

Ms. MURKOWSKI. I also wish to speak to how the rule impacts the development of hydropower in the State of Alaska. We are looking to find energy solutions, clean energy solutions. Hydropower is huge for us. Alaska has nearly 300 prime locations for hydrodevelopment, nearly 200 in Southeast Alaska alone, but many of them require the construction of powerhouses or transmission lines that may rest on wetlands or cross wetlands as defined by the new rule—and that is a big problem.

A good example of this is Crater Lake, a fishing community of Cordova, down in Prince William Sound. Crater Lake is at an elevation of 1,600 feet, straight up from the ocean. Cordova has been looking at this small hydro opportunity to advance their energy solutions. It is clean. It is renewable. It is carbon free. There are no fish issues. So this is perfect for them. Prior to WOTUS, it was anticipated that it would be about a 12- to 18-month process to permit this small hydroproject. What the Federal nexus WOTUS brings, this project is now likely to end up in the FERC process, and what was expected to be about \$150,000 to \$200,000 in permitting costs is now looking to be closer to \$1 million and take potentially 3 to 5 years. Think about it. For a small community like Cordova that is trying to find small energy solutions for this fishing community, these additional costs are likely going to kill this small project. And what happens? The community continues providing their power by diesel, when we have a clean opportunity, but that opportunity is going to be suffocated by this rule.

Most of coastal Alaska, with its rugged mountains filled with rivulets and waters, will be subject to these case-by-case determinations. Simply performing the science and providing justification to the EPA for these adjacent water determinations will add cost to projects and likely delay any development as the determinations are litigated.

If any projects do make it to the finish line, their higher costs under this rule will mean their electricity is ultimately less affordable for Alaskans. The costs we face when developing in Alaska are already steep enough. They will be magnified and worsened by the final WOTUS rule. I am grateful to our colleagues on the EPW Committee, who recently reported out bipartisan legislation, which I cosponsored, which requires the agencies to develop a better rule.

These two bills will help provide relief to local governments. The Infrastructure Rehabilitation Act will allow the Secretary of the Army to waive the notice and comment period required by the Clean Water Act when a natural disaster has damaged critical infrastructure and a local government needs to rebuild.

We also have the Mitigation Facilitation Act, which will allow the Secretary to provide loans to local govern-

ments in order to ease the burden created by 404 permits and the overreaching scope of the new WOTUS rule. If the Federal Government is going to require hugely burdensome and expensive mitigation projects, effectively an unfunded mandate, the government should assist municipalities by providing loans and loan guarantees to small local entities. So I have introduced these two bills and am looking forward to having them move forward, in addition to what the EPW Committee has done.

Alaska will be the State most heavily impacted just because of the nature of our wetlands. An analyst done by EPA and the Corps suggests that at the high end, the mitigation costs to Alaska could be \$55,000 per acre—\$55,000 an acre. With 43 percent of our land requiring mitigation for any sort of development, these costs will halt many development projects. And when combined with the cost of even getting a permit, which averages about \$270,000, economic development will be seemingly impossible in many parts of the State.

But it goes further than that because EPA can also issue civil penalties for violations of a permit or for failing to have a permit when it thinks you should have one. These penalties can be assessed at a rate of up to \$37,500 per day and doubled if the person being fined has been issued an administrative compliance order and EPA decides there has been a violation of that order. The threat of these penalties is another cost that people have to take into account when they are developing property.

There are so many places in Alaska that are more than 4,000 feet away from some kind of water. We are close to water. We are close to water everywhere. We have too many rivers, too many lakes, too many wetlands. We love them all. But we are the only State that has permafrost, and we have no idea at this point in time whether or not, and under what circumstances, these areas might be regulated. We have incredible uncertainty working against.

The bottom line is that the new WOTUS rule will have results that in many cases will just be absurd in Alaska and add significant, significant costs. For us, this rule is the equivalent of the Roadless Rule that killed off logging in the Tongass National Forest, ending hundreds of jobs.

I know this is an issue that many of us in this body care about, many of us in this country care about. It speaks to what we see when we have agencies that go beyond their jurisdictional authority, that go beyond the scope of the laws that were passed with good intentions. I want us to get back to that place of laws that allow us to have clean air, clean water. But when we see interpretations like we have with this, it is time to stop them.

