-call firefighters who do not qualify for coverage from the town today. The cost of doing so will drive up that town's health care budget by 20 percent at a time when its budget is already stretched to the breaking point.

Another Maine community has employees who work part time but year-round performing various tasks, including plowing and salting the roads in the winter. These employees typically work 30 to 34 hours a week, and they do not qualify for health benefits under the town's plan. Since the town cannot afford to add them to its health care plan, it simply will have no choice but to cut their hours back to 29 hours a week. The town doesn't want to do that. The workers don't want to have their hours cut. As anyone who has lived in Maine or any Northern State can tell you, snowstorms do not keep to a schedule. Mother Nature seems not to have heard about the 30-hour workweek under ObamaCare. So it will be a challenge for this town to keep its roads safe, clear, and passable in the winter while making sure its part-time employees don't exceed 29 hours a week. So, once again, what is the result? Reduced hours, a smaller paycheck for part-time workers, and more costs for the town and more disruption in the services it provides.

Winters are long in Maine and summers are short. Towns have to manage their workers' schedules to match the season, but the 30-hour rule will make it very difficult for them to do so.

For example, one town in central Maine told me that a number of its employees work full time in its parks and recreations department in the summer, and then they work part time in the winter. Because of the 30-hour rule, however, this town won't be able to stagger the schedules of these employees in the winter the way it used to and will have to lay them off instead and then, adding insult to injury, pay them unemployment during the layoff period. So here we have a case where the law is actually going to force the town to lay off part-time employees who want to work. This makes no sense.

Part-time workers who are hired to help with snow removal are often shifted to other departments in the spring and summer months to assist full-time employees or to take their place when they are on vacation. But the 30-hour rule once again takes away the flexibility towns need to do this.

For example, one town in northern Maine has told me that the part-time workers it has relied upon to help cover vacation time for its firefighters in the summer months will have to be cut back to 29 hours a week because the town cannot afford to pay the $2,000 penalty it will face for each employee if they work their usual hours. Raising the threshold for full-time work to 40 hours a week would restore the flexibility this town needs to manage its workforce, give these part-time workers more hours and the bigger paychecks they need, and help full-time firefighters get a break after a long, tough winter.

Mr. President, I ask unanimous consent that I be permitted to proceed for 1 more minute.

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

Ms. COLLINS. Thank you, Mr. President.

Today I have described just some of the damage the 30-hour rule is doing to municipal employees, to providers of home health care and hospice services, and to those who work in our school systems. Nationwide, 100 school systems have had to scale back the hours of their workers already. Employees in all industries—for-profit and non-profit, private sector and public sector—are similarly affected.

Regardless of the varying views of Senators in this Chamber on the Affordable Care Act, surely we ought to be able to agree to fix this problem in the law that is hurting workers' paychecks and creating chaos for employers. Senator DONNELLY has introduced bipartisan legislation with Senator JOE MANCHIN and Senator LISA MURKOWSKI that would do just that. It is the Forty Hours is Full Time Act, and I urge all of my colleagues to join us in supporting it.

Thank you, Mr. President. I yield the floor.

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

NATIONAL ASSOCIATION
FOR HOME CARE & HOSPICE,
Washington, DC, January 6, 2014.

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

DEAR SENATORS COLLINS AND DONNELLY: I am writing to offer our support for the ''Forty Hours Is Full Time Act.'' The National Association for Home Care & Hospice (NAHC) is the leading association representing the interests of the home care and hospice community since 1982.

Currently the provision in the Affordable Care Act (ACA) that imposes penalties on employers with more than 50 full-time equivalent employees for not providing health insurance for their ''full time'' workers defines an employee working just 30 hours a week as full time. This definition of full time is entirely out-of-keeping with standard employment practices and could cause irreparable harm to many home care agencies and the patients they serve.

The great majority of the estimated 25,000 home care agencies are small businesses under the standards of the Small Business Administration, but most are considered ''large employers'' subject to the employer mandate under the ACA because of the number of workers they employ. All told, there are over 2 million persons employed in home care. These home care agencies are innovative job creators that provide much needed compassionate, high quality care to elderly and disabled individuals in their homes and communities.

The majority of personal care home care workers do not receive employee health insurance because home care agencies have three problems that are fairly unique: reliance on government programs such as Medicaid where payment rates as low as $11 an hour won't cover the increased costs of providing health insurance; consumers of private pay home care who are often elderly and disabled with fixed, low incomes; and a home care workforce with widely varying work hours primarily to accommodate the needs of their infirm clientele.

Home care agencies that are unable to provide health insurance or absorb the ACA penalties will have to restrict their employees to no more than 29 hours per week to ensure their workers are considered part-time under the ACA. A survey that NAHC concluded in December 2014 showed that the employer mandate would weaken patient access to care, reduce wages and working hours of home care staff, and require home care companies to restructure their operations to rely on part-time caregivers. Home care companies that primarily provide Medicaid services and those that service private pay personal care clients were most susceptible to these adverse outcomes as Medicaid funding is already stretched and seniors on limited incomes are unable to spend more on home care.

Our survey showed:

1. 82.54% of home care and hospice companies do not provide health insurance to all of their employees because of reliance on government program payments and service to individuals with limited incomes

2. 46.2% of those companies face a financial penalty under the employer mandate ranging as high as $4.5 million

3. 73.3% of the companies would reduce the working hours of employees to under 30 per week in order to avoid the cost of health insurance or financial penalties that they cannot afford

4. 22.16% of the businesses expect to close because of the financial penalties

5. 83.2% of the companies expect that access to home care in their community would be reduced with fewer providers of care, more restrictive patient admission criteria to fit a part-time workforce, and restrictions on service areas.

6. 88.46% expect that access to Medicaid home care will no longer be sufficient to meet client's needs

Home care agencies are an essential part of the network of services that our growing population of elderly and persons with disabilities rely on. The last thing we need is an obstacle to helping them grow and create much needed jobs. Simple common sense solutions are often the best answers to complex problems. As far as most people are concerned 40 hours a week equates with full time employment.

Thank you for offering this important legislation.

Sincerely,

VAL J. HALAMANDARIS,
President, National Association for Home Care & Hospice.

DECEMBER 19, 2014.

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

DEAR SENATOR COLLINS: On behalf of AASA: The School Superintendents Association, the Association of Educational Service Agencies, the National Rural Education Association and the National Rural Education Advocacy Coalition, I write to express our support for the Forty Hours is Full Time Act. Collectively, we represent public school superintendents, educational service agency administrators and school system leaders across the country, as well as our nation's rural schools and communities. We have followed closely the Affordable Care Act and stand ready to implement the law, and see your proposed legislation as one way to alleviate an unnecessarily burdensome regulation.

The Forty House is Full Time Act would change the definition of 'full time' in the Affordable Care Act (ACA) to 40 hours per week and the number of hours counted toward a 'full time equivalent' employee to 174 hours per month. The current ACA arbitrarily sets the bar for a full work week to 30 hours. This is inconsistent with how most Americans think: full-time is a 40 hour work week. The current definition causes confusion among employers who struggle to understand and comply with the new requirements, especially ones that are in conflict with long-standing practices built on the long-standing 40-hour work week premise.

We welcome the opportunity to ensure our employees have a positive work environment and we remain committed to providing a robust set of work benefits. We are concerned that the ACA, as currently written, puts additional, undue burden on school systems across the nation, many of whom will struggle to staff their schools to meet their educational mission while meeting the strict 30-hour regulation.

We applaud your continued leadership on this issue and look forward to seeing the Forty Hours is Full Time Act move forward.

Sincerely,

NOELLE M. ELLERSON,
AASA, The School Superintendents Association, Associate Executive Director, Policy & Advocacy, AESA, NREA and NREAC Legislative Liaison.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. GILLIBRAND. Mr. President, I rise today to propose three important amendments to S. 1, the Keystone XL Pipeline Act.

First of all, I want to make it very clear that I strongly oppose the Keystone XL Pipeline plan. I have serious concern about the effects this project would have on our health and safety; I have serious concerns about the environmental impact; and I am skeptical of the real, permanent jobs it could create.

This project has many risks and very few advantages, and I will be voting against it. But if this legislation does pass the Senate, we should at least try to make it a better bill. There is no excuse why we cannot turn the Keystone XL Pipeline Act into an opportunity to protect our clean drinking water and ensure that polluters have to pay to clean up their own messes.

First, I have offered amendment No. 48, which would remove the Halliburton loophole from the Safe Drinking Water Act and finally require gas storage and gas drilling companies to comply with our clean water laws. Every other industry has to do it. Our farmers have to do it. Construction companies have to do it. Yet our gas companies have been exempt for years.

It should give my colleagues pause that fracking companies are allowed to ignore our clean water laws when they pump chemicals deep into the ground. In this country, when we turn on the tap for a glass of water, we need to know that our drinking water is safe. So let's be fair and hold the gas industry to the same environmental and public health standards as everyone else.

Second, I worked with Senator MENENDEZ on amendment No. 65, which would make oil companies financially responsible for the damages they cause when they spill on our land and leak into our waterways. Under current law, when an onshore oilspill occurs, the company that causes the spill is only liable for $350 million in damages, including cleanup and compensation. Yet a major oilspill into a river or lake, such as the one this week in Montana, could easily result in damage well above that arbitrary limit.

Hard-working taxpayers should never be stuck paying for an oil company's mess, and local property and businesses should not have to slog through endless litigation just to get the compensation they deserve from a negligent oil company. This amendment would finally place the burden on companies to clean up after themselves.

Third, I have proposed amendment No. 76, which would allow our homeowners and business owners whose property has been damaged by natural disaster to use Federal disaster assistance funds to upgrade their property's energy efficiency. Under current law, the disaster assistance can only be used to replace what was lost even if that property was antiquated and not up to current standards. We need to have much more forward-looking policies that actually make sense.

Due to the effects of climate change, we have seen a growing number of natural disasters in recent years, from blizzards, to hurricanes, to raging fires, to endless droughts. When we pick up the pieces after a major storm, we want to make sure that when we rebuild, we rebuild in the smartest way possible, and that includes not only protections against the next disaster but also proactive measures to save energy, reduce emissions, and lower costs.

As I said, I don't support the construction of the Keystone XL Pipeline, but if this new Congress is intent on sending this bill to the President, then we need to make sure the bill keeps our drinking water safe, holds companies accountable for their own messes, and encourages efficiency in our economy.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNET. 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. BENNET. I congratulate the Presiding Officer for sitting in that chair.

AMENDMENT NO. 18

I wish to speak about the Fischer amendment which is slated to be voted on at some point. While I respect where my neighbor from Nebraska is coming from with this effort, the proposal unfortunately misses the mark by a mile.

The amendment would set up a new and unprecedented process for protective land designations. It says the Secretary of the Interior or Agriculture has to publish in the Federal Register two findings before any congressional protections on public lands would go into effect. First, the Secretary has to find that new, protected land would not adversely affect our efforts to administer existing protected land. Second, the Department has to have ''sufficient resources''—whatever that is—to implement plans for existing protected land. While perhaps innocuous sounding, these would be huge changes in how we do business around here.

