

they are at the heart of the Mid-Atlantic's multibillion dollar seafood industry.

Restoration of native oyster habitat and replenishing the bay's oyster population is critical from both an economic and water quality standpoint. The agreement sets the goals of restoring native oyster habitat and populations to the ten tributaries of the bay by 2025.

As I am sure the Presiding Officer is aware, our oyster population is a fraction of historic levels. The oyster is not only an important cash crop in the bay; it also acts as a filter to the pollution in the bay, restoring bay water quality. Bay oysters are another important seafood commodity for watermen making their living on the bay. Oysters are also important to improving water quality. Oysters are bivalve mollusks which play an important role in reducing nitrogen pollution in the bay.

Oyster populations had been in sharp decline due to the destruction of oyster beds along the seafloor of the bay. Habitat restoration efforts led by the Army Corps, the growth of oyster farming operations, and Virginia and Maryland's efforts are helping oysters rebound across the bay, which is good for the economy and water quality of the bay.

The agreement's wildlife habitat and wetlands restoration goals are, in my opinion, too low. I would encourage the partnership to consider setting more ambitious goals. Wetland restoration is critical to flood protection and water quality improvement as well as providing important duck habitat and fish spawning habitat.

Reauthorizing the North American Wetland Conservation Act, which I am a cosponsor of and was happy to see the Senate Environment and Public Works Committee recently report with unanimous support, will provide additional financial and technical assistance to help achieve improved wetlands conservation in the Chesapeake Bay watershed.

Programs such as the North American Wetland Conservation Act, the Corps' Chesapeake Bay Ecosystem Restoration Program, and the farm bill's Regional Conservation Partnership Program, along with numerous State efforts to restore wetlands and habitats across the six-State region, are why I believe the agreement can do better.

I also believe the agreement's goals to improve fish passage along the bay's rivers and tributaries could be more ambitious. The agreement aims to open an additional 1,000 stream miles to fish passage. The revisions to the Continuing Authorities Program in WRDA will help fund critical dam removal projects around the watershed which will improve fish passage. If the decisions to remove dams and other barriers to fish passage are strategically made, this goal could be far exceeded, which is why I think the goal should be revised and be based upon the execu-

tion of strategic fish passage projects. This would include improving eel passage on the Conowingo Dam. I am pleased to know that the dam's operators are aware of and interested in helping us devise practical solutions.

With respect to the agreement's goals on forest buffer and tree canopy, I believe there is room for improvement in the goals the draft agreement sets. The agreement sets the goal of restoring 900 miles of riparian forest per year and expands the urban tree canopy by 2,400 acres by 2025. This seems to be low given the opportunity which exists to grow more trees in urban areas because of how desirable trees are to improving the quality of life and character of urban communities and importance of trees to reducing storm water runoff in urban areas.

The agreement sets the goal of protecting an additional 2 million acres of land throughout the watershed. This is critically important to stem poor land-use planning and sprawl while also establishing lands which serve as critical water quality improvement mechanisms.

One omission from this land conservation goal I think is important is to ensure public access to lands conserved by the State, local, and Federal Government. Public-preserved for the purpose of protecting habitat and improving the ecosystem within the watershed is important, but so is providing outdoor recreational access to the public. After all, ensuring public access to conservation lands and encouraging people to experience these lands is critical to building the public's understanding of the environment and developing an appreciation for all conservation efforts happening around the watershed.

In Maryland, my colleague in the House, Congressman SARBANES, has been very instrumental in the leadership of No Child Left Inside. By this we mean the education of our children including getting outdoors to understand the importance of the Chesapeake Bay and understanding what they can do to help the bay. Access to these restoration projects—by the public, by our students, by all—helps build the support base we need to get these programs moving forward and also understanding what we do here in the watershed and the importance it has on the future of the Chesapeake Bay.

