

we have become the “United States of oxy.”

With the opioid epidemic reaching epic proportions, our Federal budget should reflect the magnitude and importance of investing in treatment and recovery services.

In Massachusetts, approximately 65,000 people are currently dependent on opioids. Some 50,000 need treatment but are not receiving it. Treatment for prescription drug and heroin addiction is absolutely at the top of the list of the things this Congress should deal with, and that is why we need to work together. We need to make sure that the treatment is there for each of these patients, and that includes ensuring that patients receive from a physician the help they may need from Suboxone. Right now, that is denied to many different patients.

I have been in Congress for 39 years. I have never actually seen an issue like this that has grown so quickly and affects so many families in our country. Not a day goes by in the State of Massachusetts where someone doesn't come up to me and talk to me about a family member who has been affected by this epidemic. It is time for us to join together in a bipartisan fashion to produce the kind of legislation to give hope to families and let them know that relief is on the way, and that prevention and treatment will be there to help their families deal with this crisis.

I hope we can accomplish that goal this year, and I believe we can do it on a bipartisan basis.

I yield back the remainder of my time with thanks to the Senator from Alaska for her indulgence.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### ENERGY POLICY MODERNIZATION ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2012, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2012) to provide for the modernization of the energy policy of the United States, and for other purposes.

Pending:

Murkowski amendment No. 2953, in the nature of a substitute.

Murkowski (for Cassidy/Markey) amendment No. 2954 (to amendment No. 2953), to provide for certain increases in, and limitations on, the drawdown and sales of the Strategic Petroleum Reserve.

Murkowski amendment No. 2963 (to amendment No. 2953), to modify a provision relating to bulk-power system reliability impact statements.

The PRESIDING OFFICER. The Senator from Alaska.

#### DRUG ADDICTION

Ms. MURKOWSKI. Mr. President, before I begin my remarks this morning

about the Energy Policy Modernization Act, I wish to acknowledge my colleague from Massachusetts. I come from a very large, remote State. About 80 percent of the communities in Alaska are not connected by a road, so one would think that our isolation would insulate us from some of the scourges that we see when it comes to drugs and drug addiction. Unfortunately, that is not the case. In my State we are seeing the same level of addiction. While the numbers might not be as eye-popping as Massachusetts or New Hampshire and other parts of the country, that is because we have fewer people. But on a per capita basis, the numbers are staggering and very worrying.

As my colleague from Massachusetts notes, this is not something that should be a Republican or a Democratic problem or have a Republican or Democratic solution. This should have all of us working together because what is happening and what we are seeing is simply unacceptable. It is destroying families and communities, and we must work together. I appreciate his comments here before the body this morning.

Mr. President, I hope the Senate is prepared for another good, busy day of debate on our broad bipartisan energy bill.

Late yesterday, while we were not taking votes, we were in session for a few hours—but what we were able to do during that time period was approve eight more amendments by voice vote. We are now up to 19 amendments accepted so far. The latest batch from yesterday featured a proposal from Senators GARDNER, COONS, PORTMAN, and SHAHEEN to boost energy savings projects that will limit the cost of government and save taxpayer dollars.

We also approved an amendment from Senators FLAKE, MCCASKILL, and BOOKER to evaluate the number of duplicative green buildings programs within the Federal Government. I think we all appreciate the need to be more efficient, but do we need to have dozens and dozens of duplicative programs to build this out? That is what that amendment addressed.

We also approved an amendment from Senators INHOFE, MARKEY, and BOOKER to renew a brownfields restoration program run by the EPA.

So we did OK yesterday, approving eight amendments by voice votes, which is not bad for a Monday around here when we were not scheduled to have votes, but I think we can do better than that. I think we can pick up the pace, and we are ready to do that.

We will have two rollcall votes that are scheduled for 2:30 this afternoon. The first one is an amendment by the Senator from Utah, Mr. LEE, amendment No. 3023, and it would limit Presidential authority to permanently withdraw Federal lands as national monuments. This is an issue that I have joined the Senator from Utah on, as well as many Senators from around the West, who have concerns that we would

see vast areas of our particular States permanently withdrawn—something that again resonates very strongly in my State, where 61 percent of our State is held in Federal land. I am pleased that my colleague from Utah has offered this amendment, and I am hopeful the Senate will adopt it.

The second amendment we will have this afternoon is the Franken amendment No. 3115. This would impose a nationwide efficiency mandate. This is a matter that we had before the energy committee when we were in markup in July, and many Members are already familiar with it.

I am aware that some Members are still filing amendments, but I think my advice to them is to know they are chasing the train down the tracks at this point in time. We had a total of 230 amendments filed as of this morning, so we have a lot to sort through as we are trying to deal with the debate and just kind of keep things moving.

A number of Members are also hoping to secure a vote on their priorities, so we have a line now. Those who are just thinking about filing should know where you are in this process. Senator CANTWELL and I intend to continue to process amendments as quickly as we can and we ask for the cooperation of Members to help that effort move along.

I do want to thank the ranking member on the energy committee. Senator CANTWELL and her staff have been working very hard and very well with me and my staff as we are working to process this bill. The level of back-and-forth has been very constructive, very helpful, and I appreciate it, and I want to give special recognition to the yeoman's work that the staff are doing right now.

We will be setting up additional rollcall votes today. We will hopefully be able to reach agreement on amendments that we can clear on both sides as well.

As we have moved through the debate process on this important Energy bill, we have seen some good, strong amendments. I mentioned some already. We have had amendments from both parties. We have had them offered by Members from all areas of the country. We have seen some particularly good ones that focus on hydropower. I wish to take a few moments this morning to speak about hydropower and the amazing supply source that hydropower provides for our Nation.

Hydropower harnesses the forces of flowing water to generate electricity, and it has many virtues as an energy resource. It is not only emissions free and renewable, it is also capable of producing stable, reliable, and affordable base power. How about that: stable, affordable, and reliable base power. It is emissions free. It is renewable. It is not defined yet as renewable, and we address that in this bill. Right now, hydropower produces about 6 percent of our Nation's electricity and nearly half of our renewable energy. That is more

than wind and solar combined and enough electricity to power some 30 million American homes.

Up in Alaska, hydropower provides—the number is right about 24 percent of our electricity. It provides energy for communities throughout the State, most notably in the southeastern part of the State where I was born and raised. It is very significant there. It is also in what we call the railbelt area. It is an amazing contributor to our State's energy base. We continue, though, to have vast potential with hundreds of sites in Alaska alone just waiting to be developed. We are a leader on hydropower, but we are hardly alone in having untapped potential.

According to an official from the Department of Energy who testified before the energy committee back in 2011, our country could realize “an additional 300 gigawatts of hydropower through efficiency and capacity upgrades at existing facilities, powering nonpowered dams, new small hydro development, and pump storage hydropower.”

So let me repeat what that really means: An additional 300 gigawatts of hydropower, not through some big megadam but through efficiency, through capacity upgrades at existing facilities, powering up our nonpowered dams, new small hydro development—we see a lot of that in Alaska—and pump storage hydropower. With that, 300 gigawatts of additional power.

Putting it into context, 1 gigawatt can power hundreds of thousands of homes. We have an estimated 300 gigawatts of potential hydropower—a huge benefit to our country in terms of what we could get from our hydro resources, and it will not take much to start taking advantage of it. That is the beauty of it.

It may surprise some to know that right now only 3 percent of our Nation's existing 80,000 dams around the country currently produce electricity. Just 3 percent of 80,000 dams that are already out there are producing electricity. Think about what we could do if we electrify just the top 100—just the top 100 out of 80,000. We could generate enough electricity for nearly 3 million more homes and create thousands of jobs. Meanwhile, simply upgrading the turbines at existing hydropower dams could yield a similar amount of additional electric generating capacity.

We talk a lot about efficiency around here. Well, let us apply the efficiency with what we have with our existing facilities. What most of us agree on is that hydropower is a great American resource. It is renewable, it is affordable, it is always on, and nearly every State has potential in some way. Yet, despite all of this—despite the tremendous benefits that it provides and despite our tremendous untapped potential—America's hydropower development has stalled. Why? It has stalled, quite honestly, because of redtape and environmental opposition.

This was the subject of a recent op-ed piece that I cowrote with Jay Faison,

who is the founder of the ClearPath Foundation. It is called “Stop Wasting America's Hydropower Potential.” It ran in the New York Times last month, and we have gotten some pretty good, positive comments. I ask unanimous consent that this op-ed be printed in the RECORD.