Madam President, I thank my colleague for the indulgence of some additional time.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### NUCLEAR AGREEMENT WITH IRAN

Mr. BOOKER. Madam President, I rise as negotiations between the P5+1 nations and Iran enter their final phase. The President deserves our thanks for his commitment to eliminating the nuclear threat we face from Iran, and we owe the negotiating team our gratitude for their tireless and ongoing work to achieve a meaningful deal.

For decades, Iran has posed a serious, real, and ongoing threat to the U.S. national security interests. Iran's pursuit of its hegemonic ambitions in the Middle East has manifested in the training and arming of Syrian President Bashar al-Assad's forces and terrorist organizations such as Hezbollah. More recently, Iran's increased intervention in the conflicts in Yemen and Iraq pose dangerous and unpredictable regional consequences. Iran's Ayatollah Khamenei continues his horrific and unacceptable calls for the destruction of the State of Israel and has not yet come clean about the dimensions of Iran's nuclear program.

The stakes of these nuclear negotiations clearly could not be higher. Nothing less than the peace and security of the Middle East hangs in the balance.

The Iran Nuclear Agreement Review Act, the hard-fought legislation crafted by Senators BOB CORKER, BEN CARDIN, and New Jersey's own Senator MENENDEZ—of which I am a cosponsor—sets up a clear and constructive process for Congress to weigh in on any final deal that touches upon the statutory sanctions Congress has enacted.

With just days remaining before a final deadline, Congress must continue to voice its concerns and exercise its oversight authority. To me, this role is at the bedrock of our role, and Congress must play its role. As my senior Senator, Senator MENENDEZ, has stated: If the interim period is just a short-term pause that preserves for Iran the ability to quickly restart its nuclear program, we will have failed the American people, and we will have our allies and friends to whom we have vowed to protect from Iranian aggressions.

Any final agreement must build in the ability to hold Iran to its commitments and to prevent the absolute nightmare of a nuclear Iran from being realized.

My intent today is to ensure that the administration, which has worked tirelessly to prevent Iran from gaining access to a nuclear weapon, has the best possible chance of success once the final agreement reaches Congress. The framework agreement released on April 2, 2015, leaves gaps, some of which I would like to spend a few moments highlighting today.

First, a robust and comprehensive inspections and verification regime must be the foundation of any deal that is

reached. With Iran's known enrichment facilities at Natanz and Fordow, as well as a heavy water reactor at Arak, under international oversight, the country's leaders would almost certainly look elsewhere to conduct any secret nuclear work.

Iran, of course, denies any desire to build a bomb, but distrust of Iran is based on deep historical precedence. Iran secretly built and operated Natanz and Fordow, and they still haven't come clean about their past military nuclear activities at Parchin. Therefore, ensuring a robust inspections regime is critical for my support of a final deal.

The Joint Comprehensive Plan of Action—JCPOA—fact sheet released on April 2 stated that Iran will be required to grant access to the IAEA to investigate suspicious sites or allegations of covert facilities anywhere in the country.

It was hoped that rapid inspections would underwrite the verifiability of the agreement, so if Iran were suspected of violating the agreement, the IAEA would have access to those suspected sites.

According to the latest reports, the IAEA would have the ability to investigate undeclared sites; however, Iran would still be able to dispute those requests in an international forum made up of five permanent members of the U.N. Security Council—the United States, Britain, France, Russia, and China—plus Germany, the EU, and Iran. As we look forward to examining the contours of an inspection regime, we must be wary of any proposal that allows Iran to jam up the IAEA and the dispute resolution process, while removing any evidence of violations that are occurring.

Our negotiators should expect questions from this Chamber: Are there clear loopholes for cheating? Does the administration have high confidence that Iran is not making bomb material at its declared nuclear facilities and that the inspectors are able to detect clandestine facilities?

Our standard will be an arrangement that prevents Iran from dodging or hiding from an inspections regime. Our intelligence, together with enhanced inspections, must be able to ensure that the United States will catch Iran if it takes the risk of pursuing a secret pathway to nuclear weapons and pursuing secret nuclear activities.

Let's not forget that Iran has a dismal record of compliance with its international obligations. Iran has a 30-year record of cheating on the non-proliferation treaty—30 years of cheating. Iran has a 30-year record of cheating, but already the Ayatollah stated that Iran will not allow inspections at military sites today. Khamenei is already backtracking on major commitments agreed to by negotiators on all sides.

