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Senate

The Senate met at 3 p.m. and was called to order by the Honorable BILL CASSIDY, a Senator from the State of Louisiana.

PRAYER

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

Let us pray.

Eternal Spirit, the center of our joy, You are the source of all of our blessings. Thank You for Your unfailing love that provides us each day with the privilege of glorifying Your Name. Lord, help us to remember that You are an ever-present help for all our troubles.

Today, inspire our Senators to trust You to direct their steps. As they are pressed by many issues, help them to slow down long enough to seek Your wisdom. Cheer their hearts with the knowledge that in everything You are working for the good of those who love You, sustaining them by Your grace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 1, 2016.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BILL CASSIDY, a Senator from the State of Louisiana, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. CASSIDY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ENERGY POLICY MODERNIZATION BILL

Mr. MCCONNELL. Mr. President, the senior Senator from Alaska knows that reform is urgently needed to modernize America's energy policies for a new era, with new challenges and new opportunities. Under her leadership, the energy committee has worked hard the past year to achieve that aim. The committee convened listening sessions, the committee held oversight hearings, the committee worked hard and worked across the aisle focusing on areas of common ground that can move our country forward.

That constructive and collaborative process ultimately resulted in a broad bipartisan energy bill, the Energy Policy Modernization Act. It cleared committee with the support of more than 80 percent of the Senators, Republicans and Democrats alike, including the top energy committee Republican, the Senator from Alaska, and the top energy committee Democrat, the Senator from Washington. Both recognize the importance of preparing our country for the energy challenges of today and the energy opportunities of tomorrow.

They are also committed bill managers. I ask colleagues to continue working with them as they have amendments. Talk to the Senators from Alaska and Washington and get your amendments dealt with. This is

bipartisan legislation that provides a commonsense approach to help Americans produce more energy, pay less for energy, save energy, all without raising taxes or adding to the deficit.

So let's keep working and move the process forward. Let's keep working to pass this bipartisan bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY MODERNIZATION ACT OF 2015

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2012, which the clerk will report.

The bill 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 (Mr. TILLIS). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

CONGRATULATING THE NFL'S NFC CHAMPION CAROLINA PANTHERS AND THE ARIZONA CARDINALS

Mr. MCCAIN. Last week, Senator TILLIS and I agreed to a friendly—or not so friendly—wager on the NFC championship game. The terms of that friendly wager are that the loser would

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



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deliver a congratulatory speech on the Senate floor and wish the winner luck in the Super Bowl. Unfortunately—even tragically—this is what brings me before you today. It is also why I am wearing this unsightly blue tie, which I am sure is an assault on the senses of C-SPAN viewers all over the world.

It is with all sincerity that I wish the Carolina Panthers luck as they play the Denver Broncos in Super Bowl 50. The 15-1 NFC championship season has been nothing short of remarkable. Led by head coach Ron Rivera and the sensational quarterback Cam Newton, the Panthers have been a dominant force all season long as they certainly were against the Arizona Cardinals. I have no doubt we will see the Panthers' explosive offense continue to have success in Super Bowl 50. While I could go on about the Panthers' impressive offensive line and coaching staff, I would like to take this opportunity to congratulate my Arizona Cardinals on an exceptional season that included numerous milestones. The Cardinals' wide receiver Larry Fitzgerald wrote recently that the Cardinals "broke the mold of what kind of football people expect to be played in the desert." Witnessing this team achieve a franchise record of 13 regular season wins and a No. 2 seed in the NFC, Arizonans could not agree more.

Perhaps there is no better example of the Cardinals' toughness and never-say-die attitude than their thrilling January 16 overtime win over Green Bay. After an improbable Hail Mary touchdown pass from Green Bay quarterback Aaron Rodgers to send the game into overtime, the Cardinals—boosted by two amazing and memorable plays by the legendary Larry Fitzgerald—scored the game-winning touchdown to advance to the NFC championship game.

I have always been proud to count myself among the most loyal and spirited Cardinals fans, and I am confident Arizona will continue to see exciting Super Bowl-caliber performances in the season to come.

Congratulations to Arizona Cardinals' president Michael Bidwell, head coach Bruce Arians, and the members of the 2015 Arizona Cardinals on a banner season. I also recognize Larry Fitzgerald, Carson Palmer, Patrick Peterson, Mike Iupati, Justin Bethel, Calais Campbell, and Tyrann Mathieu, known as the Honey Badger, for being selected to represent the Cardinals in the Pro Bowl this year.

All season long, these two teams stood among the best in the NFL. On any given Sunday, anything can happen. Unfortunately, for my Cardinals last Sunday was not their day.

Senator TILLIS, you may have gotten the best of me this year, but I have a good feeling this is not the last time one of us will stand before the body to offer our congratulations. You would be wise to get a head start and purchase a Cardinals' red and white tie now because you will be standing in my

shoes this time next year. I guarantee it.

To Carolina Panthers head coach Ron Rivera, the NFL's probable MVP Cam Newton, and every member of the Carolina Panthers football team, good luck on Sunday. To my beloved Cardinals, thanks for an exciting season. I look forward to your bringing a Super Bowl trophy home to the valley next year. Go Cards.

Mr. President, I gladly yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WELCOMING THE NEW PAGES

Ms. MURKOWSKI. Mr. President, before I begin my remarks, I want to welcome the new pages to the Senate. We said goodbye to a great group of young men and young women from around the country last week, their last day being Friday. Here we are on Monday, and we have a whole new batch.

So to you all, through the Chair, welcome. Know that you are here at a most exciting and interesting time. We rely on our pages a great deal, and it is always nice to see these young ambassadors who come to us from around the country to serve us in the Senate. Welcome.

Mr. President, I wish to give an update as to where we are on the status of our broad bipartisan energy bill. Last week we started out a little rough because of the blizzard, the snow days. But once we began the debate, we heard some very strong statements in support of our Energy Policy Modernization Act.

We heard it from Members on both sides of the aisle, and that was very encouraging. We heard Members tout provisions that relate to supply, to innovation, to efficiency, really the whole gamut.

As we promised, we began an open amendment process, which has already drawn close to 200 proposals now. Last week we accepted 11 amendments. We had three rollcall votes, and we had eight voice votes. I think it is important to recognize that those amendments were sponsored by 10 different Senators. They were cosponsored by many, many others, and they really add to the Members whose priorities we have seen incorporated into the energy bill through the process that we had in committee. So the benefit of really getting back to regular order, where you have good, robust committee work, then being able to come to the floor, to go through the amendment process, and then to gain input from other Members is kind of good, old-fashioned governing. I like the fact that we are back to it.

We agreed to boost our efforts to develop advanced nuclear energy technologies. This came to us by way of an amendment from a very diverse group. Some might not have anticipated the collection of Senators that this advanced nuclear energy technology measure brought together. It was the two Senators from Idaho, RISCH and CRAPO, and we had Senator BOOKER, both Senator KIRK and Senator DURBIN from Illinois, as well as Senator HATCH and Senator WHITEHOUSE. With this amendment, we have all different perspectives in terms of political perspectives as well as geographic.

We also agreed to a proposal from Senator DAINES and Senator TESTER that will help facilitate the use of clean, renewable hydropower in their State of Montana.

Among others, we agreed to an amendment from Senator CAPITO and Senator MANCHIN to study the feasibility of an ethane storage and distribution hub in this country. I think that is a real possibility as a result of the shale gas revolution.

We moved through 11 amendments. Eleven is a good number, but, honestly, I would have hoped that we would have been able to process more amendments last week. What we are going to do this week—and I am going to put everybody on notice—is that we are going to redouble our efforts. I want to move forward and process even more over these next couple of days.

Our staffs have been extraordinarily busy over this weekend, as have I and as has been Senator CANTWELL, my ranking member. We were going through all of the amendments that have been offered to the bill, determining which ones we can clear, which ones we need to bring up for a vote, and which may not be offered at all. We are moving right along, and that is good. We need to keep moving right along because we know that time on the floor is not unlimited. As important as the energy bill is and as important as modernizing our energy policies are, we are not the only show in town here. There are Members and there are other committees that are either on deck or want to be on deck. They are waiting for their turn and are waiting to move to advance their bills.

If we still have Members who are thinking about filing amendments, I strongly encourage that be done today. We have dozens of options to vote on. So at this point, unfiled amendments are really at a disadvantage, just given all that we are dealing with. Know that we are going to process as many amendments as possible, but the window for advancing them is closing rapidly.

Many of the amendments we are seeing would address opportunities and challenges from across the energy spectrum. I really am thankful for the Senators who have come forward with very, very constructive suggestions and for their work to make this bill even better.

As we resume consideration of this legislation today, I also want to explain how the provisions that are already within the Energy Policy Modernization Act will help our country. I want to do that today—to spend a few minutes this afternoon—by explaining how it will benefit my home State of Alaska, how it will help Alaskans produce more energy and more minerals, how it will help Alaskans pay less for their energy, and how it will boost Alaska's economy at a time when we really need a boost.

The most obvious place to start is with supply. Alaska, as all my colleagues know, is a producer for the rest of the country—really, for the rest of the world. That is our legacy. It is also our future. That is because we are blessed with an amazing abundance of resources that most States—and, really, even most countries—cannot even dream of. You name the resource, and there is a pretty good chance that we have it. In fact, there is a pretty good chance that we have a lot of it.

How will our bill help Alaska produce more energy and minerals? For starters, it boosts hydropower development. Hydropower right now provides 24 percent of our State's electricity, which is good and critically important. There are however more than 200 promising sites with untapped hydropower potential. So our commitment to this clean, renewable resource and our efforts to improve the regulatory process for it could benefit communities throughout the southeastern part of the State, the south-central part, and the southwest. It provides benefit for all.

Our bill also streamlines the approval process for LNG exports. The Presiding Officer knows full well the benefit that this will bring to the country, but it will also ensure that in Alaska our efforts to market its stranded natural gas can proceed in a timely manner without Federal delay, which is extremely important for us as we move forward with our efforts to move Alaska's natural gas.

It will also help Alaskans harness more of our geothermal potential. We have enormous quantities of geothermal, but we have some challenges, as you know, with our extensive geography. But we are looking to develop a renewable resource that could potentially help power one-quarter of our States' communities, particularly in some very remote, high-cost energy States.

Our bill also reauthorizes a program to advance the development of electricity from ocean and river currents as well as tides and waves. I have mentioned before that Alaska has some 33,000 miles of coastline. That is a lot of area to harness the power of the tides and waves. There is considerable potential to generate electricity from our extensive river systems as well.

So working to do more with our marine hydrokinetic and our ocean energy could really provide a boost to projects that are showcasing some new tech-

nologies, such as those that we have proposed in Igiugig. Yakutat is looking at a project south of Kenai and along the Yukon River.

Within the bill we also promote the production of heat and electricity from the tremendous biomass resources within our forests, which could help the development of technology to aid the construction of wood pellet plants across the State, again taking that resource that is there and helping to reduce our energy costs. It will also renew a research program to develop Alaska's immense resources of frozen methane hydrates. This is something they sometimes call fire ice. It has significant promise as a secure, long-term source of American energy, but making sure that we are able to move out on that research is going to be important.

Then there is a subtitle on minerals, a very important part of our bill. I spoke on Thursday that we have incorporated much of the text of my American Mineral Security Act, which is designed to focus on our Nation's deepening dependence on foreign minerals and the concern that we do not want to get in the same place with our minerals that we once saw with oil, where we are reliant on foreign sources to supply the things that we need.

We are obviously known in Alaska for our oil production, but Alaska also has nearly unparalleled potential for mineral production. We had a hearing last year before the Energy and Natural Resources Committee, and we had the deputy commissioner of the Alaska Department of Natural Resources, Ed Fogels, testify. He said: If Alaska were a country, we would be in the top 10 in the world for coal, copper, lead, gold, zinc, and silver. He also noted that we have the potential to produce many of the minerals that we import from abroad. One example is our State government has already identified over 70 deposits of rare earth elements just within the borders of the State. As I mentioned last week on the floor, we use rare earth for everything from renewable energy technologies and smartphones to defense applications. Right now in this country we are not producing any of that supply—none of that supply on our own—yet we have the potential to do so in Alaska.

If we pass this bill, our Nation will begin to place a much greater priority on resource assessments so that we can understand what we have. If we have not done an inventory, if we have not done an assessment, how do we really know the extent of our mineral resources?