Lastly, I wish to speak about a couple issues the agreement does not address. Reducing the presence or improving the secure storage of toxic chemicals in use around the watershed is a growing problem. As the Presiding Officer knows, while the recent chemical spill in West Virginia was not in the Chesapeake Bay watershed, the incident does highlight the risk facilities such as the one which failed in Charleston pose to our great water bodies. In the Chesapeake Bay watershed there are dozens of chemical storage facilities and industrial activities which use toxic chemicals on a regular basis. Im-

proving the security and reducing the contamination risks from these facilities should be a part of the Chesapeake Bay agreement.

The agreement also makes no mention of the single greatest threat to the bay and the world over. Adapting to the effects of climate change should also be part of the bay restoration plan. I talked about this earlier today, as many of the Senators who came to the floor to talk about climate change: Rising sea levels pose threats to the hundreds of Chesapeake Bay communities and millions of people who live in the Chesapeake Bay watershed.

Aquatic acidification poses a long-term threat to all aquatic species, including blue crabs, oysters, rockfish, sturgeon, menhaden, and other hallmark species of the bay. If the fish and shellfish go, so does a way of life for many thousands of families around the bay.

Let's deal with these problems. We have a chance in the Chesapeake Bay agreement to be more ambitious in dealing with acidification in our ocean and in the bay. And we must adapt our water infrastructure to handle the effects of more intense weather events in the bay region to reduce the water quality impacts of these events and to protect individuals' property.

The agreement is an important step toward the restoration of the Chesapeake Bay. Billions have been spent and progress has been made. And I wish to stress that we have made progress. We have done a lot of good things in the Chesapeake Bay. But our resources are large and fragile and face unprecedented pressure, and it is going to continue to take increased resources to restore and protect for future generations. So the good news is we have made progress.

We can do much more. We can preserve the iconic Chesapeake Bay for future generations, so people, our children and grandchildren, can enjoy the fishing, crabbing, swimming, and the sheer beauty of the Chesapeake Bay, and can benefit from its economic importance to our region. We can do this for future generations.

Let's be more ambitious in the Chesapeake Bay agreement. Let's work together, use best science, and be practical. But let's be on a constant path of improving the Chesapeake Bay.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### DOMESTIC FUEL TAX

Mr. HOEVEN. This morning I spoke on the floor and I talked about energy. I talked about the need for a States

first, all-of-the-above approach to a comprehensive energy plan that will not only produce more energy for our country but will get us to energy independence or energy security within a very short period of time and will also help with environmental stewardship and will help us deploy the technology that will not only produce more energy—and do it in a dependable, cost effective way—but at the same time the same technology as we deploy it will help us produce that energy with better environmental stewardship.

That is the right kind of plan for America. We have legislation that I introduced along with my colleagues both on the Republican side of the aisle and the Democratic side of the aisle to accomplish that plan, including a good friend of mine, a Senator from West Virginia, a Democrat. I am a Republican, but we have been able to work together on legislation that will empower hundreds of billions in private investment into the energy sector to produce more energy more cost-effectively, more independently, more efficiently, more reliably, and with better environmental stewardship because it deploys the new technologies that not only will make a difference in this country, but will be adopted by other countries around the globe.

That means lower-cost energy. That means more energy, and at the same time better environmental stewardship. That is the right approach. That is the right approach to a comprehensive energy policy.

The fact is, we do not just have one bill to do what I am talking about—not just one big, monolithic Federal approach—but rather we have a whole series of bills that would create a step-by-step approach to a comprehensive energy plan for this Nation that would truly create a States first, all-of-the-above approach. That would create more jobs and economic growth. It would create tax revenue to help address our deficit and our debt without raising taxes through economic growth.

It would create more domestic energy, and more domestic energy means national security, not being dependent on oil from the Middle East. This country does not want to be dependent on oil from the Middle East and there is no reason that we should be. Together with our closest friend and ally Canada, we can produce more than enough energy for our needs. That means national security, and as I said, with the new technologies and better environmental stewardship.

As I said, I put forward legislation with my colleagues on both sides of the aisle to accomplish just that. Again, this isn't one big, comprehensive 1,000-page bill that you have to pass to understand what is in it. These are individual bills that are very understandable, that are common sense—legislation that includes approval of the Keystone XL Pipeline. As I said this morning, the administration has been re-

viewing the Keystone XL Pipeline for more than 5 years. This Congress can approve it, and it should.