Coming from a State that is over a third Federal land, I prefer that drastic reform proposals such as this at least have the benefit of a committee hearing before we vote on them on the floor. That way, we can hear expert testimony as to whether this is a good idea or consider ways we might be able to improve the measure. But as far as I know, this language hasn't had a hearing in this Congress, or any other Congress, for that matter.

Proponents of this amendment are going to argue it simply ensures that our land agencies can afford to keep up with the maintenance of new protected lands. Listen, I am the first—and I have been on this floor year after year after year talking about the fiscal condition of this country—to believe we need more fiscal discipline around

here, but this is not the way we should get it. I am also a huge believer that we shouldn't be overburdening these agencies, and we shouldn't be overregulating through them, either.

Unfortunately, this amendment takes a hatchet when the absolute most that is needed, if anything, is a surgical fix. In fact, under the amendment, the opponents of protected lands could reduce funding for our land agencies through the appropriations process and then turn around and say the Secretary got a veto of the new proposals because sufficient resources aren't available. As one of my friends from Colorado said in the paper this morning: ''This amendment would be a one-two punch—first starve conservation agencies of needed funding and then block any new protections.''

This amendment is drafted in a way that it leaves huge discretion to a future Secretary to approve or veto protections that Congress has seen fit to create. If the amendment passed, nothing would stop a future Secretary from finding that every single conservation bill this Congress has passed should not take effect, all because he or she failed to publish the vague set of findings laid out in this proposal.

Historically, we don't give a member of the executive branch any discretion as to whether they implement the laws that Congress passes and that the President has signed. Yet, this measure would do just that.

I think keeping that historical precedent—where the legislative branch makes the laws and the executive branch implements them—is important. We have heard a lot about that on this floor recently, particularly in a case such as this where we are talking about our national heritage.

Coloradans, and all Americans, love their public lands and want to see more done to protect them. Instead, this amendment creates new layers of red-tape and makes enacting protective designations even more difficult than it has been.

Once again, I wish to say on this floor that I appreciate the effort of the Senator from Nebraska and I would be happy to work with her to address some of her concerns. But I would argue that the investments we make in our public lands are worthwhile ones, and I would invite anyone in this Chamber to come to Colorado and see what I am speaking about.

Protected lands and wide-open spaces are a huge driver of economic growth all across our country. They help sustain a $600 billion outdoor recreation economy, and a lot of those businesses, for obvious reasons, are headquartered in Colorado. On top of the economic benefits, wilderness areas, national monuments, and national parks are a fundamental part of the fabric of our country and of our country's history. It is important to preserve these lands for our kids and our grandkids, just as our grandparents preserved them for us. It is worth investing some money to do that so the next generation and the one after that can experience the greatness that all Americans feel when they first visit the Grand Canyon or Rocky Mountain National Park, or Chimney Rock National Monument, or the Everglades, or wherever we find the next beautiful or historically significant area that Congress or the President decides to protect.

This discussion is actually a timely one because just this past December we passed a large package of conservation measures into law on a bipartisan basis. That package included a bill that we worked on in Colorado called the Hermosa Creek Watershed Protection Act. Let me say at the outset that our office may have introduced that bill in Congress, but it was really the people I represent in southwest Colorado who wrote that bill. This legislation grew from the grassroots up from day one—Republicans, Democrats, Independents working together to cement a long-term plan for their community's future. Not only was it bipartisan at the local level, but also in Congress. My friend SCOTT TIPTON championed the bill on the House side.

The Hermosa Creek Watershed deserved to be protected. That is why the community came together to keep it just as it is. That was the plan in the community, and that is what our bill finally accomplished at the end of the last Congress. However, if we were to pass the amendment in front of us today, all the hard work that went into passing the Hermosa bill could be undone by the Secretary of the Interior. Every single meeting that took place in southwest Colorado, every single conversation that led to the improvement of this legislation—all of that could be gone in an instant, not because the Congress undoes the law but because some administrator, using their fiat, is able to undo the law. It is unlikely—I can't say this for sure, but it is unlikely that person is going to have any idea what is in the Hermosa Creek bill or any of the other bills we have worked on in the past. That is just simply not how we do business around here, and there is a good reason for that.

I am compelled, therefore, to urge other Senators in this body to please oppose the Fischer amendment so we can avoid such a scenario. Rejecting the amendment will preserve our conservation legacy—a legacy that goes straight back to President Teddy Roosevelt, a Republican, who signed the Antiquities Act into law in 1906. It includes the formal establishment of the national park system almost 100 years ago.

This is an extraordinarily beautiful country that we all have the privilege to represent. We ought to encourage conservation efforts, not make them harder to achieve. We ought to build on the legacy of generations of Americans and generations in this body of Republicans and Democrats working together to preserve our natural heritage.

I will, therefore, oppose the Fischer amendment when it comes up for a vote, and I urge my colleagues to do the same.

Mr. President, 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. GRAHAM. 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. GRAHAM. I would like to share some thoughts about the debate we are having on the Keystone Pipeline, climate change, and how the two intersect. The concept that climate change is real, I completely understand and accept. To the point of how much man is contributing, I don't know, but it does make sense that manmade emissions are contributing, and the global warming effect, the greenhouse gas effect, seems to me scientifically sound. The problem is how we fix this globally is going to require more than just the United States to be involved.

This deal with China where they have to do nothing for 20 years is probably not exactly where I want to be. The bottom line is that the solutions coming from our Democratic friends about how to deal with greenhouse gas emissions turn our economy upside down and do more damage to the economy and to the welfare of the American people than it will in terms of helping the environment.

Our liberal friends give us a false choice. You have to reorganize the economy in a draconian fashion to help the environment. Some people on my side believe that the whole climate change experience is scientifically unsound. I am not a scientist, but I have heard enough regarding those who make it their life's work to be convinced that manmade emissions are causing the problem and contribute to the overall warming of the planet.

About the Keystone Pipeline, my Democratic friends are making an argument that is just absolutely false. The product that Canada will produce from the oil sands is going to be used by us, the world community through the gulf port or by China.

Those who believe denying the building of the pipeline protects the planet from fossil fuels do not understand what Canada is about to do. Canada is going to sell the product to somebody. The question for us is, Would we benefit from building a pipeline that will create American jobs and help us put oil into that pipeline within the United States in a joint venture with Canada or we will say no to the Canadians and they will go build a pipeline and send it to China?

The product is going to be burned. It is going to be used. The only question for this Congress is, Do we want the pipeline to go West and export the product to China or do we want to

build the pipeline so we will have more product from a friend rather than enemies?

Dirty oil is oil that comes from people who hate your guts. The sulfur content of oil sands product is higher than Mideast sweet crude but no different than the oil we find off the coast of California. The actual carbon content is no different than the oil we find off the coast of California. To lock this country and the world into buying more Mideast product seems to me to be a very bad idea at a very dangerous time. So when I hear Members of the Democratic Party take the floor and say: Don't build this pipeline because it will help the environment, you obviously don't realize what Canada is about to do. Canada is going to sell the oil to another customer, build a new pipeline, and the only question for you is, How do you justify that? How do you justify destroying the ability to create thousands of jobs in the country at a time when we need them? How do you justify not building a pipeline that could be used to help us with product from North Dakota and other places within our own country?

You can justify it, but you can't say it is based on climate change because the product you are talking about is going into the environment. It is going to be used. It is either going to be used coming to America to our benefit or the pipeline will be built west and it will go to China.

To our friends in Canada, I imagine your patience is about to run out with us, and I don't blame you one bit if you get tired of dealing with an American Government that seems completely out of sync with reality. In terms of the lawsuits, it is a procedural issue. In Nebraska the pipeline is one of thousands of pipelines we already have in America.

To the President last night, instead of one pipeline, why don't we have a comprehensive infrastructure strategy? I am all for that. But you are threatening to veto building this pipeline. Why? Because your judgment has been taken over by the environmental community which is hell-bent on no fossil fuels anywhere, anyway, anyhow.

That is not the world in which we live. I embrace the fact that a lower carbon economy will be beneficial over time. My view is: Find more fossil fuels from friendly people, including our own backyard—Canada, the United States—to replace fossil fuels we have to buy from foreign entities that do not like us very much. That concept is a reality. We are not going to be able to replace fossil fuels any time soon.

We can invent technology to make it cleaner. We can find alternatives. But at the end of the day it comes down to this: If you are using climate change as a reason not to build this pipeline, you are kidding yourself or you are misleading the public because the product is going to be used. They are going to build a pipeline in Canada. The question is, Do they build a pipeline that we get no benefit from or do they build a pipeline in collaboration with us that helps us with our job problems and our energy needs?

I don't understand how you can justify voting against the Keystone Pipeline based on a concern about climate change because it has absolutely nothing to do with the issue in this regard. The product is going to be used by somebody, and they are going to build a pipeline somewhere. For you to deny us the ability to build this pipeline that would make us more energy independent from overseas' fossil fuels is shortsighted and does not advance the cause of climate change.

To the people who believe in climate change, it is gimmicks such as this and tricks such as this that hurt your cause. You are undercutting a real genuine debate. You made climate change a religion rather than a problem. It is a problem, but you are taking a draconian approach to the problem to the point that you are denying our country the ability to build a pipeline that we would benefit from economically and energy security-wise. The alternative you are leaving this country is that the same product will go somewhere else, and the next pipeline will not benefit America. So it is stunts like this that undercut your overall efforts.

I wish you would change your mind about the pipeline and work with Republicans who are willing to work with you to deal with emissions in a realistic way and stop selling what I think is a fraud when it comes to this debate.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 29

Mr. WHITEHOUSE. Mr. President, I am on the floor to say a few words about my amendment No. 29, which we will be voting on shortly after 3 o'clock, I am told. That is the simple amendment that says it is the sense of the Senate that climate change is real and not a hoax.

It is, perhaps, a telling coincidence that we are having this conversation on the floor of the Senate now on the fifth anniversary of the Citizens United decision, because before Citizens United came along, there was actually a pretty robust conversation between Democrats and Republicans about carbon pollution, climate change, and what needed to be done about it.

For instance, Senator JOHN MCCAIN ran for President on a robust platform of addressing the carbon that causes climate change.

Senator COLLINS worked with the current energy ranking member, Senator CANTWELL, on a very robust climate bill that would have put a cap on carbon pollution and paid a dividend back to the American people.

Senator MARK KIRK voted for Waxman-Markey when that bill was on the floor of the House, the famous cap-and-trade bill.

Senator FLAKE wrote an article in his home State paper expressing the value and merit of a carbon fee when it is offset by reductions in other taxes as a way to help workers and address the pollution problem.

Over and over again there were these joint actions all the way back to when I first came to the EPW Committee and Senator John Warner of Virginia was its then ranking member. He wrote Warner-Lieberman with our colleague, then Senator Lieberman.

Then came Citizens United. Then came the massive influx of polluter money into our political system, much of it dark money. At about the spring of 2010—and Citizens United was decided in January of 2010—that was the end of the conversation.

So here we are today. We are just now reaching agreement on several votes by which I believe our Republican colleagues will, for the first time since Citizens United—some of them, at least—acknowledge that climate change is real.