We will finally make some common-sense reforms to improve our notoriously slow Federal permitting system, which could benefit some of the projects that we have that we would like to get moving on. We have a project on Prince of Wales Island called Bokan Mountain that has rare earth potential. We also have a graphite deposit near Nome, and making sure that we help some of the changes that we see within this bill will be important.

As we produce more of our natural resources, Alaskans will benefit significantly. We will see new jobs created, new revenues will be generated for our State's treasury, and local energy costs, which is the next area I want to focus on, will decline, allowing Alaskans to keep more of their money for other purposes and needs. This is an issue when I am at home and I am talking to Alaskans about what their No. 1 concerns and priorities are. I do not care what part of the State I am talking to folks. It is all about the high energy costs and what we can do to make a difference. What can we do to bring down our energy costs?

The Energy Policy Modernization Act will not only boost our energy supplies, but it is also designed to help lower the costs of energy and to help lower the cost of energy for Alaskans. We are an energy and a mineral producer in the State, but due to our vast geography, energy is still extremely expensive in many parts of the State. It is always an eyepopper for people to do a comparison of what is going on with energy costs. Right now in the lower 48, people are enjoying going to the filling station and seeing prices that are less than \$2 a gallon. I was in Nome, AK, just a few weeks ago, and they are paying over \$5.50 a gallon at the pump. It is not unusual that in many of our communities around the State, we are still looking at \$5 a gallon for fuel. This is not only fuel for your vehicles or your snow machine or your four-wheeler to move you around or for your boat. It is also your stove oil and how you are keeping warm.

So it is moving around, keeping you warm, and you are paying extraordinarily high costs. In many cases, our electricity costs are two to three times higher than in most other States. When we think about what it means to live in a community where effectively 40 to 50 percent of the household budget goes to stay warm and to keep the lights on—what does that leave for educating your kids, for feeding your kids, and for retirement? It does not leave you with much when you are spending half of your income to stay warm and to keep your lights on. This is part of the reality in Alaska that every day we work to address and every day we work to make a difference.

State Senator Lymon Hoffman is from the Bethel region and has been a voice for rural Alaska. He sent me a letter last year. He wrote that "the high cost of diesel and home heating fuels are just crushing" in rural Alaska and that he believes "the energy situation is the single, most important problem facing the lives and well-being of rural Alaskans." I agree with him. That is why we worked so hard within the Energy Policy Modernization Act to make sure that as we are modernizing our energy policies, we are working to do everything we can to lower the costs of energy for Americans and for Alaskans. We reauthorized the

Weatherization Assistance Program, which provides our State with funding to improve the energy efficiency for low-income families' homes. We also renewed the State Energy Program, which allows Alaska to invest in energy efficiency, renewable energy, emergency preparedness, and other priorities.

As we have heard talked about on the floor, we have an entire title of the bill—Senator PORTMAN and Senator SHAHEEN have been working on this—devoted to efficiency for everything from voluntary building code improvements to the retrofitting of schools. As our vehicles, our appliances, and our homes are all becoming more energy efficient, that in turn works to reduce energy consumption as well as energy costs throughout the State.

This bill also has a provision to promote the development of hybrid microgrid systems. I get excited about this part of the bill because I can see the direct application in my State. It allows communities to utilize local resources and storage technologies. Microgrids are critical within the State of Alaska. We have multiple dozens of isolated communities that are not connected to anybody's grid. In fact, they are hundreds of miles from anything that could even be considered a grid. So how do they get their energy? They are basically burning diesel to meet their electricity needs. So what we are seeing come together are energy solutions where you take a little bit of wind and perhaps a little bit of hydromarine, hydrokinetic, coupled with battery and storage, and we are finding some solutions. It is innovative. In fact, it is so innovative we have a hearing scheduled over the Presidents Day recess up in Bethel, AK, so Members can see what we are doing when it comes to energy innovation and coupling things together to make them work.

We are never going to be part of a big energy grid in many parts of our State. We have had some great successes—such as Kodiak, a huge fishing port, which now produces 99.7 percent of its electricity from renewables. They have wind, they have hydro, and they have a storage system that has allowed it to work. But think about it. This is a major fishing port which, during the summer, needs a lot of energy when they are processing the fish. During the winter months, the local people there do not have energy needs that are as high as the demand during the summer. So how do you even this out? How do you make it meet during the highs and the lows? This is what Kodiak has done. They have taken themselves, as a community that was once 100 percent dependent on diesel for their energy needs, to being 99.7 percent on renewables.

One of the best provisions in the bill to help address energy costs is a modification that we make within DOE's Loan Guarantee Program. Instead of allowing only major corporations to

apply, we allow States with energy-financing institutions to seek funding and to advance a range of energy projects.

Just to give a little context here, if the bill becomes law, the State of Alaska would be able to apply for a loan guarantee and then use those funds to help rural communities finance small hydropower projects, geothermal wells, MHK technology, marine hydrokinetic technologies, and the hybrid microgrids that I have been talking about. So instead of these top-down, government-driven programs, we would see the State DOE programs and other elements contained within this Energy Policy Modernization Act leveraging the innovation of local people—leveraging the innovation of Alaskans, the American people, and the private sector—to improve our energy landscapes.

These are just a few of the ways that this Energy Policy Modernization Act will help Alaskans produce more energy, save energy, and reduce local energy costs. In the process, the extra gain and benefit is that we create new jobs, generate new revenues, and provide other economic benefits we sorely need right now.

I have talked about Alaska and the impacts on my State as a result of modernizing our energy policies, but know that as Alaska benefits, other States benefit as well. Many of the provisions I have mentioned in my comments this afternoon are just as applicable in Louisiana, Maine, Arizona, and Montana as they are in my State. This bill will fairly bring economic benefits to every State, and as it brings economic benefits, the energy security that stems from the economic security that leads to the national security makes us all stronger—yet another reason I encourage the Senate to work with Senator CANTWELL and me over these next couple of days to move forward this broad, bipartisan effort to modernize our Nation's energy policies.

Mr. President, I know we have Members who are anxious to speak this afternoon. Again, I will make the same request I made earlier: If Members are interested in submitting any amendments to the Energy Policy Modernization Act, now is the time because we are going to be moving—and hopefully moving quickly—so we can proceed with some expediency and efficiency throughout this week.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

WELCOMING THE NEW PAGES

Mr. UDALL. Mr. President, I wish to echo the comments Senator MURKOWSKI made in terms of the new pages. We welcome all of you. We are excited about having you here. It is a big change to go from the previous pages to the new pages. We are excited about how things are moving along. As many people will tell you around here, pages end up doing great things. I have served in the House, and I have served

in the Senate. There are Members of the House who started as pages, and there are Members of the Senate who started here as pages. So we are proud of you and expect good things of you.

Mr. President, it has been over 8 years since we passed a comprehensive energy bill. A lot has changed since then.

I first want to thank Senators MURKOWSKI and CANTWELL for their leadership and hard work. I know both of them worked very hard to find common ground. Senator MURKOWSKI is my chairman of the Interior Department Appropriations subcommittee, and she is always trying to find a way for us to work together to move that appropriations bill forward. The same thing is true of Senator CANTWELL's very good leadership on the energy committee. They both had a very tough job, and they crafted an energy bill that I believe moves us forward.

This legislation isn't perfect, but it is bipartisan and it is moving us in the right direction. I am pleased that my bill, the Smart Energy and Water Efficiency Act, was included in this legislation. All too often, treated water is lost. A lot of it is wasted because of leaks and broken pipes. My State and many States have had historic droughts. We need every drop of water we can get. We can't afford leaking pipes. We have to do better, and we can do better.

This bill supports the Federal pilot projects to develop water and energy efficiency technology. We can create a smart grid of technology to detect leaks in pipes even before they happen. This is critical to communities all across our Nation. Saving water is saving energy. Treating and transporting water is energy intensity. The more we waste, the more we pay—now and later.

I also plan to file an amendment I have been working on with a number of other Senators. This amendment, like the House Energy bill, authorizes the WaterSense Program at EPA. The WaterSense Program is to water efficiency what the ENERGY STAR label is to energy efficiency. Products and services that have earned the WaterSense label have to be at least 20 percent more efficient without sacrificing performance. It promotes smart water use and helps consumers decide which products are water efficient. By authorizing this valuable program, we will make the WaterSense Program permanent and help consumers save water energy and money.

We face great challenges, and one thing is very clear: Our energy future depends on investment in a clean energy economy. We have to be bold, we have to be innovative, and we have to encourage investment in the kind of creativity and enterprise that change the world and move us in the right direction. So today I am proposing a new initiative that will help us make those investments: clean energy victory bonds.

During the First and Second World Wars, our country faced threats we had

never faced before. We rose to the challenge. We gave it everything we had. Everyone contributed. For many, that included investing in victory bonds. They helped pay for the costs of war—\$185 billion—over \$2 trillion in today's money. Folks lined up to buy those bonds. That is the spirit of the American people—to pull together. It was true then, and it is true now.

Today, we face a very different threat, but it also requires us all to come together to face our challenges and to fight. National security experts tell us that rising global temperatures are one of our greatest security concerns. In 2015, global temperature records were shattered—records that were set just the year before. Climate change threatens agriculture, public health, water resources, and weather patterns. We are already feeling the impacts. In New Mexico, temperatures have been rising 50 percent faster than the global average, not just this year or last year but for decades. We have had historic drought. We have had the worst wildfires in our history.

The science is clear: The threat is growing, and time is running out. We must act. Governments are working together to reduce emissions, as we saw in Paris last month. The United States is leading, with commitments from over 140 nations to reduce their emissions. This is providing a major signal in the marketplace and is driving up interest in investing in clean energy. Over the next 5 years, 20 nations will double their renewable energy research to \$20 billion. Industry is stepping up to the plate as well, pledging to invest at least \$2 billion in clean energy startups. This is progress. This is momentum. Our job now is to keep it going. Investment—public and private—is the key.

My amendment is very simple. It directs the Secretaries of Treasury and Energy to submit a plan to Congress, to develop clean energy victory bonds—bonds all Americans could invest in. These bonds would raise up to \$50 billion. That money could leverage up to \$150 billion to invest in clean energy technology and would create over 1 million new jobs.

People across the country want to do their part. They want to invest in a clean energy future and to help fight climate change. But most of them can't afford clean energy mutual funds with \$1,000 or \$5,000 minimums. Many can't afford \$25 or \$50. We must invest in jobs and healthier communities. Clean energy victory bonds will provide that opportunity. We can do this without any new taxes on individuals or businesses. Bonds are completely voluntary, and they are an opportunity for ordinary Americans who see the challenge and who want to do something about it.

Here is how it works: Like war bonds, clean energy victory bonds would be U.S. Treasury bonds backed by the full faith and credit of the U.S. Government. Investors will earn back their

full investment—plus interest that comes from energy savings to the government—and loan repayments for solid projects. The investment would make a critical difference in our energy future.

I urge my colleagues to support this effort. We face a great challenge, and we have a great opportunity. Now is the time for action. The American people want to pitch in and do what they can to fight global warming and to help ensure that the United States leads the world in the clean energy economy. Support for this amendment is growing with groups like the American Sustainable Business Council and Green America. Americans are already asking where they can purchase these bonds.

This Energy bill is a good step, but it is a modest step. Our energy and climate challenges demand much more. Again, I thank Chairman MURKOWSKI and Ranking Member CANTWELL. They have managed to move a bipartisan bill and keep the process on track. I urge them to accept my amendment and to further strengthen this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the leaders who have worked on this bill—Senator MURKOWSKI and Senator CANTWELL—and the good work they put into it. I have served on the Energy Committee and now serve on Environment and Public Works. Those are important committees as we wrestle with how to produce energy at lower prices that is healthy for our Nation.

As we consider this Energy Policy Modernization Act, I want to focus on a critical point about public policy and what is a primary goal of the United States of America. We are in a very competitive world. Energy is a big part of how we compete on manufacturing, production, and jobs. The American people want us to focus on that.