This is a serious issue, and in my opinion, it is a clear ploy by Iran to frustrate the negotiations and move

the goalpost on these negotiations. Even more so, understanding the history, this reinforces how much we don't know about the military dimension of Iran's past activities. We have no baseline for monitoring Iran moving forward without an understanding of what has been sought in the past.

This is not new. The IAEA has raised these concerns. The April 2 JCPOA says: "Iran will implement an agreed set of measures to address the IAEA's concerns regarding the past military dimensions of its program."

Secretary Kerry stated in April that past military dimensions "will be part of a final agreement. If there's going to be a deal, it will be done." I applaud the Secretary's commitment to ensuring that the Iranians' past behavior will play a clear role in the ongoing negotiations.

We know that in this Chamber, my colleagues will examine this closely. We will also examine timelines. In the best-case scenario, for 10 to 15 years, Iran will limit its research and development, limit its domestic enrichment capacity, will not build new enrichment facilities or heavy water reactors, will limit its stockpile of enriched uranium, and will accept enhanced transparency measures. After 15 years, when it is allowed under the terms of the agreement to build its stockpile, it will only be able to do so for peaceful purposes.

But I believe we have to be clear-eyed about the other scenario, which is that after 10 to 15 years—a blip in time for a regime that has been under sanctions for decades—Iran ramps up its research and development efforts on advanced centrifuges, installs these centrifuges, and decides to break out.

Would this deal enhance the intelligence picture of Iran's nuclear capability? That is an important question. If so, would it adequately inform our military options should Iran attempt that breakout?

Are there assumptions being made that in the short term Iran may undergo internal political changes that will make them more favorable to the West? Are we assuming that in making this deal? Relying on such assumptions would be a dangerous gamble. There are no assurances about what the future state of their regime will be.

Finally, Congress must be clear that this deal must not only be credible to Congress, but it must also satisfy Iran's neighbors that have much to gain from an Iran that follows established international norms and far too much to lose if we allow a deal that leaves Iran's neighbors vulnerable to reckless rhetoric and aggression. If other countries believe we have wavered in our resolve to get the strongest possible deal, it will be very difficult to discourage other countries from developing or pursuing a weapon. This could lead to proliferation, and such proliferation would be catastrophic. It would be a catastrophic blow to an already unstable and unpre-

dictable region. This is not an abstract concern; Iran's neighbors are watching these negotiations carefully.

While I sincerely hope that in 50 years future Senators will discuss how the United States did what no other nation was able to do—build a comprehensive sanctions regime that brought Iran to the negotiating table, neutralized the threat of nuclear proliferation in the Middle East, and succeeded in putting an end to dangerous calls for the destruction of Israel—success is not certain. Success is not an inevitability.

I will not judge this deal before I see a final agreement. I encourage my colleagues to read the final text, as I am sure they will, before making judgments about the deal. We need to see what is in it.

Under the Joint Plan of Action, we have seen unprecedented inspections of Iran's nuclear infrastructure take hold. Iran's enriched stockpile has shrunk. There are limitations on their enrichment processes. Enrichment has been confined to one facility. This is progress. It is my hope that the negotiators are building upon this progress and working toward a comprehensive final deal. There is much at stake. The bar is set high—as it should be—for a deal, and the questions I have raised are among the many that will be asked and that must be asked as we examine a final deal in the coming weeks.

#### THANKING SENATE PAGES

Mr. BOOKER. Madam President, if I may take one more moment, today, as I understand, or tomorrow is the last day for this group of pages to be here with us.

I have been in this Senate now a little bit longer than this group of pages—about 20 months now. We see these groups of pages, and it is extraordinary to see young people come from all over America. Some of them may go on to government, but most of them will go on to do other things. We see them come into this Chamber and continue a tradition that has been going on for decades. They come and they go. But I want everyone to know that they really do enrich our experience here as Senators, and they help the staff do invaluable work for the operations of the Senate. They may be viewed as the lowest on the totem pole in this institution, but their value and the legacy they are continuing is a noble one.

Today, on the penultimate day of this group of pages, I wish to offer them my gratitude for their service to our country.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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