

party down this road, should be illuminating. On the official side, two attorneys general appear to be looking into Exxon's role in this climate denial scheme. In short, what could well be the biggest scam to hit politics since Teapot Dome and Watergate is being unraveled and exposed.

The dirty fossil fuel money has deliberately polluted our American politics, just as their carbon emissions have polluted the atmosphere and oceans. Justice cannot come too soon for these people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll. The 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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.

ENERGY POLICY MODERNIZATION BILL

Ms. MURKOWSKI. Mr. President, I was in the cloakroom listening to my colleague from Rhode Island talk about the issue he is clearly very passionate about relating to our climate and recognizing that in that space, as we think about energy and our energy needs as a nation, our economic security, our energy security, our national security, how that is all tangled and intertwined, I can't help but think we have colleagues from very different perspectives who have stood on this floor over the course of the past couple of weeks, and it seems that one thing we have found some level of consensus on is that it is time to update our energy policies. It has been over 8 years now since we have seen any energy policies that do anything to move us forward as a nation, that work to help us be more energy efficient, be more energy independent, move toward a cleaner energy future, embrace the technologies we have available to us. There is a recognition we need to act together to update our energy policies.

I have come to the floor this evening to speak to where we are in this process of successfully moving an energy modernization bill across the floor of the Senate. We took this up some 2 weeks ago now. I wanted to comment on some of the comments that were actually made on the floor this morning. There was a comment that was made that as Republicans we need to "get to yes" on assistance for Flint.

I have stood on the floor and have made clear there is no doubt in my mind that Flint is the site of a tragedy that should have been, could have been avoided. There is no doubt in my mind that Federal assistance could be provided to help with the city's ongoing crisis, but there is also no doubt in my mind but that this is something where we need to get to yes on a number to help Flint out. We need to get to yes,

and we need to figure out what that right amount is.

It sounds easy, and those of us who are committed to not only addressing the situation, the urgent situation we see in Flint, there is a recognition that there is a broader problem at play when we think about our Nation's infrastructure and our water infrastructures. I wanted to take a few minutes this evening to speak to that and where we are in this process and why this "getting to yes" has perhaps been more problematic than most had hoped.

I remind my colleagues that what we have been debating on the floor is an energy bill. It is a bill that was written by myself as the chairman of the Energy Committee, along with Senator CANTWELL from Washington as my ranking member. It included the Presiding Officer as a member of the committee, along with dozens of other members who serve on the Energy Committee. It has been the result of more than a year of regular process, regular order, within the committee, where we worked to consider ideas from all over the board.

We undertook an effort that some would say you just don't see around here anymore. We started with an agreement, an agreement between the chairman, myself, and the ranking member, and asked: Do we want to send a message this year about what we need to do with energy and our energy policies or do we want to bring about some change? Is it time to update our energy policies after 8 years?

The two of us agreed we wanted to make that change. We recognized that in order to do that, in order to get it through the committee with a good bipartisan vote, in order to get it to the floor, we were going to have to work together. We made that commitment, our staffs made that commitment, and we not only said we were going to do it, we did it.

We started off with a series of oversight hearings that we had in Washington, DC, and around the country, bringing people in, soliciting their ideas. After the oversight hearings, we had six legislative hearings before the committee, going through a host of different initiatives. There were 114 bills, separate bills—some from members of the committee, some from Members who were not serving on the Energy Committee but who had good ideas, and we reviewed them all, considered them as part of the bill we were building, and then we had our markup. We went into 3 days of markup before the Energy Committee. We considered over 50 different measures, 50 different measures from folks within the committee and outside the committee, Republicans and Democrats, urban and rural.

In the committee process, it was full-on. It was an open exchange. It was any good idea, any amendment that you have, if you think you have the votes, let's run it. If you think you don't and

you still want to run it anyway, let's work it. We worked that committee process. We considered 59 amendments within the committee. It was a good process, and because it was good process and it was so inclusive, we got a bill that moved out of the committee 18 to 4. The four dissenting votes were interesting. We had two Republicans who dissented and two Democrats. Even the opposition was bipartisan.