Indeed, we just heard my friend Senator GRAHAM come to the floor and speak—right there—saying that climate change is real, that humans had a significant role in causing it, and it was something we ought to pay attention to.

This is new. Today, after 5 years of more or less silence. I have spoken on this floor, as everybody knows, a great deal on this subject, and nobody has ever come from the other side of the aisle to respond to me, except for the now-chairman of the Environment and Public Works Committee, to maintain his view that climate change is actually a hoax that is perpetrated by the scientific community in order to get grants and funding.

So it has been a long drought. It has been a long, long drought. Frankly, it has been a drought that does not reflect the best traditions of this body.

This body has taken on big issues in the past. It took on civil rights. It tried to hold this country together over the issue of slavery.

This body has been significant in the history of the United States at important junctions, and here we are at this important junction where our energy policy needs to change and half of the body basically was mute.

Today that seems to have changed.

That, to me, is very significant. I look forward to a vote on my amendment. As I said, it is very simple. Climate change is real and not a hoax. I hope that is something we can agree on as a body. If we do, then it becomes a predicate for beginning to advance an important conversation.

I am not going to agree with all of my Republican colleagues about their views on how to respond to this problem, and I don't expect my Republican

colleagues to agree with all of my views on how we should respond to this problem. But the dark days of denying that there actually is a problem may very well have seen their first little break of dawn right now.

If that is so, that is exciting news because, as many Republicans have noted—Republicans such as Secretary Schultz, Republicans such as Secretary Paulson, Republicans such as Ronald Reagan's economic adviser, the economist Arthur Laffer—there are smart, conservative ways to address this problem.

I continue to think that the idea that Senator FLAKE signed off on all those years ago is still the right one to do: Raise a fee by putting a price on carbon that reflects the economic fact that it creates harm for so many other folks, the so-called externalities, what the economists would say. The costs that burning carbon causes to fishermen, to foresters, to homeowners, to people who live near the sea, those costs—build them into the price of the product. That is economics 101. Then take every single dollar that we raise and lower working people's taxes.

I am completely comfortable with that notion. That is one that has been over and over again brought up in the context of Republican and conservative discussions, including a very good recent paper jointly authored by a writer from the American Enterprise Institute.

I see the deputy minority leader on the floor. I had the pleasure of traveling with him and with our ranking member on the Judiciary Committee and other colleagues to Cuba. When we spent time with Cuban officials, Cuban religious leaders, Cuban—just regular folks on the street, over and over again we heard the same phrases coming at us, that it was a time of hope and it was a time of promise.

If there is going to be a time of hope and a time of promise in Cuba, let's hope it can be a time of hope and a time of promise in this body on climate change. It starts with admitting that you have a problem, just like in so many other areas of human life. So I hope that, frankly, every Member of the Senate will vote for my amendment. We appreciate the opportunity to work with the new majority on ways that we can address this telling problem.

I will close by saying this. I am never going away on this subject. It is too important to my home State of Rhode Island. There is no Senator in this body who, if they had an issue as important to their home State as this issue is to Rhode Island, I would not expect and respect to fight all the way through to the bitter end for the interests of their State. My fishermen are not finding the fish where they have been for generations. People who have built homes on the shore are losing them into the sea in big storms. These are real consequences, and we—I promise you one way or the other—are going to do something about it. I hope this is the dawn of that new day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me thank my colleague from Rhode Island. He and I did travel to Havana, Cuba, earlier this week. Interestingly enough, we sat down with the scientists and the people responsible for the oceans and other natural benefits in Cuba to discuss global warming, and the conversation started at the same place. Even with these scientists, there is no question they can see the impact, and they started their predictions about the rise of the ocean levels—and the Senator from Rhode Island knows this far better than I do—with their anticipation that the ocean levels will rise over a foot in just 10 or 20 years and then twice that over a period of 50 years or more. That will have a profound impact on the island, the archipelago of Cuba, and the United States.

Senator WHITEHOUSE of Rhode Island, more than any other Senator, has really brought this issue home—not just to his home but to the Atlantic Coast States—and has reported on the impacts they face. Now, I live smack dab in the middle of the country—in Illinois. I can tell you we appreciate there are changes taking place on this planet that are not in our best interests—nor will they leave our children and grandchildren a better place to live.

The obvious question we face is what will we do in this generation. This bill, S. 1, which has been chosen by the Republican majority, has given us a venue finally to raise some important environmental issues which have been ignored for too long.

I know the object of this bill was to build a pipeline. TransCanada, a Canadian company, wants to build a pipeline through the United States. They may or may not sell any oil from it in the United States. We had a vote on that yesterday, and the Republicans overwhelmingly said they would not require them to sell their oil in the United States. They may or may not use American steel to build their pipeline. We had that amendment yesterday, and the Republicans voted overwhelmingly that there is to be no requirement to use American steel to build this pipeline. Yet it is characterized as an American jobs bill. It is hard to understand that characterization.

If nothing else, whatever happens to this bill—and it may not have a great fate ahead of it, if it is not changed significantly because the President has already threatened to veto it—what the Senator from Rhode Island said is significant. After years of denial from the other side of the aisle about the issues of global warming, we may have just reached a point where we are finally, on a bipartisan basis, going to acknowledge the obvious—the scientific facts which have been given to us over and over and over. That is a step in the right direction, and so I want to thank my colleague from Rhode Island.

AMENDMENT NO. 69

Let me take 2 minutes to say a word about my pending amendment, which may come up for a vote shortly. It is amendment No. 69.

What I have said on the floor is there is a dirty little secret about the Keystone Pipeline. You don't take Canadian tar sands and turn them into gasoline and diesel fuel without filtering and refining out some pretty horrible things. What is filtered out is called petcoke, and petcoke is going to be produced in the refining process if this pipeline is ultimately built—over 15,000 tons a day of petcoke, the byproduct of this refining process.

If you look at it and you think to yourself what impact will that have, it could have a very negative impact. In my city of Chicago, which I am very proud to represent, as well as in other communities, petcoke piles have become a challenge to the public health and the people in the community. I am asking in my amendment that we establish a standard of safety when it comes to petcoke—that we establish a standard of transportation and storage of petcoke to protect American families and children from the hazards of breathing petcoke dust.

This is a simple public health amendment, and I hope my colleagues will support it.

I yield the floor.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. WHITEHOUSE. May I inquire of the Senator—we will be shortly voting on a number of measures. One is a side-by-side to the Schatz amendment which includes a quotation from an environmental impact statement, and the quotation is as follows:

> . . . approval or denial of any one crude oil transport project, including the proposed Project, is unlikely to significantly impact the rate of extraction in the oil sands or the continued demand for heavy crude oil at refineries in the United States based on expected oil prices, oil-sands supply costs, transport costs, and supply-demand scenarios.

Does the Senator recall when the EIS was written and what the oil prices were that were expected at the time this document was prepared?

Mr. DURBIN. Until very recently, of course, the price of a barrel of oil was high enough to justify tar sands, their extraction, the cost of transportation and the additional cost of refining them into a final product. Since that time, the cost of oil is almost half today what it was when that report was written.

I don't remember the exact date, perhaps the Senator has it handy.

Mr. WHITEHOUSE. Indeed, I would say the breakpoint for that study was at $75 per barrel, and it was at that point that the environmental impact became very real from this harmful tar sands fuel. Not only are we not just under $75 per barrel, we have hit as low as below $50 per barrel.

So I just want to make sure, as long as we are voting on this language very

shortly, that it is clear in the RECORD of the Senate that the environmental impact statement was hinged on that the ''expected oil prices'' were north of $75 per barrel; that they are now well below that, around $50 per barrel. And, indeed, I would add that the Canadian Research Institute has said the tar sands can't be properly extracted at prices less than $85 per barrel.

So that puts in context what we will be voting on that I thought should be in the RECORD.

Mr. DURBIN. I thank the Senator from Rhode Island.

It is significant that the first bill of the Senate Republican majority is a bill to build a pipeline for a Canadian company to bring tar sands across the United States to be refined in Texas and then sold overseas. That is the highest priority of the Republican majority.

There are those who, based on what the Senator just said, question whether this is economically viable with the price of a barrel of oil today. I am not an economist in energy, but it strikes me there has been a significant change in the premise of this whole project.

Mr. WHITEHOUSE. Indeed, in my remarks earlier, I referred to this pipeline as possibly an economic zombie at the current oil prices. I have not seen a single report that this pipeline can be built and operated properly at oil prices where they are right now.

I yield the floor.

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

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that it be in order for Senator HOEVEN or his designee to offer his amendment No. 87, as modified; further, that the time until 3:15 p.m. this afternoon be equally divided in the usual form; that following the use or yielding back of the time, the Senate then proceed to vote in relation to the following amendments in the order listed: Lee, No. 33; Durbin, No. 69; Toomey, No. 41; Whitehouse, No. 29; Hoeven, No. 87, as modified; and Schatz, No. 58; further, that all amendments on this list be subject to a 60-vote affirmative threshold for adoption and that no second-degrees be in order to the amendments. I ask unanimous consent that there be 2 minutes of debate equally divided between each vote and that all votes after the first in the series be 10-minute votes.

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

The Senator from Washington.

Ms. CANTWELL. Mr. President, as my colleague from Alaska just said, we are making progress. We have another group of amendments we are going to be voting on shortly. I would encourage any of the Members on our side who would like to take a few minutes to go over their amendments before the vote—we have a few minutes between now and 3:15 p.m.—to do so. During this series of votes coming up, we will be working with our colleagues to get the next set of amendments and to continue to move forward.

I will have a little more to say, but I see a couple of our colleagues here, so I will give them a chance to talk about their amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. My understanding is that we have time equally divided between now and 3:15, before the votes start.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 69

Mr. DURBIN. Seeing no one on the floor, I would like to say a word about an amendment which will be voted on. I believe it is the second in the queue, and it is the amendment I have offered relative to petcoke.

Petcoke is the product derived from the refining of Canadian tar sands, and if you happen to live in some communities in America, petcoke can be a real problem.

This is the city of Chicago, IL. You can see some of the bungalows and houses here, and right across the railroad tracks you can see mounds of petcoke coming in from the British Petroleum refinery. They generate somewhere in the range of 6,000 tons a day of this petcoke and pile it up right here. It is ultimately transported to different places, but it sits here. It obviously is a hazard to people who live nearby. It blows in the wind, creating public health issues and real concern for families with children with asthma, respiratory disease.

I have an amendment, and it is very basic. No. 1, the amendment talks about making sure there are standards and rules for the storage enclosure of petcoke. Most of the cities—whether it is Long Beach, CA; or Detroit, MI; or Chicago, IL—are trying to find established standards to enclose this petcoke so it doesn't blow freely in the atmosphere.

Senator HOEVEN spoke earlier and said it was not carcinogenic. Those findings related not to the breathing in of this dust but to the ingestion of petcoke itself. We have yet to establish that this is a benign substance, and we are trying to take care to protect families who might be exposed to it.

