

Executive action can start pretty quickly, and it can be abridged to the important work that the Congress is going to have to do. We are going to work hard in the Senate and in the House to undo some of the damage—significant amounts of the damage—that ObamaCare has caused. It is undoing the damage because people all around this country have suffered under this health care law. It means repealing the health care law and wiping the slate clean.

ObamaCare can't be fixed by tinkering with it here and there—not with another attempted bailout of the insurance companies, which the President has continued to promote. This solution isn't to add more government on top of what we already have.

The health care law began collapsing a long time ago, and Republicans are now ready to clear away the rubble. Then, we will write a new law with a multiple step-by-step process—a law that reforms America's broken health care insurance system so patients can get the care they need from a doctor they choose at lower costs—one that puts American families in control of their health care and a law that is simpler, fairer, more effective, and more accountable.

We have seen the mistakes that the Democrats have made with the health care law. We have seen that every State is different. So we are going to be looking to push as much authority out of Washington and back to the States. We have seen that too many mandates and regulations drive up costs, and they drive up the costs without improving the quality of care. We have seen that when Washington writes bad laws, the unintended consequences are severe.

These are all things that Republicans have said since the very beginning. The failure of ObamaCare has proven that the Republicans were right. The election has proven that the American people want a new approach. American families don't want us to tinker with ObamaCare. They just want affordable health care.

I want to make a couple of things clear. First of all, nobody is talking about taking people off of insurance without a replacement plan in place. We all understand that there needs to be a transition over time. People have already been hurt too much when they lost their insurance, when their rates went up because of ObamaCare, and with the mandates and the government saying they know better than families across the country.

We will be working to make the transition as smooth as possible for everyone. That is why we are including a transition period in a repeal bill that Congress passed last year and sent to the President's desk. The President, of course, vetoed it. Our goal is to do no harm.

As we write a new health care law, we will be looking to make it real reform that is actually centered on patients. We can increase the use of health savings accounts. That will give more people the chance to control how they spend their own money on their health care. We can support innovative insurance plans that pay for prescription drugs that work best for patients and not just the ones preferred by insurance companies. We will be talking about ways to protect people with pre-existing conditions and letting young people stay on their parents' insurance. These are important parts of the health care law.

Republicans are going to consider any ideas—any ideas that can help us to give people what they wanted all along—access to the care they need from a doctor they choose at lower cost.

Democrats promised that they would listen to other people's ideas, and then they went behind a closed door in an office back there and they wrote the law, ignoring all of the suggestions by Republicans and without any Republican support at all.

We are not going to make that mistake. We will be looking for Democrats' help. We will be looking for Democrats to work with. We will be listening to Democrats' ideas, and we will be working very hard to win Democratic votes for any new law.

Reforming health care in this country is not going to be easy. It is not something we are going to do for the purpose of scoring political points or to discredit President Obama. I will tell you, as a doctor, that it is something we must do to protect American families and their health, as well as their health care.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

DAKOTA ACCESS PIPELINE

Mr. HOEVEN. Mr. President, I rise to speak and also to respond to the comments of some of my colleagues on the Dakota Access Pipeline and the ongoing protests in my State of North Dakota.

Here we have a chart showing the Dakota Access Pipeline. It is a 1,172-mile pipeline from the Bakken oil fields near Stanley, ND, to refineries and terminals that actually connect to Patoeka, IL, and then that light crude can go into eastern refineries. It will move 470,000 barrels of oil daily from the Bakken in North Dakota and Montana to eastern markets and to refineries

that depend on that light sweet crude. This is high quality. This is the lightest, sweetest crude we produce. It is very high quality oil.

It is also important to understand this oil is already moving. It is already moving to these markets right now by rail and by truck. This oil is already being moved.

This pipeline actually increases the efficiency and the safety with which we move this oil that is already being transported to eastern markets.

Furthermore, the project has undergone years of State regulatory reviews and an extensive Federal environmental assessment which found no significant environmental impact. Again, the environmental assessment found no significant environmental impact. It has been twice challenged and twice upheld, including by the Obama administration's own appointees in Federal court. The Federal courts found that the Army Corps had followed the appropriate process that the Standing Rock Tribe was properly consulted and that the project can lawfully proceed.

Everyone has a right to be heard, but it must be done lawfully and peacefully, whether this is during the permitting process with its opportunities for comment or disputing the outcome through the court system. Of course, that is why we have the court system. It hears grievances and provides dispute resolution.