I say this by laying the groundwork for what we have built because I want colleagues to appreciate the substance of the measure we have before us with the Energy Policy Modernization Act. We then came to the floor the first of the year, the first big bill to come to the floor and take up valuable floor time, and I am pleased we were able to come to the floor early. In the time that we have been to the floor, we have dispensed with 38 amendments. Most of those have gone by voice, not because it has been a take-this-or-leave-it approach. A voice vote means it comes by unanimous consent. You have to get consent to get these before the body. We worked through a host of different issues, all over the board—whether it related to advanced nuclear or whether it related to coal research or whether it related to issues as they relate to our public lands. We have been working this throughout this process.

In fact, I think it is important to recognize that even during this time period where it has been quiet on the floor, we haven't heard people talking much about where we are with the Energy bill. Our staffs on the majority side and the minority side have been working together to clear even more amendments that have that support that we could move by voice, almost 30 additional amendments on top of what we have already done.

We are not letting the moss collect and gather as we are trying to deal with the situation that has detracted and distracted this Energy bill, and that is the nature of the Flint issue. I don't want people to think the basis of the bill which brought us here, a bill that would modernize our energy policies, a bill that would help America produce more energy, a bill that would help Americans save money, a bill that would help our Nation with our national security, our energy security, and our economic security, a bill that would help to cement our status as a global energy superpower—it is important we remember why we are here.

Others are remembering that when we left the floor on Thursday with an indeterminate path forward into how we were going to advance the Energy bill, those groups that have been interested in following this debate come to us with concern saying: Wait. Don't stop that forward movement. The Bipartisan Policy Center has sent out a letter urging us to move forward with this Energy Policy Modernization Act. ClearPath has urged us: Please, this is important to us from a clean energy perspective. Bill Gates has put out a

letter on his blog post urging us: Please don't forget that as we are talking about how to resolve this situation for Flint, MI, that we don't forget the importance of the underlying bill we are debating, which is the Energy Policy Modernization Act.

The progress we have made on this bill is critically important. Again, we are working with the ranking member to keep plugging along on all of those issues we have outstanding. We believe we have a path forward for a bipartisan bill, a bill that so many Members of this body have come to the floor and said that this is good, this is important, this is something we need to do.

We are not going to forget that, but in the meantime, what we are dealing with is this plea for assistance, Federal assistance by the people of Flint, MI. As I said last week, I don't fault that request. Coming from a State like Alaska, which has considerable needs of its own when it comes to water infrastructure, in far too many of my communities it is not a situation of aging infrastructure. It is a situation of no infrastructure, no clean water, no safe drinking water.

I understand, but I am increasingly frustrated by where we are now and how the decisions that have been made to date are effectively stopping all activity on an energy bill, even as it becomes perhaps increasingly obvious or clear that the issue related to Flint, the urgency of Flint's situation—the bigger issue we see looming when it comes to our Nation's water infrastructure, that is a problem that demands a level of scrutiny and attention that we as a Congress should give—but is the Energy Policy Modernization Act the right vehicle for what is being sought right now?

I want to make sure that not only colleagues know but people who have been following this issue know that we have been working in good faith toward a solution that will help address the situation in Flint. Many of my Republican colleagues are working with the Senators from Michigan to try to find a good-faith solution. I have been engaged in this from the very get-go. I have been working on this issue, as have many Republican members.

We found some programs out there that make sense for providing assistance. The State revolving fund is one we have looked to and have, along with our staffs, spent considerable hours debating the merits of different approaches and drafting language for them in the hope of being able to resolve scoring issues and generally trying to seek a path forward.

While others were enjoying the Super Bowl on Sunday, my staff was not. Actually, the Senator from Washington and I happened to be on the same airplane when we were coming back from the west coast so we could be here to work on this bill, and we missed the game as well. Our staffs were going back and forth with CBO to determine if the solutions that we had laid down

were going to work. Were they going to meet the scoring issues? Were they going to avoid the blue slip issues? Was it going to be a viable path forward? We have been doing this since day one.

I think it is important to outline these issues to people so that when someone suggests that somehow or other we just need to "get to yes" quickly, they know that there is a range of factors that have complicated our efforts. It doesn't help that the Energy bill that has drawn widespread acclaim for having a very open process has to now try and deal with the situation in Flint, so there hasn't been an open process. In fact, there hasn't been a process. I think that is part of what is complicating this situation.

This is a big issue. There is an urgency to address Flint's situation, which is maybe more specific, but again, this is bigger than Flint. We heard from colleagues on both sides of the aisle about the issues around their respective States and around our country which we are going to have to be dealing with.

