

hold—and values rather than resents those who help them on that journey.

The purpose of debating, then, isn't so much just to win an argument as it is to deepen our understanding of how things really and truly are. It isn't to out-shout an opponent but, at least now and then, to listen to them, to weight their arguments with care, and even to learn from them. It's worth noting that Lewis warned about simply surrounding ourselves with like-minded people who reinforce our own biases and how debates conducted properly "helped to civilize one another."

What a quaint notion.

In saying all this, I'm not insisting that everyone you disagree with is someone you can learn from, nor that everyone's views contain an equal measure of wisdom. Some people really don't know what they're talking about, some people really do hold pernicious and false views, and some people really do deserve harsh criticisms.

My point is simply that because the pull is so strong the other way—most of us use debates as a way to amplify pre-existing views rather than refine them; try to crush opponents rather than engage and understand them; and focus on the weakest rather than the strongest arguments found in opposing views—the Moynihan-Lewis model is a good one to strive for.

Wehner continues:

I understand that talking about such things can sound hopelessly high-minded and, for some, signal a mushy lack of conviction. When you're in a political death match with the other side, after all, the idea of learning from it seems either ridiculously naive or slightly treasonous. But of course, this reaction highlights just how much things have gone off track.

To be sure, American politics has always been a raucous affair. As Madison put it in *Federalist #55*, "Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob." The question is whether one stokes the passions of the mob or appeals to reason.

As someone who doesn't do nearly well enough in this regard, I rather admire the Lewis model. He was a better man, and *Miracles* was a better book, for having recognized he lost his debate with Ms. Anscombe. For Lewis to then promote her despite having been bested by her was doubly impressive, yet in some respects not surprising. After all, Lewis was a man who cared more about striving after truth than in attending to his pride. He cared more about learning from arguments than winning them.

So should we.

Again, this was Pete Wehner, *Commentary Magazine*, with some instructive words for all of us laboring here in this body.

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

The PRESIDING OFFICER. 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, we are winding down the day here. We have had a good opportunity for good

discussion and debate about the Energy Policy Modernization Act. We took votes on three amendments, and we just concluded voice votes on six additional ones on top of the two voice votes that we had. So we are moving through some of the amendments, and I think that bodes well for us.

As I mentioned earlier, we will hopefully have an opportunity to line up a series of votes in advance so that when Members come back next week we all know where we will be going and the direction. I wish to take just a few minutes tonight, before we wrap things up, to talk about a section in the bill that I believe is very important—not only important to the Energy Policy Modernization Act but really very important to our Nation as a whole.

The Presiding Officer and I hail from a State that has been an oil producer for decades now. It is oil that sustains us, fills our coffers, and allows for us to have an economy that is thriving and strong. It is struggling right now as we look at low production combined with low cost, but we also are a State that enjoys great resources when it comes to our minerals.

We have long talked in this body over the course of years about the vulnerability that we have as a nation when we have to rely on others for our energy resources. We talk about energy independence, we talk about energy security, and, I think we recognize that when we can produce more on our own without others, it makes us less vulnerable.

Energy security translates to national security. I think we pretty much got that message around here, and we are doing more within this Energy Policy Modernization Act to make sure that we are less reliant on others for our energy sources, whether it is what we are doing to produce more fossil fuels or being able to leverage technologies that will allow us to access our renewable resources in a way that is stronger and more robust, again to ensure we have greater energy security.

When we think about energy security, we should not forget mineral security—the minerals that also help to make us a great nation, and a nation that is less vulnerable when we are able to produce more of our own.

For several Congresses—this is actually the third consecutive Congress—I have introduced legislation on this subject. It is a bill that I have titled the "American Mineral Security Act." What we have done within the energy bill is take much of that legislation and include it as part of a subtitle on critical minerals. Maybe it is because I authored it, but I feel pretty strongly that this is a pretty good version. This is a pretty good title that is contained in the EPMA, and I think that passage of not only the critical minerals piece as part of EPMA is key for our economic security, energy security, and our national security. It is just the right thing for us to be doing.

We take for granted that our minerals and metals that we have available to us are going to continue to be available. Unfortunately, most of us do not really pay attention to the fact that so many of the things that we rely on for so much of what we need in our everyday world come from minerals. We just do not think about it. We assume that stuff just gets here. We do not think about where it comes from. We should not ever take for granted our mineral security. We should not ever take for granted what it is that we need.

People talk about rare earth elements, rare earth minerals. When we think "rare," what is "rare"? What exactly does that mean? Why do we need them? What do we use them in? Rare earth elements make many aspects of our modern life possible.

We talk a lot about how we are going to move to more renewable energy sources. You are going to need rare earth elements for wind turbines. You are going to need it for your solar panels. You are going to need it for your rechargeable batteries. You are going to need it for your hard drives, your smartphones, and the screens on your computer. You are going to need it for your digital cameras, for your defense applications, for audio amplification. That is just what we put on this particular chart.

It is important to recognize that so much of what allows us to do the good things that we do—to communicate, to help defend, to help power our country—comes to us because we have access to certain minerals.

According to the National Research Council, more than 25,000 pounds of new minerals are needed per person per year in the United States to make the items that we use for basic human needs, infrastructure, energy, transportation, communication, and defense. You might say: Whoa, 25,000 pounds per person per year—I cannot possibly need all that stuff.

But, Mr. President, you and I fly back and forth to Alaska. Those airplanes we fly on need these minerals. Every one of these young people, as well as us sitting in here, all have a smartphone or some way we are communicating, and we all need this. All of the staff who are working on their computers need that screen to look at, and we all need this.