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

[From the New York Times, Jan. 14, 2016]

STOP WASTING AMERICA'S HYDROPOWER POTENTIAL

(By Lisa Murkowski and Jay Faison)

President Obama has described climate change as one of the biggest challenges facing our country and has said he is open to new ideas to address it. He can start by supporting legislation to increase the nation's hydropower capacity, one of our vital renewable energy resources.

Hydropower harnesses the force of flowing water to generate electricity. It already produces about 6 percent of the nation's electricity and nearly half of its renewable energy, more than wind and solar combined. This is enough electricity to power 30 million homes and, according to the Department of Energy, avoids some 200 million metric tons of carbon dioxide emissions each year. That amounts to taking about 40 million cars off the road for one year.

But we could be doing much more to harness the huge potential of hydropower, even without building new dams.

For instance, only 3 percent of the nation's 80,000 dams now produce electricity. Electrifying just the 100 top impoundments—primarily locks and dams on the Ohio, Mississippi, Alabama and Arkansas Rivers that are operated by the Army Corps of Engineers—would generate enough electricity for nearly three million more homes and create thousands of jobs.

And upgrading and modernizing the turbines at existing hydropower dams could yield a similar amount of additional electricity-generating capacity.

Despite the benefits of this technology, American hydropower development has stalled because of government red tape and environmental opposition. Less capacity has been added each decade since the 1970s, even as our infrastructure ages. Half of our plants use turbines or other major equipment designed and installed more than 50 years ago.

At the heart of the problem is a broken federal permitting process that has created an unnavigable gantlet for hydropower projects. While mandatory environmental reviews must be stringent to protect waterways and wildlife, federal bureaucrats insist on duplicative, sequential processes that exacerbate regulatory uncertainty, delay approvals and drive up consumer costs.

Compounding the roadblocks are environmental groups that claim to adhere to sound science but hold remarkably outdated views of hydropower and its benefits. Rather than acknowledge technological advances and the environmental safeguards in our laws, these groups have filed lawsuits to dismantle dams or stop their construction.

Add it all up, and it can now take well over a decade to relicense an existing hydropower dam. For the California customers of Pacific Gas and Electric, relicensing costs have run as high as \$50 million a dam—all for the privilege of continuing to operate an existing renewable energy project.

One-third of the nation's hydropower dams will require license renewals by 2030. We need to make this process more efficient by reducing bureaucratic and administrative delays

that end up increasing electricity rates and slowing hydropower's expansion.

Fortunately, Congress has stepped in to get hydropower development back on track. Legislation in both chambers, including a measure in the Senate that was approved by a bipartisan vote in committee, would direct agencies to expedite the permitting of new projects and the relicensing of existing ones, and would advance the use of hydropower nationwide.

But while Congress has chosen to lead on this important issue, President Obama has threatened to veto the House bill, claiming it would undermine environmental safeguards. The challenge is finding a way to bring state and federal agencies to the table with the applicants at the beginning of the process so they can identify potential problems and coordinate environmental reviews. The legislation would not change the authority of federal agencies to impose environmental conditions.

There is much more that we can do. Upgrading existing dams is just one of the approaches that holds big promise. Coordinating hydropower projects on a regionwide basis might allow for permitting on a more timely basis and provide better opportunities for environmental mitigation. There is also tremendous potential for electricity generation using new marine hydrokinetic technologies that convert the energy of waves, tides and river and ocean currents into electricity. And it is important to recognize the huge, untapped potential for hydropower in Alaska.

With hydropower, Congress has given the president an opportunity to address climate change and “bridge the divide” between parties. If he is serious about expanding the use of clean, renewable energy, he should at last give hydropower the attention it deserves in his final year.

[From the Register-Guard, Jan. 20, 2016]

PRESERVE HYDRO ASSETS

On Sept. 29, 1963, a crowd of 1,800 people gathered near the headwaters of the McKenzie River for the dedication of the Eugene Water & Electric Board's Carmen Smith project. A band played, box lunches were served, Gov. Mark Hatfield spoke and power flowed from a hydroelectric complex for which Eugene voters had approved a \$23.5 million bond issue three years earlier.

Carmen Smith has been generating electricity ever since, and now its license to operate on a public waterway needs to be renewed. EWEB submitted its relicensing application to the Federal Energy Regulatory Commission 10 years ago. The relicensing process—along with improvements to the project, most of them related to fish passage—will cost an estimated \$226 million.

It is costing 10 times as much and taking more than three times as long to relicense the project as it did to build it in the first place.

To be sure, a million dollars isn't worth what it used to be, more is known about the environmental effects of hydroelectric projects than was the case half a century ago, and appreciation of the importance of the McKenzie River's fish habitat has grown. Still, the high cost of relicensing has tipped the value of the Carmen Smith project into negative territory. Low power prices are to blame—but another factor is a relicensing process that is predicated on the notion that hydroelectric projects are valuable enough to carry a heavy load of added costs.

The \$226 million price tag for relicensing stems in part from an agreement that EWEB negotiated in 2008 with government agencies, environmental groups and Native American tribes. The other parties to the agreement

pledged to support a new license of Carmen Smith, and EWEB agreed to retrofit its components to improve fish passage and make other improvements. With electricity selling at \$100 per megawatt hour or more, power generated by the Carmen Smith complex would easily cover the costs.

In today's markets, however, electricity is selling for one-third that amount on a good day—and sometimes, buyers can't be found at any price. Without a reduction in relicensing costs, Carmen Smith will become a money loser. Parties to the 2008 agreement are close to accepting a revision that would lower the costs by \$55 million to \$60 million. EWEB would close a relatively small generating turbine at the complex's Trail Bridge Dam, eliminating the need for a costly fish screen. Even with that change, prospects of a positive cash flow from Carmen Smith are dicey.

EWEB is not the only utility whose hydroelectric plants are being weighed down by relicensing costs. One-third of the nation's dams will need new licenses by 2030. These are mostly dams whose construction bonds have long been paid off, an advantage that until recently allowed the relicensing process to become a vehicle for the addition of environmental, recreational and other improvements. In some cases, such improvements are no longer affordable. In other cases, the costs of licensing acts as a barrier to the electrification of dams or other impoundments, blocking the development of a reliable, carbon-free power source.

Many hydro projects need environmental upgrades, and should not be relicensed without them. But the process should not drag on for a decade, and it ought to recognize the environmental benefits of hydropower—benefits in danger of being buried under a mountain of relicensing costs.

Ms. MURKOWSKI. At the heart of the problem is a broken Federal permitting process that has created an unnavigable gauntlet for our hydropower projects. It can now take well over a decade to relicense an existing dam. I will say it again. We are not talking about licensing a new dam; we are talking about relicensing an existing dam—a process that can take over a decade. For the California consumers of Pacific Gas and Electric, relicensing costs have run as high as \$50 million per dam simply to continue an existing project. We are not building anything new. We want to relicense it. It is costing \$50 million and taking over 10 years.

There was a recent editorial in a Eugene, OR, newspaper, the Register-Guard, which called for the preservation of hydropower assets, and it noted that the existing Carmon Smith project has been mired in the relicensing process for over 10 years, with a pricetag estimated at \$226 million. It amounts to 10 times as much and 3 times as long as it took to build the project when it was constructed in 1963. What is wrong with this picture? Taking 10 times as much—requiring 10 times as much money—\$226 million—and taking 3 times as long to build as when they built that project back in 1963. We are going in the wrong direction. This is not progress. We are headed exactly in the wrong direction.

We can change that. Let us put it in the context of what we have existing in this country right now. I said that

right now hydro is providing about 6 percent of our energy and about half of our renewables. One-third of our Nation's existing hydropower projects will require license renewals by 2030. One-third of the existing facilities are going to have to go through this decade-long relicensing process, which will cost millions of dollars. What we need to do is make the relicensing process more efficient by reducing bureaucratic and administrative delays that end up increasing electricity rates, slowing hydropower's expansion, and actually delaying the adoption of environmental mitigation measures. If you are concerned about the environment, you ought to be interested in making sure we have a better process because if we fail to improve the relicensing process, we are going to start losing hydropower projects, and we will backslide as other forms of generation replace them, just as we are seeing with nuclear power in some parts of our country. We are going to go backward.

Whether your issue is climate change or whether it is electric reliability or just good, affordable energy, we should be able to agree that this is a situation we want to avoid. We do not want to be going backward on this.