We have an amazing, complete process with the Energy bill that we have methodically and consistently—almost over the top—gone through a process, and now we have something that is kind of been airdropped in, to use an expression around here, that is not as easy as people would suggest. It is not something where you can say: Just throw some money at it. We are not helped by attempts to federalize the process, regardless of the Federal Government's share of the responsibility in it. I believe there is a proportionate share where we have to be there to help.

We are not helped by the President's decision not to issue a disaster declaration but instead to grant a much more limited emergency declaration, and then we are not necessarily helped by the President's budget that he laid down today. He didn't request funding for Flint in this massive budget proposal. In fact, the level of funds that we have been looking at that could help Flint—the State revolving funds—have not increased. What we have actually seen is a decrease in the Clean Water Fund. That is not going to help us because we recognize that we have to address those issues as well. Also, we are not helped when they ask for far more Federal dollars than the city of Flint may be capable of spending over the next year. We have been trying to identify and discern what would help.

I had a conversation with the Governor of Michigan to try to discern it. I have talked to the Senators from Michigan, and I have talked to the House Members from Michigan. We have at least four Flint-related amendments that are pending to the Energy bill from the Michigan delegation alone, but again, in terms of the extent of the repairs that need to be made, does it include all of the pipes in Flint? Are they trying to get a corrosion control system in place? Is that it? Do we

have a final estimate for what those repairs will cost and the plan of action that will be required?

I appreciate the response of the Senator from Michigan when there was a little bit of back and forth with the Senator from Texas, saying that in her bill there is a requirement to detail how the money will be spent. I truly appreciate that part of it. We are being put in a situation where we are trying to define the right amount here, and it is important that we get that right. As important as it is for us to get to yes and figure out what we can do to help Flint in a way that is fair to Flint and fair overall, we have to get it right as well.

Again, I was reading some newsclips last night. The New York Times had an article about how all around the country we are seeing other States that are setting up an alarm in terms of situations within their communities—from Pennsylvania to Ohio to California—where there is a need to not only improve the current infrastructure, but there are issues in these communities that have raised a level of concern that we should all be concerned and care about. So how we approach this issue and how we make sure that—in an effort to kind of rush money out the door to Flint alone—we don't put ourselves in a place where we commit to a course of action where the Federal Government pays for all of the costs for local water systems. We can't legislate crisis by crisis, community by community, or pretend that the Federal Government is not already \$19 trillion in debt. We have to do right by this. We want to address the urgency—I want to address the urgency—for the people in Flint, but I also want to make sure we do it right.

I think most Members recognize that our solution is going to have to be national in scope because there are other communities in other States that may also need help. Most Members know that our answers must be responsible in light of our already difficult fiscal situation, and most Members are at least willing to consider the legislation that provides assistance so long as it doesn't violate our Senate rules, the Constitution, or add to the Federal deficit. Again, that is why we are kind of sitting here today, Tuesday evening.

There are a couple of plans that have been viewed as viable because they meet that criteria. They meet the criteria in terms of not adding to the Federal deficit, not violating the rules of the Senate, and not violating our Constitution, and it is interesting that both of those measures are actually measures that come from this side of the aisle.

I note that the majority leader is on the floor, and I will defer to him at his convenience; otherwise, I will continue with my comments.

I laid down an offer last week. The offer would make \$550 million available, \$50 million would be made available through State-revolving grants.

This money could help the people of Flint and other communities that have contaminated drinking water. It gives access to \$500 million in loans. It is fully paid for. It is one of the few viable offsets that we have found within the jurisdiction of the Energy and Natural Resources Committee where I am the chairman, and I think that is part of the issue that we need to be discussing here. It is so important to make sure—as we look to these pay-fors—we can make an agreement on the pay-fors, and I believe this one is viable because I believe it is one we can agree on.

Last week I asked unanimous consent to have this amendment pending for a vote, but that was rejected. The second proposal was one made by Chairman INHOFE, who is the chairman of the Environment and Public Works Committee, which is the committee of jurisdiction, and last week he also introduced an amendment that was fully paid for. He used funds that are available from an all-but-dormant loan program at the Department of Energy which is used to subsidize the auto industry. We can go back and forth about the merits of that fund, but the fact remains that it would have been a viable pay-for for the measure that Senator INHOFE laid down. It, too, was rejected even though it was effectively an offer to prioritize assistance for the families and the children in Flint over some of the major corporations, and we were told no. That is kind of where we are right now. If you want to know why the negotiations aren't proceeding as quickly and as smoothly as they had hoped, I think that is one of the reasons we are where we are.