It includes items such as the Domestic Energy and Jobs Act, which has already been passed by the House. It includes a whole series of bills that would help us to develop a strategic, comprehensive plan and goals to make sure we are producing more energy in this country on public lands both on-shore and off.

The Empower States Act makes sure that States have a primary responsibility for regulating hydraulic fracture. Hydraulic fracturing is enabling us to tap new areas of energy that we never thought we would be able to develop.

Coal ash recycling legislation. Together with my good friend from the great State of West Virginia, we have a coal ash recycling bill. This bill not only will help us recycle coal ash for building materials, for building roads, but it will also help make sure that when we landfill coal ash, it is done with good environmental stewardship. That is a win-win.

This is something the EPA is working on. They have to have a solution in place by the end of the year, and we have worked with the EPA to actually come up with something that is clear and understandable and works, not only to make the landfill safer but to make sure we can recycle coal ash in a way that reduces the cost of our roads and our buildings. Again, just another commonsense example of what is in the Domestic Fuels Act.

The Domestic Fuels Act allows marketers, gas stations, to not only sell oil and gas products but actually makes it easier for them to sell renewable fuel as well—ethanol, biofuels, hopefully hydrogen and other fuels of the future. It makes it easier for them to get permitted and to use the same equipment to sell a whole variety of different types of fuels. What does that mean? That means consumer choice. That means more competition to help bring down the price at the pump. Now this is the same kind of comprehensive plan that we developed in my State of North Dakota. We called our energy plan Empower ND—Empower North Dakota.

The idea was to unleash all of our energy resources, both traditional and renewable. Our State is now an energy powerhouse for the Nation. The only State that produces more oil for this country now is Texas. We are closing in on a million barrels a day of oil, and producing it in new ways with new techniques that people thought were not possible a few years ago, and with a smaller footprint and better stewardship. That is what the technology does.

When you create an environment where you empower the investment, that technology unleashes the energy and does it with better environmental stewardship. We did that as a State, and we can do it as a country. It builds on the very foundation of how our government works.

The States in our great country are the laboratories of democracy. What I am proposing is that we also make the States the laboratories of energy development. We do that by giving them the primary role in how they develop energy, how they develop their energy resources and how those energy resources are regulated.

So whether it is oil or gas or nuclear or biofuels, hydro, wind, solar, biomass or whatever else may be an area of strength for that State, they decide and they figure out how to develop it. Who will be more concerned about good environmental stewardship than the people who live right there and deal with it every single day?

It is a States first, all-of-the-above comprehensive plan for energy development for this country instead of the current approach, an approach where there is too much regulation, taxation, and restriction by big Federal policies. This one-size-fits-all approach is, in fact, preventing investment in energy development in this country.

I will give you the Keystone XL Pipeline as a great case in point. There is \$5.3 billion in investment and not one penny of Federal spending, but \$5.3 billion that has been held on the sideline now for more than 5 years. In 2011 the Chamber of Commerce put forward a study. They cited hundreds of projects across the country totaling hundreds of billions of dollars that were being held up that would create energy and jobs and economic activity for our country. If you think about it, you cannot regulate it. The Federal Government cannot regulate our way to a solution—think about it—even if you put out regulations. If the Obama administration could say, OK, only these kind of energies can be produced and they have to be produced this way—even if that worked in this country, what about the rest of the globe?

This is a global issue. So instead of holding up the development and deployment of these new technologies with regulatory barriers, we need to empower that investment. As you empower investment and you produce energy and you deploy new technologies, you get better environmental stewardship.

It doesn't happen in just this country. It will happen in other countries too. Why? Because they will adopt the technology we develop. That is how it works. When somebody develops a better technology, then other companies, other countries adopt it.