In addition, energy impacts everybody when they fill up their tank and when they drive to work. It is important when it comes to paying the electric bill or the heating bill at home. Is it expensive or inexpensive? The price of energy has a dramatic impact on the quality of life for American people to a degree that is almost impossible to ascertain. When the price of gasoline is cut in half and somebody has a long commute every day, they may have had \$200 a month in gasoline bills and now it is \$100. They have \$100 extra in their pocket. Without taxes, without insurance, and without house payments to be paid out of that, they can use that to take care of their own personal needs—their family, their vacation, going out to eat, or just paying down that credit card that has been run up too high.

For decades Republicans have called for producing more American energy. Our Democratic colleagues have attacked those proposals that would increase the supply of energy, claiming

that these efforts are part of some corrupt deal with big oil companies to make them rich at the expense of the taxpayers and the American citizens. That has been the argument. You have heard it for the last 30 years. But is that the correct way to analyze the challenges we face? Is that the way to establish good, sound public policy that will produce more American energy and bring down the cost?

Our Democratic colleagues objected to the Keystone Pipeline. We had a number of votes over a number of years, and finally it passed, and then the President vetoed that. What would the Keystone Pipeline do? It would produce another source of oil for the United States of America. Is that good or bad for big Texas oil companies? It is bad for those companies. It made it harder for them to get a higher price. There is another substantial competitor pouring another supply of oil into the United States.

This was not a corrupt deal to try to benefit some big oil company but a way to make the supply more plentiful, to bring down the cost of energy for American people. That is what we were fighting for, and it baffled me to no end that the President finally vetoed it at the end, after the American people so clearly favored it.

The Federal ban on drilling in the Gulf of Mexico—we had the Deepwater Horizon disaster in 2010. There is no doubt about that. This country really focused on it. Great effort was made to find out how it happened and how we could prevent it in the future. Eventually the Obama administration said they were reopening production in the gulf—I thought it took longer than necessary.

There is now onsite, according to a government official, a cap, and if the Horizon Disaster were to occur again, that cap within matter of days could be taken out, and it would successfully have stopped that blowout as well. We didn't have it in advance. We should have had it. But that is fixed, and other things were done, and the President said we are going to open up drilling in the Gulf of Mexico. It wasn't so. They referred to it as a de facto moratorium. They still couldn't get approval, and we lost a lot of production that went to other places around the globe.

More production means lower prices. More American oil means more American jobs and more revenue for the Federal and State governments that benefit from that and a smaller wealth transfer from Americans to some foreign country which may be hostile to us and from which we have to buy our oil. We should look to head in that direction.

Additionally, the Obama administration recently placed a moratorium on new leases for coal mined on Federal lands. I believe the administration has bypassed Congress and the will of the American people by drafting regulations that seriously constrain the use

of coal as an energy source. We just have to use coal. It is a magnificent energy source. We can do it and are doing it cleaner year after year.

Closing producing coal mines reduces American energy competition and certainly increases the cost of everyday living for Americans, and it certainly causes economic dislocation where mine after mine is being closed and United Mine Workers are being laid off.

I have always believed in and fought for increased energy production for the American people—not for big oil companies but because greater production brings down price. We know now that is true because we have seen a worldwide increase in supplies, which has resulted in a dramatic decrease in the price of oil—an amount below what anyone may have expected. This price collapse affects Americans at the gas pump every day. Gas prices are the lowest they have been since 2008. The national average as of last week was \$1.84. This is half of what it was a few months ago. This has been my goal and the goal of my Republican colleagues and a lot of Members on both sides of the aisle.

In addition, we have increased oil production throughout the country with new fracking technologies. We have had battle after battle over that, but we have never had water supplies that have been impacted adversely by fracking. It is a highly efficient technology. It also helped collapse the price of oil.

We have had good, bipartisan support for efficiency breakthroughs over the years. They have caused us to have a car that uses a little less gas, houses that are more efficient, and other energy sources that are more efficient. As a result, we have needed less oil. That also helps increase the supply as the demand increases. That has been a positive step toward seeing the collapse in prices.

If Big Oil were so powerful, how is it that the price of oil has gone from \$140 a barrel to \$30 a barrel? They dictate the price. They can set the price at whatever they want it to be. Not if the supply starts coming in in large numbers. The prices begin to decline. It was at \$140 a barrel, and now it is at \$30, \$35 a barrel.

The energy industry supports 9.8 million U.S. jobs, which represents 8 percent of the U.S. economy. Low energy costs are critical to advance American manufacturing. Without affordable, efficient, and reliable energy sources, American companies cannot supply their factories and employees with the kind of production we want to see.

In a recent investment report, Standard & Poors wrote that affordable energy is critical to give U.S. manufacturers “a competitive edge over overseas competitors.” We have lower energy prices than Europe, Japan, and South Korea. That is an advantage. We want to keep that advantage.

We need more American jobs, not fewer. We need to see fewer offshore in-

cidents than we have seen. We need to have some onshoring, some return of manufacturing to America. If we can keep our energy prices low, that is a way our businesses can take advantage of that and expand their production of various products, many of which can be sold around the world.

The President’s agenda, which he has carried on since the beginning, has had the effect of really helping foreign countries by keeping our prices higher than they should be and blocking reasonable efforts to add more production in America. Instead of American energy being promoted at home and abroad, Iran is able to export oil more freely, thanks to the President’s flawed nuclear deal. Instead of promoting the general welfare of the United States, the President has limited the production of domestic oil, further increasing costs for consumers. Regulators have delayed American production many times.

These are important dynamics, along with nuclear power. I believe this is a very valuable part of the American energy production. I have been a strong advocate of nuclear power for years, and Republicans have too. It is a direct competitor to Big Oil, to carbon fuel, and we need more of that. So I think we need to remember that.

Yes, wind and solar are getting more competitive, but it still remains for the most part more expensive in most places in the country. I hope it will continue to drop in price. Maybe it will. But I can’t imagine we will see dramatic decreases any time soon. If we were to shift America immediately to a total solar and wind power system, prices would go through the roof. It would hammer Americans far more than we have ever seen before.

I think this bill has many good qualities. It helps improve efficiency and innovation, and maybe we can build on it in a way that will bring America to the point where we can produce more American supply, keep prices down, help revitalize our manufacturing base, and put this country in a position to compete far more effectively in the world marketplace.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I wish to address an issue that the Senator from Alabama touched on before he leaves the floor. I am here to speak about the Florida Everglades, but since the Senator just raised the issue of the Gulf of Mexico, which is certainly an interest of his, just as it is for the Acting President pro tempore, the Senator from Louisiana, I just want to clarify something and make sure the Senators understand that this part of the Gulf of Mexico, which is off-limits to drilling

up to and through 2022, has nothing to do with the Obama administration. It has to do with a law that Senator Martinez and I passed in the last half of the last decade.

Now, why did we do that? Well, it would be nice to say that we were prescient and understood that when the oil spilled into the gulf off of Louisiana—relative to the whole spill, a little oil got into Florida and covered up Pensacola Beach and got into Perdido Bay, Pensacola Bay, Choctawhatchee Bay and went as far east as Panama City Beach; the sugary white beaches that so many people visit were just covered with tar balls—as a result, a whole tourist season was lost, not just for Pensacola, Destin, Sandestin, and Panama City Beach but for the entire gulf coast of Florida down to Clearwater Beach, Sarasota, Fort Myers, Naples and for the far most beaches on the west coast of Florida on the gulf and Marco Island. Now, if that were not enough, I just want the Senator to understand why we are so opposed to drilling off the coast of Florida. Clearly, there is the economic reason. So much of the environment got messed up, and it was unhealthy for the critters that get into the estuaries. Here is the ringer, and the Senator from Alabama will especially appreciate this because he has, at times, been my leader on the Armed Services Committee. The Gulf of Mexico off of Florida is the largest testing and training range in the world for the U.S. military, and every admiral, general, and the Secretaries of all of the branches will simply tell you that we cannot have drilling activities where we are testing and training some of our most sophisticated weapons.

Why do we have all of those training, tests, and evaluation activities at Eglin Air Force Base, Tyndall Air Force Base, and the Naval Training Center in Panama City? I didn’t even include Pensacola and Whiting Field and all of the Department of Defense. When we shut down the U.S. Navy’s testing range of Vieques, off of Puerto Rico, where did the fleet of the U.S. Navy go? They went to the gulf. They will send squadrons coming down to Key West Naval Air Station and stay there for a week or two because when they lift off the runway of Boca Chica, within 2 minutes, they are over a protected area so they can get into their training and testing activities.

I will finally say to my friend—and I am not sure that my colleague has ever been able to see this through the eyes of someone who is trying to protect the defense assets in the State of Florida—

Mr. SESSIONS. Mr. President, the Senator—

Mr. NELSON. Mr. President, I will yield to the Senator for a question.

Mr. SESSIONS. The Senator is a great friend, and we have a couple of good battles going on right now where we stand shoulder to shoulder, but for the most part the area that was approved for production was shut down

when the problem with Deepwater Horizon was fixed rather than expanding that into Florida where the Florida waters, which Senator NELSON has been an effective advocate for, would not allow drilling there. I do believe we have a situation where we have agreed and proved that this kind of problem would not occur now. I do believe there is a tremendous advantage for America, and we can have an advantage of low energy for American workers, for our jobs, and that way we will not send money abroad.

I thank Senator NELSON for his good comments. He is highly informed on this issue. It is a pleasure to serve with him.

Mr. NELSON. Mr. President, I thank the Senator. He knows how affectionate I am toward him as a friend. I appreciate that friendship and that willingness in a bipartisan way—even when we had all kinds of thorny issues, such as national missile defense in the Armed Services Committee—that the two of us could work it out.

FLORIDA EVERGLADES

Mr. President, I come to the floor to talk about the Everglades, and I need to start by saying that the Army Corps of Engineers began releasing water from Lake Okeechobee into the two rivers on either side of the lake. The problem is that we have a dike—not like the one that Mother Nature intended, where the whole surrounding of Lake Okeechobee, which is the largest lake in Florida, was nothing but a marsh. That is how Mother Nature had it. But after people moved in—and then in the late 1920s, the hurricane that drowned 2,000 people—we came in there and diked all the way around it. Well, the dike is only so structurally sound so that as the water rises in the lake, there is more water pressure on the sides, and if you start getting above 15 feet of depth of the lake, we have to worry about the dike collapsing and all the flooding of the surrounding towns and people and farmlands. So you get the picture.

So the Army Corps of Engineers has to give some relief. So they release water to the east into the St. Lucie River and to the west into the Caloosahatchee River, and as a result, it relieves the dike pressure problem. But since Lake Okeechobee is so polluted, until we can get it cleaned up—and there is an effort—what happens when it goes into these pristine estuaries to the east into the St. Lucie and to the west into the Caloosahatchee, is that you get much too much nutrient content into those estuaries. The salinity in those estuaries goes down, which is harmful to things like oysters and certain fish, and the nitrogen and phosphorous and other pollutants come up. And what happens? Algae grows. When algae grows, it sucks up the oxygen from the water, and it becomes a dead river. The mullet can't jump because there is no mullet, the fish hawk can't dive because there is no fish, and it becomes a dead river.

Now, that is why it is so necessary that we proceed with the Everglades restoration projects that will help us clean up the pollution in Lake Okeechobee, and at the same time when the dike structure gets threatened, we will have a place to send that water instead of directly into those two estuaries. That is presently being built on the east—a storage area—and it is to be built on the west over near LaBelle on the Caloosahatchee River. Well, it is just another reason why many of us are fighting so hard to complete these Everglades restoration projects, so that impossible decisions that face the Corps of Engineers right now—that either they threaten the dam and hold it back or they release the polluted water and kill the rivers—are not choices that the Corps has to make. It is certainly not a good choice for our environment and for all the people who live in the surrounding area. So Everglades restoration must move forward aggressively and without delay, and that is why this Senator is going to be introducing legislation tomorrow to expedite that process. It is going to be called the Everglades for the Next Generation Act. It will authorize all of these Everglades restoration projects that the Army Corps of Engineers has deemed ready to begin. It would allow the Corps to begin work on them immediately instead of having to wait around for us to pass another water bill. Remember, we just passed a water bill. When was the last time we passed a water bill? It was 7 years ago. We just can't wait that long. There is too much at stake, and this is why we want to get these all bundled up, so the Army Corps of Engineers can proceed.