Coming from Washington State, Senator CANTWELL understands and clearly appreciates the value of our hydropower resources. I have been very pleased to be able to work with her on many of these initiatives, as well as with many other members of our committee, on some of the bipartisan reforms we have contained within the Energy Policy Modernization Act. What we realize is that our current policies are holding this resource back and that we need to update, we need to modernize them, if we ever want to harness the amazing potential of domestic hydropower. Our joint hydropower language attempts to bring State and Federal agencies to the table with the applicants at the beginning of the process so they can identify where the potential problems may be and coordinate environmental reviews.

Because hydropower licenses are issued by the FERC, our bill authorizes the Federal Energy Regulatory Commission to be the lead agency so they set a schedule and they coordinate all the needed Federal authorizations. The schedule is to be established on a case-by-case basis, in consultation with other agencies, and if a resource agency then cannot meet a deadline, the White House Council on Environmental Quality is then tasked with resolving these interagency disputes.

In terms of a step that is long overdue, we formally designate hydropower as a renewable resource for the purpose of all Federal programs.

When I first came to the Senate some years ago and focused on energy issues, I just really had a hard time with the fact that hydropower was not considered a renewable resource.

I was born in Ketchikan, AK. It is in the middle of a rainforest. I was raised

in southeastern Alaska, where the annual precipitation is something that would take most people's breath away. If I were to tell the people of Juneau or Wrangell or Ketchikan that what is coming out of the sky today is not a renewable resource, I would be laughed out of the room. Hopefully we take care of this and formally designate hydropower as a renewable resource for the purposes of all Federal programs.

We have very good, commonsense ideas carefully crafted within our bill. Our language does not alter the authority of Federal agencies to impose mandatory environmental conditions or weaken the stringent environmental review process. For those who are afraid that somehow or another we are going to run roughshod over the environmental regulators, that is not the case. What we are doing is, through efficiency, streamlining, and some coordination, we are going to be able to make a difference in our Nation's ability to develop hydropower, and that is why the members of the Energy and Natural Resources Committee overwhelmingly supported the hydropower provisions in the bill we have before us today.

There is always more good news we can add. We have looked at the amendments other Members have offered. We have already accepted an amendment from Senator DAINES to extend the deadline for the relicensing of a hydropower project in Montana. We also have a number of other amendments from other Members from both sides of the aisle, and I am hoping we will be able to add them to the bill. For example, Senator GILLIBRAND has filed an amendment to extend the deadline for a hydroproject in her home State of New York. Senator BURR has filed an amendment to extend the deadline of a hydroproject in his home State of North Carolina. Senator KAINE has filed an amendment to extend the deadline for hydroprojects in his State of Virginia. All of these projects would add power to nonpowered dams. These projects already have licenses, but what they need is more time to deal with the technical and regulatory issues that often arise before construction can begin.

We have a fair number of our western Members who are understandably prioritizing hydropower. Senator BARRASSO is filing an amendment to authorize the use of active capacity of the Fontenelle Reservoir in southwest Wyoming. Senators FLAKE and FEINSTEIN have come together with a pretty good amendment to improve the way the Army Corps of Engineers operates dams to increase their efficiency. Is this not just good common sense?

It probably comes as no surprise that I have a couple of amendments that will benefit Alaska, including one that will expand the existing project at Terror Lake and allow the local community there—Kodiak—to remain powered almost entirely by renewable energy. Right now they are 99.7 percent powered by renewable energy between wind

and their hydrocapacity. We want them to get to that full 100 percent.

Finally, I want to recognize the Senator from Massachusetts, Mr. MARKEY, who has a proposal to encourage the development of pumped storage hydropower assets—one of the best ways to store baseload power and a technology that could help to smooth out the intermittency of other renewable resources. We are working on that one—checking it out—but it looks good.

These are good proposals. As we continue our voting and clearing process here today, I am confident we will be able to accept many more of them.

Again, I want to acknowledge the work and partnership I have with Senator CANTWELL on many of these hydro issues. Her State certainly enjoys the benefit of lower cost energy because of the investments made in hydro.

We have more work ahead of us. I know Members are anxious to talk on their amendments that they may have an interest in moving toward this afternoon, but this Senator is glad to be back on the bill, and hopefully we will have an exciting and energetic day.

With that, I yield the floor to my ranking member.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I want to thank my colleague from Alaska for her focus on the hydropower bills we may be considering here, and I am thankful for the focus from all my colleagues on hydropower and ways we can continue to improve the efficiency of our resources and make sure we are continuing to diversify.

I think we have outlined a good plan for today. Obviously we need the cooperation of our colleagues to keep moving forward on this legislation. We are going to have a couple of votes.

I am so pleased my colleague from Minnesota is here to talk about one of our first votes, a federal energy efficiency resource standard. He has been a leader on this issue.

Yesterday I outlined some of the great States in this Nation that have already adopted what are called energy efficiency resource standards, which have shown great success in helping to save energy and driving down demand, thereby saving money for both businesses and homeowners. I think it is something that will also receive a lot of enthusiasm as we move forward.

I know that we have many ideas; that is what I like about this Energy bill—it was bipartisan coming out of the committee, and so far it has been bipartisan on the Senate floor in working out these issues. I hope my colleagues will understand that there will be a point where we do have to move off of this bill. Hopefully, with the cooperation of Members, we can make a great deal of progress today on additional votes besides the two that are pending, set more votes for later this evening, and also continue the process of getting some of these other issues resolved in the meantime.

Again, I thank our colleagues for turning their focus to this. I thank my colleague for outlining where we have already been on the bill as it relates to the amendments we adopted last night and the continued progress. I think it comes down to the fact that as our economy changes, energy production needs to have the attention of our committee. We need to continue to be able to help empower this transformation that our economy is seeing on energy, and working together in a bipartisan fashion helps us to get there. It is good for our homeowners, it is good for businesses, and it is good for our economy.

With that, I yield the floor and encourage our colleagues to support my colleague Senator FRANKEN on his EERS amendment we will be voting on shortly.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

Mr. FRANKEN. Thank you, Mr. President.

I rise today to talk about the importance of updating our Nation's energy policy. I thank Chairwoman MURKOWSKI, Ranking Member CANTWELL, and their staffs for their hard work in crafting a bipartisan energy bill.

Congress hasn't passed a comprehensive energy bill since 2007, and a lot has changed in the energy sector since then. We have seen a transformation in renewable energy. Electricity generation from wind power has grown by more than 400 percent. Wind energy now supplies electricity for 20 million Americans. The growth of solar energy is equally impressive. In its early days, solar power was known for powering satellites and space stations. Now we are seeing residential and utility-scale solar power becoming important components of the grid. Since the passage of the last Energy bill in 2007, our solar generation capacity has increased more than 2,000 percent. During that time, the cost of solar energy has dropped more than 60 percent. We have to build on these trends and reorient our energy sector toward a clean energy future. Comprehensive energy legislation needs to promote innovation, deploy clean energy technology, and create good-paying jobs.

The bipartisan Energy bill we are currently debating is an important step forward. It improves our Nation's energy efficiency through common-sense measures, such as updating building codes. It invests in energy storage, which will turn intermittent renewable energy into baseload power. It also helps States and tribes to access funds to deploy more clean energy technologies. These are good measures, and that is why I voted to support this bill out of the energy committee.

However, the current bill does not go far enough to fight the challenge of climate change. Climate change presents

a Sputnik moment—an opportunity to rise to the challenge and defeat the threat of climate change. In response to Sputnik, we mobilized American ingenuity and innovation. We ended up not just winning the space race and sending a man to the Moon, we did all sorts of great things for the American economy and for our society.

By rising to the challenge of climate change, we can bet again on American ingenuity. We have the opportunity not just to clean up our air but also to drive innovation and create jobs. That is why I am offering my American Energy Efficiency Act as an amendment to this bill. This amendment, which is cosponsored by Senators HEINRICH, WARREN, and SANDERS, establishes a national energy efficiency standard that requires electric and natural gas utilities to help their customers use their electricity more efficiently. This is something that 25 States are already doing, and what those programs have shown us is that energy efficiency standards work.

Our amendment will send market signals that we are serious about energy efficiency. It will unleash the manufacturing and deployment of all kinds of energy-efficient products throughout our economy. It will help households and businesses save money on their electricity bills. According to the American Council for an Energy-Efficient Economy—the experts in energy efficiency who rated the energy savings in the Portman-Shaheen bill—our amendment will generate more than three times the energy savings of the entire Portman-Shaheen energy efficiency title in the base bill. By the year 2030, our amendment will generate 20 percent energy savings across the country and result in about \$145 billion in net savings to consumers.

