

learned of the success of the Ghost Army from my constituent, Caleb Sinnwell of Nashua, IA. He won first place in the National History Day Project for his website about the Ghost Army and has been tirelessly advocating for this legislation to award the unit a Congressional Gold Medal. I thank him for his advocacy and for his admirable dedication to ensuring that those who sacrificed to ensure that the freedom and rights that we prize in America were protected are always remembered.

#### CONFIRMATION OF ROBERT PETER SILVERS

Mr. HAWLEY. Mr. President, had there been a recorded vote, I would have voted no on the confirmation of Executive Calendar No. 158, Robert Peter Silvers, of the District of Columbia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security.

#### THE NATIONAL DEBT

Mr. PAUL. Mr. President, the Senate is considering an infrastructure bill, and I am glad we are. For too long, Americans have been compelled to send their tax dollars overseas to improve the infrastructure of other countries. I have been fighting, for several years, to invest in infrastructure here at home, which is why I find it frustrating that the very people who celebrate this package today actually opposed my efforts in the past.

We have a short memory here in the Senate. Only 2 years ago, I offered my Penny Plan for Infrastructure for a vote. My plan would have invested nearly \$40 billion in infrastructure over those 2 years. In those 2 years, nearly 20,000 miles of roads could have been resurfaced. Instead, those investments weren't made and 2 additional years of wear and tear passed by.

The parade of Senators coming to the floor and expounding upon the urgency of this package is nothing less than shocking, particularly when those same Members voted against 20,000 miles of resurfaced roads only a short time ago.

The Penny Plan was not my only effort to invest in infrastructure. Six years ago, I worked on a bipartisan package that would have made \$ 130 billion available for infrastructure. Had my plan been enacted into law, Americans would now be driving on 130 thousand miles of new roads.

So, why for more than 5 years have my infrastructure proposals been stifled? For only one reason: each of my proposals were paid for.

And if there is only one thing Congress always agrees on: never pay for any new spending. Ever.

Proponents of this bill claim it is paid for. And by using budgetary gimmicks, they hope they will erect enough smoke and mirrors to obscure this bill's enormous price tag. But this

\$1.2 trillion bill is not paid for. And, perhaps the most alarming part of the cost, is the authors of this bill know it is not paid for. And we know that because they wrote the bill so as to exempt it from rules that require the bill be paid for.

You see, Congress passed a law back in 2010 mandating that new spending has to be paid for. That law is called statutory pay-go, or pay as you go. And if Congress can't help itself and refuses to offset the cost of new spending, pay-go is enforced by an automatic cut to spending elsewhere.

But Congress rarely adheres to its own rules. Instead, Congress waived pay-go more than 60 times over the past decade and added over \$10 trillion to our debt.

This time is no different. This bill, which its proponents say is paid for, also carries a provision that says pay-go won't apply to it.

The only way to ensure Congress adheres to pay-go is through a point of order. If this bill is actually paid for, then you should have no trouble supporting the point of order. But if you vote to waive the point of order, if you vote to exempt Congress from its own rule requiring that we be good stewards of taxpayer dollars, then stop telling people something you know is not true. The truth is, this bill is not paid for.

And every American should ask a simple question: Why won't Congress obey its own rules?

This bill plus the next pork-laden bill will add trillions of dollars of new debt. We are adding debt at an unprecedented pace. There will be repercussions. A day of reckoning awaits.

But today there is a choice to make. A vote for the point of order is a vote not to keep adding debt.

I urge my colleagues to vote with me to stop the bleeding, to stop the red ink that threatens our country's future.

#### OIL AND GAS LEASES MORATORIUM

Mr. CRAMER. Mr. President, I rise today in support of North Dakota Attorney General Wayne Stenehjem filing a lawsuit against the Biden administration's continued cancellation of oil and gas leases on Federal lands and its impact on State and private mineral owners.

In addition to being a foolish idea, I believe President Biden's moratorium is illegal. It increases Federal and State budget shortfalls, hampers State and private mineral owners' rights, and makes the United States less energy independent and more reliant on foreign producers.

My State of North Dakota is uniquely harmed by this action, given what is commonly referred to as the split estate issue. For roughly 100 years, the Federal Government has retained Federal mineral rights on land near where State and/or private entities also hold surface and mineral rights. About 30

percent of the spacing units in North Dakota have interspersed federal mineral interests and therefore must go through the leasing process of the Bureau of Land Management—BLM—regardless of its size.