I am not surprised to see that there has been a letter issued by the National Association of Manufacturers opposing my amendment. They start by saying that petcoke is a valuable, essential commercial product that is used in a wide array of applications. I am not stopping that at all. Anyone who wants to take this petcoke and use it to produce energy and power generation, cement kilns, steel, glass, as long as they comply with basic environmental standards, be my guest. But to store it in such a fashion that it can blow all over and cause public health hazards is unacceptable—it should be—in a modern society. Secondly, if those who store it end up, we find over the long haul, creating a long-term hazard to the environment, they should be held legally responsible.

That is the extent of my amendment. I am not surprised that the National Association of Manufacturers would oppose it. But I would ask each and every Member to consider the possibility that if they lived across the tracks from this kind of petcoke conglomeration—I have seen it. It is horrible, and we are fighting it in the city of Chicago. The company that owns the petcoke—the Koch Brothers. So it shouldn't be any surprise that the National Association of Manufacturers took the position they did.

I hope that all of us who may be subject to this kind of dumping of petcoke near a city in our State will think twice. Let's at least have some standards for storage and enclosure to protect the people in our States, and let's make certain that if there is ultimately environmental damage here, that the parties who make the profit off of petcoke are ultimately responsible.

That is the extent of my amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 33

Ms. CANTWELL. I would like to take a few minutes to talk about the Lee amendment, No. 33, which is going to be voted on shortly. I know my colleagues are going to have 2 minutes divided before the vote, so people can add comments as they wish.

This amendment makes it very difficult for citizens to retain counsel, particularly related to the Endangered Species Act. I don't know why we would be handicapping legal cases just because they deal with the environment. I mean, I guess if you are not interested in protecting the environment, you would want to make it harder for people to retain lawyers. But when I think about property rights and clean water and clean air and all of those issues, I think that is something on which we ought to go the extra mile

and make sure they get representation and counsel, not handicap them and make it harder just because we don't want companies to adhere to environmental laws.

I believe this is important because my colleagues should remember that the ESA was signed into law in 1973 by then-President Richard Nixon and was intentionally drafted to manage and to engage citizens in the protection of endangered species.

Now, in general, litigants in the country must bear their own costs, and the prevailing party is not ordinarily entitled to collect his or her expenses in a defending suit from the loser. But both the courts and Congress have provided an exemption from that rule, and so they have allowed in certain circumstances for judges to shift the cost to litigants in the interest of fairness and to further protect the public interest.

So that is what is at stake this morning. I think the Endangered Species Act is a prime example of why the courts decided they wanted to have this kind of leeway and protection. Congress knew when it enacted the Endangered Species Act that it would be difficult and the Nation would want to make sure that ordinary citizens had the opportunity to help ensure compliance with the law. So Congress recognized that when a citizen did so, he or she did not do so necessarily by themselves alone but with the counsel of a private attorney. Congress recognized this reality in statute.

So this is what we are going to be addressing. In contrast, the Lee amendment would weaken the prevailing citizen's request for reimbursement under an Endangered Species Act—and narrow those restrictions of equal access to justice. This is because the cap on fees would include the Equal Access to Justice Act, which often falls well below the market-based rate for attorneys. Basically, what the Lee amendment does is say you will not be able to recap on the attorneys' fees at the cost of doing business, and their hope is that citizens will then not have representation before the courts on issues such as clean air, clean water, and other environmental issues.

I say to my colleagues—and I have said this to the now-ranking member on the EPW Committee—I don't know why we are not taking up the Superfund bill. To me, getting the Superfund reauthorized—these are polluters that have polluted our country, and they are not even paying the tax that it would cost to clean up the pollution.

Instead, we are considering an amendment that says: Let's roll back the environmental law on this issue and make sure that citizens don't have the right to help enforce environmental law.

I ask my colleagues to defeat the Lee amendment when we get to it.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 87, AS MODIFIED, TO AMENDMENT NO. 2

Mr. HOEVEN. Mr. President, I wish to call up my amendment, as modified.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. HOEVEN] proposes an amendment numbered 87, as modified, to amendment No. 2.

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

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

The amendment, as modified, is as follows:

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

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS.

(a) FINDINGS.—The environmental analysis contained in the Final Supplemental Environmental Impact Statement referred to in section 2(a) and deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as described in section 2(a), states that—

(1) ''[W]arming of the climate system is unequivocal and each of the last [3] decades has been successively warmer at the Earth's surface than any preceding decade since 1850.'';

(2) ''The [Intergovernmental Panel on Climate Change], in addition to other institutions, such as the National Research Council and the United States (U.S.) Global Change Research Program (USGCRP), have concluded that it is extremely likely that global increases in atmospheric [greenhouse gas] concentrations and global temperatures are caused by human activities.'';

(3) ''A warmer planet causes large-scale changes that reverberate throughout the climate system of the Earth, including higher sea levels, changes in precipitation, and altered weather patterns (e.g. an increase in more extreme weather events).

(4) ''The analyses of potential impacts associated with construction and normal operation of the proposed Project suggest that significant impacts to most resources are not expected along the proposed Project route'' (FSEIS page 4.16–1, section 4.16.;

(5) ''The total annual GHG [greenhouse gas] emissions (direct and indirect) attributed to the No Action scenarios range from 28 to 42 percent greater than for the proposed Project'' (FSEIS page ES–34, section ES.5.4.2).; and

(6) ''. . . approval or denial of any one crude oil transport project, including the proposed Project, is unlikely to significantly impact the rate of extraction in the oil sands or the continued demand for heavy crude oil at refineries in the United States based on expected oil prices, oil-sands supply costs, transport costs, and supply-demand scenarios'' (FSEIS page ES–16, section ES.4.1.1).''.

(b) SENSE OF CONGRESS.—Consistent with the findings under subsection (a), it is the sense of Congress that—

(1) climate change is real; and

(2) human activity contributes to climate change.

VOTE ON AMENDMENT NO. 33

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote in relation to amendment No. 33, offered by the Senator from Utah, Mr. LEE.

The question is on agreeing to the amendment.

Mrs. BOXER. Mr. President, parliamentary inquiry—I wish to speak on the Hoeven amendment and take the 1 minute.

Excuse me. I withdraw my request.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

[Rollcall Vote No. 7 Leg.]

YEAS—54

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

NAYS—45

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

NOT VOTING—1

Reid

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

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 69

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 69 offered by the Senator from Illinois.

The Senator from Illinois.

Mr. DURBIN. Mr. President, this is the petcoke amendment. There are communities in this Nation—Chicago, Detroit, Long Beach, CA—and it may be coming to other areas soon. Petcoke is the byproduct of Canadian tar sands when it is refined. This pipeline will

generate 15,000 tons a day of petcoke that has to be stored. We are asking that it be stored responsibly so it doesn't blow through towns and neighborhoods that I and my colleagues represent, and let's establish standards for that purpose. It can still be used legitimately for many products, but let's make sure it doesn't cause respiratory problems for the people we represent.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. When Canadian oil sands are refined, they produce petroleum coke, which is this high-energy, mostly carbon, coal-like substance, but it does have economic value. It can be used for fuel; it can be used for smelting; it can be used for producing dry cell batteries and other purposes.

The EPA's own Web site states—and this is from their Web site—petroleum coke itself has a low level of toxicity, and there is no evidence of carcinogenicity. The EPA's hazard characterization has also shown there are no adverse environmental effects associated with petroleum coke piles and the EPA's words are ''they are essentially inert.''

I have listened to the comments of my colleague from Illinois, and I appreciate the concerns those in neighborhoods have, but I think it is important that we recognize we are not trying to skip the science. We are not trying to add regulations for the transport and storage of something that is apparently not hazardous, according to the EPA.

The PRESIDING OFFICER (Mr. LEE). The Senator's time has expired.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—41

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

NAYS—58

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

NOT VOTING—1

Reid

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

AMENDMENT NO. 41

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 41, offered by the Senator from Pennsylvania, Mr. TOOMEY.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, before we proceed to hear from the sponsor of this amendment, I would just remind Members that these are 10-minute votes. It would be good—we have four more that we need to do. It would be good if we could stick to our 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I want to thank Senators CASEY and HATCH for joining me in this amendment. For almost 200 years, we have been mining coal in Pennsylvania. Some of it came out of the ground, and it turns out it was not suitable for the steel industry for which it was intended. The unsuitable coal has been piled up for decades. It forms mountains. Pennsylvania alone has 2 billion tons and 180,000 acres of contaminated land. These mountains of coal poison our water. They poison our air when they spontaneously combust and burn—sometimes for over a year—releasing pollutants with no controls whatsoever.

So we have an industry that is solving this problem, systematically turning this coal into electric power. Senators CASEY, HATCH, and I have an amendment that will simply allow this cleanup to continue, to exempt these 19 powerplants from the particularly onerous regulations in utility MACT and from the cross-air pollution regulations.

A vote in favor of this amendment is a vote to continue to clean up this environmental disaster that we have on our hands. I would be very grateful for Member support.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, in speaking in opposition to the Toomey amendment, it is an attack on the Clean Air Act. I want to speak in favor of making sure that we are doing everything the Supreme Court said we need to do, which is to enforce the Clean Air Act.

While my colleague is making a point, I do not know why we should give some powerplants in Pennsylvania an exemption to the Clean Air Act. Obviously, there are businesses all across America that have to comply with environmental laws. By voting against this amendment, we can continue to fight against these pollution issues and make sure that special interests are not getting another narrow carve-out in this legislation.

So I would ask my colleagues to make sure that we are not creating a special exemption for the mercury and air toxic standards in the Clean Air Act and vote against this amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, is any time remaining at all?

The PRESIDING OFFICER. All time is expired.

The yeas and nays have been ordered.

The clerk will call the roll.

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

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

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

[Rollcall Vote No. 9 Leg.]

YEAS—54

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

NAYS—45

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

NOT VOTING—1

Reid

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

AMENDMENT NO. 29

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 29, offered by the Senator from Rhode Island, Mr. WHITEHOUSE.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Colleagues, I almost hate to use my minute because I am so eager to hear what will be said during the minute when our energy chairman will follow me, but I am hoping that after many years of darkness and blockade, this vote will be a first little beam of light through the wall that will allow us to at least start having an honest conversation about what carbon pollution is doing to our climate and to our oceans. This is a matter of vital consequence to my home State, the Ocean State, my home, Rhode Island, and to many of yours as well.

I hope this is a place where we can get together and have a strong, positive vote that sends a signal that this Senate, at this time in history, is ready to deal with reality.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I yield 1 minute on our side to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be added as a cosponsor to the Whitehouse amendment.

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

Mr. INHOFE. Climate is changing. Climate has always changed, and it always will. There is archaeological evidence of that, there is biblical evidence, and there is historical evidence. It will always change. The hoax is that there are some people who are so arrogant, who think that they are so powerful that they can change the climate. Man can't change the climate.

