

could jeopardize our national security and that of our allies, such as the nation of Israel.

Then there is the National Defense Authorization Act, which was passed this last week and which will provide our men and women in uniform the authorities and the resources they need to protect and defend our Nation against rising threats around the world.

And, as I mentioned at the beginning, just yesterday we passed trade promotion authority, which will soon be heading to the President's desk. It provides Texas farmers, ranchers, and small businesses the opportunity to find new markets around the world through pending and future trade agreements.

We also see significant progress in many other bills that the Senate may soon consider, bills that our committee chairs have been tirelessly moving forward. This includes more than 110 bills that have been reported out of committee and legislation such as the PATENT Act, a bill I have been very involved in, which helps startups and small businesses that are too often wasting their time and money fighting costly, frivolous litigation.

It is good to see that the Senate is back working for the American people, and it is my hope that we can, on a bipartisan basis, continue to build on our strong record so far this Congress and to continue to work productively, where we can, to serve those who elected us.

The Senate is starting to build some momentum. With several appropriations bills looming, we need to keep getting things done and to continue providing real solutions to the problems it faces.

Although my friends across the aisle suggested that they will launch a filibuster summer, I would like to stress that would undercut the good progress and the productivity we have demonstrated so far, and it would also frustrate the American people and only harm those whom we are sent here to represent, not the least of which are our troops and veterans.

So let's do away with this irresponsible idea of a filibuster summer, and let's work together to try to do the Nation's business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I wish to say a couple of things before I speak to the issue that brought me to the floor today.

I have been listening to our leader from Texas talk about so many of the advances we have seen in the Senate this session. I think it is important to acknowledge and note that we are making progress. Often we get labeled in the media for being that "do-nothing Congress," that entity which is just engaged in loggerheads and deadlock. But I think the truth is and the facts on the ground are that we are seeing

substantive legislation passed, just as the Senator from Texas has noted.

I was pleased to lead off the Senate with the first bill on the floor in this Congress—the Keystone XL Pipeline. It was good to be back at work in a body that was entertaining amendments from both sides and offered by my colleagues without any direction or dictation from the majority side—an opportunity for the give-and-take that comes with not only good debate but not knowing whether your amendment is going to pass or fail. That is how the legislative process works.

The occupant of the Chair is a former member of a State body, as am I. We know that is how you build legislation, the good, constructive back-and-forth. We saw that with the Keystone XL debate. We moved that through both bodies. The President chose to veto it. I think it is a mistake on his part. I would like to see us resolve that eventually. But I do think it reflects the way that we as a Chamber can work and the way a constructive majority can work. So I applaud the leadership of the majority in getting us to this point and through some very difficult issues. We are going to have some good things coming up, and I look forward to further engaging in debate on those.

FIRES IN ALASKA

Ms. MURKOWSKI. Madam President, I want to mention very quickly what is on the front page of my newspapers in the State of Alaska this week and has been for a couple of weeks now. Our fire season started very early and with an intensity that has really attracted concern not only within the State but outside the State. Currently, we have about 545 fires that have begun within the State, both in the interior, where we traditionally see them, but also down in Southcentral, fires that have taken homes and properties.

In the first part of the fire season, there was a great deal of attention on the community of Willow, an area that hosts the homes of many of our famous and our infamous dog mushers, mushers who mush along the Iditarod Trail and other parts. The articles have been about the dislocation of not only the mushers who have lost their homes but also trying to find places for up to 600 sled dogs for temporary relocation.

So there has been a great deal of concern about the fire status in Alaska. As I mentioned, 545 fires have burned, 427,881 acres as of yesterday evening. That is a significant total. It is a very significant total, but it is pretty small in comparison to where we were in 2004 when we saw almost 5 million acres burn. In 2004, 4.7 million acres burned, and in 2005, we had 2.2 million acres.

We are hopeful that the weather is going to change and that we will get on top of this. But when I was home in Fairbanks in the interior on Saturday, on Saturday alone we saw 6,500 lightning strikes at a time and a place where it is very dry in the interior and

has been for some time. So fire danger is very real.

My point this morning is not to give the weather report but to acknowledge publicly the efforts of the men and women who have been engaged so bravely and so heroically in fighting these wildland fires, fighting these fires all over the State in extreme conditions, in difficult conditions where wind can come in at the last minute and change the direction of the fires and not only threaten the property but the safety of our firefighters.