So let me contrast what is going on right now. One of the things I worked on both as a Governor and now here in the Senate is getting the Keystone XL Pipeline approved. It has been more than 5 years—more than 5 years—and the administration still refuses to make a decision. That is defeat by delay, sidelining \$5.3 billion of private investment that the administration's own studies show will create jobs. The final environmental impact study produced by the Department of State said

that the Keystone XL Pipeline project will create 42,000 jobs without spending a penny of Federal money. The \$5.3 billion in private investment would create 42,000 jobs at a time when we need to get the economy growing and creating jobs. It also will create hundreds of millions in revenue that will address the deficit and the debt at the local, State, and Federal level. It will also create hundreds of millions in revenue over many years at a time when we have deficit and debt without raising taxes. It also strengthens national security.

There is no question when you go to the public and say: Do we want to get our oil from the Middle East or would we rather get our oil from right here in the United States and Canada, if we can produce it ourselves and get it from Canada, is that what we want or do we want to continue to rely on the Middle East, obviously that is a pretty easy answer, isn't it?

In a recent public poll performed last week, March 7, by the Washington Post and ABC, two-thirds of Americans support building the Keystone XL Pipeline and 22 percent oppose. After 5 years and study after study, the administration still can't make a decision. Yet two-thirds of Americans know what we need to do. Two-thirds of the American people say: Build the pipeline. What are you waiting for? Only 22 percent oppose it.

The final environmental impact—I believe it is either the fourth or fifth environmental impact study—done by the Obama administration came out and again it showed there was no significant environmental impact. That was released at the end of January.

The inspector general's report that was released at the end of February said there was no conflict of interest by the company hired to do the environmental impact statement. Yet still we wait. There is still no decision. So you wonder why. You look at our economy and you say: Why isn't our economy growing faster? Why isn't our economy stronger? Why isn't unemployment going down? Why is there so much investment capital sidelined? Why aren't businesses growing? Why aren't small businesses growing? Why aren't small businesses across the country hiring people? Then we see regulations which are holding up approvals for more than 5 years. Maybe that is the answer.

America has always been the place where everybody came to do business because it was easier to do business. As a result our economy has always been the greatest economy in the world. When we have a government that can't even make a decision on a regulatory approval to approve a project billions of dollars after its own agency has come out time and time and time again and said there is no reason not to go forward, maybe that is the problem.

Obviously the people of this country know that. That is why when you go out and ask them a commonsense ques-

tion, they give you a commonsense answer: Build the pipeline. We listened to the arguments about how we can't build the pipeline because of CO<sub>2</sub> emissions because using oil from the oil sands in Alberta, Canada, will create CO<sub>2</sub>.

The reality is—and as the environmental impact study done by the State Department clearly shows—you have more CO<sub>2</sub> emissions without the pipeline than you do building it. How does that make sense? How does it make sense to hold it up on the basis of CO<sub>2</sub> emissions when you have more CO<sub>2</sub> emissions without the pipeline than with it?

Of course the net result is instead of having the energy come to the United States, it goes to China. And what do we do? We keep importing oil from the Middle East.

What I am talking about is commonsense legislation. That was just one example. I can give you others.

Earlier this year we passed a bill I put forward with other Members. It is the BLM bill, Bureau of Land Management streamlining bill. It is a simple, commonsense bill. It simply says BLM offices can work across State lines. For example, the BLM office in Miles City, MT, can work across the State line in North Dakota. That just makes sense because we have so much oil activity in our State. Not only can they work in our State, they can also work on the reservation.

We have the three affiliated tribes reservations: Mandan, Hidatsa, Arikara. It is a very large reservation in our State with incredible oil activity, but they have to get all these regulatory permits to drill wells too, and the Bureau of Land Management could not keep up in our State or on the reservation. Now they can bring their people from other offices in to help.

When we look at this, it is not just about producing more energy, is it? That is a simple, commonsense act which we passed in both this Chamber and the House. It is now law. It not only helps us produce more energy in our States, such as North Dakota, Montana, Wyoming, and other places, but it also helps our reservations.

We now have activity on the three affiliated tribes' reservations. They have tremendous employment and tremendous growth. They are getting revenue from their oil wells that they can use for social programs to help needy families, to pay for education, and to use for roads and vital infrastructure.