I ask my colleagues to vote for the Whitehouse-Inhofe amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. In the time remaining, I recognize and thank the cosponsors on my side of the aisle, Senator SANDERS, Senator MANCHIN, and Senator LEAHY. Senator INHOFE and I are not alone on this bill.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—98

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Baldwin	Franken	Nelson
Barrasso	Gardner	Paul
Bennet	Gillibrand	Perdue
Blumenthal	Graham	Peters
Blunt	Grassley	Portman
Booker	Hatch	Reed
Boozman	Heinrich	Risch
Boxer	Heitkamp	Roberts
Brown	Heller	Rounds
Burr	Hirono	Rubio
Cantwell	Hoeven	Sanders
Capito	Inhofe	Sasse
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	Kaine	Scott
Cassidy	King	Sessions
Coats	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Lankford	Stabenow
Coons	Leahy	Sullivan
Corker	Lee	Tester
Cornyn	Manchin	Thune
Cotton	Markey	Tillis
Crapo	McCain	Toomey
Cruz	McCaskill	Udall
Daines	McConnell	Vitter
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Enzi	Mikulski	Whitehouse
Ernst	Moran	Wyden
Feinstein	Murkowski	

NAYS—1

Wicker

NOT VOTING—1

Reid

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

AMENDMENT NO. 87, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 87, as modified, offered by the Senator from North Dakota.

Who yields time?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we have an amendment before us, a side-by-side to the amendment that has been offered by the Senator from Hawaii, and what we do within this side-by-side is effectively lay out findings contained within the administration's EIS that outline the environmental impact of a Keystone XL Pipeline, recognizing the impact to the environment will be less if this line is actually constructed.

We further go into a sense of the Senate that acknowledges—again after the vote we just had—that climate change is real and that there is an impact.

With that, I would recommend that folks look at the language that has been offered. I will be supporting the Hoeven amendment.

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

The Senator from California.

Mrs. BOXER. Mr. President, we are about to vote on something that I think will be recorded as a breakthrough moment in the climate debate. For the first time we will go on record saying the following: Climate change is real and human activity contributes to climate change.

What a breath of fresh air this amendment is, and I urge an ''aye'' vote very strongly.

The front part of the amendment accurately quotes the EIS, parts of which a lot of us agree with and parts of which we don't. Let it be known that the parts we don't agree with are under review by various agencies, but this is accurate. This is a quote from the current EIS.

You are not voting to endorse the EIS, you are just voting to acknowledge that is what it says. But you are voting on original language written by Senator HOEVEN that says climate change is real and human activity contributes to it.

I urge an ''aye'' vote.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—59

Alexander	Gillibrand	Murphy
Ayotte	Graham	Murray
Baldwin	Hatch	Nelson
Bennet	Heinrich	Paul
Blumenthal	Heitkamp	Peters
Booker	Heller	Portman
Boxer	Hirono	Reed
Brown	Kaine	Rounds
Cantwell	King	Schatz
Cardin	Kirk	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Stabenow
Collins	Manchin	Tester
Coons	Markey	Toomey
Corker	McCain	Udall
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Mikulski	Wyden
Franken	Murkowski	

NAYS—40

Barrasso	Cornyn	Gardner
Blunt	Cotton	Grassley
Boozman	Crapo	Hoeven
Burr	Cruz	Inhofe
Capito	Daines	Isakson
Cassidy	Enzi	Johnson
Coats	Ernst	Lankford
Cochran	Fischer	Lee

McConnell	Sanders	Thune
Moran	Sasse	Tillis
Perdue	Scott	Vitter
Risch	Sessions	Wicker
Roberts	Shelby	
Rubio	Sullivan	

NOT VOTING—1

Reid

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

Mr. HOEVEN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 58

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 58 offered by the Senator from Hawaii, Mr. SCHATZ.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. My colleague from Hawaii, Senator SCHATZ, wishes to speak on his amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Thank you, Mr. President.

This has been a surprisingly productive day on the issue of climate debate. I know there has been a lot of consternation and discussion, but that is a good thing.

We have one final amendment to consider today, and it simply takes a portion of the language from the EIS for the Keystone XL and adopts it. That language says, in summary, that climate change is real and that climate change is caused by humans.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCHATZ. That language simply states that climate change is real, that climate change is caused by humans and principally by carbon pollution.

So the simple vote in front of us is: Do you agree with the factual evidence? Will you concede to the facts? We have an opportunity to set a new chapter in this climate debate. Today has been good progress.

So I urge my colleagues for a big bipartisan vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I urge colleagues to oppose the Schatz amendment. There is a distinct difference between this amendment and what was previously considered in the sense of the Congress, which would refer to human activity that significantly contributes to climate change, and the issue of degrees. And I would suggest to colleagues that the inclusion of that word is sufficient to merit a ''no'' vote at this time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

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

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

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—50

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

NAYS—49

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

NOT VOTING—1

Reid

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

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, at this time I know Senators are interested in coming to the floor and offering their amendments. We have been discussing a process forward on this side of the aisle.

Earlier in the day Senator FISCHER had been working on an amendment that she has agreed to modify. I understand that the other side has a side-by-side that they will ask for consideration on.

I know the Senator from Louisiana will be on the floor to speak on an amendment he would like considered, and I understand there are a couple of other Senators on the other side who wish to speak as well.

There will be no more votes today on these amendments, but again, given the interest in this subject, I encourage Members to come down and speak to their amendments. We would like to figure out that process to get a series of amendments pending.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I again thank the Senator from Alaska for working through this process and the due diligence given. I think we are very close to having the side-by-side language, and once that is done, we will give it out to everyone for review. We need to get the Fischer amendment and the side-by-side figured out.

Everybody is asking about the process. If we could get the next set of amendments offered by colleagues, it will give us a chance to proceed on figuring out when the next votes will be scheduled.

With that, I understand Senator SANDERS wishes to speak.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 24 TO AMENDMENT NO. 2

Mr. SANDERS. Mr. President, I thank Senator MURKOWSKI and Senator CANTWELL for working on a sensible process.

I ask unanimous consent to lay aside the current amendment and call up my amendment No. 24.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mr. BENNET, Mr. CARPER, and Mr. MENENDEZ, proposes an amendment numbered 24 to amendment No. 2.

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

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

The amendment is as follows:

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

After section 2, insert the following:

SEC. _____. SENSE OF CONGRESS REGARDING CLIMATE CHANGE.

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

(1) climate change is real;

(2) climate change is caused by human activities;

(3) climate change has already caused devastating problems in the United States and around the world;

(4) a brief window of opportunity exists before the United States and the entire planet suffer irreparable harm; and

(5) it is imperative that the United States transform its energy system away from fossil fuels and toward energy efficiency and sustainable energy as rapidly as possible.

Mr. SANDERS. Mr. President, I will be very brief. I especially wish to applaud Republican Senators. I believe, for the very first time, a number of them stood up and said: Climate change is real and climate change is

caused by human activities. This is a significant step forward, and I think that in the months and years to come more and more Republicans will accept that position because that is the position of the scientific community.

What my amendment does is in fact repeat what we heard today and what we voted on; that climate change is real and that it is caused by human activities, but it also has three other provisions in it. It says climate change has already caused devastating problems in the United States and around the world.

I think it is hard to argue against that. Whether it is drought or flooding—in the United States or around the world—increased forest fires in the Southwestern United States, rising sea levels or extreme weather conditions and the damage that does, it is very hard to argue that climate change has not caused severe and devastating problems in the United States already.

This amendment also says that a brief window of opportunity exists before the United States and the entire planet suffers irreparable harm. Again, that is what the scientific community is telling us. They are saying that damage is being done today, now, and it will only get worse in years to come. We have a brief window of opportunity to prevent very serious problems. I hope my colleagues will support that provision.

Lastly, and what logically follows from the previous four positions, is the following: It is imperative that the United States transforms its energy system away from fossil fuels and toward energy efficiency and sustainable energy as rapidly as possible. That doesn't mean you close down every coal-burning plant in America tomorrow, but it does mean we move away from fossil fuel to energy efficiency and sustainable energy as rapidly as possible.

I think in terms of this bill we have already made some good progress. I will look for bipartisan support tomorrow so the Senate goes on record supporting the overwhelming percentage of scientists who are in agreement with what this amendment says.

With that, I yield the floor.

AMENDMENT NO. 80 TO AMENDMENT NO. 2

(Purpose: To provide for the distribution of revenues from certain areas of the outer Continental Shelf)

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 80, which I discussed previously today and which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. CASSIDY, proposes an amendment numbered 80 to amendment No. 2.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 80, AS MODIFIED

Mr. VITTER. Mr. President, I ask that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

TITLE—OUTER CONTINENTAL SHELF OIL AND GAS LEASING REVENUE

SEC. __01. REVENUE SHARING FROM OUTER CONTINENTAL SHELF WIND ENERGY PRODUCTION FACILITIES.

The first sentence of section 8(p)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)(B)) is amended by inserting after ''27 percent'' the following: '', or, in the case of projects for offshore wind energy production facilities, 37.5 percent''.

SEC. __02. OUTER CONTINENTAL SHELF LEASING PROGRAM REFORMS.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales including at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area (other than the North Aleutian Basin planning area or the North Atlantic planning area) considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based on the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area.

''(B) The Secretary shall include in each proposed oil and gas leasing program under this section any State subdivision of an outer Continental Shelf planning area (other than the North Aleutian Basin planning area or the North Atlantic planning area) that the Governor of the State that represents that subdivision requests be made available for leasing. The Secretary may not remove such a subdivision from the program until publication of the final program, and shall include and consider all such subdivisions in any environmental review conducted and statement prepared for such program under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

''(C) In this paragraph, the term 'available unleased acreage' means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

''(6)(A) In the 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning area (other than the North Aleutian Basin planning area or the North Atlantic planning area) that—

''(i) is estimated to contain more than 2,500,000,000 barrels of oil; or

''(ii) is estimated to contain more than 7,500,000,000,000 cubic feet of natural gas.

''(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'.''.

SEC. __03. DISPOSITION OF REVENUES.

(a) DEFINITIONS.—Section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) by redesignating paragraphs (5) through (11) as paragraphs (6) through (12), respectively;

(2) by inserting after paragraph (4) the following:

''(5) COASTAL STATE.—The term 'coastal State' means—

''(A) each of the Gulf producing States; and

''(B) effective for fiscal year 2016 and each fiscal year thereafter, each of the States of North Carolina, South Carolina, and Virginia.'';

(3) in paragraph (10) (as so redesignated), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States—

''(i) received on or after October 1, 2016, from leases entered into on or after December 20, 2006, with respect to the Gulf producing States; and

''(ii) from leases entered into on or after October 1, 2015, with respect to each of the coastal States described in paragraph (5)(B).''; and

(4) in paragraph (11) (as so redesignated), by striking ''Gulf producing State'' each place it appears and inserting ''coastal State''.