Our amendment is modeled on the experience of States that have adopted energy efficiency standards. In fact, the first State to adopt efficiency standards was Texas. Similar programs have been adopted by both red and blue States. What we have seen with these programs is that they work. They are saving energy, and they are saving consumers money, both in businesses and homes.

My State of Minnesota passed its energy efficiency standards under a Republican Governor—Governor Tim Pawlenty—in 2007. We have a goal of 1.5 percent annual energy savings, and we don't just meet that goal, we exceed it. These energy efficiency standards also send a market signal to companies to innovate and deploy energy savings technologies.

The State of Arkansas set its energy savings targets in 2011, and according to the Arkansas Advanced Energy Foundation, the program has generated \$1 billion in sales by energy efficiency companies. The standard has also helped create 9,000 well-paying jobs in the State. The program has been so successful that the State public service commission recently extended the energy efficiency goals through 2019.

Arizona implemented its energy efficiency savings targets in 2011. Just 3 years after its implementation, Arizona went from being 29th to the 15th most energy-efficient State in the country. Through the program, utilities have saved electricity equivalent to powering 133,000 homes for 1 year. Businesses and residents have already saved \$540 million from reduced energy and water usage. These savings put more in people's pockets. That means more money to buy groceries, a new car, or to pay for college.

The States have shown that energy efficiency standards work. We should learn from Pennsylvania, Illinois, Colorado, and 22 other States and bring this successful experiment to the whole country.

I again applaud the efforts of Senator MURKOWSKI and Senator CANTWELL in bringing this bipartisan Energy bill to the floor.

I urge my colleagues to support my amendment when it comes to a vote this afternoon. My amendment will make this good piece of legislation stronger. It will reduce emissions. It will save Americans money. It will unleash clean energy innovation and jobs throughout the Nation. I urge all of my colleagues to vote yes on this amendment and to bet on our future.

This is a Sputnik moment. When we responded to Sputnik, we did amazing things. This is a piece of it. I urge my colleagues to support my amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASSIDY. 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. CASSIDY. Mr. President, I speak on amendment No. 3192, which is revolutionary. At some point I will yield to my colleague the Senator from Louisiana to further discuss this amendment.

Mr. President, the amendment I filed today is a byproduct of the work and bipartisan agreement of members representing the gulf, the Atlantic, and the Arctic regions of our country. I specifically thank Senators MURKOWSKI, WARNER, SCOTT, VITTER, KAINE, and TILLIS for their contributions in our efforts to bring greater equity revenue sharing from funds derived from offshore energy production.

For years, energy activities in coastal gulf States and adjacent offshore waters have produced billions of barrels of oil and trillions of cubic feet of natural gas for American energy consumers. The States along the gulf coast and the Arctic, et cetera, have supported offshore energy development for the rest of the country, providing the support for and paying for the infrastructure needed to bring this energy to market. With all of this development, as you might guess, there have

been increased costs associated with supporting this increased traffic, additional use of local and State resources, as well as transportation corridors—such as pipelines, vessels, and trucks—to get this energy delivered to those consumers driving vehicles all across the United States.

Maybe most importantly, in addition to the critical areas that support this energy supply, in my State in particular we are experiencing unparalleled land loss due to Federal decisions as to how the lower Mississippi River will be channeled for the benefit of the inland country as well as those efforts associated with this oil and gas development. We can see the effects of this unparalleled land loss. When Hurricanes Katrina and Rita hit our coast, there was no longer the wetlands that buffered the impact of tidal action. Those wetlands eroded, so those hurricanes hit with greater force, causing greater damage to our State. After Hurricane Katrina, you only have to remember those news reports from New Orleans to understand how devastating that could be—all related to decisions made by the Federal Government.

Addressing these historic costs of hosting a capital-intensive industry, while ensuring resilient domestic energy supply, can be obtained only through equitable revenue sharing. What Louisiana does under our State constitution with any revenue that is shared from the Federal Government related to drilling off the coast of the Gulf of Mexico—100 percent is dedicated to coastal restoration; 100 percent is dedicated to restoring the wetlands that would prevent another Hurricane Katrina from devastating New Orleans or any other coastal community in our State.

There are other benefits for the rest of the country. This amendment that we have filed would increase funding for the Land and Water Conservation Fund by over \$600 million, so the rest of the country benefits as well.

This amendment brings greater equity in revenue sharing with the gulf States by lifting the Gulf of Mexico Energy Security Act, or the GOMESA revenue sharing cap, while allowing mid-Atlantic States and Alaska to share in future revenue from offshore energy production. All energy-producing States deserve to share the revenue derived from energy developed both onshore and offshore. Responsible revenue sharing allows States hosting energy production to mitigate for the historic and prospective infrastructure demands of energy production and allows States to make strategic investments ensuring future generations of resiliency for this vital infrastructure and natural resources.

Mr. President, I yield to my colleague from Louisiana, Senator VITTER, for his thoughts on this issue.

Mr. VITTER. Mr. President, I thank Senator CASSIDY.

Mr. President, I also rise in strong support of this amendment, the Cas-

sidy amendment, which would increase revenue sharing for States for offshore and oil and gas development.

Revenue sharing is a critical issue that I have advocated with others for many years, certainly including Senator CASSIDY, his predecessor, and Committee Chair MURKOWSKI. I am pleased that our coalition in support of this strong, positive concept has grown in recent years and it now includes colleagues from the mid-Atlantic States. I am particularly pleased that that is evidenced by this amendment being supported and coauthored by the two Senators from Virginia and Senator SCOTT.

Revenue sharing with oil and gas producing States is, No. 1, fair to those States that incur real environmental and other costs due to production activity that benefits the Nation; and, No. 2, it is good, positive pro-American energy policy.

It is fair because, again, energy-producing States incur costs and impacts from that production, including environmental costs. Those States need to be properly compensated to deal with those real costs and impacts.

Secondly, and just as importantly, this is positive, productive policy that furthers pro-American energy agenda. It encourages the production of American energy. It incents domestic drilling and activity and domestic energy production over the long term. That energy production is essential to job creation and an overall healthy economy. If it weren't for the oil and gas jobs that accompanied the energy sector boom earlier this decade, we would still be in a technical recession.

One point I wish to emphasize is that many of those jobs have been created by small firms in the oil and gas services industry and support sectors. These small business jobs are something I have highlighted in my role as chair of the Committee on Small Business and Entrepreneurship.

This amendment before the Senate, the Cassidy amendment, would increase revenue sharing for gulf States, and it would establish revenue sharing for new production from Alaska, Virginia, North Carolina, South Carolina, and Georgia. This is a clear gain for those States and those regions. But, more importantly, it is a clear gain for the country because in the medium and long term, we will get more American energy production and be more self-sufficient.

Let me be clear what revenue sharing means for States such as my home of Louisiana. In Louisiana we spend 100 percent of those revenues on valid environmental works, specifically coastal restoration.

We lose a football field of land in Louisiana's coastal area—just in coastal Louisiana—every 38 minutes. Think about that. Close your eyes, and picture a football field losing that amount of Louisiana coastal land every 38 minutes, 24 hours a day, 7 days a week, 52

weeks a year, with no time off for holidays or weekends. This is our most significant environmental issue by far in Louisiana, so our State has committed itself to spending all of the money we receive from revenue sharing to restoring, rebuilding, and stabilizing our coast.

This is vitally important for us. It is also vitally important for the rest of the country because Louisiana supplies so much energy to the rest of the country—so many fisheries, fish, and seafood to the rest of the country. Our ports in the midst of that coastal area are vital to trade and commerce for the rest of the country.

What this amendment does is expand revenue sharing to Alaska and the mid-Atlantic States. Between 2027 and 2031, those States would receive 37.5 percent of revenue sharing from oil and gas production off of their coasts, which is what Louisiana and the Gulf States receive now.

The amendment would also lift the cap on revenue sharing that the gulf States are burdened with under the GOMESA act of 2006. Under that law, revenue sharing with gulf States is capped arbitrarily at \$500 million a year, but in those operative years of this amendment, that would be increased to \$1 billion a year.