The Everglades, for the first three-quarters of the last century, was diked, drained, and deferred, and now we are trying to bring back as much of that plumbing and reverse it so that it will flow much more like Mother Nature had intended it and did for eons and eons. It is a monumental task. We have to look at what we are doing to protect this land that we love that has been called the "river of grass." We have to do everything we can to protect it. But right now, beware. The National Park Service has in front of it and is evaluating a proposal from a Texas-based company for drilling and fracking activity. This company is looking to conduct—this is what they say: Oh, this is just a seismic survey—first on 70,000 acres, but it is just the first part of seismically mapping the entire Big Cypress National Preserve. This is a national preserve of 700,000 acres, and where is it located? It is located right next to the Everglades National Park, which is 1.5 million acres, but it includes hundreds of thousands of other acres that are part of this water discharge area where we are cleaning up that water as it is coming south.

They will say: Oh, this is just a seismic survey. But what do we have seismic surveys for? To drill. By the way, this is a company in Texas that not

only drills for oil, it also fracks for oil. Why in the world would we want this to happen? Why would we spend hundreds of millions and billions of dollars to restore the Everglades and then suddenly turn around and hand it off to a Texas wildcatter to go out there and drill—a wildcatter that is also a fracker.

This Senator has nothing against fracking. Where is our fracking done? It is done in the hard shale rock of the Dakotas, of Oklahoma, of Texas. They go down under high pressure and shoot water and chemicals to break up the shale rock. It is solid rock. What does the State of Florida sit on? It sits on a porous honeycomb of limestone, and that porous rock is filled with freshwater near the surface.

So people wanted to go in there and start doing high-pressure fracking that we do successfully to shale rock, which was done by the Dan Hughes Company. They were given a permit by the State of Florida. Then the county commission of Collier County found out about it and started raising Cain, and suddenly the pressure became too great because of what that fracking would do, with the high-speed chemical going into that porous limestone, not only to the water supply of Florida but to the very foundation of Florida. If you ever look and envision a piece of coral that our divers go down to look for in some of the national reefs—we have seen that beautiful coral, and it builds up. That is very similar to how Florida was formed: Over years, over and over, those corals and shells and skeletons and limestone that created that substructure holds up the State of Florida and contains a bubble of water, which is our Floridian aquifer.

Some people think a seismic survey is no big deal, but watch out. It is just like the proverbial camel getting its nose under the tent. Watch out. That camel is pretty soon going to be in the tent. So why conduct a huge, prolonged seismic survey if we don't have the plans to extract the resources that are found? Why would the Federal Government approve risky behavior such as fracking and a brandnew type of seismic survey equipment in an area we have spent decades trying to restore? Remember, I said it is the Everglades National Park, 1.5 million acres. Right next to it, to the west, is the Big Cypress National Preserve, another 700,000 acres. To the north are all of those protected lands of the water recharge area, hundreds of thousands of acres.

All of this is why I wrote to the Interior Secretary asking her agency to complete a very thorough environmental review of this proposal. It is interesting. I wasn't the only one who responded. The National Park Service told me they had received about 8,000 comments during the public comment period. It seems to me that is a pretty clear sign that there is a great deal of concern and controversy out there in the public interest and especially those

in Collier County. My colleagues can't imagine the political backlash when this Dan Hughes oil company—not the one that is applying for the seismic survey but they were a wildcatter as well as a fracker, that Dan Hughes company—my colleagues can't imagine the political backlash that occurred from people of both parties. I can tell my colleagues there was backlash, especially from the Republican county commission in Collier County, when they found out there was fracking going on out there without their knowing about it and without any of their input into whether it should have been done.

Fortunately, the outcry was so severe that the State of Florida finally revoked the permit and they had to pull out. They had—that company—performed an unauthorized acid stimulation procedure, which is a glorified term for fracking. So we rose up and we fought that. Again, I say to the Senate, this Senator does not have a problem with fracking done environmentally well, but fracking in all of our oil reserves has been done in the shale rock. That is what has made it possible to, in a few years, be able to completely eliminate our dependence on foreign oil. This Senator has no problem with that. This Senator is thankful for that, but when we try to perform that procedure on a different kind of substrate—a porous limestone filled with water—then we are courting economical and environmental disaster.

I must say, this didn't stop some in the State Legislature of Florida who are determined to open parts of Florida to companies looking to drill. To make sure all of this local opposition doesn't get in their way, State legislators in session right now in Tallahassee have proposed a bill that would prohibit a county, a city or any other local government from limiting fracking within that city or county's borders. Such a decision, under this proposed legislation, would be left up to the State only. It is not hard to figure out how that is going to turn out, especially since it was the State of Florida that gave a permit to do the fracking that there was such a reaction to 2 years ago.

This is one of the most pristine areas on the planet. I urge my colleagues to join our efforts to protect this unique environment for generations to come.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

TRANSPARENCY IN GOVERNMENT

Mr. CORNYN. Mr. President, the Founders of our great land believed in transparency of government because they believed that only an informed citizenry was in a position to consent to what the government was doing on their behalf. The very legitimacy of our government is based on that informed consent. It is also important for the voters to be able to hold elected leaders politically accountable. Of

course, they can't hold their elected leaders accountable for something they don't know about or something hidden from their view.

It is no understatement to say that the American people's confidence in the Federal Government is at if not an alltime low, certainly a new low in recent memory. Unfortunately, they see the President acting unilaterally, where he should be working on a collaborative and cooperative basis with Congress to pass legislation rather than to try to do things by Executive action. Then we see where elected officials and members of the administration have made blatant misrepresentations of the facts only to be proven wrong and then are not even embarrassed by it.

So it is important to have transparency in government, to have an open government. The American people need to know what their government is purporting to do on their behalf so they can approve or disapprove as they see fit. That is the foundation of our democracy and our Republic.

Back in October I stood on the floor of the Senate and outlined concerns I had about the evolving scandal involving Secretary Clinton's use of her private, unsecured email server during her service as Secretary of State. I said at the time that her behavior not only violated the President's promise to be the most transparent administration in history—I remember him making that statement during his first inaugural address—but it also represented a violation of the public trust. Now we learn of very serious national security concerns which I am going to speak about in just a moment.

Because we know that the Department of Justice is headed by the Attorney General—a political appointee of the President of the United States who serves at the pleasure of the President—and because of the conflict of interest by asking Attorney General Lynch to investigate and perhaps even prosecute somebody in the Obama administration, I called upon the Department of Justice, and the Attorney General in particular, to appoint a special counsel to investigate the matter, given those obvious conflicts of interest. Of course, we read in the paper and understand from testimony before the Senate Judiciary Committee just recently by Director Comey of the FBI that the FBI is conducting an investigation into this matter, as they should. For myself, I would say the FBI, notwithstanding what I have said about the Federal Government's poor reputation generally—that the FBI is still very widely respected for its integrity, as it must be, but the FBI cannot go further and convene a grand jury to consider potential violations of the criminal law. That can only be done by a court at the request of a prosecutor with the Justice Department.

If we are going to be true to the promise of equal justice under the

law—those are the words carved above the entryway to the U.S. Supreme Court—if we are going to be true to that promise, we have to be able to demonstrate that the same rules and the same laws apply to everybody in this country, whether a person is the President of the United States or whether a person is one of our Nation's humblest citizens. We are all equal before the law—or at least we should be—and it is a violation of the public trust when people act as if the rules that apply to everybody else don't apply to them.

So far the Attorney General has declined to appoint a special counsel, but I think that even in the interim, since I first made that request and it was declined, we see why it is even more important today than it was back in October.

The Obama administration has demonstrated time and time again precisely why we need the decisionmaking in this case as far removed from White House politics as it can possibly be. For example, in October the President went on television and publicly opined on the results of the ongoing criminal probe. He said, "I don't think it posed a national security problem." That is the President of the United States. Based on his comments, one might reasonably conclude that the White House was somehow privy and in consultation with the FBI about their ongoing criminal investigation. Subsequently, I had a chance to ask Director Comey whether in fact that was the case, and he said absolutely not. I believe Director Comey.

It is not a little matter when the President of the United States is saying "I don't see a problem here" when he actually doesn't even know the facts, and it might appear that he is trying to influence the conduct of that investigation. That is a real problem. In fact, the President's comments were out of line—offering his opinion on what the results of an ongoing criminal investigation might or should be.

Since that time, we found out that Secretary Clinton had 18 emails between herself and the President on her private email server. I don't know whether the President still feels like this is not a problem, but it is a big problem.

I earlier outlined the publicly reported evidence and explained the very real likelihood of criminal violation on the part of Secretary Clinton and her staff. Since then, my concerns—that the information held and sent by Secretary Clinton contained some of the most sensitive classified information of the U.S. Government—have been confirmed.

Just 2 weeks ago, several of my colleagues received a letter from the inspector general of the Office of the Director of National Intelligence, the agency whose core mission it is to integrate all the intelligence operations of the U.S. Government. That letter was

sent in response to one from the chairman of the Select Committee on Intelligence and the chairman of the Senate Foreign Relations Committee about the security of Secretary Clinton's private email server. What the inspector general said should give us all pause. He said that there were "several dozen e-mails containing classified information."

As we know, there are several different levels of classification for government correspondence, some more sensitive than others, but the inspector general went on to say that these emails were "determined by the [intelligence community] element to be at the Confidential, Secret and the Top Secret/SAP level." That "SAP" term may be a new one to a lot of people, but it is an acronym that means special access programs. It is the most sensitive classified information known to the U.S. Government, and it is a classification even above "top secret."

Access to special access program information is so highly restricted in part because it exposes information about programs that are incredibly sensitive to national security, such as how intelligence was gathered in the first place, sources, and methods—some of which would be jeopardized, if not individuals killed if it was known that they were providing a source of intelligence for the U.S. Government. In the case of special access programs from an intelligence agency, that means exposing this information would put intelligence collection and, as I said, potentially human sources at great risk.

On Friday, more news regarding the type of information that was on Secretary Clinton's server was announced. It was widely reported for the first time that the State Department admitted that it had categorized at least 22 emails found on Secretary Clinton's server as "top secret"—that is the agency she was responsible for that said 22 emails were top secret.

I think it is pretty obvious, even based on the public reports—most of which were generated from information produced as a result of a freedom of information lawsuit in Federal court—I think it is pretty obvious that her email server did contain information that jeopardized our national security.

Let me digress for a second to talk about a new development, a new concern that was raised by this information that some of these different classifications of information were contained on her private email server. The fact is, there are three different government email systems. There is the Secret Internet Protocol Router Network—known as the SIPRNet—which is used by the Defense Department and some other government agencies and which is separate and apart from the Internet. It is also separate and apart from the usual government system called the Nonclassified Internet Protocol Router Network, NIPRNet. The SIPRNet is secret and separate, and the NIPRNet can be used to send

emails outside the government on a government email server. Then there is a third type of system known as JWICS. This is the Joint Worldwide Intelligence Communication System, which is even more sensitive than the information contained on the SIPRNet, which I mentioned earlier. If somehow, as appears to be the case, information got from the SIPRNet or JWICS onto a NIPRNet system or onto a private email server system, it would have to be physically transferred because they are not connected. Part of their security is that they are maintained as independent systems. The concern is that highly classified information from SIPRNet or the super-secure JWICS somehow jumped from those closed systems to the open system and turned up in at least 1,340 Clinton home emails.

In an article in today's New York Post, the author points to Secretary Clinton's Chief of Staff Cheryl Mills or Deputy Chiefs Huma Abedin and Jake Sullivan because in one of the emails that has been made public, Clinton pressured Sullivan to declassify cabled remarks by a foreign leader.

"Just email it," Clinton snapped, to which Sullivan replied: "Trust me, I share your exasperation. But until ops converts it to the unclassified email system, there is no physical way for me to email it."

In another recently released email, Clinton instructed Sullivan to convert a classified document into an unclassified email attachment by scanning it into an unsecured computer and sending it to her without any classified markings. "Turn into nonpaper w no identifying heading and send nonsecure," she ordered.

One gentleman associated with Judicial Watch, which has been one of the entities that have filed the freedom of information litigation which has produced the huge volume of emails contained on Secretary Clinton's server, said, "Receiving Top Secret SAP intelligence outside secure channels is a mortal sin."

So, as one can see, these are not trivial matters; these are very serious matters.

It is important to remind folks that this issue was even made worse because it is likely that some of our adversaries had access to and monitored her private email server. We have heard many of our Nation's top national security and intelligence leaders indicate that is likely.