(b) DISPOSITION OF REVENUES.—Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in the section heading, by striking ''**FROM 181 AREA, 181 SOUTH AREA, AND 2002-2007 PLANNING AREAS OF GULF OF MEXICO**'';

(2) by striking ''Gulf producing State'' each place it appears (other than paragraphs (1) and (2) of subsection (b)) and inserting ''coastal State'';

(3) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(A) in the case of qualified outer Continental Shelf revenues generated from outer Continental Shelf areas adjacent to Gulf producing States—

''(i) 75 percent to Gulf producing States in accordance with subsection (b); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 200305 of title 54, United States Code, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title; and

''(B) in the case of qualified outer Continental Shelf revenues generated from outer Continental Shelf areas adjacent to coastal States described in section 102(5)(B), 100 percent to the coastal States in accordance with subsection (b).'';

(4) in subsection (b)—

(A) in the subsection heading, by striking ''GULF PRODUCING STATES'' and inserting ''COASTAL STATES'';

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2) the following:

''(3) ALLOCATION AMONG CERTAIN ATLANTIC STATES FOR FISCAL YEAR 2016 AND THEREAFTER.—

''(A) IN GENERAL.—Subject to subparagraph (B), effective for fiscal years 2016 and each fiscal year thereafter, the amount made available under subsection (a)(2)(B) shall be allocated to each coastal State described in section 102(5)(B) in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on

the coastline of each coastal State described in section 102(5)(B) that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

''(B) MINIMUM ALLOCATION.—The amount allocated to a coastal State described in section 102(5)(B) each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(B).''; and

(D) in paragraph (4) (as redesignated by subparagraph (B)), by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1), (2), and (3)''; and

(5) in subsection (f), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues made available to coastal States under subsection (a)(2) shall not exceed—

''(A) in the case of the coastal States described in section 102(5)(A),

''(i) $50,000,000 for each of fiscal years 2016 through 2025; and

''(ii) $250,000,000 for each of fiscal years 2026 through 2065; and

''(B) in the case of the coastal States described in section 102(5)(B)—

''(i) $500,000,000 for each of fiscal years 2016 though 2025; and

''(ii) $749,000,000 for each of fiscal years 2026 through 2055.''.

Mr. VITTER. Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 72 TO AMENDMENT NO. 2

Mr. MENENDEZ. Mr. President, I ask unanimous consent to set aside the pending amendment to call up my amendment No. 72 to protect private property from unjust seizure by a foreign corporation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself and Ms. CANTWELL, proposes an amendment numbered 72 to amendment No. 2.

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

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

The amendment is as follows:

(Purpose: To ensure private property cannot be seized through condemnation or eminent domain for the private gain of a foreign-owned business entity)

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

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

Mr. MENENDEZ. Mr. President, this is a very simple amendment. It prohibits TransCanada from using eminent domain proceedings to seize private property in order to build the Keystone XL Pipeline.

As we all know, eminent domain is the power of a governmental entity to take private property and convert it into public use subject to reasonable compensation. Traditionally, property could only be seized for public use, such as a public park or a public road, but increasingly the exercise of eminent domain has been used for private gain.

Many, including some of my most conservative friends on the other side of the aisle, are outraged by the idea that eminent domain proceedings could be used to seize private property for private gain.

President Bush issued an Executive order restricting the use of eminent domain by the Federal Government for ''the purpose of benefitting the general public and not merely for the purpose of advancing the economic interest of private parties.''

The senior Senator from Texas introduced the Protections of Homes, Small Businesses, and Private Property Act of 2005, which would have prohibited the use of eminent domain by Federal, State, or local government entities for private economic development.

I have been working very closely with Senator CANTWELL on this amendment, and we agree with our conservative colleagues that using eminent domain proceedings for private gain is outrageous.

On the issue of Keystone, a foreign-owned company is using eminent domain to seize private property so it can better export Canadian oil. The project is not in the public interest, but it is clearly in the special interest.

I do not begrudge the fact that a Canadian company wants its subsidiary to build this pipeline so it can export foreign oil to distant shores through American infrastructure. They want to make a profit, and I understand that. But I do not think we should allow our sovereignty to be compromised in order to do it.

Right now the U.S. Federal Government is trying to build a ferry terminal in Canada to serve Alaska, but Canadians are protecting their sovereignty and objecting to U.S. steel and other U.S. content from being the sole source for the ferry terminal. I disagree with Canada on that point, but I understand they want to protect their sovereignty. Similarly, we need to protect American sovereignty and American landowners from a Canadian-owned company that wants to seize our private lands for private gain and force Americans to take a risk of Canadian pollution.

Over the weekend landowners along the route of the Keystone XL Pipeline were seeing a pipeline spill on the Yellowstone River in Montana. It is happening now. If we were to see pictures of it, we would see that the efforts to clean up the spill are being hindered by a sheet of ice. Who knows what damage is being done by 50,000 gallons of oil in this river. We might not know until spring. Landowners are wondering if their family farm will be the victim of a similar spill, wondering if property that has been in their family for generations can still be passed on to the next generation.

One landowner who has seen firsthand what can happen when a pipeline is put on your property is Lori Collins. In October of 2012 Lori Collins walked outside her home to find construction workers for a TransCanada contractor trying to clear the way for the southern leg of the Keystone Pipeline. They had dug up the lines to her septic system, completely destroying it. When she asked the workers to repair the damage, they did not. Instead, they piled dirt over the damage and clogged the system. The result was raw sewage flooding back into the Collins' home, staining walls and carpets, leaving a black mold throughout their house, and leaving Lori Collins with severe respiratory problems. The Collins family was eventually forced to move out of their home. While they were able to get a settlement after suing TransCanada, the family says they can never repair the damage to their lives.

Jim Tarnick, a farmer in Nebraska, has heard of TransCanada's track record and fears that he might have to suffer similar damage or, worse, face an oilspill. TransCanada wants to put the pipeline right through his front yard on his property that has been in his family for over 100 years.

Mr. Tarnick's farm sits near the Ogallala Aquifer, which provides critical freshwater for farmers and ranchers in the heart of U.S. farm country. A pipeline spill such as the one on the Yellowstone River over the last few days could damage the aquifer and therefore jeopardize a resource relied on by Nebraskan farms and ranches. Mr. Tarnick fears he will be served with papers invoking eminent domain on his property any day now. TransCanada is asking that he and other Nebraskans trust that they will protect the Ogallala Aquifer and the livelihoods it supports.

Instead of forcing Mr. Tarnick to host the Keystone Pipeline against his will, let's instead let TransCanada work with landowners who are willing to take the risk and will be paid what they feel is fair rather than what TransCanada's lawyers can convince a judge is fair.

Senator CANTWELL and I believe this amendment is one of simple fairness and should be a no-brainer, an easy amendment every Senator can support. In recent years Republicans have insisted on similar language prohibiting the use of eminent domain when we establish national parks. If eminent domain cannot be used to establish a national park in the public interest to conserve our national treasures and preserve America's beauty for future generations, then surely it should not be used to benefit private interests—in this case, in the interest of a foreign-owned oil company seeking to ship its product around the world.

I call on my colleagues to be consistent, stand on principle and logic, protect landowners, and support my amendment to protect private property from seizure by foreign corporations,

preserve our sovereignty, and preserve the rights of U.S. citizens along the way.

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

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

Mr. INHOFE. I ask unanimous consent to speak as in morning business for such time as I shall consume.

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

CAP AND TRADE

Mr. INHOFE. Mr. President, first of all, let me address what happened today because I think it is significant. I think a lot of people are a little bit confused over what did happen, and it was somewhat of a surprise.

As the Presiding Officer knows, I have been leading the opposition to this whole idea of cap and trade. It originated way back in 2001. Since that time, we have voted on it many times. I will always remember that back in those days most people believed that manmade gases were contributing to global warming and that the world was going to come to an end because of manmade gases and CO_2 emissions.

At that time, early on, I was on the Environment and Public Works Committee. I think at that time I was not chairman, but I was the chairman of one of the subcommittees, and I thought, it must be true, everybody says it.

Well, some time went by and we got a report. The first one came from the Wharton School where they talked about the fact that if we were to pass cap and trade—at that time there were two bills before the U.S. Senate—not in the House, just in the Senate—and those bills would have been cap-and-trade types of bills. So they calculated what this would cost if we in the United States passed cap and trade. This was way back in 2002, 2003. They said that the range of the cost to the American people would be between $300 billion and $400 billion a year.

I do something that I don't think very many people do, but I always do it. Every time I hear a large number, I go back and get the latest figures from my State of Oklahoma as to how many families file a Federal tax return, and then I do the math to determine how much it is going to cost an average family who pays taxes. It came back in excess of $3,000 a year. I thought, that is a lot of money. Let's be sure there is science behind this idea, knowing it all came from the United Nations. That is what started this whole thing.

By the way, this IPCC is the Intergovernmental Panel on Climate Change, and that is within the United Nations. That is where it all started. If my colleagues remember, that was during the Clinton-Gore administration, when Al Gore went to South America and came back with this idea of the Kyoto Treaty. We were all going to sign it, and if we didn't, then we were all going to die because of manmade gases.

So we started looking at it to see if the science really was there because the only science we had heard about was the IPCC. Well, sure enough, we started getting phone calls from scientists all over the country. This was a long time ago. I started naming the scientists and groups of scientists who were calling in. We got up to 100 and then to 1,000 and then to 4,000. This is all on my Web site even though it was a long time ago. We can see all of these renowned scientists.

Richard Lindzen is with MIT. He is one who is considered by a lot of people to be the foremost authority on this, and he is the one who came out adamantly and said: No, the science is not there. It is not settled.

So several others started calling in.

In fact, I will quote him, if I have it here, what Richard Lindzen actually said at that time. He said: ''Controlling carbon is a bureaucrat's dream. If you control carbon, you control life.''

That is what bureaucrats would like to do. The Presiding Officer understands that because he has served in the other House and is new here in the Senate.

Lindzen also said, talking about Al Gore—Al Gore at that time was Vice President of the United States. He was the one who was really pushing this. He said: To treat all change as something to fear is bad enough. To do so in order to exploit that fear is much worse.

Of course, what Richard Lindzen of MIT was talking about was the fact that Al Gore at that time—they speculated he would be the first environmental billionaire. That was speculated in the New York Times. Anyway, after that happened, all the other scientists started checking in. These are scientists who cannot be challenged—these individuals. We have hundreds more, and I have a make on each one of these that I would be glad to discuss or debate with anyone. But at the same time, other things were happening.

One of the universities here in Virginia commissioned a poll to be done of all of the weathercasters on TV. They came back with 63 percent of the weathercasters saying that any global warming that occurs is a result of natural variation and not human activities.

So when I hear people—I have good friends on the other side that really believe this, and I think that one sometimes has to open it up and realize there is another side to this story. When they say that 97 percent, 98 percent of the scientists agree, it just isn't true. We have the names and things that have actually been said.

I think one item that people are going to have to remember—let me first of all say what happened today because I know they have been told I would explain what happened today.

My good friend, Senator WHITEHOUSE, had an amendment. The amendment was one sentence. It says that climate change is real and it is not a hoax. There is a ruling against talking about your own votes on the Senate floor, so I can't do that. But that hoax came from a totally different interpretation. The hoax was the idea that this is happening—climate change. That it is due to manmade gases. In other words, man is causing it.

So what I said on the Senate floor today is: How arrogant is it for people to say that man can do something about changing climate? Climate has always changed. I quoted this morning—I said it has changed. Go back and look at the archeological findings. They talk about climate from the beginning of time having changed and changed both ways. The Scriptures talk about it. This is something on which everyone has agreed, and no one would debate that it has always happened. The debate is whether man is causing that to happen.