Tomorrow—along with Senator BARRASSO and Senator ENZI of Wyoming—we will introduce another similar bill that makes it easier to build gas-gathering systems both on reservations and off. Instead of flaring off gas at the wellhead site, you are able to build gathering systems and get that gas to pipelines and get it to market and use it. Again, that is not just about producing more energy; that is an example of better environmental stewardship.

By putting these commonsense measures into place, we create economic ac-

tivity and more energy, but as I said from the outset, we get better environmental stewardship. I mentioned that the Domestic Energy and Jobs Act is part of that comprehensive plan to have the States first all-of-the-above energy approach for our country; that legislation will help us produce more energy both onshore and offshore on our public lands.

Again, that is good for all the reasons I have identified but think about it in this context too: By producing more energy on public lands, we will also create more revenue for the Federal Government. Without raising taxes, we create more revenue for the Federal Government. That is important to address our deficit and our debt.

We have something else coming up that we are going to have to find a revenue source for; that is, a highway bill. In September the highway bill expires, and we are going to have to have a highway bill. We want a 5-year highway bill that is a very strong, well-funded highway bill to address the infrastructure needs in this country. Whether you talk to Republicans or Democrats in this Chamber, they will tell you we need to address infrastructure across this country.

In order to address infrastructure, we have to have a way to pay for it. How are we going to pay for it? How are we going to pay for that next highway bill? Right now the trust fund doesn't have the money to do it, so we are going to have to find a source. How about we tap into more energy on our Federal lands onshore and offshore? Without raising taxes, we have a revenue source so we can actually pass a 5-year highway bill. That is a long-term revenue source that we can actually use to fund the highway bill and address the infrastructure in this country.

It is about more than energy. This commonsense approach to building an energy plan for our country—and again it is not that big 1,000-page, one-size-fits-all Federal approach where everybody has to do the same thing. It is a step-by-step process to build a comprehensive plan that empowers the States to build on their strengths and make things happen. We can do it. It has all of those benefits. As I mentioned earlier, it even comes down to our national security.

I will close on this point: Think about what is happening in Western Europe. We have a situation where Russia—President Putin has decided he is going to invade Ukraine and he is going to take Crimea and put it under Russian rule and maybe more. We will see. So what do we do? What does the European Union do?

One of the decisions the European Union has to address is the energy situation. They are asking: What is the energy situation in Europe? Right now 30 percent of the natural gas the European Union utilizes comes from Russia and half of that goes through Ukraine.

It is a particularly acute issue for West Germany.

What do they do? Are they going to be willing to get tough with Putin when they are dependent on Russia for their natural gas for their energy? What decision do they make?

The same thing for our country: What decisions do we make when we continue to get our oil from places such as the Middle East and Venezuela? We say no to getting oil from Canada and force our closest friend and ally to turn to exporting that oil to China.

How do we deal with China? How are we dealing in that situation with our allies, such as Canada, that want to work with us, and how are we dealing with countries that have different interests than we do?

All of these things tie together to a good energy plan and a good energy policy. We all want better environmental stewardship, but we want solutions. The American people want solutions. They want commonsense, real solutions to address these problems. We put forward an approach that can make a big difference for our country, and I call on my colleagues to join with me and to work to put that in place for the good of our country today and for future generations.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to 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.

#### TRIBUTE TO SHAUN CAREY

Mr. REID. Madam President, I rise today to honor and thank Shaun Carey, who is retiring from his position as Sparks city manager on April 4, 2014.

After serving the city of Sparks for over 20 years, Sparks native Shaun Carey leaves behind an impressive legacy of accomplishments. He played a major role in streamlining city services, in building Golden Eagle Regional Park—one of the largest artificial turf sports complexes in the United States—and in turning an abandoned hole in the ground into the Sparks Marina, a community gathering point and anchor for further development. Mr. Carey has also helped lead city staff in rebranding Sparks as a premier event destination, hosting events in “downtown” Victorian Square and throughout the city.

Shaun Carey grew up in Nevada, graduating from Sparks High School in 1975 and receiving his civil engineering degree from the University of Nevada, Reno shortly thereafter. Mr. Carey began his career in public service in 1982 and worked as a civil engineer, traffic engineer, and city engineer throughout the West before he returned to Sparks in 1992 to assume the position of public works director. He held this position for 7 years, becoming assistant city manager in 1999. Just 1 year later, in 2000, he was named City Manager.