Recently, Secretary Gates, whose long service to our country includes being Defense Secretary under President George W. Bush and President Barack Obama, as well as high-level jobs in the CIA, said, "I think the odds are pretty high" that Russians, Chinese, and Iranians had compromised Secretary Clinton's server.

Here we are now knowing that information on that server not only included classified information but information classified at the highest level known to the Federal Government.

On Friday, given these reports, President Obama's Press Secretary, his chief spokesman, Josh Earnest, was asked

about the status of the investigation and if he believes Secretary Clinton would be indicted. It would have been easy enough for him to say "No comment" or "We are not privy to the investigation because it is being conducted by a law enforcement agency and that is the way these things are done," but instead he said, "Some officials have said she is not the target of the investigation" and that an indictment "does not seem to be the direction in which it is trending."

As with the President's reckless remarks on television in October, either the White House has information they should not have about the status of this ongoing criminal investigation by the FBI or they are sending a signal to the FBI and the Department of Justice that they want this to go away. It is hard for me to interpret these comments by the President and by his Press Secretary as anything other than trying to influence the FBI and the Department of Justice on the outcome the administration prefers. That is completely inappropriate, it is outrageous, and it has to stop.

Today this Senator is back on the Senate floor where I started months ago to make the very same point but with a greater sense of urgency and with a lot of new information that has come to light. I believe Secretary Clinton has likely violated multiple criminal statutes. For a Secretary of State to conduct official business—including transmitting and receiving information that is classified as SAP level—on a private, unsecured server, when sensitive national defense information would likely pass through it, is not just a lapse of judgment, it is a reckless disregard for the security of the American people, not to mention the lives of our intelligence professionals who are involved in gaining this important intelligence. It is important for us to protect ourselves against our adversaries.

In light of the unprecedented nature of the case and of the multiple conflicts for the Department of Justice, I can see no other appropriate course of action but for Attorney General Loretta Lynch to appoint a special counsel to pursue this matter wherever the facts may lead. That need is underscored by the apparent inability of the White House to resist the temptation to try to influence or, at worst, obstruct the current investigation.

I hope the Attorney General seriously considers my request to appoint a special counsel given the conflict of interest and the extraordinary circumstances of this case because in the end it is the right thing to do for the American people. If the U.S. Government—including Congress and the administration—is going to regain the trust and confidence of the American people, they need to know that the chips will fall where they may and that our law enforcement officials, such as the FBI and the Department of Justice, will pursue these cases wherever the

facts may lead, that there isn't a separate set of rules for high government officials, such as the Secretary of State, and you and me.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise to speak on an amendment that I submitted last week, amendment No. 3140, which is a tripartisan amendment to the Energy Policy Modernization Act, which is the pending legislation. I submitted the amendment last week with Senators KLOBUCHAR and KING as my lead cosponsors. Our amendment would support the key role that the forests in this country can play in helping to meet our country's energy needs.

The carbon benefits of forest biomass are clearly established. Yet current policy uncertainty could end up jeopardizing—rather than encouraging—investment in working forests, harvesting operations, bioenergy, wood products, and paper manufacturing. Biomass energy is sustainable, responsible, renewable, and economically significant as an energy source. Many States are already relying on biomass to meet their renewable energy goals. There is a great deal of support for renewable biomass, which creates the benefits of establishing jobs, boosting economic growth, and helping us to meet our Nation's energy needs. Federal policies across all departments and agencies must remove any uncertainties and contradictions through a clear policy that forest bioenergy is an essential part of our Nation's energy future.

With these goals in mind, I have offered a very straightforward amendment with a group of colleagues who span the ideological spectrum. They include, as I mentioned, Senators KLOBUCHAR and KING, as well as Senators AYOTTE, FRANKEN, DAINES, CRAPO, and RISCH. I am very pleased to have all of these colleagues cosponsoring my bill.

Our amendment supports the key role that forests in the United States can play in addressing the Nation's energy needs. The amendment echoes the principles outlined in the June 2015 letter that we sent, which was signed by 46 Senators. As the Acting President pro tempore knows, it is very unusual for 46 Senators on both sides of the aisle to come together in support of a policy.

Specifically, our amendment would require the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the EPA to jointly ensure that Federal policy relating to forest bioenergy is consistent across all departments and agencies and that the

full benefits of forest biomass for energy conservation and responsible forest management are recognized.

The amendment would also direct these Federal agencies to establish clear and simple policy for the utilization of biomass as an energy solution. These include policies that reflect the carbon neutrality of forest bioenergy that recognize biomass as a renewable energy source, that encourage private investment throughout the biomass supply chain, that encourage forest management to improve forest health, and that recognize State initiatives to use biomass.

The carbon neutrality of biomass harvested from sustainably managed forests has been recognized repeatedly by numerous studies, agencies, institutions, and rules around the world, and there has been no dispute about the carbon neutrality of biomass derived from the residuals of forest products manufacturing and agriculture.

Our tripartisan amendment would help ensure that Federal policies for the use of clean, renewable energy solutions are clear and simple.

I am in conversations with the two managers of this important bill, the chairman, Senator MURKOWSKI, and the ranking member, Senator CANTWELL, about our amendment. I hope that it will be adopted, and I encourage our colleagues to support its adoption.

As I mentioned, Senators KLOBUCHAR and KING joined with me last week in submitting this bill.

Mr. President, I ask unanimous consent that Senator AYOTTE, Senator FRANKEN, Senator DAINES, Senator CRAPO, and Senator RISCH be added as cosponsors to the amendment as well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STUDENT LOAN DEBT

Ms. WARREN. Mr. President, 2 weeks ago, Senate Democrats announced our commitment to end the crushing burden of student loan debt. Our campaign is called "In the Red" because we agree with what President Obama said during his final State of the Union: "No hard-working student should be stuck in the red."

My special guest at President Obama's final State of the Union address highlighted exactly this point. Alexis Ploss is a student at UMass Lowell. She is a first-generation college student working on a degree in math. She wants to get a master's de-

gree so she can become a public school teacher, but she has already taken on over \$50,000 in student loan debt.

Think about that, smart, hard-working students who want to build a future for themselves and who want to teach the next generation of kids are weighing the benefits of more education against the fear of an unmanageable debt load.

I don't think Alexis will quit, but I want my Republican colleagues to explain to me how America is any better off if a young woman doesn't get a master's degree and become a first-rate math teacher. How is this country any better off if young people get scared by debt, quit school, and take a job that requires less education?

What Alexis and hundreds of thousands of other people like her end up doing will be affected by decisions we make right in this room. If Congress does nothing, then Alexis and hundreds of thousands of other students just get squeezed harder. The debts get bigger, they grow faster, and the decision to give up is just a little closer.

Seventy percent of students now need to borrow money in order to make it through school. Democrats are here to say: Enough is enough, and that is what this "In the Red" campaign is all about. The Democratic plan has two basic parts: debt-free college and refinancing student loans.

There are a lot of ways to get to debt-free college. We can give students the opportunity to graduate from community college without student debt by making it completely tuition free. We can increase Pell grants. We can hold colleges accountable for keeping costs low and providing a high-quality education that will help students get ahead.

We can also cut the outstanding debt. Some student loans are charging 6 percent, 8 percent, 10 percent, and even higher interest rates. We could cut those interest rates right now. Democrats are ready to go, but the Republicans are blocking us every step of the way. Instead of lowering the cost of student loans, they support the status quo, where the U.S. Government turns young people who are trying to get an education into profit centers to bring in more revenue for the Federal Government.

In fact, Congress has set interest rates so high on loans that just one slice of those loans—those issued from 2007 to 2012—are now on target to make \$66 billion in profits for the U.S. Government. This is obscene. The Federal Government should be helping students get an education, not making a profit off their backs.

The main response from Republicans in Congress has been to claim that refinancing wouldn't save students that much money. Really? There are more than 40 million people currently dealing with student loan debt. When their interest rates are cut, many will save hundreds of dollars a year and some will save thousands of dollars a year.

That is money that can help someone out of a hole or money to save for a downpayment on a home or money to pay off those student loans faster—but Republicans say that money is trivial? What comes next? Do Republicans say let them eat cake?

Where are all those Republicans who think Washington takes too much of our money? These artificially high interest rates are a tax we impose on students to fund government, a tax that keeps hard-working young people from buying homes, from starting businesses or for from saving for retirement.

The Republicans may not want to tax billionaires or Fortune 500 corporations, but evidently they don't mind squeezing students who have to borrow money to pay for college.

For 2 years now, Democrats have tried to get a bill through Congress to lower the interest rate on student loans, and for 2 years the Republicans have blocked this bill. As the Republicans have said no, hardworking people who are just trying to build a life have paid and paid and paid.

So I am here to ask the Republicans: What is your idea? What is your plan for how to deal with existing student loan debt? Democrats have put a proposal on the table to make college affordable, but I don't hear anything from the Republicans except "no, no, no." Well, it is time for change—debt-free college and lower interest rates on student loans. That is what Senate Democrats are fighting for, and together that is what we are going to win.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRANS-PACIFIC PARTNERSHIP AGREEMENT

Mr. SESSIONS. Mr. President, on Wednesday of this week, in the dead of the night—at least here—the President intends to have his trade representative sign the Trans-Pacific Partnership, a massive trade agreement, for our Pacific trading partners. It is the product of fast-track, a procedure that cleared the Senate. Presumably at some point, it will then be advanced to the Congress for approval. The advancement will be the result of the President filing implementing legislation that will move the agreement forward.

Even though the President regards this deal as one of his signature accomplishments, he is not making the trip. Instead, he has deputized Trade Representative Michael Froman to sign the agreement in New Zealand on behalf of the United States. New Zealand is a long way away.

We haven't had much talk about this event. The reason is that the American

people are very uneasy about it. The American people are not happy with this agreement. The American people, I believe, fully oppose it and would oppose it even more so if they knew more about it, and they will learn more about it. So I think there has been an effort not to talk about it, to keep the language low, and to see if it can't be brought up some way and passed. I think that would be a mistake.

This trade agreement is 5,554 pages long and stacks 3 feet high on my desk, so I would like to point my colleagues to examples of what the deal will do.

The American Automobile Policy Council recently issued a report which stated that the TPP would threaten 90,000 American automotive jobs because of its failure to include strong currency protections. This is just one of the problems we have. It has to be dealt with. Currency manipulation is exceedingly dangerous. It has very large impacts, and on a \$20,000, \$30,000, \$40,000 automobile, we are talking about thousands of dollars difference through currency.

American industries across the board are beginning to oppose TPP. Many believe that all of the businesses are for it. But that is not the case. Many American manufacturers would see their future even more problematic under the TPP.

Ford released a statement opposing the deal. They argued that the TPP is not adequately open and does not adequately open foreign markets to U.S. goods.

We are going to further open our markets to foreign goods, but we are not going to make the kind of progress that must be made to help our exports, which is why we are told this agreement should pass—because it is going to open up markets for us. Ford says no.

Last week Ford announced they were leaving the Japanese market—Japan being the key country in this agreement—because they say that Japan has nontariff barriers that have limited their ability to sell cars in Japan.

For example, in 2015, Ford sold fewer than 5,000 cars in Japan. Ford is an international manufacturer. They sell large numbers of automobiles in Europe, in Mexico, in South America, but they cannot penetrate the Japanese market. Hyundai, a superb South Korean manufacturer, also not too long ago gave up trying to sell automobiles in Japan. It is not tariffs; it is nontariff factors, constructed by Japan, that make this happen.

Given this evidence, one would hope that the United States would be able to negotiate a deal that would support American manufacturing and American workers, but that is not the case with the TPP.

This is the World Bank's evaluation. The World Bank has concluded that Japan would see an extra economic growth of 2.7 percent by 2030 while the United States can expect only four-tenths of 1 percent of additional economic growth.

The White House's own study—a study they cite with pride, although they omit many of the facts that are set forth in that report—conducted by the Peterson Institute for International Economics claimed that TPP will decrease the growth of manufacturing in the United States by 20 percent by 2030. In other words, without this deal, manufacturing in the United States would grow 20 percent more than if we signed the TPP.

Is this good for America? Manufacturing jobs are high-paying jobs. Manufacturing jobs demand resources from the community, and all kinds of people support those manufacturing jobs. The products that Americans manufacture are sold in the United States, around the world, and money is brought home, and it pours into that community to buy more products, more machines, more gasoline, more electricity, and to pay the workers who work in the plants.