So here we have a chart that shows—do you remember the hockey stick? The hockey stick was the concept that one of the guys with the IPCC came out with and said that it is like a hockey stick. We had this weather going like this for a long period of time. Then all of a sudden it shot up, and it resembled a hockey stick.

What they forgot was to put these two things in the hockey stick where it is supposed to be level. One is the medieval warming period that is between 1000 and 1500 A.D. We are talking recently. Then that went into the little ice age. Those were left off the chart. We have looked back, and everything you look at talks about how many years in the past we have had this change that is taking place in climate.

I am going to do this from memory. There are—in addition to these major changes such as you are seeing on this chart, which is a chart that—this actually is the IPCC's chart. No one is going to argue with that because they are the ones who dreamed up this whole idea. That is an intergovernmental panel on climate change. But within that—I can remember when I first heard the terms global warming and ice age, it was when they went back and they started tracing not long-term trends in climate change in weather but short term. Starting in 1895, from 1895 to 1918, they had what they referred to as a cooling spell, possibly another little ice age. Then in 1918, it started getting warm again. So from 1918 to 1945 there was a little warming period. That took place kind of every 30 years. Then in 1995, from that period until 1975, for 30 years again, it went into a cooling period.

Here is the key. No one will argue with the fact that 1945 was the year that we had the maximum increase

surge in CO_2 emissions. That precipitated not a warming period but a cooling period. Then, of course, 1975 came along.

Where are the charts that showed that in 1974—Time magazine or one of those? Here it is. This is Time magazine. This is the front. They said: Is another ice age coming? This is 1974. This is making the case. Everybody believed it. They talked about global warming before that and then another ice age. We are all going to die one way or another.

Put up the other chart, which is also Time magazine. This is when they said: Oh, no, here is the last polar bear and all the ice—so we have another global warming period. Both of them are from Time magazine. Both are 30 years apart. This is what has been happening for a long period of time.

Recognizing this, we had a little experience that—getting back, I made a determination that I would not only support the Whitehouse amendment, since it was just one sentence, it said that climate is changing, and it is not a hoax, but that I could clarify that and maybe become a cosponsor to his amendment. So I did that on the floor just a few minutes ago. I said on the floor that, yes, it is changing—no question about that. But the hoax is that there are people who are so arrogant they think they have the power to change climate. That is the hoax—not the fact that climate is changing. So that is what has been happening.

When some of the scientists came out and they started changing back and forth and all of a sudden people realized this whole thing was cooked up by the United Nations—IPCC was part of that group—then they found out that some of the scientists who were behind this were discovering that they had some emails that were sent out saying and proving conclusively that they were cooking the science, that these scientists were lying.

One of the things that was discovered and came out was an email from one of the scientists to another. It was 1999 and it read: I have just completed Mike's nature trick, adding in the real temperatures of each of the series for the last 20 years.

In other words, they were cooking the science at that time. This thing was such a scandal that throughout the world—we didn't hear nearly as much in the United States, but we did throughout the world. The UK Telegraph, which is maybe the largest communication in the UK, said that it is the worst scientific scandal of our generation.

What they are talking about is the scientific scandal. They are trying to make it sound as if man is responsible for all of these things. The Financial Times came out and said the closed-mindedness of these supposed men of science is surprising even to me. The stink of an intellectual corruption is overpowering.

One of the IPCC physicists said that climate-gate was a fraud on a scale I have never seen before. This went on and on, and we could quote Newsweek, the Guardian, and all the rest of them. It was known worldwide as a scandal. What was the scandal? It was that they had a bunch of scientists who were saying we are going to have to pass something like cap and trade because man is causing the world to come to an end.

So that is really what that was all about. We are going to have the debate. We want to do that. I chair the Committee on Environment and of Public Works. I chaired it 8 years ago. Then when the Democrats got control of the Senate—and now I am back in that position. We will have a chance to have hearings. We are going to have hearings with prominent scientists to come in and talk about this issue because all they say now is: Oh, the science is settled; the science is settled.

The science is not settled. That is the reason my good friend Senator WYDEN wants to make some remarks. That is the reason I made that statement today. I think we will have that very healthy debate. But let's keep in mind what the President was suggesting last night. It would cost the American people $479 billion a year, and that would constitute the largest tax increase in the history of America. That is one of his legacies which he is trying during the last part of his presidency and which he announced last night that he is going to put as a top priority. We will be there to be the truth squad in that and make sure that my kids and grandkids—I have 20—are not going to be encumbered with the largest tax increase in the world, particularly when their own director said: If you pass it, it will not reduce CO_2 emissions.

I yield floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 27 TO AMENDMENT NO. 2

Mr. WYDEN. Mr. President, I ask unanimous consent to call up and make pending Wyden amendment No. 27 to amend the Internal Revenue Code of 1986 to clarify that products derived from tar sands are crude oil for purposes of the Federal excise tax on petroleum.

The PRESIDING OFFICER. Is there an objection?

Mr. INHOFE. No objection.

The PRESIDING OFFICER. Without objection it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Mr. BENNET, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. NELSON, Ms. STABENOW, Mr. MENENDEZ, Mr. SCHUMER, Mr. MARKEY, Mr. MERKLEY, and Mr. DURBIN, proposes an amendment numbered 27 to amendment No. 2.

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

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to clarify that products derived from tar sands are crude oil for purposes of the Federal excise tax on petroleum)

At the appropriate place, insert the following:

SEC. _____. CLARIFICATION OF TAR SANDS AS CRUDE OIL FOR EXCISE TAX PURPOSES.

(a) IN GENERAL.—Paragraph (1) of section 4612(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) CRUDE OIL.—The term 'crude oil' includes crude oil condensates, natural gasoline, synthetic petroleum, any bitumen or bituminous mixture, any oil derived from a bitumen or bituminous mixture, and any oil derived from kerogen-bearing sources.''.

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 4612(a) of such Code is amended by striking ''from a well located''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to oil and petroleum products received, entered, used, or exported during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

Mr. WYDEN. Mr. President, this amendment closes a tax loophole that currently places Canadian tar sands oil ahead of the American taxpayer. While oil produced here in the United States, in places such as North Dakota and Texas, pays into a cleanup fund for oil spills, tar sands does not. The bottom line here is simple—when Canadian tar sands oil is spilled on American soil, the American taxpayer pays up. In effect, it is possible to state what this is all about in straight forward English: right now, our Tax Code is so out of date that it says that oil from the tar sands isn't actually oil. Put your arms around that for a second. The Tax Code is in a time warp. Under the current policy, what concerns me is a judgment that oil from the tar sands isn't actually oil.

All other crude oil product refiners have to pay an 8-cent-per-barrel tax to support the oilspill liability trust fund that pays for cleaning up the spills.

This puts our own domestic producers at a competitive disadvantage.

I see my colleague from Colorado who cares greatly about these issues. I am saying to myself, in Colorado or Texas or North Dakota—in effect the policy that we have today on tax law—and I am the ranking Democrat on the Senate finance committee—as I looked at it, the first thing that came to mind is we have a tax policy here that, without the amendment I offer with my Senate finance colleagues, Senator MARKEY and others, we are putting domestic American producers—whether it is Colorado, North Dakota or Texas—at a competitive disadvantage. While domestic producers willingly contribute to clean up the oil spills, their Canadian competitors, and the tar sands up north of Edmonton, simply do not. This just defies commonsense.

Oil from the tar sands is just as likely to spill as other kinds of oil. Unfortunately, you don't have to look much beyond today's headlines to get a sense of what an oil spill actually means for communities across our country.

This past weekend an oil pipeline ruptured in Montana, pouring about 50,000 gallons of oil into the Yellowstone River, 5 miles upstream from the city of Glendive. Now local residents are reporting that their water smells like diesel fuel. The officials tested the water in Glendive and found oil in the drinking water and along with it elevated levels of benzene, a cancer-causing agent.

That is what is under consideration with this amendment, making sure that all of the parties responsible—no matter where they are from—would pay their fair share when they put our citizens' health and safety at risk.

The double standard—the standard that is much more exacting on our domestic producers than it is on the Canadian tar sands producers—ought to be fixed.

Tar sands oil producers ought to pay into the same fund as other oil producers to clean up the spills. Because, make no mistake about it, at the end of the day, without this amendment that closes the tar sands loophole, Canadian tar sands oil will keep getting a free ride.

The last point I want to mention, is just to put this issue in context. Before I chaired the Senate Finance Committee in the last Congress, I had the honor of chairing the Senate Energy and Natural Resources Committee. In session after session of the Energy and Natural Resources Committee, proponents of the pipeline said: We have got to have this to lower gas prices. If we are really going to lower gas prices, said the proponents—this was session after session after session—we have got to build the pipeline.

Well, we have all seen that prices have fallen dramatically. To a great extent it is due to exciting developments in the Bakken and others. We are now essentially the Saudi Arabia of oil production. This is good news. This is like a tax cut for working-class families across the country.

One of the judgments I reached in making the decision to oppose the pipeline is I did not think it made much sense to tamper with something that was such a promising development as real rate relief at the pump. A fair number of experts—yes, there is a difference of opinion, but a fair number of experts—are concerned that the pipeline, if it is built, could actually raise prices, particularly for vulnerable parts of the country. The Midwest could be one, but certainly there could be others.

So I had reservations about this from a variety of standpoints, including the standpoint that tar sands are a very carbon-dense material. But I am particularly concerned tonight about the inequity of the tar sands loophole, where the Canadians get a free ride at the expense of communities all across the Nation.

My amendment would close this flagrant abuse, close this loophole, help us put our tax priorities in order, and protect American citizens and American communities, rather than giving an undeserved advantage to foreign oil.

I urge all of my colleagues to support this amendment, to reform the Internal Revenue Code of 1986, to clarify that those products derived from tar sands are crude oil for purposes of the Federal excise tax on petroleum. I hope this amendment will generate bipartisan support. No matter how a Senator feels with respect to the pipeline, I do not see how you can make the case that you should not correct something that defies common sense.

Before the Presiding Officer came in, I made mention that right now the absence of the amendment that I offer puts a disadvantage—a serious disadvantage—on all of America's domestic producers. We did an awful lot to make it possible for Americans to get relief at the pump. That does not make any sense. So I hope my colleagues tomorrow will support this amendment on a bipartisan basis to close a flagrant tax loophole, to end what amounts to an inequity that hurts at a minimum our producers, but puts at risk our communities needlessly.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 71 TO AMENDMENT NO. 2

Mr. LEE. Mr. President, I ask unanimous consent to set aside the pending amendment to call up my amendment No. 71.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 71 to amendment No. 2.

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

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

The amendment is as follows:

(Purpose: To require a procedure for issuing permits to drill)

At the appropriate place, insert the following:

SEC. ___. APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

'' (A) TIMELINE.—

'' (i) IN GENERAL.—The Secretary shall decide whether to issue a permit to drill not later than 30 days after receiving an application for the permit.

''(ii) EXTENSION.—The Secretary may extend the period in clause (i) for up to 2 periods of 15 days each, if the Secretary has given written notice of the delay to the applicant.