The ongoing protest activities which are occurring in North Dakota—which at times have been violent—are being prolonged and intensified by the Obama administration's refusal to approve the final remaining easement at Lake Oahe. This inaction has inflamed tensions, strained State and local resources and, most importantly, is needlessly putting people at risk, including Tribal members, protesters, law enforcement officers, construction workers, and area residents—our farmers and ranchers who live and work in the area of the pipeline.

It is past time that the final easement is approved and construction is completed. We need to get this issue resolved. It is past time to get this issue resolved. As the record demonstrates, it should be done on its merits through the previously established regulatory and legal process. In other words, follow the law. We are a country of laws. Follow the law.

Further, the Federal law enforcement agencies should help our State and local law enforcement officers to ensure the law is followed to prevent violent and unlawful protests and see that the peace is maintained. Our law enforcement officers have worked professionally, diligently, and tirelessly to protect the public.

To further describe the situation, let me provide some background. The company developed the route for the Dakota Access Pipeline beginning in 2014.

The current path will run parallel to an existing Northern Border Gas pipeline which was placed into service in 1982, as well as an existing high-voltage electric transmission line. In North Dakota, this is an already established right-of-way for energy infrastructure. You have an existing gas line that goes through this same route and you have a high-voltage transmission line as well.

Approximately 99 percent of the route for the Dakota Access Pipeline crosses private land. Only 3 percent of the work needed to build the pipeline requires Federal approval of any kind, and only 1 percent of the pipeline affects U.S. waterways. To date, the pipeline is already 98 percent complete in North Dakota, and it is 86 percent complete overall, from North Dakota to Illinois. That includes the route around and up to the final two-tenths-of-a-mile portion of the Missouri River, which is where most of this protest is occurring. This area of the river, known as Lake Oahe, is controlled by the Army Corps for flood control purposes and requires one remaining Federal easement.

The segment at the center of this debate is a small section planned to traverse under Lake Oahe which would occur at a depth of 92 to 117 feet below the riverbed. In other words, the pipeline doesn't enter the river at all. It is about 100 feet below the river. That is very important to understand. In fact, where it crosses underneath the river, it is 100 percent adjacent to an existing natural gas pipeline. In other words, it follows a pipeline that is already built and is there now, an existing natural gas pipeline. This was done so any ground disturbances would not harm any cultural or Tribal features. That is why they followed this right-of-way.

Let's put this into perspective a little bit. We have another chart that helps do that. Remember, we are talking about crossing the river in one place, right? We are talking about a pipeline that is going to cross this river in one spot.

Let's put that into a broader context, into a broader perspective. The Congressional Research Service estimates there are 38,410 crude oil pipeline river and water body crossings in the United States. So in our network of oil pipelines around the country, we cross water more than 38,000 times. We are talking about doing it one more time here. But we already do it more than 38,000 times all over the country. This chart shows you that.

In North Dakota alone, we cross bodies of water more than 1,000 times—more than 1,000 times. So this is hardly something new and different. The Congressional Research Service estimates that there are 3,410 crude oil pipeline river and water body crossings in the United States already existing, including 1,079 in North Dakota alone. So I

guess we go from 1,079 to 1,080 just in our State. These crossings range from rivers, streams, and lakes to ponds, canals and ditches.

So let's talk about tribal consultation. In total, the Army Corps held 389 meetings, conferred with more than 55 tribes, and conducted a 1,261-page environmental assessment before finding that this infrastructure project has no significant environmental impact. So they did all of that study, all of that consultation. Conclusion: This project has no significant environmental impact.

So the Federal court then reviewed this decision once the protests started. The Federal court reviewed the Corps' work. In the September 9 Federal court opinion, U.S. District Judge James Boasberg noted that the company surveyed nearly twice as many miles in North Dakota as the 357-mile route that would eventually be used for the pipeline. So they surveyed a lot more than they actually used.

Why did they do that? The Federal judge noted that where the surveys revealed evidence of historically important or cultural resources, such as stone features, the company modified the route on its own—140 times in North Dakota alone. So 140 times the company modified its route to make sure they avoided any cultural or sensitive features. Remember, they are using an existing corridor that already has a gas pipeline and already has a high-voltage transmission line. They still modified it 140 times to make sure they avoid any culturally sensitive resources.

Additionally, in another instance, the Corps ordered the company to actually change the route where it crossed the James River, which is another river further east that has not been protested—it crosses that river too—to avoid burial sites there. They actually changed the route to make sure they avoided any sensitive sites.