You have to have manufacturing in this world. A nation cannot get by without it. A nation that has the greatest economy in the world, a nation that has the greatest military in the world must maintain a manufacturing base.

According to the Peterson Institute for International Economics, this 20 percent reduction in potential growth would result in around 120,000 fewer jobs than would have been created otherwise. That is a very large number—120,000 high-paying, good jobs in manufacturing plants. But that is the President's study. That is his group that they got to give the results he wanted. Trust me—and we are going to show this over time—the predictions for these trade agreements have fallen massively short of what the administration has promised.

However, a more critical study by the economists at Tufts University—that prestigious university—recently found that TPP would cost up to 400,000 jobs in the United States. We are supposed to sign this deal, and it is supposed to make America better, and it is going to cost us jobs. That is what the other deals have done. I think this one is likely to do the same. I wish it weren't so.

We need better trade deals. We don't need to enter into trade deals that don't protect the legitimate interest of American workers and American manufacturers. Our trading partners, good countries, good people—Japan, South Korea, Philippines, and others—are tough trading partners. They are mercantilists. They are not free traders, really. They are out to maximize their exports, and the export market they lust after the most is the U.S. market. That is where they want to export their products and bring home American dollars. We haven't done a good job of defending our interests.

The United States already has trade agreements with major Asian nations. We have many of them now. How have they turned out? Shouldn't we study

that? Has anyone talked about that? Have we had hearings on how well they worked out before? No.

We haven't really looked into the effects of previous agreements because we don't want to talk about that. What we want to say in the Senate and the House of Representatives is that trade deals are good. If anybody has a trade deal, be for it. That is not a sound way to proceed.

South Korea is a good ally of the United States. It is a good country, but they are tough competitors. Our trade deficit with South Korea last year from January through November was \$26 billion, and by the end of the year, that country alone will be about \$28-plus billion. They have not published numbers yet, but estimates suggest that the 2015 trade deficit will be 15 percent higher than the previous year—2014. Is that a good deal for the United States?

Trade deficits reduced U.S. GDP, as products that Americans consume are made abroad instead of produced here as part of our gross domestic product. It is not good for economic growth. Our growth fell way below expectations—0.7 percent—in the fourth quarter of this year, and every dollar of trade deficit subtracts from our GDP.

Some think we could be heading into a recession. Many people are seriously discussing this. Who knows what will happen? We are not in a booming economy; there is absolutely no doubt about it. Wages are down. Job prospects are down. We have the lowest percentage of Americans in their working years actually working since the 1970s. It is not a healthy environment.

In 2010, President Obama promised that the South Korean trade deal—he said this when he signed the agreement. They have been promising these kinds of things in advance. It passed, and he signed the agreement. I voted for it. I voted for most of these deals, but it is time for us to be honest about it, to evaluate how well they are actually turning out. When he signed the deal, he promised it would increase American exports to South Korea by \$11 billion a year. That was nice. We would like to have seen that. However, in the 11 months of last year, the United States exported only \$1.2 billion more than we did when the deal was signed 6 years ago. The year before that, it was a \$0.8 billion export increase; it was not even \$1 billion.

What about Korean exports to the United States, what we import from Korea? Since 2010, our trade deficit with South Korea has risen nearly 260 percent, from \$10.1 billion in 2010 to more than \$26 billion this year. That is a very serious matter. I am very concerned about this loss of jobs.

I think the American people need to know what is happening. The Trans-Pacific Partnership Agreement not only fails to deal with manufacturing jobs in general, but it also fails to include any kind of serious measure that would address currency manipulation.

During the time President Reagan was President, the economy went

through a tough period, but it rebounded under his leadership. Paul Volcker and Reagan's leadership put us on a path of sound, solid growth that went all the way through the 1990s. Mr. Volcker once said a moment of currency manipulation can wipe out years of trade agreements with our trading partners.

Currency is a huge thing. That is why the American Automotive Council is concerned about it, why Ford and other manufacturers care about it, and why we had a series of votes on the Senate floor to try to do something about currency.

But the powers that be had the ultimate victory. We got to vote for a bill that wouldn't become law; that would push back and allow us to resist currency manipulation. We got to vote on that one, but they made sure it didn't get on the bill that is going to become law—the Trans-Pacific Partnership Agreement. It was a show vote. The President was not going to execute it, and he threatened to veto it.

The Wall Street Journal, on November 5, wrote:

Mexico, Canada and other countries signaled that they were open to the [currency] deal when they realized it [would not] include binding currency rules that could lead to trade sanctions through the TPP.

These countries want to be able to manipulate their currency. Obviously, they agreed to go forward with the trade deal because they knew there were no binding currency rules. In fact, last year the Japanese Finance Minister, Taro Aso, said that "there [will not] be any change" in Japan's currency policy because of the provisions included in the TPP.

Some milk toast language got in the agreement. The Senators were able to say they voted for a bill that had teeth to it, but that was in a separate bill that would not become law. My currency provisions in the bill, the language with real teeth, was stripped out during the Conference Committee because the President threatened to veto it. It is never going to become law.

But the agreement included alongside the TPP is meaningless. Japan and others say it is not going to make any change in their currency policy. Japan significantly devalued the yen again recently. China devalued its currency by 6 percent last summer alone, and many expect they will devalue it even further.

I have to say, it is time for the United States of America to understand something. We are the largest economy in the world. We have the greatest military in the world. We need to demand that people who sell in our markets—and whose exports to the United States are critical to their economic well-being—don't get to do this if they are not playing by the rules. They don't get to manipulate their currencies. They don't get to subsidize their manufacturing, and we are not going to allow them to use nontariff barriers to prohibit the imports of American products.

That is what we need from the leadership in this country—not an agreement that allows continued manipulation of currency and that does not deal effectively with the nontariff barriers and subsidies these countries use to take market share away from U.S. companies.

What happens to an American business? U.S. Steel just closed some production and laid off 1,000 workers in Birmingham last year. Is that plant going to reopen? We would like to think so, but I doubt it. Once these American plants that get no support from their government to compete abroad are closed, they don't reopen. Our competitors know that, and they take market share. They get to sell more in the United States and bring home strong American dollars.

I think it is time for us to slow down on this. We are going to continue to look at how these trade agreements have worked. I don't think they have worked very well for the American worker. They haven't done very well for American manufacturing. I think few would dispute that this Nation can be prosperous without manufacturing. One time they said you could do it with a service economy and high-tech economy. Saturday's Barron's did a report on a study that has been done about our high-tech companies, which we are so proud of and hear so much talk about. What about the job prospects they have for this year? Are they going to add more jobs to high-tech computer companies in America? No, this analysis said that the information technology companies in America would reduce employment by 330,000 people this year.

I have to tell you that if we lose automobile manufacturing and steel plants, these people are not going to work in computer companies. That is one of the biggest misrepresentations I have ever heard. The facts are becoming very clear on that. Microsoft laid off over 100,000 people the year before last. We have had a continual decline in high-tech job creation. Oh yes, some plant somewhere is adding jobs, but more plants are laying off workers. There is an election going on out there. People are concerned about their future. They need to know about the trade agreement. They need to be asking their Representatives and their Presidential candidates how they feel about it. Which side are you going to be on? Let's hear the reasons why you are for or against this agreement. After they hear that, I think they will be in a better position to decide how to cast their vote.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor as we are moving forward, as many of my colleagues know, on this energy package. I thank my colleagues who have already come to the floor today to talk about it, and I especially thank Senator MURKOWSKI

for helping us to move through so many different proposals by our colleagues. We were able to clear some of these amendments by voice votes, and, hopefully, we will be able to move forward over the next 24 hours on this bill by getting some votes locked in.

One of the things we are going to talk about this week is energy efficiency, which is creating jobs and making our economy more competitive by holding down the cost of energy. Many of us know that for centuries the use of energy has been a very important factor in our economy. Last week I mentioned that the Northwest economy was built on a hydrosystem. Cheap hydropower has worked for us over and over again, as companies that use a lot of electricity have moved to the Northwest. We have stored everything from apples to terabytes of data because of the huge efficiencies that we were able to pull off with cheap hydropower.

As my colleague from Alaska will say, energy costs are high in Alaska and she wants to make sure we are making it more affordable and enabling distributed generation, as she just mentioned earlier today. Ensuring that we have a microgrid to do that is a key component to how the state will successfully diversify their economy. As we debate this bill on the Senate floor, each of us is thinking about the regions of our country we represent and how to make sure we are dealing with energy successfully.

One important thing I wanted to discuss is that in 2007, for the first time in our history, the United States actually delinked economic growth from energy use. Now, our economy is producing more in goods and services, yet it is using less in electricity. The chart behind me demonstrates this.

This is a very important point because it shows that we can still grow our economy while consuming and using less energy. This is important if you are a homeowner and want to use the energy in your home more efficiently, while still having many apps and devices that require electricity but make your life easier. It is also important for businesses. As U.S. businesses compete in a global economy, they want to produce goods and services and do so in a cost-effective manner. So the more you can drive down energy costs without having to drive down consumption, the better.

If we want to continue to compete in that global economy, we must continue to improve our energy productivity, and that is exactly what title I of the bill does. The Energy Policy Modernization Act will help ensure that the Nation is eliminating energy waste and making improvements in new technologies that will improve our competitiveness for the 21st century.

Energy efficiency is the cheapest and most affordable energy resource because it is typically about one-third of the cost of new production; that is, by saving energy at home, by using what we already have more efficiently—and

there are all sorts of smart ways to do this—you can actually spend only one-third of the cost of what it would take to get new production online.

In the last 40 years, since the oil embargo, energy efficiency became an integral part of our energy policy. We have learned that efficiency is not like most other resources that are depleted and consumed. Instead, we found that as we keep making progress on energy efficiency, we have created new technologies. These have become the most cost-effective ways to cut waste and the most cost-effective ways to take the “low-hanging fruit” available in front of us and help businesses and homeowners alike.

There are two examples of this that we, as the Federal Government, had a hand in: No. 1, automobiles and No. 2, lighting technology. Now both of these were in the previous 2007 Energy bill. Since then, average automobile fuel economy has improved dramatically, from 15 miles per gallon in 1978 to 28 miles per gallon in 2016, thanks to the CAFE standards in effect. That was something we pushed here that made our automobiles more efficient.

With respect to lighting, the latest light-emitting diode, LED, technology is 6 to 7 times more efficient in energy consumption than traditional incandescent lights and can last at least 25 times longer. In 2012 alone, nearly 50,000 LEDs were installed in the United States, saving an estimated \$675 million in annual electricity costs.

What we are saying here is that we want to continue to move forward on energy efficiency. It is saving money for businesses and homeowners. We also want to continue the advancements of these energy-efficiency technologies and make sure that we are making the right investments. So I want to remind my colleagues that there are going to be several ways in which we are going to try to build on this progress. Energy efficiency must be a major part of our policies here, and I know many States across the country are also making investments in this.

So tomorrow I expect us to have a vote on an amendment to establish a Federal energy efficiency resource standard, or an EERS.

Since its establishment, the Department of Energy has implemented successful energy efficiency programs that develop new technologies and promote best practices within the major sectors of our energy economy. Yet many States have used their role to also establish energy efficiency standards. Behind me, you will see the number of States that have already developed these incentives for investments in energy efficiency by giving utilities an incentive to invest in low-cost, energy efficiency programs before investing in more expensive new energy production. You can see that many of these States across the United States have adopted such initiatives—25 States with energy efficiency resource standards.

Why is that important? Well, once you start down the road of energy efficiency, you continue to make your grid more efficient, which is something California has done. California made a huge investment as a marketplace for energy efficiency, and now they continue to be on the cutting edge of energy efficiency. They have continued to grow as an economy yet use less energy. In fact, the 19 States with the greatest energy savings in the Nation all have energy efficiency resource standards.

So, to me, this is an area of the bill that I think we would like to improve. States are the laboratories of democracy, and because 25 of them have demonstrated the benefits of this policy, I believe it is time the Federal Government should also establish a national energy efficiency resource standard. My colleague Senator FRANKEN from Minnesota will be offering an amendment to do just that on this bill.