Revenue sharing is vital when it comes to adequately compensating the States that incur costs and impacts, so it is vital for fairness. But, again, it is vital to encourage more American energy production and more self-sufficiency. For our Nation—not just the States impacted—that means growth, and that means energy independence. That is a win, in fact, for our foreign policy—less dependence on unstable and sometimes very unfriendly nations in the Middle East.

We want to continue to play a critical role in meeting America's energy needs. We want to do that in Louisiana; other States want to do that. This amendment and this concept will very much encourage us to do that and continue to forge a path of American energy independence, which is great for economic growth.

I wish to briefly take a moment to compliment my colleague from Louisiana, Senator CASSIDY. He has worked very hard on this issue, this amendment, and other critical energy issues as a member of the energy committee and also before that as a Member of the House of Representatives. I am very grateful for this opportunity to work with him on this amendment and this concept that we have been working on and furthering for some time.

I urge all of my colleagues to support this commonsense, pro-American energy, pro-American jobs amendment. This will move us in the right direction for energy independence, for economic growth, and for a sound foreign policy that decreases our reliance and dependence of any sort on nations in the Middle East.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. PORTMAN. Madam President, I will be speaking later, as we are expecting Senator SHAHEEN from New Hampshire.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. SHAHEEN. Madam President, I am delighted to be on the floor today, again, with my good friend from Ohio, Senator PORTMAN, to discuss our energy efficiency bill, the Energy Savings and Industrial Competitiveness Act, which is almost entirely now a part of the broad Energy Policy Modernization Act that is on the floor today.

The Energy Policy Modernization Act is a broad bipartisan approach to improve our Nation's energy policies on efficiency, infrastructure, supply, and accountability. I wish to thank the chair of the energy committee, Senator MURKOWSKI, and Ranking Member CANTWELL for the good work they have done to put together this bipartisan piece of legislation that is going to address a number of our energy challenges and also permanently reauthorize the Land and Water Conservation Fund. Now, as I said, a fundamental component of this bill started out as Shaheen-Portman. Now we call it Portman-Shaheen. But as my colleagues know, Senator PORTMAN and I have been working on this energy efficiency legislation since we first introduced it in 2011.

I am a proponent of energy efficiency because it is the easiest, cheapest way to reduce energy costs, to combat climate change, and to create private sector jobs. In addition to being affordable, energy efficiency benefits aren't confined to a certain fuel source or to a particular region of the country. You can like efficiency if you are a supporter of fossil fuels or if you are a supporter of new alternative energies.

Our piece of this comprehensive bill represents nearly 5 years of meetings, negotiations, compromise, and broad stakeholder outreach. The end result is an affordable, bipartisan approach to boost the use of energy efficiency technologies in manufacturing, in buildings, and across the Federal Government.

According to the American Council for an Energy-Efficient Economy, when fully implemented, our efficiency bill will create nearly 200,000 jobs, reduce carbon emissions by the equivalent of

taking 22 million cars off the road, and save consumers \$16 billion a year. And it does this with absolutely no mandates.

Critical to the negotiation of this legislation has been the joint effort between Senator PORTMAN and myself, and between our staffs, to work out with stakeholder groups the concerns they had in the energy efficiency legislation and to come up with compromises that we all thought not only helped build support for the legislation but that actually make it a better bill.

So on buildings, which use about 40 percent of our energy in this country, the proposals in our legislation would improve energy savings by strengthening outdated model building codes to make new homes and commercial buildings more energy efficient. Again, I point out that it does that without any mandates. It is a carefully crafted agreement that has been negotiated with everyone, from the home builders to the realtors to a number of our friends in labor. So I think this is a compromise, and the language in the bill is a compromise for which there is broad support.

The bill also encourages energy efficiency in the industrial sector, which consumes more energy than any other sector of our economy. Again, the provisions in the legislation would encourage the private sector to develop innovative energy efficient technologies for industrial applications and to invest in a workforce that is trained to deploy energy efficiency practices to manufacturers, and they would encourage the Department of Energy to work more closely with stakeholders on commercialization of new technologies.

Finally, the energy efficiency piece of this legislation would encourage the Federal Government, the Nation's largest energy consumer, to adopt more efficient building standards and technologies, such as smart meters. With stronger efficiency standards for Federal facilities, we can save taxpayers millions of dollars.

Senator PORTMAN and I have introduced our bill three times. Each time, this legislation has received broad bipartisan support from our Senate colleagues, broad bipartisan support in the energy committee, and it has received strong support from a diverse group of stakeholders—everyone from trade associations and the U.S. Chamber of Commerce to the National Association of Manufacturers, labor organizations, and the environmental community—all, I think, because efficiency is something that we can all agree on.

At long last, I am excited to see that the full Senate is again taking up this legislation as part of a bigger, more comprehensive bill.

Before I turn it over to Senator PORTMAN, who is here, I would also point out that two other provisions I have been working on are included in this comprehensive bill. One is smart manufacturing legislation, which uses technology to integrate all aspects of

manufacturing so that businesses can manufacture more while using less energy. The other provision deals with grid integration, because, as we know, this is one of the issues that the committee took up as part of this bill: How do we address our aging transmission and distribution infrastructure? The grid integration bill will ensure the broader deployment of clean and efficient technologies, such as solar, combined heat and power, and energy storage. I think that is important to strengthen this Nation's energy security.

Finally, I will close by saying that the Senate is working this week on a comprehensive energy bill for the first time since 2007, if it becomes law. Since then, we have seen a dramatic change in our economy, and we have seen a dramatic change in the world economy with respect to energy. The United States has greatly reduced our energy imports. We are now the world's top producer of oil and natural gas. In many places around the world, electricity generated by renewable sources, such as wind and solar, is cheap enough to compete effectively with electricity generated by fossil fuels. Just at the end of the year, we saw more than 180 countries come together to form a global plan to reduce greenhouse gas emissions and mitigate the effects of climate change. So we are truly experiencing a revolution in energy production and energy technology. It is way past time for our energy policies in America to catch up with that revolution.

I, again, thank the chair and ranking member and the entire energy committee, and, again, my colleague Senator PORTMAN for the great work he has done and that we have done together to bring this portion of the bill to the floor.

I yield to Senator PORTMAN.

Mr. PORTMAN. Madam President, I thank my colleague from New Hampshire, and I tell her that the third time is the charm. Right? We have had the bill before us twice now. We really think this is the opportunity for us to do something good for our constituents and for our country. This is an opportunity for us to pass energy efficiency legislation. It will help create more jobs, make the environment cleaner, make our businesses more competitive, make us less dependent on foreign sources of oil, and help with the trade deficit because of that. So this is a win-win for everybody, and, because of that, I thank Senator SHAHEEN for her work on this. We have been working on this for 4 years together. The last vote we had in the energy committee on this legislation was a 20-to-2 vote. As we have worked on this over time, we have received more and more support as people understood what we were doing and why it was so important for their States and for our country.

The economic growth in this last quarter was 0.7 percent, meaning less than 1 percent growth. That is discour-

aging. We have to look around and say: What can we do to help to get this economy moving again? One area is energy. There is no question about it. We believe our legislation will help. It is going to create jobs. We have the number out there, as Senator SHAHEEN talked about, and just under 200,000 jobs could be created by our legislation. We have an analysis that shows this. But this broader energy bill would also help. That is one reason we need to move forward on this.

We are grateful that our legislation is part of this broader bill called the Energy Policy Modernization Act. This legislation is one that Senator MURKOWSKI and Senator CANTWELL have been talking about on the floor. I support that broader legislation, also, as does Senator SHAHEEN, and we like it because it is a broader bill that looks at the energy issue as an "all the above." In other words, we should be using various sources of energy and producing more energy, but we should also be using what we have more efficiently.

We are delighted that our legislation—the Portman-Shaheen legislation—is title I of this broader bill. This is an opportunity for us to do something really good for the economy—this broader bill, as well as our specific bill. We think our specific bill is really important with regard to jobs.

One thing I hear back home from our manufacturing companies is that they would like to become more competitive so that they can create more jobs in Ohio and in America. We are starting to bring some jobs back because energy prices are relatively low, natural gas and oil in particular. But one of the issues they are facing overseas is that other countries are more energy efficient and their manufacturing companies are more efficient. So they are competing with companies that have a lower cost to produce the same product. So one reason they are excited about this legislation—and why the National Association of Manufacturers is for this legislation and has worked with us from the start—is that this provides them access to new technologies on energy efficiency that will let them compete globally with other companies and create more jobs. This is going to result in more jobs coming to Ohio, more jobs coming to New Hampshire, and more jobs coming to America. We like that about the legislation. It also has more jobs because these energy efficiency retrofits are going to create more jobs and activity here in this country. So as buildings become more efficient, we will need workers to work on that. We have some training programs in our legislation, for instance, to provide for that workforce. So we are going to create more jobs.