The fact is, many of us are willing and trying valiantly, and in many cases desperately, to get to yes, but we can't get to yes on just anything. We cannot accept something that is not paid for. Quite honestly, we can't do something that would jeopardize and doom the underlying Energy bill, and I think we can't get to yes on something that provides more funding than could reasonably be used in the short term or ignores the problems that we are facing in other parts of the country.

We have looked at how we can separate this and how we can work it out as a stand-alone measure. I think it needs to be made a priority. I think Chairman INHOFE, who is on the EPW, has made it one, but I think it needs to be separate and apart from what we are doing on this bipartisan Energy bill which already includes priorities from over 62 Members of the Senate.

I don't think it is too much to ask that our Energy bill be allowed to move forward in the meantime. If we had been able to move forward as we had planned, we would have tucked this legislation away last Thursday, and we would have had a full week to buckle down and figure out a path forward for Flint and for the Nation. Instead, here we are on a Tuesday, we have a recess coming up at the end of the week, and we haven't had an oppor-

tunity to approve these almost 30 amendments that could go by voice. We are kind of at a stall spot.

Mr. McCONNELL. Mr. President, will the Senator yield for a comment?

Ms. MURKOWSKI. I will.

Mr. McCONNELL. Mr. President, I just want to assure the chairman of the Energy Committee that we are not giving up on this bill. It has too much support on a bipartisan basis for us to walk away from it, and I know all of our colleagues on both sides of the aisle appreciate the ongoing efforts the Senator has made to deal with the other issue that has arisen here, regrettably right when she was on the verge of achieving an agreement here. I know the Senator from Alaska will stick with it, and I am behind this effort all the way.

Ms. MURKOWSKI. Mr. President, I appreciate those comments, and I appreciate the support of the majority leader. I had an opportunity to speak with the minority leader earlier today, and he reiterated the priority of this Energy bill. To my colleagues and those who have been urging us to carry on and continue, know that we are doing exactly that and that I remain committed to not only the Energy Policy Modernization Act, but I am committed to finding a path forward as we deal with the important issue that relates to Flint and also relates to the rest of the Nation when it comes to the security and safety of our water supply.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

INTERNET TAX FREEDOM FOREVER ACT

Mr. McCONNELL. Mr. President, on an entirely different matter, I think many Americans would agree with the following statement: The Internet should remain open and free. Politicians should certainly not try to tax it.

Congress passed a temporary ban on Internet taxes back in 1998. It was an important bipartisan win for the American people, but Congress has never made that ban permanent. In fact, there have been eight different short-term extensions of the Internet tax ban. It is time we made it permanent. It is time we made it permanent.

The bipartisan Internet Tax Freedom Forever Act has 51 cosponsors. It was introduced by the top Republican on the Commerce Committee and the top Democrat on the Finance Committee. In my office we have received many, many messages from Kentuckians who support this measure.

Here is what the bipartisan Internet Tax Freedom Forever Act would do. It would ensure any existing Internet taxes are phased out permanently. It would ensure any new attempts to tax the Internet are prohibited permanently. It would ensure Americans' access to information and online communications remain open and free permanently.

The House already passed this kind of commonsense bipartisan legislation to make the ban on Internet taxes permanent. It is time we did it here in the Senate. The action I am about to take will allow us to have that chance on Thursday of this week.

TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015— CONFERENCE REPORT

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate the conference report accompanying H.R. 644.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 644, which will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 644), to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with an amendment and the House agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 9, 2015.)

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 644, an act to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes.

Mitch McConnell, David Perdue, Pat Roberts, Roy Blunt, Chuck Grassley, Shelley Moore Capito, Richard Burr, Mike Crapo, Thad Cochran, John Thune, John Hoeven, Tim Scott, Lisa Murkowski, Rob Portman, Kelly Ayotte, Tom Cotton, Orrin G. Hatch.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived with respect to the cloture motion.

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

Mr. McCONNELL. Mr. President, I just filed cloture on the Customs conference report. The House has passed this commonsense bipartisan bill, and it is time for the Senate to do it as well.