Accordingly, since the moratorium, it is estimated our State has lost \$4.77 billion in tax revenues and \$1.2 billion in private royalties. We are grateful the Louisiana Federal District Court Order agreed the Biden administration's actions are illegal, but unfortunately, we are being given no reason to think the near of this harmful policy is near.

On a recent call between the leadership of the BLM Montana/Dakotas office and constituents from the region, BLM officials stated that they are canceling quarterly lease sales at least through the end of calendar year 2021. Citing the administration's plans to appeal the district court ruling, State Director John Mehloff said, "We'll probably, at earliest, would be able to hold an oil and gas lease sale late first quarter of 2022."

That is disappointing, to say the least. Thankfully, North Dakota is taking action to protect our producers and America's energy security. I support the State's efforts in court and hope they are successful.

#### RECHARGE ACT

Mr. HICKENLOOPER. Mr. President, I recently introduced the RECHARGE Act, S. 2241, with my friend and colleague, Senator WHITEHOUSE, and we are very pleased that this bill, as amended, is included in the Infrastructure Investment and Jobs Act as Section 40431.

Section 40431 amends section 111(d) of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2621(d) in order to establish a new requirement that all public utilities—investor-owned utilities, customer-owned cooperatives, and public power utilities—must consider establishing EV-specific rates for residential customers, EV drivers, and commercial customers, who operate public and fleet EV charging stations, to promote greater electrification in the transportation sector.

Lowering emissions in the transportation sector will hinge upon the electrification of our country's motorized vehicles. Large investments in electric vehicle, or EV, charging infrastructure of the type included in other sections of this legislation will provide a catalyst for mass EV adoption.

The successful adoption of EVs will depend not only upon modernizing America's grid and charging infrastructure, but also upon updating our electricity sector rates, so that the infrastructure funded by this act can operate in an economically sustainable manner for decades to come. The commercial rates present today were not designed with the unique electricity load profile of a growing EV fleet in mind.

Public EV charging stations, and particularly high-powered DC fast charging stations designed for highway corridors and for heavier-duty EVs like buses and trucks, face a distinct set of hurdles imposed by the current regulatory system and traditional, demand-based electricity rates.

Most prominent among barriers to deploying commercial EV charging are demand charges, which are electricity rates set by public utilities on their customers, including EV charging station owners, based on the maximum amount of power, kW, drawn for any given time interval, typically 15 minutes, during the billing period, multiplied by the relevant tariff demand charge.

Demand charges are designed to capture the marginal costs imposed on the grid by high-capacity, high-utilization infrastructure such as factories. However, when traditional demand charges are levied upon high-capacity, low-utilization infrastructure such as EV charging stations, they can place a disproportionate cost burden on the station owners.

The high-powered, fast-charging stations our Nation needs to serve the EV driving public, public and private fleet vehicle operators, and the trucking industry have different load profiles than most commercial entities, with periods of dormancy punctuated by spikes in activity. And unlike most commercial operations, their demand profile is driven by real-time customer activity. So it is difficult for these stations to optimize their load profiles.

The burden of demand charges varies by State and by region and can fail to accurately reflect the marginal costs imposed on the system by EV charging stations. For example, in the Colorado PUC Electric Vehicle Working Group Report published in 2019, the Colorado Public Utilities Commission found that demand charges result in the annual cost to operate a direct current fast charging, DCFC, station in one Colorado utility territory being 35 times higher than the cost in a neighboring service territory. The problem will only worsen for the still higher-demand and lower-utilization application of EV truck charging.

Demand charges, if not reformed, may also introduce new issues of inequity as America electrifies transportation. For example, homeowners are able to charge an electric vehicle on very affordable residential utility rates, which currently average \$1.16 per gasoline gallon equivalent according to the Department of Energy. But those who live in multiunit housing and rent their abode, a population that is disproportionately low-income and minority, often cannot charge an EV at home. They will charge their EVs at public charging stations, and those public charging stations must pay much higher commercial utility rates, including commercial demand charges, which make up as much as 90 percent of public charging station's utility bills according to RMI.