The Federal Government could require States to do their part in reducing the waste of resources and increasing our Nation's energy productivity by establishing an energy efficiency resource standard that would promote investments in efficiency—everything from cost effectiveness in new buildings to production capacity. The proposed EERS would set a very modest, easily achievable energy savings target that electrical and natural gas utilities must meet as is already required in half of these States.

The American Council for an Energy-Efficient Economy estimates that implementing the Federal EERS would save \$130 billion, or about \$1,000 per household by 2040. The adoption of this EERS amendment would more than triple the energy efficiency savings benefits of the act before us today. A Federal EERS would not only save every American money by reducing their energy bill, but it would also strengthen our Nation's economic competitiveness by improving our energy's productivity and maintaining our leadership in the commercialization of these products.

This is something I learned during my time in the private sector. Anytime you can make something that is of value to everybody more efficient, such as energy, you are on the winning path; that is, if you become the experts of constantly knowing how to make everything more efficient, whether you are talking about development in China, in Europe or in other parts of Asia, the fact that we are experts on energy efficiency by deploying this here in the United States gives us a winning hand on deploying it around the world. Anytime you can be more efficient, you are also being more cost effective and saving dollars. That is what we are pushing in this bill. It will move us forward on energy efficiency.

As we have seen, energy efficiency—and I am sure Senator FRANKEN will talk more about this tomorrow—is not only commonsense economics, but it

also has the ability to focus on some of the cleaner sources of energy that we have been discussing too.

The Federal Government has had a history of promoting energy efficiency, and the government itself, being the single largest energy user in the Nation, could benefit from this. We hope that when we look at the Federal Government, we will also be talking about energy efficiency products. One of the examples of how Congress directed the Federal Government to lead was by the enactment of section 433 of the Energy Independence and Security Act of 2007. This provision established a Federal leadership role in the development of high-efficiency, low-emission commercial buildings by requiring the Federal Government to phase out the use of fossil fuel energy in Federal buildings and major renovations by 2030.

The U.S. Government, as the single largest occupant of Federal buildings in the Nation, should continue, I believe, to demonstrate its energy efficiency as well. I know in the Pacific Northwest we have the Bullitt Center, which is the greenest commercial building in the United States. We have a hospital in Issaquah that is one of the most energy efficient hospitals in the United States, and we have other businesses that are developing these buildings that are smart buildings that are driving down the costs. What does that mean? It means that businesses can invest money into R&D or into the manufacturing of goods or into the promotion of ideas instead of spending it on energy costs.

For us in the Pacific Northwest, someone might ask: With the cheapest kilowatt rates in the Nation, why would everybody spend so much time on energy efficiency? We spend so much time on energy in the Northwest because we know it pays dividends. We know it gives us a competitive edge, and we know it continues to put us in the driver's seat with technology. Even though we have the cheapest kilowatt rates, we continue to make an investment.

These buildings were designed by architects to show what is now technologically possible and to feature state-of-the-art ground-source heating and cooling, both photovoltaic and thermal solar energy collection, and computers that automatically adjust the building systems in order to keep them comfortable and efficient. Some buildings have an elevator that converts kinetic energy from braking into usable electricity. All of these things are about cutting-edge technology. The Bullitt Center and other buildings like it in the United States demonstrate that it is technologically feasible and cost effective to phase out the use of fossil fuel generated energy in new Federal buildings within the next 14 years, as required by current law.

These are not radical policies. These laws, which were passed in 2007, are things that I know people here would like to strike and repeal. Let me men-

tion another one we will likely hear about, which is the SAFE Act, offered by our colleagues from Georgia and Colorado. The Senators likely will offer this bill for sensible accounting to value energy. This bipartisan amendment was included in the Shaheen-Portman bill that would help homeowners account for the energy efficiency of their home during the mortgage and underwriting process. The average homeowner pays more than \$2,000 annually for the energy in their home. After the mortgage, this is typically the second largest cost in buying and owning a home, but it is not accounted for in the mortgage underwriting process. Many of us have gone through this process of buying a home and getting a mortgage. So why can't a homeowner, on a voluntary basis, have their home audited for its energy efficiency characteristics and have that information accounted for in the mortgage underwriting process? This is what Senators ISAKSON, BENNET, SHAHEEN, and PORTMAN have introduced in an amendment, and I think it will be one of the things we will hear about tomorrow and one of the potential votes we will be having.

A recent study from the University of North Carolina found that owners of more efficient homes are less likely to default on their mortgages. Adopting this amendment creates an incentive for homeowners to invest in energy efficiency improvement because those improvements will be accounted for in the underwriting process for their homes. Organizations as diverse as the U.S. Chamber of Commerce, the National Association of Manufacturers, the Alliance to Save Energy, and the U.S. Green Building Council all support this amendment. So this is another idea that is not in the underlying bill that we will be discussing.

Today we are here with many amendments that were added last week to this legislation. I thank my colleagues on both sides of the aisle for their hard work and for continuing to move forward with my colleague, the Senator from Alaska, Ms. MURKOWSKI, and myself in getting through the next couple of days of these policies.

I know my colleagues want to continue to discuss this legislation, as I do, but we also know there is a limited time that we will be able to be on this legislation. So I urge our colleagues to bring any amendments to the floor tonight that they would like to have considered, if they haven't already filed them today.

We need to continue to build on the successes of the last 40 years, continue to cut our energy waste, and de-link our economic growth from energy use so we can make sure we can continue to grow in the most cost-effective way, and continue to produce the jobs that these new renewables and energy efficiency opportunities are creating for us. I think this legislation will help give us another foothold toward a future economy that is cleaner, more ef-

ficient, and a better driver of U.S. competitiveness on an international global basis for the types of energy solutions that we think will help the world as well.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, the Senate is currently considering a bipartisan energy bill that could lead America on a pathway to rebuilding our Nation's economy in this century. It has been 9 years since we passed an energy bill and a lot of things have changed.

The bill we are considering contains important provisions to build domestic clean energy sources, strengthen energy efficiency measures, and modernize our electric grid.

This bill also represents a commitment to basic science research at the Department of Energy. I believe it can and should do more than what the original bill proposes. We need more robust support for basic science research—the kind of research that costs too much and takes too long for any individual company to undertake. We need to invest in medical and basic science research. The investment will pay off for generations to come.

I cochair the Senate National Lab Caucus, and I know that if we invest in research in the National Labs, it will lead to breakthroughs that will help keep America competitive and create good-paying jobs.

At Fermi National Accelerator Lab in Illinois, the development of superconducting wire technology enabled the large-scale manufacture of the magnetic resonance imaging—or MRI—machines doctors use today. Sometimes it is hard for the scientists and engineers and leaders at these labs to explain in simple words what they are doing and why it is important. This is an example. They were working on a wire technology that probably didn't mean much certainly to me or to many people, but when they finished, they came up with an MRI—a brandnew way of imaging our bodies to detect illnesses and plot a way to cure them.

In the 1970s, the scientists building Fermilab's particle accelerator drove cutting-edge research in superconducting wire fabrication. Rather than patent these advances, Fermilab made them freely available to the public and private sector, opening the door to large-scale superconducting wire manufacturing by private industry. Since MRI machines rely on superconducting wires, this made commercialization possible.

Today, MRI machines are widely used to image the human body. Using

MRIs nearly eliminates the need for exploratory surgery, which, of course, means it is cheaper in the long run and safer.

Last month, a new generation of MRI machines at the Illinois Neurological Institute saved the life of a 27-year-old farmer from Canton, IL, Cody Krulac. Cody had a tumor that was located in the part of his brain that would have been difficult to image using old technology and would have relied on surgery and guesswork, but using the new MRI machine, his doctors were able to pinpoint exactly where the tumor was and exactly how much to remove, meaning Cody spent less time in surgery and recovered more quickly.

Another example of the Department of Energy's success can be found in Argonne's Advanced Photon Source. Its power x-ray beams enable the observation of extremely small objects in unprecedented detail. This allows scientists to see how viruses, such as HIV, replicate and how cancer grows. This understanding led to the discovery of a new drug for AIDS therapy, a drug called Kaletra, which is now the most prescribed drug in its class for this deadly disease. It also led to the development of a drug, Zelboraf, to treat melanoma. This drug has been used by 11,000 patients worldwide and is approved in 43 countries. The research at this National Lab really paved the way.

Building and operating a facility like the Advanced Photon Source is too expensive and specialized for any single company to do. Only investment by America in its own Department of Energy can make something like this possible.

Let me give one final example of how the Department of Energy's Office of Science has had an impact on every American life. Researchers from Illinois University, Fermilab, and Argonne have teamed up to give a tenfold boost to normal CT scanning capabilities. The result was a next-generation CT scanner that limits the patient's exposure to radiation while giving better images that allow doctors to more accurately detect and treat cancer and save lives. This research also led to two U.S. patents and spurred an Illinois startup company called ProtonVDA through the National Institutes of Health small business innovation research grant.

These are only some of the Department of Energy's and the National Lab's success stories, but they are examples that show that this investment, which cannot be effectively made by most businesses in America, can really make America safer, healthier, and pave the way for new businesses and jobs. America's place as a world leader in cutting-edge research is at risk if we fail to make the necessary investments in basic science research.

I want to commend my colleagues in the Senate, particularly Senator ROY BLUNT, a Republican from Missouri; Senator LAMAR ALEXANDER, a Repub-

lican from Tennessee; and Senator PATTY MURRAY, a Democrat from the State of Washington. They really stepped up when it came to NIH research—the National Institutes of Health. In this year's budget, we are going to have virtually a 5-percent real increase in research—\$2 billion of new money going to NIH. I am willing to stake my future in the Senate and tell you that investment at the NIH this year in research will ultimately lead to breakthroughs that will save lives. This is another area which is equally promising.

I remember visiting the Department of Energy a few months back with Ernest Moniz, our Secretary, whom I respect very much. I told him the story of how I am committed to NIH's basic biomedical research. I said one example is Alzheimer's.

I was surprised when my staff said one American is diagnosed with Alzheimer's every 67 seconds. I said: Go back to the drawing board. That can't be true.

They went back and came back and said: No, Senator, that is exactly right. One in every 67 seconds on average, an American is diagnosed with Alzheimer's.

I told that story to Ernest Moniz, the Secretary of Energy, and I said that is why we need this NIH research.

He said: Senator, my Office of Science in the Department of Energy is developing the imaging techniques so that we can detect Alzheimer's in living human beings.

Currently, the only confirmation of the diagnosis is confirmed in autopsy. If we can look at the early onset of Alzheimer's, we can better respond to it. That is why, if one is interested in curing diseases, in finding ways to avoid expensive surgery, in reducing the cost of medicine but still protecting America, this generation of lawmakers needs to make a commitment to science research.

I have already thanked my colleagues by name who have done so much for the NIH, and I will be offering an amendment with Senator ALEXANDER of Tennessee that is going to help increase our commitment to research in the Energy bill which is before us. The 4-percent growth in the bill is good, but unfortunately it does not protect against inflation. What we are calling for is 5-percent growth over inflation in this Department. I can guarantee that the breakthroughs that will come from this research will make life better and create more opportunities for people living in this country. We need to have sustained funding to ensure that cutting-edge research can bear fruit, and we are asking that they maintain this growth period of 5-percent real growth for 5 years.

Congress needs to help America's best and brightest do what they do best. This amendment represents an investment that will save lives.

I will say parenthetically that this morning I made a trip to Atlanta, GA.

Every 2 or 3 years, I go down to visit the Centers for Disease Control and Prevention. This agency is not well known or well understood by most Americans. The Centers for Disease Control and Prevention in Atlanta, GA, is the first line in America's national defense when it comes to public health threats.

We now have a mosquito called the Zika mosquito spreading a virus in Brazil to the point where women are being warned that now is not the time to be pregnant. If one of those mosquitoes should sting you and if some of the virus gets into your body, it can cause a miscarriage or some terrible birth defects in the baby. That is how dangerous it is. The frontline of defense in the United States is the Centers for Disease Control and Prevention in Atlanta, GA.

As I walked through there and met with the pathologists, the doctors, veterinarians, and others who work there, I saw this amazing array of extraordinary talent, people who were excited about their work, about making our country and the world safer. The Zika virus, of course, is our current threat, but there are many more. They faced the Ebola crisis in Africa, and luckily it did not spread beyond the few countries where it was first reported. So when we talk about investments in research by the U.S. Federal Government, it is research that is good for us and our families, and it is good for the world.