As to energy independence, the underlying bill lets us actually produce more energy here but use it more efficiently. I like producing more and using less. It is a nice combination, and

it lets us say to other countries in the world that we are going to be energy independent and not subject to the dangerous and volatile parts of the world where our energy comes from. We are going to be a net exporter over time. Energy efficiency helps us to be able to do that.

Our trade deficit is driven by a couple things. I am a former U.S. Trade Representative, and, yes, countries like China and other countries aren't playing by the rules. That is a problem, and we need to address that. But another one is energy. We still do need to bring in more energy than we are exporting. That is an opportunity for us to help our economy overall with efficiency and to help improve our trade deficit, which improves our environment.

Senator SHAHEEN talked about improving the environment, but the analysis she was using is that 21 million cars being taken off the road is the equivalent savings that is in this legislation for emissions. That is because of the energy efficiency. This is an opportunity for us to be much more energy efficient in terms of our economy and be more competitive but also to clean the environment. This is a good example.

By the way, it is not a big regulatory approach, as some other approaches are. It doesn't have any mandates in it, so it is not going to kill jobs. It is actually going to create jobs and yet help the environment. That is a good combination for us. It is one we are excited about because it is a way for us to both help the economy and help the environment. That is important too.

We are excited about getting this across the finish line because we know it is the right legislation. It is the right time. We think there is an opportunity for us to actually do something that is bipartisan, something we can get through the House and get to the President's desk for his signature.

One reason we are excited about the prospects of getting something done is that we have so much support around the country. There are over 260 trade association groups that have now supported this legislation. By the way, they range from the National Association of Manufacturers—as I talked about earlier—to the Sierra Club, to the Alliance to Save Energy, to the U.S. Chamber of Commerce. That is not a group that normally gets together on legislation. So this is an opportunity for us to get a lot of groups involved and focused because it does make good economic sense, good energy sense, and good environmental sense. While helping others in the private sector, the bill does not have mandates. I think that is very important. This is legislation that provides incentives but not mandates.

The final piece I want to talk about is one that everybody should be for. It is going to actually help reduce the costs of the Federal Government and therefore help us all as taxpayers; that is, to take on the Federal Government's efficiency challenge. We believe

the U.S. Federal Government is the largest energy user in the United States and may well be the largest energy user in the world. This is let's practice what we preach.

The Federal Government is talking about green technologies, energy efficiency, and so on, but in our own Federal Government we see huge gaps and huge opportunities. This legislation goes after that and specifically puts in place requirements for the Federal Government to be much more efficient with how it uses energy. That will make a big difference in terms of everything we talked about with regard to the environment and the benefits of efficiency, but it also helps the taxpayer because at the end of the day, we will be spending less on energy for the Federal Government as taxpayers.

It is another part of the legislation that I think is important and one where I would hope everybody would be supportive. Overall, we believe this legislation will save consumers \$13.7 billion annually in reduced energy costs. This is a big deal. This is something that if we can get it through the Senate this week and get it through the House and get it to the President for his signature, it will make a real difference for the families I represent and whom all of us in this Chamber have the honor to represent.

I thank Senator SHAHEEN for her patience over what has been 4, 5 years working on this together with me and the good work she has done and others have done to give us this opportunity to be able to help those folks whom we represent with an "all of the above" energy strategy that is good for jobs, good for the environment, and good for the taxpayer.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Madam President, as the Presiding Officer knows, we are busy working to complete action on the Energy Policy Modernization Act. I want to start by saying some good words about the leadership of Senator MURKOWSKI, the chairman of the energy committee, and her ranking member, Senator CANTWELL, who have gotten us to this point. Unless we drop the ball in the next couple of days, we ought to be able to wrap up our debate and deliberation on this very important bill that will help our country move forward with energy policies that reflect the times we are living in.

I also think we ought to reflect on what those times are because it was just a few short years ago when all of the pundits and experts were predicting peak oil. In other words, all the oil that could be discovered, they said, had been discovered and we would then be in a period of decline from that point forward. In the United States we also found ourselves in the main dependent upon imported oil from the Middle East. As you know, both of those have turned around. In other words, because of the innovation and good old all-American know-how, we are now exporting more energy.

To Senator MURKOWSKI's credit, she led the effort to lift the ban on exporting crude oil, so now American-produced energy can be made available on world markets. Just as significantly, we can make sure our friends and allies around the world aren't captive to people like Vladimir Putin, who uses energy as a weapon and threatens to cut off the energy supply, particularly of those countries in its orbit in the Baltics unless they are willing to go along with his heavy-handed tactics.

This is a very good story. This legislation will update our energy policies with that reality in mind and enable our country to continue to grow its role as a leading global energy power. I pause here to say that this is not just from people who come from an energy State as I do, such as from Texas or Alaska or North Dakota. The energy story is the story of world history in so many ways.

One of my favorite books is written by Daniel Yergin, a Pulitzer Prize-winning author. One of the books he has written is called "The Prize," which tracks the history of the globe and in an incredible sort of way, but he makes the point that so much of our history has been determined by the need for and attempt to gain access to reliable energy supplies and how important that is not only to our military to be able to fight and win our Nation's wars but to our economy, to the businesses that need access to reasonably priced energy and to consumers, obviously.

We are seeing the benefit now, those of us who filled our gas tank recently, of inexpensive gasoline prices because the price of oil has come down because of increased world supply. There comes a point where it is challenging to the industry, but they have been through ups and downs in the past, and I am sure they will make the appropriate adjustments.

In this legislation, in addition to addressing and modernizing our energy policies, we are doing things such as modernizing the electric grid. That is what keeps the lights on at night and keeps our thermostats working when it is cold and we have snowstorms like we had in Washington recently.

This bill will make our electricity supply more reliable and more economical in the long run. Just like we did with crude oil, this bill will help expedite the approval process for liquefied natural gas exports. It is amazing to me to think that a few short years ago we were building import terminals that would actually receive natural gas being exported from other countries to being brought to the United States to help us with our energy needs. Now those have been retrofitted and reversed so these export terminals are now exporting American energy to markets around the world.

I want to spend a couple of minutes talking about some amendments that I have offered to the underlying bill. Again, I must compliment the bill managers for working with various

Senators to try to work in, either through a voice vote or by some acceptance of amendments, provisions which are designed to improve this legislation. My amendments that I want to mention now are designed to address Texas's needs and the American people's needs from preventing overreach by the administration, particularly when it comes to your energy production and supply.

One amendment I have offered specifically targets an upcoming rule offered by the Bureau of Safety and Environmental Enforcement, known as BSEE. BSEE is an organization that most people are completely unaware of, but it is set to hand down a rule referred to as the so-called well control rule that deals with highly technical and complex safety producers for offshore wells.

Certainly, since the BP blowout in the Gulf of Mexico, we have become all too aware of the dangers of uncontrolled blowout of offshore drilling, but there has been a lot of very important study, work, and education that has been acquired since that time. The industry has done a lot to make itself safer.

You can imagine, if you are a publicly traded company or if you are not a publicly traded company, you sure don't want to be in the middle of another crisis like we saw with the BP blowout in the Gulf of Mexico for all sorts of reasons: People lost their lives, cost hundreds of millions of dollars, and of course the environmental impact along the gulf coast, including States like Texas. In typical bureaucratic fashion, the Bureau of Safety and Environmental Enforcement, BSEE, has refused to engage in discussions that might help clear up some confusion among stakeholders. They have been unwilling to take the time to fully vet the negative impact on their proposed rules and to talk to the people who know the most about it, and that would be the people who would be most affected by the rule.

My amendment would require BSEE to resubmit the rule but first by taking additional comments from stakeholders, and it would require the rule-making organization to have additional workshops with industry experts so everybody can understand what they are trying to accomplish and to do it more efficiently and better.

So often the very people who have the most expertise are in the industry the government tries to regulate. I know there is a natural reluctance to try to consult with and learn from the regulated industry, but the fact is, often—and it is true in this case—it is that industry that understands the process and both the risks and what protective measures need to be taken in order to accomplish the objective. So rather than just issuing a rule that is complex and highly technical without consulting the stakeholders who are sitting down and having a reasonable conversation trying to figure out



what you are trying to accomplish, have you thought of this, have you thought of doing it differently or a better way, that doesn't happen. Unfortunately, that is where we are with BSSEE.