Right now, we have about 3,300 fire personnel in the State of Alaska. About 2,200 of them are fighting fires on the ground. Over 1,000 of these are men and women from Alaska. Many of them are hotshots and are firefighters from the villages who have a great deal of expertise, but we also rely on many who come from the lower 48 to assist us during this time of our wildfires. We thank them and we pray for their safety and for those who have been left homeless, whose property has been damaged, whose lives have been upended by these very difficult fires. Know that our hearts go out to you, and whatever efforts we are able to provide for assistance, we stand ready to do so. And a very heartfelt thank-you to those who are fighting these fires.

EPA RULE ON WATERS OF THE UNITED STATES

Ms. MURKOWSKI. Madam President, I came to the floor today to speak about an issue—a regulation that has raised a level of concern and controversy in my State of Alaska like no other we have seen in a long time, and this is in regard to the EPA and the Army Corps of Engineers and their release of a final version of a rule that significantly increases the ability of these agencies to regulate more of our land and our water. I am speaking specifically to the rule that expands the definition of "waters of the United States" under the Clean Water Act.

Coming from the State of Nebraska, an agriculture State, I am sure the Presiding Officer has heard concerns from constituents and farmers about the expansion of this definition and what it may mean to our economies.

The EPA claims this rule—and we lovingly refer to it as WOTUS—is a clarification to provide certainty and predictability as to where clean air permits are required. But the view of so many Alaskans—and really the view around the country—is that this rule is far beyond a simple clarification because it substantially increases EPA's regulatory reach. It will subject countless new projects to permitting requirements that will be difficult to satisfy, increasing cost and certainly increasing project delays.

The application of the WOTUS in Alaska is expansive and it is negative. It is something I have described as a showstopper in the past, and none of the changes in the final rule alter that

description. If anything, they just serve to reinforce it. The rule really was a showstopper when it was drafted, and it remains at least as bad and damaging today.

According to the U.S. Fish and Wildlife Service, there are more than 174 million acres in Alaska that are wetlands. There are 174 million acres in the State that are considered wetlands, so compare this: The entire State of Texas is 172 million acres. Everyone in the lower 48 thinks Texas is a pretty big State. My friend JOHN CORNYN was here earlier. Texas has 172 million acres. In Alaska, we have 174 million acres of wetlands. So take the whole State of Texas and turn it into wetlands, and that is what we are looking at in Alaska.

Look at this map for a little bit of context. Under the old rule, 43.3 percent of Alaska's surface is considered wetlands compared to about 5.2 percent of the surface area in the lower 48. This map is pulled from the U.S. Fish and Wildlife Service's wetlands finder Web site. It may be difficult to see, but these areas in the brighter green are all the wetlands. The area of southeastern Alaska, where I was born and raised, is entirely wetlands. The entire southeastern part of the State is wetlands—in Fairbanks, in the interior area, Southcentral, all around Prince William Sound, all the southwest.

But I think it is important to note that this Web site which Fish and Wildlife has is lacking data for a significant part of Alaska, and so the map is effectively incomplete. The last study conducted by the Service on the status of wetlands in the State was done back in 1994, which really puts it out of date. It doesn't take into account the recent Supreme Court decisions of Rapanos and SWANCC. So we have another map here that I think is instructive to look at as well.

This map is pulled from a study by the University of Michigan and the Jet Propulsion Laboratory at the California Institute of Technology. In this map, they use L-band radar satellite imagery. It probably produces a more complete and accurate view of the wetlands in the State. Again, we see all of these areas that are considered wetlands, but, in effect, more parts of the State are considered wetlands or viewed as wetlands than not.

So what we have between these two maps—between what Fish and Wildlife has done and what the University of Michigan and the California Institute of Technology has done—are some discrepancies, but it illustrates the problem. The problem is that nobody really knows what will be considered wetlands by the EPA and by the Corps, and if the new rule takes effect, that problem will only be compounded because it declares that any water or wetland within 4,000 feet of a “categorically jurisdictional water” will now be subject to this “significant nexus” analysis. That analysis will include the entire water at issue even if only a tiny part

of that lies within the 4,000-foot boundary.

If you are like most Americans, you probably and understandably have no idea how to define a categorically jurisdictional water. You probably don't have any interest in learning how to define it. But what you may soon find is that it is going to impact you because it will include all waters used or susceptible to use in interstate commerce, all interstate waters, the territorial seas, all tributaries to those bodies of waters, and all waters adjacent to all those other enumerated waters. That is a lot of water.