The pipeline company and the Army Corps have documented dozens of attempts to engage with the Standing Rock Sioux Tribe to help identify historical resources and provide feedback in the planning process. Judge Boasberg, I might mention again, was appointed by the Obama administration. Judge Boasberg, a U.S. Federal court judge here in the District of Columbia, wrote: "The tribe largely refused to engage in consultations, and chose to hold out for more, namely the chance to conduct its own cultural surveys over the entire length of the pipeline."

Remember, the entire length of the pipeline goes all the way from North Dakota to Illinois. All right, let's go to the third chart. Further, I am going to put this up because the tribe appealed to the court to stop construction on the pipeline. The court said no. They have followed the law. They have done this appropriately.

I think here is a good quote from the judge's decision. Judge Boasberg wrote:

As it was previously mentioned, this Court does not lightly countenance any depredation of lands that hold significance to the Standing Rock Sioux. Aware of the indignities visited upon the Tribe over the last centuries, the Court scrutinizes the permitting process here with particular care. Having done so, the Court must nonetheless conclude that the Tribe has not demonstrated that an injunction is warranted here.

So the Judge says that he came into reviewing the Corps process trying to find if they had not covered all the bases properly. He came with a mindset to make sure they had exercised due diligence. He said they had.

In the spring of 2016, I helped arrange meetings between Colonel Henderson—COL John Henderson is the district director from Omaha, NE, for our district—and the Standing Rock Sioux Tribe, at the request of the Standing Rock Sioux Tribe. It was during these meetings that Army Corps Colonel Henderson imposed additional conditions on the pipeline, including a double-walled piping in response to tribal concerns about environmental safety. So he is now adding additional features after that consultation.

A tribal monitoring plan has also been required, which requires Dakota Access to allow tribal monitors at certain sites when construction is occurring. So he added even more conditions after further consultation. In July 2016, the Army Corps issued its final environmental assessment, which concluded with a "Finding of No Significant Impact" and "No Historic Properties Affected" determinations.

The environmental assessment establishes that the Corps made a good-faith effort to consult with the tribes and that it considered all tribal comments. In addition, Dakota Access has developed response and action plans. They will include state-of-the-art monitoring systems, shutoff valves and other safety features to minimize the risk of spills and reduce or remediate any potential damage.

So, let's take a look at just some of these—just some of these. There are many of them. Again, it is at least 92 feet under the river. So if you had a break in the pipeline, it would have to come up somehow through almost 100 feet of bedrock—come up through 100 feet of bedrock somehow to get into the river.

But if you did have a rupture, you have automatic shutoff valves that are monitored 24 hours a day, 7 days a week. Remember that additional condition that the Corps added after consultation? It is a double-walled pipe. So it is a double-walled pipe.

These are just some of the safety features. In addition, the Army Corps required the company to implement numerous mitigation plans, including: One, an environmental construction plan; two, a stormwater pollution prevention plan; three, a spill prevention,

control, and countermeasure plan; four, a horizontal directional drilling construction plan; five, a horizontal directional drilling contingency plan; six, an unanticipated cultural resources discovery plan; seven, a geographical response plan; eight, a facility response plan; and, nine, a tribal monitoring plan, among other measures. Those are just some of them.

So let's talk about the protests. The Obama administration's inaction on the final Federal easement crossing the Missouri River has created undue hardship and uncertainty for area residents, for private landowners, for our farmers and ranchers that live and work in the area, for tribal members, for construction workers who have been chased off the construction site by protesters, and certainly for our law enforcement personnel who have had to be out there day and night for months.

Now we have winter weather conditions. Recently, with a very severe snowstorm, you have really life-threatening conditions out there for somebody who is trying to camp out in the middle of winter. Since the protests started earlier this year, State and local agencies have been put to the test in maintaining public safety, which have been threatened by ongoing and often violent protest activity.

There have been instances of trespassing, vandalism, and theft. Construction equipment has been set on fire. Workers have been chased off the work site. Workers who were just trying to lawfully do their job were chased off the work site. Fires were started on privately owned ranchland. This is not on the reservation. It is on private land. Residents have endured the challenges caused by roads being blocked or closed, either by protest activity. They have shut down highways. Protest activities have shut down highways. Roads are being blocked or closed by protest activity that has shut down roads or by law enforcement's response to ensure safety, at a time when farmers and ranchers are busy harvesting, hauling hay, shipping calves, and moving their herds from summer pastures.