''(iii) NOTICE REQUIREMENTS.—Written notice under clause (ii) shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific date a final decision on the application is expected.

''(B) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

''(i) in writing, clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiencies; and

''(ii) an opportunity to remedy any deficiencies.

''(C) APPLICATION CONSIDERED APPROVED.—

''(i) IN GENERAL.—If the Secretary has not made a decision on the application by the end of the 60–day period beginning on the date the application is received by the Secretary, the application is considered approved, except in cases in which existing reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are incomplete.

''(ii) ENVIRONMENTAL REVIEWS.—Existing reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be completed not later than 180 days after receiving an application for the permit.

''(iii) FAILURE TO COMPLETE.—If all existing reviews are not completed during the 180–day period described in clause (ii), the project subject to the application shall be considered to have no significant impact in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and that classification shall be considered to be a final agency action.

''(D) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill in accordance with subparagraph (A), the Secretary shall—

''(i) provide to the applicant a description of the reasons for the denial of the permit;

''(ii) allow the applicant to resubmit an application for a permit to drill during the 10–day period beginning on the date the applicant receives the description of the denial from the Secretary; and

''(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

''(E) JUDICIAL REVIEW.—Actions of the Secretary carried out in accordance with this paragraph shall not be subject to judicial review.''.

Mr. LEE. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, let me talk a little bit this evening about amendment No. 77 that I filed. This is an amendment I filed to the bill that is pending that we are now on, what I would call the oil sands pipeline. It has been called a jobs bill, I know, on the other side. But, you know, the reality is, there are good construction jobs here. But as soon as the pipeline is built, the permanent jobs are really very small.

What we need to do—my belief—in terms of energy, is work to where there are larger numbers of jobs. I do not

know whether people know this, but the energy that is being added to the system now worldwide and in the United States is renewable energy. Sometimes it is wind, sometimes it is solar, to a lesser extent biofuels, biomass and things like that. But the renewable sector is growing. The new energy is growing. Some of this is rather dramatic in terms of the numbers and the size. That is the direction clearly we need to head, because we want to in the future be lessening our carbon footprint. There is absolutely no dispute that we need to be moving in that direction. That is where all the scientists are.

We are even seeing today in the amendments that we have on the floor our friends across the aisle agreeing that we have got a real problem with climate change and that human beings are causing this and we need to address this. I applaud them stepping forward and saying that. How do you do this? How do you encourage more of the renewable forms of energy?

Let me say before I get into that, my hope is to have a discussion with the two Senators who are on side who are leading the debate here, Senator BOXER and Senator CANTWELL, about offering this amendment and getting in line in the next tranche of amendments.

But how do you get moving in the direction of more renewable energy? Well, we already know we have got a very good pattern here. We have started in the States and started in the District of Columbia, where more than half of our States in the United States of America have adopted what have been called renewable electricity standards. New Mexico has one. We have 15 percent by 2015. Some of our bigger States have been more aggressive. States such as California and New York are really pushing the envelope. They are saying by about 2025 we are going to have 30 percent or close to 30 percent renewable energy. So, really, what they are doing by putting a standard in place is they are saying to their power companies in their State: This is important to do. We know it is cost effective. Go out and develop your portfolio so that you put more renewable energy in it.

The remarkable thing, looking around the country, is how many States have done this. We have seen 29 States, I believe, including the District of Columbia, for a number of years now that have put a renewable electricity standard in place. So that is something that we know is working at the State level.

In fact, my Senator from New Mexico—who retired just a couple of years ago, Senator Bingaman—one of the things he did was go out to Stanford and study all of these renewable electricity standards that were in place and came up with ideas on the best practices and where there were disadvantages. He has actually published a report with a bunch of other researchers. So there is good wealth of knowledge about what is working and what isn't working.

But the major thing that is working is when we encourage a marketplace in renewable energy. We don't necessarily call out winners and losers. I know that is something that on both sides of the aisle we object to when we said: This is going to be a winning form, that is not going to be a winning form.

What we are doing is saying: Let's try to move toward renewables. Let's put a goal out there and then let's let the marketplace work on that. Let's see innovation. Let's move forward down that road. We have seen the 29 States do it and the District of Columbia.

My proposal in this amendment—and it is one I have worked on—has a good history. One of the things we know is when Senator Bingaman was in the Senate and head of the Energy and Natural Resources Committee, he was able to pass through the Senate three times, over his career as chairman, a renewable electricity center out of the Senate.

When I was in the House of Representatives from 1998 to 2008, my cousin Mark Udall and I worked on a renewable electricity standard in the House. For the first time we were able to get a bill through the House of Representatives. So our big challenge always was we were never able to match the House bill and the Senate bill and put in place something that a President can sign and have a national standard. That is where we are today. We have had good support, and really what this amendment would do is set up a national marketplace. Many States across the Nation, and almost every State, have renewable energy. If you go into the South, it may be more biomass than it is of solar. If you go to the West and Midwest, it may be more wind and solar, but it depends on location.

What is clear from all of the experts who looked at this is it is very easy to focus on when you have a goal, and you say, in the case of this amendment, by 2025, let's get 25 percent of our energy from renewable sources. So if we have a goal like that, we could get there.

I am urging everybody to take a look at this amendment to see what it is that we should be doing.

If we are talking about moving down the road with this proposal that we have before us, where we are scavenging, in a way, for the dirtiest forms of energy, these tar sands—which are much dirtier than the environmental impact statement said. Not only are they dirtier by about 17 percent, but when you tear down all those forests, which are taking carbon dioxide out of the atmosphere, you are putting yourself in a position where you are headed down the wrong road in terms of easing our carbon footprint.

I ask all of my colleagues on both sides of the aisle to take a look at this amendment. I will visit with the leaders on the floor about this amendment and see if we can't get it in line in terms of being considered.

This is an important debate about our energy future. There is a lot of work to be done. I hope we can work together.

We are at a crossroads in our energy policy. We can lead the world in clean energy production with wind, solar, and advanced biofuels. We can reduce global warming pollution. We can become energy independent—and create permanent American jobs.

That is our future. That should be our priority. We have the technology. We have the resources. We need the commitment. That is why we need a national Renewable Electricity Standard. It takes us forward.

My amendment would require utilities to generate 25 percent of electricity from renewable resources—by 2025.

There are many benefits to a national RES. It would create 300,000 jobs. Over 50 percent of these jobs are in manufacturing. It would save consumers $64 billion by 2025—and $95 billion by 2030—in their utility bills. There would be $263 billion in new capital investment. It would provide over $13 billion to farmers, ranchers, and other landowners in the form of lease payments, creating new economic activity in rural communities across the U.S. It would add more than $11 billion in new local tax revenues—and revitalize communities, especially rural communities.

I have pushed for this ever since I came to Congress. The House passed it. The Senate has passed a version of this three times.

New Mexico and over half the States already have an RES. The States are moving in that direction. The Nation needs to move in that direction.

I have long said we need to do it all, and do it right as an energy policy. That includes traditional energy sources. Oil and gas play an important role in my State. New Mexico is a leading producer of both. We have strong, independent companies. They employ over 12,000 New Mexicans. They help pay for our schools and other public services.

We invested in the oil industry. We also need to invest in wind, solar, and biofuels.

The U.S. has incredible wind energy potential—enough to power the Nation 10 times over. My State has some of the best wind resources in the Nation—enough to meet more than 73 times the State's current electricity needs.

Wind power has almost no carbon pollution. It uses virtually no water. It already saves folks in my State 470 million gallons of water a year.

The U.S. solar industry employs more than 143,000 Americans—more than coal and natural gas combined. Solar jobs grew 10 times faster than the national average.

These are well-paying, local jobs. These are permanent jobs, and they won't be shipped overseas.

Now is the time to build on the momentum and invest in a clean energy economy. Now is the time to create energy at home and jobs at home—now, not later. We can't lose this market to our overseas competitors in Germany, China, and elsewhere. They can see the future too—and they are going after it.

A national Renewable Electricity Standard gives certainty to business, to companies that are looking to invest billions of dollars in our economy, to manufacture wind turbines, solar panels, and other renewable energy components.

We have a great opportunity to grow our manufacturing sector, to create jobs, and to move toward a cleaner energy future.

This is a new Congress. Let's find common ground, and let's move forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 78 TO AMENDMENT NO. 2

Ms. MURKOWSKI. Mr. President, on behalf of Senator BLUNT, I ask unanimous consent to call up amendment No. 78, which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. BLUNT, for himself and Mr. INHOFE, proposes an amendment numbered 78 to amendment No. 2.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the conditions for the President entering into bilateral or other international agreements regarding greenhouse gas emissions without proper study of any adverse economic effects, including job losses and harm to the industrial sector, and without the approval of the Senate)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING BILATERAL OR OTHER INTERNATIONAL AGREEMENTS REGARDING GREENHOUSE GAS EMISSIONS.

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

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

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

(3) While coal fired electricity remains the least expensive energy alternative, the reduction of coal use because of the Agreement would result in a 25 percent increase in electricity prices in the United States in 2025, according to analysis conducted by the Energy Information Administration.

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

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

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

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

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

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

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

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

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

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

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

(4) the United States should not be a signatory to any bilateral or other international agreement on greenhouse gases if it would result in serious harm to the economy of the United States; and

(5) the United States should not agree to any bilateral or other international agreement imposing disparate greenhouse gas commitments for the United States and other countries.

Ms. MURKOWSKI. Mr. President, we are wrapped up here for the evening so far as amendments, and I just want to thank colleagues for the discussion we have had today, the opportunity to bring forward some issues that clearly generate their own level of passion and emotion, and again the chance to bring forth issues we have been waiting for some period of time to have before us.

While some may suggest these are hard issues and hard votes to take, nobody ever said voting should be easy here in the Senate. The issues that come before us are issues the Nation considers and that we as their representatives should take seriously. So sometimes there are hard votes, and we will argue and debate over the wording and critically, and that is appropriate.

So again, looking forward to tomorrow, we have an opportunity to have now eight amendments that will be pending tomorrow afternoon, and I look forward to the continued discussion and a new day.

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

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

MORNING BUSINESS

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

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

The Senator from Utah.

REMEMBERING BECKY LOCKHART

Mr. LEE. Mr. President, I rise today to pay tribute to Becky Lockhart, former Speaker of the Utah House of Representatives, who tragically passed away on January 17, after a brief battle with a rare and devastating disease.

Becky Lockhart was the first woman to serve as Speaker of the House in the State of Utah. She did so in a truly extraordinary manner. She established a pattern of leadership that will be a model and a guide for wise legislative leaders in our State and across this great Nation for many, many years to come.

I affectionately yet admiringly refer to Speaker Lockhart as the iron lady of Utah as she possessed so many of the qualities of the original iron lady, Margaret Thatcher. Grounded in conservative principles, passionate about policy, and committed to federalism and local control, she knew where she stood and she stood firm every single time.

She followed the admonition of another great leader in American politics, Abraham Lincoln, who said, ''I will stand with anybody that stands right, stand with him while he is right and part with him when he goes wrong.''

Professionally trained as a nurse, Speaker Lockhart also understood the