Again, you probably and understandably aren't familiar with this significant nexus analysis, either. I mean, really, what does that mean? Here is a way to help put it into context. If you have a 500-acre plot of land and within that 500 acres you have 10 square feet that are within 4,000 feet of any jurisdictional water, your entire parcel—the whole 500-acre plot—will now be evaluated as a whole. Even though the area we are talking about where there are wetlands is like 10 square feet out of 500 acres, the whole thing is considered as a whole. The significant nexus analysis must include all similarly situated waters. So, again, you will have a situation where EPA and the Corps are going to interpret broadly.

What does all this mean in terms of application? It is interesting, looking at maps and having this discussion about categorically jurisdictional waters and significant nexus, but let's take a specific example.

Take the community of Fairbanks, where I spent a lot of time growing up. Fairbanks is in a valley, it is in the Tanana Valley surrounded by a pretty large watershed. The Tanana River, Chena River, we have a situation in this area in Fairbanks where all of the wetlands in the basin have been declared similarly situated. What that means is that a landowner will be forced to prove that none of the wetlands in the basin, as a whole, have a significant physical, chemical or biological connection to either the Tanana or the Chena Rivers. That is practically an impossible hurdle. There are thousands of acres of wetlands in that basin that are now all effectively subject to jurisdiction under this new rule. Every single person who wants to do any sort of development in Alaska's second-largest city will now be required to get some form of a permit. This includes the guy who wants to build a cabin up on Chena Ridge or the small dredge operator out in the Goldstream Valley or the developer out in North Pole who wants to put in a new subdivision. To all of them: Go out and get your permit.

The bureaucratic mess that is the 404 permitting process has already held back crucial development within the State, and this new rule is only going to make things worse. Now, I wish to go further to the Fairbanks example and to tell the story of Richard Schok.

He has a company called Flowline. He has been engaged in an ongoing battle with the Corps since May 21, 2008. That was the day Richard submitted a permit application to the Corps. It was a reapplication for a permit which had been granted back in 2003. We might think, OK, this is just a reapplication. This is a permit which has been in place now for 5 years. It should have been an easy matter. Instead, Richard is still fighting the Corps—this many years after, still fighting the Corps for a new permit. Since 2008, the Corps has connected the piece of property at issue to the Tanana River, the Chena River, and something known as Channel B, which is a manmade waterway used for flood control purposes.

The Agency's first attempt to establish jurisdiction over his private land, which consists of 455 acres outside of Fairbanks, was through the Tanana River. They looked at it, and after administrative review, it was held there was no connection between the subject land and the Tanana. So we would have thought we were done with it. But, no, rather than just allow Mr. Schok to develop his private land, the Corps then switched theories on him and said: No, we think the land is connected to the Chena River instead. But then they went further than that. They settled on a third theory, and that was that the wetlands had a direct connection to Channel B. Channel B is over 2 miles away from Mr. Schok's property via a small 20- to 50-foot-wide wetland arm, since Channel B drains into the Chena River. So when you are talking about a significant nexus, how remote could you possibly be.

So there are a couple problems with this analysis. First, the strip of land they labeled as wetlands wasn't wetlands at all. People drive four-wheelers on it. You can walk on it in tennis shoes. Basically, this is the land they are describing as wetlands. The guy has taken a core sample here. It is muddy underneath, but effectively this is what is being considered the wetlands. Second, Channel B contributes less than 1 percent of the total flow to the Chena River. We would think that should not suffice for a finding of a significant nexus, but the Corps thinks it does. So to date, this permitting battle has cost Mr. Schok over \$200,000, and that doesn't count the 1,000 man-hours he and his staff have put into the project. All he is trying to do is move his business from its current location, which is limited in size, to this new piece of land—his private property—and open a new powder coating plant. The move would allow him to expand his operations, employ more people, and contribute to the growth of Alaska. But since 2008, he can't make it happen.

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

Ms. MURKOWSKI. Madam President, I ask unanimous consent to continue for an additional 4 minutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

NUCLEAR AGREEMENT WITH IRAN

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

For decades, Iran has posed a serious, real, and ongoing threat to the U.S. national security interests. Iran's pursuit of its hegemonic ambitions in the Middle East has manifested in the training and arming of Syrian President Bashar al-Assad's forces and terrorist organizations such as Hezbollah. More recently, Iran's increased intervention in the conflicts in Yemen and Iraq pose dangerous and unpredictable regional consequences.

Iran's Ayatollah Khamenei continues his horrific and unacceptable calls for the destruction of the State of Israel and has not yet come clean about the dimensions of Iran's nuclear program.

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

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

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

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

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

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