In addition, I have submitted an amendment that protects property owners along a 116-mile stretch of the Red River, which borders the States of Texas and Oklahoma. This has to do with another bureaucracy called the Bureau of Land Management. A few years ago, the Bureau of Land Management claimed to actually own tens of thousands of acres along the Red River. As you can imagine, that came as quite a shock to the people who thought they owned that property, and now many of them are stuck today fighting the U.S. Government—their government—in court to reclaim the property that is rightfully theirs.

My amendment would help protect these landowners from this massive land grab. It would require a legitimate survey of the land in question to be conducted and approved by the authorities. It seems so commonsensical, but unfortunately common sense isn't all that common when you see the bureaucracy at work. With this amendment, these landowners would finally get a reasonably efficient means of resolution to this frustrating abuse of Federal Government power.

Another amendment I have submitted would address how States, counties, and other affected parties enter into a conversation about the Endangered Species Act. Too often States and local communities, not to mention private property owners, are left in the dark while interest groups they don't know much about conduct closed-door discussions with Federal authorities about potential listing of endangered species.

My amendment will give all of the stakeholders the opportunity to have a seat at the table and to have a conversation—it doesn't seem like a lot to ask—so both the regulators and the regulated can talk about the real impact those regulations will have on their daily lives and better inform the regulatory process.

These amendments get to different specific problems, but the common theme uniting them is a desire to try to lessen the interference by the government in our everyday lives. By pushing back against overbearing, costly regulations that don't actually accomplish the goal that even the regulators say they want to accomplish and ensuring that State and local communities and stakeholders play a role in this conversation which should be part of the regulatory process, the American people would be better served by this legislation.

As we continue these discussions on this bill, I hope my colleagues will consider these amendments and others like them to help get the government out of the way or to help correct the bureaucracy when it is misguided and

misinformed about how to actually accomplish consensus goals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 3023 TO AMENDMENT NO. 2953

Mr. LEE. Madam President, I call up my amendment No. 3023.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 3023 to amendment No. 2953.

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

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

The amendment is as follows:

(Purpose: To modify the authority of the President of the United States to declare national monuments)

At the end of subtitle E of title IV, add the following:

**SEC. 44. . . . MODIFICATION OF AUTHORITY TO DECLARE NATIONAL MONUMENTS.**

Section 320301 of title 54, United States Code, is amended by adding at the end the following:

“(e) EFFECTIVE DATE.—A proclamation or reservation issued after the date of enactment of this subsection under subsection (a) or (b) shall expire 3 years after proclaimed or reserved unless specifically approved by—

“(1) a Federal law enacted after the date of the proclamation or reservation; and

“(2) a State law, for each State where the land covered by the proclamation or reservation is located, enacted after the date of the proclamation or reservation.”

Mr. LEE. Madam President, I ask unanimous consent to speak for up to an additional 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. Madam President, if there is one thing we know about American politics—if there is one thing we have learned from the 2016 Presidential race thus far—it is that there is a deep and growing mistrust between the American people and the Federal Government. This institution, Congress, is held in shamefully low regard by the people we were elected to represent, but so, too, are the scores of bureaucratic agencies that are based in Washington, DC, but extend their reach into the most remote corners of American life.

In my home State of Utah, the public's distrust of Washington is rooted not in ideology, but experience. In particular, the experience of living in a State where a whopping two-thirds of the land is owned by the Federal Government and managed by distant, unaccountable agencies that are either indifferent or downright hostile to the interests of the local communities that they are supposed to serve. I have lost track of the number of stories I have heard from the people of Utah about their run-ins with Federal land management agencies, but there is one story that every Utahan knows: Presi-

dent Bill Clinton's infamous use of the Antiquities Act in 1996 to designate as a national monument more than 1.5 million acres of land in southern Utah—what would become known as the Grand Staircase-Escalante National Monument.

What Utahans remember about this episode is not just what President Clinton did, but how he did it. Signed into law in 1906, the Antiquities Act gives the President power to unilaterally designate tracts of Federal land as “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.” The purpose of the law is to enable the Executive to act quickly to protect archaeological sites on Federal lands from looting, destruction, or vandalism.

But the Antiquities Act is not supposed to be *carte blanche* for the President. In fact, it is quite the opposite. The language of the law is clear. It instructs the President to restrict the designation of national monuments under the Antiquities Act to the “smallest area compatible with proper care and management of the objects to be protected.” So you can imagine the surprise, and, in fact, the indignation across the State of Utah following President Clinton's decision to annex a stretch of land roughly 1½ times the size of the State of Delaware and then to give control over that land to a Federal bureaucracy that routinely maintains a maintenance backlog that is several billion dollars higher than its multibillion-dollar annual budget.

Even worse than the enormous size of the designation was the Clinton administration's hostility toward the people of Utah and the communities that would be most directly and severely affected by his decision. Not only did President Clinton announce the monument designation in Arizona—over 100 miles from the Utah State border—but he refused to consult or even notify Utah's congressional delegation until the day before his announcement. Consulting with the people who live and work in the communities around a potential national monument area isn't just a matter of following political etiquette, it is a matter of ensuring that Federal land policy does not rob citizens of their livelihood, which is exactly what happened as a result of the Grand Staircase designation.

Utah's economy is built on the farm and agriculture industry, and livestock is the State's single largest sector of farm income. But of the 45 million acres of rangeland in Utah, nearly three-quarters is owned and managed by the Federal Government.

Since the 1940s, Federal agencies have slashed livestock grazing across the Utah landscape by more than 50 percent—a policy of economic deprivation that accelerated after 1996 on rangeland within the Grand Staircase case. Even today the Bureau of Land Management shows no sign of relenting.

For most people, the Grand Staircase episode is a case study of government-sponsored injustice and a form of bureaucratic tyranny. For me, it brings to mind the line from America's Declaration of Independence in which the colonists charge that the King of Great Britain "has erected a multitude of New Offices and sent hither swarms of officers to harass our people, and eat out their substance."

But for President Obama and the radical environmental groups that have co-opted Federal land agencies, it is the textbook model for the application of the Antiquities Act. In fact, it appears that President Obama is considering using his final year in the White House to target another vast tract of land in southern Utah for designation as a national monument. Covering 1.9 million acres of Federal land in San Juan County, this area, known as Bears Ears, is roughly the same size as the Grand Staircase. Both are situated near the southern edge of the State, and both possess an abundance of national beauty unrivaled by any place in the world.

The similarities don't end there. Each area is home to a group of Utahans deeply connected to the Federal land targeted by environmental activists for a national monument designation. In the case of the Grand Staircase, it is the ranchers, and in the case of Bears Ears, it is the Kaayelii Navajo. The Kaayelii believe that a national monument designation in Bears Ears, their ancestral home, would threaten their livelihood and destroy their very way of life.

Their concerns are well founded. In the 1920s and 1930s, hundreds of Navajo families settled on homesteads located in national monuments only to find themselves steadily pushed out by imperious Federal agencies all too eager to eradicate the private use of public lands. So it should come as no surprise to us today that the Kaayelii are protesting the unilateral Federal takeover of Bears Ears and calling on the Obama administration to forgo the high-handed approach to land conservation that was employed by President Clinton in 1996.

The Kaayelii, of course, are not opposed to the protection or the conservation of public lands. They care about the preservation of Bears Ears just as much as anyone else. To them, the land is not just beautiful, it is also sacred. They depend on it for their economic and spiritual survival, which is why all they are asking for is a seat at the table so that their ancestral land isn't given over, sight unseen, to the arbitrary and arrogant control of Federal land management agencies.

I agree with the Kaayelii. The President of the United States has no business seizing vast stretches of public land to be micromanaged and mismanaged by Federal agencies, especially if the people who live, work, and depend on the land stand in opposition to such a takeover. There is no denying

that the people of San Juan County reject the presumption that they should have no say in the management of the land in their community. The truth is that most of those who have mobilized to support a monument designation at Bears Ears, including several Native American groups, live outside of Utah in States such as Colorado, New Mexico, and Arizona.

By contrast, the people of San Juan County, UT—the people whose lives and livelihoods are intricately tied to Bears Ears—stand united in their opposition to a monument designation. That is why I have offered amendment No. 3023, which would update the Antiquities Act in order to protect the right of the Kaayelii and their fellow citizens of San Juan County to participate in the government's efforts to protect and preserve public land.