Mr. Carey’s training as an engineer reflected his desire to create systems designed to improve citizens’ lives. This background also explains his longevity and success as a public servant; as he told the Sparks Tribune, “I got to do things I enjoyed. I got to be a part of building communities and producing things that I found very rewarding.”

Geno Martini, the mayor of Sparks, spoke eloquently of Mr. Carey’s contributions to the Silver State, saying, “I can’t find a big-enough word to tell you how I feel about Shaun and the professionalism, dedication, and commitment he has shown for more than two decades . . . [He] has gotten things done, and is largely why so many residents are proud to call Sparks home.”

We thank Mr. Carey for proudly serving his hometown of Sparks and wish him, his wife Jane, and his sons Scott and Pat all the best.

#### VICTIMS PROTECTION ACT

Mr. McCAIN. Madam President, had I been here yesterday, I would have voted for S. 1917, the Victims Protection Act of 2014. This important bill would increase protections for victims of sexual assault in the Armed Forces, while retaining commanders’ authority to convene courts martial.

Every allegation, every anecdote, and every instance of sexual assault in our military is unacceptable. An important debate has been taking place in Congress and among our Armed Forces, and I am grateful that we aren’t sitting idly by while this problem claims more victims and threatens the integrity and effectiveness of our Nation’s military.

We have heard from the victims, and we have recognized that change was needed to protect victims and hold perpetrators accountable. With that knowledge, Congress included over 30 reforms in last year’s national defense authorization Act, NDAA, including removing the ability of commanders to overturn jury convictions; requiring review of decisions not to refer charges; criminalizing retaliation against victims; and providing special victims’ counsel to victims of sexual assault to support and assist them through all proceedings.

The Armed Forces have also instituted major reforms and worked hard to improve the reporting climate for

victims. As a result, the Marine Corps, for example, has seen a large increase in sexual assault reporting since initiating a sexual assault prevention and response campaign last year.

I supported the NDAA reforms as well as the measure the Senate passed yesterday. We should give these reforms the opportunity to work before enacting any change that would take the matter out of the chain of command. Some very strong voices agree.

First, according to a congressionally mandated independent panel that examined the role of the commander reported definitively that it would be a mistake to remove the chain of command’s authority to convene courts martial. That panel, called the Response Systems to Adult Sexual Assault Crimes Panel, also found that removing courts-martial authority would not reduce the incidence of sexual assault, increase reporting of sexual assaults, improve the quality of prosecutions, increase the conviction rate, increase confidence among victims about the fairness of the military justice system, or reduce concerns about potential retaliation.

The independent panel also examined our allies’ military justice systems in Israel, the UK, Australia, and Canada for comparison and concluded that none of the improvements they witnessed in the reporting of sexual assault in their militaries were connected to the role of the commander. The panel also found that there was no evidence that removing the commander from the decisionmaking process increased reporting of incidences of sexual assault.

Second, Vice Admiral DeRenzi, Judge Advocate General in the U.S. Navy, has spoken eloquently about the issue and underscored the essential role of the commander in solving the problem in testimony before SASC and before the Response Systems Panel. I encourage everyone to read her full testimony before these panels. In addition to urging Congress to retain commanders’ authority, it details major reforms implemented in the Navy in the past 3 years and demonstrates the Navy’s commitment to eradicating sexual assault from their ranks. I would like to highlight some of her statements for the record.

In her testimony, Admiral DeRenzi said:

“Beyond the immeasurable toll on individual victims, sexual assault is an existential threat to our core values and directly impacts operational readiness and unit cohesion. This is rightfully recognized as a leadership issue, not merely a legal issue. Exemplifying this commitment, the Navy implemented a multi-faceted, commander driven approach to address awareness and training, prevention, victim response, and accountability.”

“Permanent, effective change must be implemented through our commanders.”

“Additionally, any legislation must retain the commander’s authority over