In addition, law enforcement is investigating cases of butchered, mutilated, injured, and missing cattle, horses, and bison in areas adjacent to the site occupied by the protesters. Law enforcement has worked to protect everyone. Again, I will emphasize that. Law enforcement has worked to protect everyone. They have been patient, professional, and diligent. They have not used concussion grenades.

More than 500 protesters have been arrested for breaking the law, and over 90 percent of them are from out of State. Over 90 percent of the more than 500 protesters that have been arrested are from out of State, and many, if not most, are not Native American. They are environmental activists from other parts of the country. If you want more

information on law enforcement, go to YouTube, "Know the Truth Morton County," which is a Web site that the Morton County Sheriff's Department uses to provide updates on their efforts to maintain law and order at the protest site.

The motto of law enforcement is to "serve and protect." That is exactly what they are doing. So in conclusion, in accordance with the findings of the Army Corps of Engineer's environmental assessment and the court decisions, the Army Corps needs to follow established legal and regulatory criteria and approve the final easement so that construction can be completed.

In addition, Federal resources should be deployed expeditiously to protect people and property in the area of violent protests to help support State and local law enforcement efforts.

As I said, this issue needs to be resolved. It is past time to get this issue resolved.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from New Hampshire.

CONTINUING RESOLUTION

Mrs. SHAHEEN. Madam President, I came to the floor this afternoon to talk about our failure, once again, to go through a regular appropriations process. I share what I know is a disappointment on the part of many of our colleagues that this Congress is choosing, once again, to disregard the regular appropriations process and resort to a short-term continuing resolution.

This will have serious negative impacts on our country's national security and on the economy. As ranking member on the Appropriations Subcommittee on Homeland Security, I applaud the chair of that subcommittee, Senator HOEVEN, who was just on the floor, for the bipartisan work that has gone on. But as I look at the potential impact on homeland security, our failure to get an appropriations bill will have serious negative consequences for our Nation's emergency preparedness, for our transportation security, and for cyber security, just to name a few.

Closer to home in our local communities, it will hurt law enforcement as well as efforts to combat the opioid epidemic. At the beginning of this 114th Congress, the majority leader pledged to return the Senate to regular order. Now, translated into simple English for people who may be watching, regular order means doing our job and doing it the right way when it comes to the budget process.

It means meeting our Constitutional responsibility to produce an annual appropriations bill for the American people—legislation that will allow government at all levels and people from all walks of life to plan, to invest, to

build, and to move our Nation forward. But instead, we are again being presented with an inadequate short-term stopgap bill, a continuing resolution that does not get the job done for the American people.

I applaud the Appropriations Committee chair, Senator COCHRAN, and our vice chair, Senator MIKULSKI, and the great work that has been done by all of the members of the Appropriations Committee. Senators COCHRAN and MIKULSKI have led the committee in a diligent good-faith effort to craft appropriations bills that meet our Nation's current needs and challenges, but unfortunately all those efforts will now be cast aside.

As Vice Chair MIKULSKI said yesterday, Republican leaders have decided to "procrastinate rather than legislate." This has brought us to the final days of the 114th Congress with no regular order and no annual appropriations bills. This has very serious consequences nationally as well as in our States and local communities. For example, just on homeland security, over the last year the Appropriations Subcommittee on Homeland Security has crafted a bipartisan bill to ramp up emergency preparedness at the local level to meet the rising threat of cyber attacks and to address challenges in transportation security, including at our airports. All of these improvements and gains will be lost for the time of the continuing resolution.

Over the last year, we have seen terrorist attacks in San Bernardino, Orlando, and sadly, just this last week, in Columbus, OH. Yet, because of the continuing resolution, the Federal Emergency Management Agency will be unable to award more than \$2 billion in homeland security preparedness grants to State and local governments. These are grants that allow States and local communities to plan and to practice their emergency response before disasters happen. That is how we cut response time, and that is how we save lives, but because of Congress's failure to do our jobs and pass annual appropriations bills, these preparedness grants will not be able to go forward.

Another area that is a critical national priority is cyber security. Last year Federal agencies reported more than 77,000 cyber security incidents. Local businesses that own and operate much of the infrastructure, from banks to sewage systems, are under greater threat of cyber attack. Late last month hackers attacked the New Hampshire-based company of Dyn, which is part of the backbone of the Internet. This attack on Dyn took down large swathes of Internet all across the globe. Dyn responded admirably to the attack, but there will be more and more sophisticated attacks in the future. To address these challenges, our appropriations bill in Homeland Security tripled the number