I will be offering this amendment probably this week with Senator ALEXANDER and others to increase this commitment to research. It is an investment that will lead to new breakthroughs in this bill on energy, in scientific discoveries, energy innovation, and national security. This amendment strengthens the bill before us and helps us move to our 21st-century economy in the world. I urge my colleagues to support it.

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

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

Ms. MURKOWSKI. Mr. President, we have had an opportunity to have a few speakers here this afternoon. Senator CANTWELL and I have come to the floor and urged our colleagues to help us as we work to advance the Energy Policy Modernization Act. We have, for the information of colleagues, an order, in terms of several—a couple of votes tomorrow.

Mr. President, I ask unanimous consent that it be in order to call up the following amendments: amendment No. 3023 by Senator LEE and amendment No. 3115 by Senator FRANKEN; that on Tuesday, February 2, 2016, at 2:30 p.m.,

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 and a 60-vote affirmative threshold required for adoption; further, that the time between 2:15 p.m. and 2:30 p.m. be equally divided in the usual form and that there be 2 minutes of debate equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 2970, 2989, 2991, 3119, 3019, 3066, 3137, AND 3056, AS MODIFIED, TO AMENDMENT NO. 2953

Ms. MURKOWSKI. We are now ready to process a handful of amendments with a series of voice votes.

Mr. President, I ask unanimous consent that the following amendments be called up and reported by number: Gardner amendment No. 2970; Reed amendment No. 2989; Inhofe amendment No. 2991; Daines amendment No. 3119; Murphy amendment No. 3019; Hirono amendment No. 3066; Udall amendment No. 3137; and Flake amendment No. 3056, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for others, proposes amendments numbered 2970, 2989, 2991, 3119, 3019, 3066, 3137, and 3056, as modified, to amendment No. 2953.

The amendments are as follows:

AMENDMENT NO. 2970

(Purpose: To modify a provision relating to energy management requirements)

In section 1006, strike subsection (a) and insert the following:

(a) ENERGY MANAGEMENT REQUIREMENTS.—Section 543(f)(4) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(4)) is amended by striking “may” and inserting “shall”.

AMENDMENT NO. 2989

(Purpose: To ensure that funds for research and development of electric grid energy storage are used efficiently)

Section 2301 is amended by adding at the end the following:

(f) USE OF FUNDS.—To the maximum extent practicable, in carrying out this section, the Secretary shall ensure that the use of funds to carry out this section is coordinated among different offices within the Grid Modernization Initiative of the Department and other programs conducting energy storage research.

AMENDMENT NO. 2991

(Purpose: To modify provisions relating to brownfields grants)

(The amendment is printed in the RECORD of January 27, 2016, under “Text of Amendments.”)

AMENDMENT NO. 3119

(Purpose: To require that the 21st Century Energy Workforce Advisory Board membership also represent cybersecurity)

On page 316, line 15, strike “and” and insert “cybersecurity, and”.

AMENDMENT NO. 3019

(Purpose: To promote the use of reclaimed refrigerants in Federal facilities)

At the appropriate place, insert the following:

SEC. _____ . PROMOTING USE OF RECLAIMED REFRIGERANTS IN FEDERAL FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall issue guidance relating to the procurement of reclaimed refrigerants to service existing equipment of Federal facilities.

(b) PREFERENCE.—The guidance issued under subsection (a) shall give preference to the use of reclaimed refrigerants, on the conditions that—

(1) the refrigerant has been reclaimed by a person or entity that is certified under the laboratory certification program of the Air Conditioning, Heating, and Refrigeration Institute; and

(2) the price of the reclaimed refrigerant does not exceed the price of a newly manufactured (virgin) refrigerant.

AMENDMENT NO. 3066

(Purpose: To modify a provision relating to the energy workforce pilot grant program)

In section 3602(d), strike paragraph (2) and insert the following:

(2) work with the Secretary of Defense and the Secretary of Veterans Affairs or veteran service organizations recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code, to transition members of the Armed Forces and veterans to careers in the energy sector;

AMENDMENT NO. 3137

(Purpose: To modify a provision relating to a Secretarial order)

On page 302, strike lines 6 through 9 and insert the following:

(2) SECRETARIAL ORDER NOT AFFECTED.—This subtitle shall not apply to any mineral described in Secretarial Order No. 3324, issued by the Secretary of the Interior on December 3, 2012, in any area to which the order applies.

AMENDMENT NO. 3056, AS MODIFIED

(Purpose: To include other Federal departments and agencies in an evaluation of potentially duplicative green building programs)

Strike section 1020 (relating to an evaluation of potentially duplicative green building programs within the Department of Energy) and insert the following:

SEC. 1020. EVALUATION OF POTENTIALLY DUPLICATIVE GREEN BUILDING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—The term “administrative expenses” has the meaning given the term by the Director of the Office of Management and Budget under section 504(b)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (31 U.S.C. 1105 note; Public Law 111–85).

(B) INCLUSIONS.—The term “administrative expenses” includes, with respect to an agency—

(i) costs incurred by—

(I) the agency; or

(II) any grantee, subgrantee, or other recipient of funds from a grant program or other program administered by the agency; and

(ii) expenses relating to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication regarding, promotion of, and outreach for programs and program activities administered by the agency.

(2) APPLICABLE PROGRAM.—The term “applicable program” means any program that is—

(A) listed in Table 9 (pages 348–350) of the report of the Government Accountability Office entitled “2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue”; and

(B) administered by—

(i) the Secretary;

(ii) the Secretary of Agriculture;

(iii) the Secretary of Defense;

(iv) the Secretary of Education;

(v) the Secretary of Health and Human Services;

(vi) the Secretary of Housing and Urban Development;

(vii) the Secretary of Transportation;

(viii) the Secretary of the Treasury;

(ix) the Administrator of the Environmental Protection Agency;

(x) the Director of the National Institute of Standards and Technology; or

(xi) the Administrator of the Small Business Administration.

(3) SERVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “service” has the meaning given the term by the Director of the Office of Management and Budget.

(B) REQUIREMENTS.—For purposes of subparagraph (A), the term “service” shall be limited to activities, assistance, or other aid that provides a direct benefit to a recipient, such as—

(i) the provision of technical assistance;

(ii) assistance for housing or tuition; or

(iii) financial support (including grants, loans, tax credits, and tax deductions).

(b) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall submit to Congress and make available on the public Internet website of the Department a report that describes the applicable programs.

(2) REQUIREMENTS.—In preparing the report under paragraph (1), the Secretary shall—

(A) determine the approximate annual total administrative expenses of each applicable program attributable to green buildings;

(B) determine the approximate annual expenditures for services for each applicable program attributable to green buildings;

(C) describe the intended market for each applicable program attributable to green buildings, including the—

(i) estimated the number of clients served by each applicable program; and

(ii) beneficiaries who received services or information under the applicable program (if applicable and if data is readily available);

(D) estimate—

(i) the number of full-time employees who administer activities attributable to green buildings for each applicable program; and

(ii) the number of full-time equivalents (the salary of whom is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance) who assist in administering activities attributable to green buildings for the applicable program;

(E) briefly describe the type of services each applicable program provides attributable to green buildings, such as information, grants, technical assistance, loans, tax credits, or tax deductions;

(F) identify the type of recipient who is intended to benefit from the services or information provided under the applicable program attributable to green buildings, such as individual property owners or renters, local

governments, businesses, nonprofit organizations, or State governments; and

(G) identify whether written program goals are available for each applicable program.

(c) RECOMMENDATIONS.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall submit to Congress a report that includes—

(1) a recommendation of whether any applicable program should be eliminated or consolidated, including any legislative changes that would be necessary to eliminate or consolidate applicable programs; and

(2) methods to improve the applicable programs by establishing program goals or increasing collaboration to reduce any potential overlap or duplication, taking into account—

(A) the 2011 report of the Government Accountability Office entitled “Federal Initiatives for the Nonfederal Sector Could Benefit from More Interagency Collaboration”; and

(B) the report of the Government Accountability Office entitled “2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue”.

(d) ANALYSES.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall identify—

(1) which applicable programs were specifically authorized by Congress; and

(2) which applicable programs are carried out solely under the discretionary authority of the Secretary or any agency head described in clauses (ii) through (xi) of subsection (a)(2)(B).

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now vote on these amendments en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I know of no further debate on these amendments.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, if I could just say, I so appreciate our colleagues working in such a bipartisan fashion to work through these eight amendments and set votes for these amendments tomorrow. We are making good progress on this legislation. I hope our colleagues will give attention to these matters so tomorrow we can move further on some more votes to clear up the remaining issues before us on this bill.

I appreciate all our colleagues working together in earnest and the chair of the committee to make sure we have made this progress so far today. Thank you.

The PRESIDING OFFICER. Hearing no further debate, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 2970, 2989, 2991, 3119, 3019, 3066, 3137, and 3056, as modified) were agreed to en bloc.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Sen-

ate proceed to executive session to consider Calendar No. 458.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Ricardo A. Aguilera, of Virginia, to be an Assistant Secretary of the Air Force.

Thereupon, the Senate proceeded to consider the nomination.

Ms. MURKOWSKI. Mr. President, I know of no further debate.

The PRESIDING OFFICER. Is there any further debate?

Hearing none, the question is, Will the Senate advise and consent to the Aguilera nomination?

The nomination was confirmed.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ANNIVERSARY OF THE LILLY LEDBETTER FAIR PAY ACT

Ms. MIKULSKI. Mr. President, today I wish to recognize the anniversary of the signing of the Lilly Ledbetter Fair Pay Act.

Lilly Ledbetter is an inspiring woman and a courageous trailblazer. She fought the system in her workplace and the courtroom. She was a long-standing and loyal employee at the Goodyear Tire & Rubber Company for 19 years. But then she found out that Goodyear thought she was worth less than her male counterparts. A jury found Goodyear owed her almost \$400,000 in backpay, but the Supreme Court said that she was too late. When Justice Ginsburg read her dissent from the bench, she called for Congress to fix it, so we went to work.

It has been over 7 years since we passed this historic legislation. I was so proud to lead the charge in the Senate to keep the courthouse doors open to sue for discrimination. This wasn't an easy road. When we lost the first

vote on this bill, I called upon the women in the Senate and across America to put their lipstick on, square their shoulders, and suit up to fight for an American revolution.

We did just that, and the Lilly Ledbetter Act became the first bill that President Obama signed into law in 2009.

Passing the Lilly Ledbetter Fair Pay Act was a big accomplishment—but our work is far from done. We need to finish what we started by passing the Paycheck Fairness Act. The Lilly Ledbetter Act kept the courthouse door open, but the Paycheck Fairness Act will make it more difficult to discriminate in the first place.

Women are tired of being paid crumbs. Women still only make 79 cents for every dollar a man makes, and it is even worse for women of color—African-American women earn 62 cents on the dollar, and Hispanic women earn 54 cents. By retirement, the average woman loses \$431,000 to the pay gap. This affects Social Security, pensions, and retirement security. Everybody says, “Oh you've come a long way,” but women have only gained 20 cents in 50 years.

We will not take no for an answer. We will continue to demand equal pay for all. We are going to change the Federal law books, so women get change in their family checkbooks.

NATIONAL SCHOOL CHOICE WEEK

Mr. COTTON. Mr. President, as National School Choice Week came to a close last week, I want to highlight the important role school choice plays in our education system in Arkansas and across the country.

I am the proud graduate of Arkansas's public schools and the son of a public school teacher and principal. Throughout my life, I was blessed with wonderful parents, teachers, and coaches who taught the skills, knowledge, and values needed for success in the workforce. Unfortunately, not all children have the same experience.

Dardanelle High School was the right choice for me, but the local public school isn't always the right fit for everyone. Too many children aren't receiving the attention or education they deserve. This is especially true in areas with poor performing schools. But it is not always about the quality of education; sometimes local schools cannot make adequate accommodations for a child's religious beliefs or personal needs. Quite simply, one size fits all isn't the key to success for education.

That is why I believe in school choice.

Parents—not politicians and bureaucrats—know what is best for their children. We should empower them and ensure they have access to alternatives to the traditional public system. This includes home schooling, charter schools, and private and religious schools. That way, every child will receive the type of education that best fits their learning style.