In recent years, some States and utilities have recognized this inequity and taken steps to reform their utility rates, to reduce and reform commercial demand charges and to adopt rates designed for low-load or electric vehicle charging infrastructure. These utilities and regulators should be commended for their forward-leaning approach to a complicated issue. Utilities in Colorado have begun to do this, as have utilities in quite a few other States.

Section 40431 requires only those States and utilities which have not already done so to take up the issue of how demand charge rates affect EV charging in order to encourage new private-sector investment in EV charging stations.

These States and utilities are allowed 2 years to consider the establishment of new rates that A, promote affordable and equitable EV charging options; B, facilitate deployment of faster charging technology that improves the customer experience; C, accelerate third-party investment in EV charging infrastructure; and D, appropriately recover marginal costs.

Our intention is to ensure that alternatives to traditional, demand-based electricity rates are made available to EV charging station owners with appropriate oversight by State public utility commissions. To remove any doubt, section 40431 does not empower, encourage, or allow State public utility commissions to regulate the prices that third-party owned EV charging stations charge their customers for EV charging services. Those prices are set in a competitive marketplace that benefits consumers, and this legislation does not affect that marketplace.

Section 40431 should prompt forward-looking change at the State and utility level which appropriately reflects and accommodates the real differences in geographies, electricity markets, and business environments which exist between and within States and utility territories. It ensures that attention will be paid to this problem nationwide, but also that each State and utility can decide how to address the problem its own way. Ultimately, it should lead to new rate designs that enable the private sector to make economically sustainable investments in the high-powered charging stations that will help drivers, fleet operators, and truckers go electric, while more appropriately reflecting the actual marginal costs added to the grid by EV charging stations.

#### ADDITIONAL STATEMENTS

##### REMEMBERING PATRICK J. SOLANO

• Mr. CASEY. Mr. President, today I wish to honor the distinguished life and career of Patrick J. Solano, who passed away on January 23, 2021. I am proud to remember Pat, a resident of Pittston Township, PA, decorated

World War II veteran and lifelong public servant. Pat will be remembered at an annual golf tournament in Luzerne County on August 6.

In 1942, Pat was drafted by the U.S. Army Air Corps after he graduated from Pittston Township High School. During his military career, he served as a flight engineer on 23 combat missions with the Eighth United States Air Force Heavy Bombardment Group, aboard the B-17 Flying Fortress. For his service during World War II, he was awarded the Group Presidential Citation, the Air Force Medal with two oakleaf clusters, and the Europe Combat Theater Medal with two Bronze Stars.

Pat's service to our country did not end with World War II, as he came home and embarked on a lifetime of public service at both the local and State level in Pennsylvania. He was recognized as a trusted political adviser for almost 50 years and served in the administrations of nine Governors of both political parties. His service to the Commonwealth of Pennsylvania crossed party lines, and he became known as a voice of reason and a unifying force in Harrisburg.

He served in the Pennsylvania Department of Environmental Regulation, later known as the department of environmental protection. Later, he was appointed the acting secretary for the department of conservation and natural resources when it was first created in 1995. Pat helped to shape the future of the department and its mission to conserve and sustain Pennsylvania's natural resources for present and future generations.

My thoughts and prayers are with Pat's wife, Marie; his children, Mary Pat, Cathy, Anita, Rita, Liz, and Anne; his 11 grandchildren and 3 great-grandchildren; and his countless friends.●

##### REMEMBERING ALLEN THOMAS NOBLE

• Mr. CRAPO. Mr. President, along with my colleagues Senator JIM RISCH, Representative MIKE SIMPSON, and Representative RUSS FULCHER, I honor Allen Thomas Noble, a stalwart of the city of Boise and a great Idahoan.

Allen Noble was a visionary, who loved our country. He was a native Idahoan, born in Idaho Falls. He graduated from Kuna High School and started out in farming in the Happy Valley of Idaho. Allen married Vera May Shulz, of Kuna, and they had five children: Susan, Linda, June, David, and Mark. As his obituary reads, "He loved farm equipment and in 1958 bought an interest in Nampa International Harvester and moved his family to Nampa." Allen's deep love for farming was evident in his agricultural advancements, including his development of "high lift pumping" that advanced farm irrigation capabilities in the Dry Lake area and later near Glens Ferry. In 1965, Allen married Billie Dee Jolley Johnson and added