Here is how my amendment works: It preserves the President's authority to designate tracts of Federal land as national monuments, but it also reserves a seat at the table for people who would be directly affected by Executive action. It does so by opening the policymaking process to the people's elected representatives at the State and Federal levels so they can weigh in on monument designations.

Under my amendment, Congress and the legislature of the State in which a monument has been designated would have 3 years to pass resolutions ratifying the designation. If they fail to do so, the national monument designation will expire. Some critics might claim that this amendment would take unprecedented steps to curtail the President's monument designation authority under the Antiquities Act. This is not true. This, in fact, is nonsense. The truth is that Congress has twice passed legislation amending the Antiquities Act. In 1950, Congress wholly prohibited Presidential designation of national monuments under the Antiquities Act in the State of Wyoming. Some 30 years later, Congress passed another law requiring congressional approval of national monuments in Alaska larger than 5,000 acres.

If you have ever visited Wyoming or Alaska, you know that these provisions have not led to the parade of horrors conjured up by radical environmental activists who seem intent on achieving nothing short of ironfisted Federal control of all Federal lands.

In reality, the States of Wyoming and Alaska have proven that national monument designations are not necessary to protect and conserve America's most beautiful, treasured public lands. So why should the people of Wyoming and Alaska enjoy these reasonable, commonsense protections under the law while the people of Utah—and indeed, the people of every other State in the Union—do not enjoy the same protections? There is no good answer to this question except, of course, the adoption of my amendment.

To anyone who might suggest that the people of these communities in and

around national monuments are not prepared to participate in the monument process and policy process that leads to the creation of a monument, I invite you to visit San Juan County in southeastern Utah. You will see a community that is not only well informed about the issues and actively engaged in the political process, but also genuinely dedicated to finding a solution that works for everyone.

The people of San Juan County—from the Kaayelii to the county commissioners—have the determination that is necessary to forge a legislative solution to the challenges facing public lands in their community, and that is exactly what you would expect. San Juan is a hardscrabble community. It is one of the most disadvantaged in the entire State of Utah, but you wouldn't know it from the people there. The citizens of San Juan County are hard-working, honest, decent, and happy people. Yet for far too long, Federal land management agencies have given the people of San Juan County and the people all across America little reason to trust the Federal Government.

My amendment gives us an opportunity to change that. If Congress wants to regain the trust of the American people, we are going to have to earn it, and one of the ways we can earn it is by returning power to the people, and that is what this amendment would do. Passing this amendment giving all Americans a voice in the land management decisions of their community would be a meaningful and important step toward earning back that trust. I urge my colleagues to lend their support to this amendment and the vital public trust that it will help us to rebuild.

I thank the Presiding Officer, and I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Washington.

**Ms. CANTWELL.** Madam President, I am hopeful that before we go to the caucus lunches, we will be able to move forward on a few more amendments and the scheduling of votes. Hopefully we will be able to do that in a few minutes.

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.

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

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Ms. MURKOWSKI.** Madam President, we are making some good progress here in the intervening hours since we came to the floor this morning and began business.

Working with the ranking member on the Energy and Natural Resources Committee, we have come to an agreement to announce a series of amendments that will be voted on. I want to acknowledge the effort that has gone back and forth on both sides to make

sure folks have an opportunity to weigh in and vote on amendments that are important to them. I think we have a good series here that we will announce.

It is our hope that as we move to vote on these amendments, we will also continue the good work we have done to try to advance some other measures that will be able to go by voice votes, and we will be working on those throughout the day.

Madam President, I ask unanimous consent that it be in order to call up the following amendments: No. 3182, Rounds, as modified; No. 3030, Barrasso; No. 2996, Sullivan; No. 3176, Schatz; No. 3095, Durbin; and No. 3125, Whitehouse; that following the disposition of the Franken amendment No. 3115, the Senate proceed to vote in relation to the above amendments in the order listed with no second-degree amendments in order prior to the votes; that a 60-vote affirmative threshold be required for adoption; and that there be 2 minutes of debate equally divided prior to each vote.

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

Ms. MURKOWSKI. Madam President, I would note that there will now be a series of eight votes when we commence at 2:30 this afternoon, and recognizing that there are committees meeting and other Senate business going on, we would hope to be able to process these votes relatively efficiently, respecting that 10-minute vote parameter, so that we can move through them in a manner that respects others' schedules.

With that, Madam President, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### ENERGY POLICY MODERNIZATION ACT OF 2015—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided in the usual form.

The Senator from Arizona.

AMENDMENT NO. 3023

Mr. FLAKE. Mr. President, I rise today in support of Lee amendment No. 3023, which places commonsense limitations on the ability of the executive branch to unilaterally lock up large swaths of public land. Specifically, the amendment provides Congress and the applicable State legislatures a 3-year window to approve Presidentially declared national monuments, ensuring that land use decisions finally have the input from the impacted States.

Arizona knows all too well the effects of restrictive Federal land designa-

tions. Like most Western States, a significant portion of Arizona is under Federal ownership. Arizona leads the Nation with a total of 21 national parks and monuments. Like most, our Federal land is a mix of single-purpose lands set aside for recreation and multiple-use lands providing opportunities for grazing, mining, and timber production. The ability to use these lands for multiple purposes is critical; however, a national monument designation can take away that opportunity with one stroke of the President's pen.

It is also worth noting that a monument designation has the potential to change the character of the water rights associated with Federal lands—an outcome I am working to prevent with separate stand-alone legislation.

There is a real concern that the President will take unilateral action to increase the Federal Government's ownership of Federal lands. In fact, one recent proposal would lock up another 1.7 million acres right in Arizona to create yet another national monument. That is an area larger than the entire State of Delaware. The negative impact of such a land grab would likely extend to activities such as hunting, livestock grazing, wildfire prevention, mining, and other recreation activities. Last March Senator MCCAIN and I sent a letter to the President urging him to not unilaterally pursue this monument designation. This sentiment is echoed by a large number of individuals throughout Arizona, including State and local officials, several municipalities, and a wide range of sportsmen's groups.

The Lee amendment would give these stakeholders a voice in the monument designation process, and I am happy to be a cosponsor and to support this amendment on the floor today.

I also look forward to considering several amendments I have submitted on this legislation as well regarding safeguarding hydropower production, reimbursing national parks after a government shutdown occurs, and creating a database to increase transparency for WAPA customers.

Mr. President, I yield the floor.

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.

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

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

Ms. CANTWELL. Mr. President, we are about to vote shortly on the Lee amendment.

I rise to speak in opposition to that amendment and to remind my colleagues that this is a vote that we took around the same time last year.

The Antiquities Act is one of our Nation's most successful conservation laws. It was signed into law in 1906 and used by President Theodore Roosevelt to designate Devils Tower in Wyoming as its first national monument.

In the 110 years since its enactment, the Antiquities Act has been used by 16 different Presidents—8 Republicans, 8 Democrats—to designate more than 140 national monuments, including the San Juan Islands and the Hanford Reach in the State of Washington. Nearly half of our national parks, including national icons, such as the Grand Canyon and Olympic National Park, were designated as national monuments under the Antiquities Act. However, the amendment of the Senator from Utah would effectively end the President's ability to use the Antiquities Act to protect these threatened lands. His amendment requires that the national monument designation will expire after 3 years unless Congress enacts a law specifically approving the designation, and the State in which the monument would be located would also have to approve the designation. So this amendment requires State and Federal approval over a Federal land designation, which is unprecedented, giving away Federal land management responsibilities to States and a veto over these conservation efforts.

I hope that, as my colleagues look at this first vote, they will oppose this amendment. As I said, I strongly do, and I hope our colleagues will look at their past record on this as well, because I am pretty sure we are all on record on our side in opposition to this amendment in the past.

With that, I know we are probably ready to proceed to the vote.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I rise to speak in support of my amendment No. 3023.

The purpose of this amendment is simple—to put in the hands of the people the right to decide whether a monument close to them will be designated. My amendment would leave intact the President's authority to designate a monument such that we could protect land from imminent destruction, but it puts a fuse on that. It puts a finite limit on that authority so that within 3 years that monument designation would expire unless both the host State has acted to embrace it and Congress has affirmatively enacted the monument designation into law.

The American people demand and deserve nothing less than to have decisions such as these put in the hands of their elected representatives rather than simply handed over to one single official who doesn't stand accountable to the American people.

I encourage my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3023.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.