When you think about it, it is like OK, maybe that number is right. Bill Gates put it quite memorably last year. He wrote a blog post entitled: "Have You Hugged a Concrete Pillar Today?" It is really a very interesting read, and it reminds us that you take for granted the things that we need, the things that we use on a daily basis, the things that are under our feet as we are walking here to work.

Minerals and metals are really the foundation of our modern society. Our access to them enables a range of products and technologies that greatly add to our quality of life. Yet many of the

trends are going in the wrong direction, which creates vulnerabilities for our country.

We have a real problem on our hands right now as a result of this reliance on minerals and the fact that so many of our minerals that we need today we must import. You are thinking: 25,000 pounds per person per year is a lot; where are we getting it from? How much of it are we relying on other countries, asking their permission to bring it in?

It is not just rare earth elements. The reality is that the United States now depends on many, many other nations for a vast array of minerals and metals. We have the numbers to back that up. In 1978 the U.S. Geological Survey reported that the United States was importing at least 50 percent of our supply of 25 minerals, and 100 percent of 7.

We recently got the latest figures from the USGS. Our foreign mineral dependence is now far deeper. In 2015, last year, we imported at least 50 percent of 47 different minerals, including 100 percent of 19 of them. On this list you have the minerals for which we are 100-percent reliant on foreign nations, whether it is bauxite, cesium—which we have in Alaska—graphite—which we have in Alaska—indium, iodine, manganese, mica, niobium, quartz, crystal. I am going to stop now because they get more difficult to pronounce.

These are the minerals that we are 100-percent reliant on other nations for. What do we use them in? We use them in transistors, electrical components, mirrors, rubber, vacuum tubes, photo cells, bicycles, fishing rods, golf iron shafts, baseball bats, defense applications, medical equipment, atomic clocks, aluminum, glass, enamel, batteries, gaskets, brake lining, fire retardant, magnets. Again, that is just what we can put on the charts.

We are 100-percent reliant on other countries for some of the things that are basic everyday products that we do not think about. Again, we take for granted that these things are going to continue to be readily available—that it is always going to be there for us.

For example, look at the cell phone. Let us look at the elements that it takes to make a smartphone. When you look at what goes into the smartphone, for your screen, indium is part of the screen. Alumina and silica are part of the screen. It is a variety of rare earth. All of these rare earths that we are looking at are 100-percent reliant on other nations for what goes into the screen.

For the battery for your smartphone, we have lithium, graphite, and manganese. Manganese and graphite are 100-percent reliant on foreign sources. We are 50-percent reliant on lithium.

You have tantalum, and we are 100-percent reliant on that. There is tin, lead, copper, silver. We are 70-percent reliant on tin. It goes to show that the things that we take for granted, the things that we are all using all the

time to communicate, to send messages home, to do our business, we cannot have them unless we get this from somebody else, from some other country. There are options for us though, just as there are options for us with energy sources. We can find ways to help us produce more when it comes to minerals and mineral capacity so that we are less reliant.

We had a hearing before our energy committee, and we had a witness by the name of Dan McGroarty, who leads the American Resources Policy Network. He provided some pretty good examples of our Nation's foreign mineral dependence. He pointed out that the minerals needed for clean energy technologies often come from abroad, threatening our ability to manufacture those technologies here at home. This is what he wrote in his prepared testimony:

Graphite is key to [electric vehicle] batteries and energy storage. The U.S. produces zero natural graphite—we are 100 percent import dependent.

Indium is needed for flat-screen TVs and solar photovoltaic panels. Most indium is derived from zinc mining—the U.S. is 81 percent dependent for the zinc we use, and we produce zero indium.

Thin-film solar panels are made of C-I-G-S materials—those letters stand for Copper, Indium, Gallium, and Selenium. We have a 600,000 metric ton copper gap at present—demand exceeding supply. Selenium is recovered from copper processing.

Gallium comes from aluminum processing—we are 99% import-dependent—and we are closing American aluminum smelters at a record pace.

Mr. McGroarty also highlighted the national security implications of our foreign mineral dependence, explaining:

We need rhenium for high-strength alloy in the jet turbines in the F-35 and other fighter aircraft. Rhenium is dependent on copper processing—and we are 83% import-dependent. Congress has directed the Defense Department to purchase electrolytic manganese, used in key super-alloys, for the [defense stockpile]—the U.S. produces zero manganese. We need rare earths in too many applications to list: Wind turbines, lasers for medical and national security applications, smart phones and smart bombs. We produce zero rare earths—and we are once again 100% dependent on China.

You may recall not too many years ago now when there was a little bit of an issue going on between Japan and China. China withheld delivery of certain rare earth elements that Japan needed for its manufacturing. China was holding the keys. China is holding the keys with many of these minerals.

Our foreign dependence is dangerous enough. You know that full well, Mr. President. The concentration of our foreign supply presents additional challenges. Our minerals often come from a handful of countries that are less than stable or that might be willing to cut off the supply to us to serve their own purposes or to meet their own needs. They are going to take care of themselves first. If they do not have much supply, they are going to help themselves first.

When I look at our foreign mineral dependence and where those minerals are coming from, I see reason after reason to be concerned. It is not hard to see the prospect of a day of reckoning when this will become real to all of us, when we simply cannot acquire a mineral or when the market for a mineral changes so dramatically that entire industries are affected.

To put it even more bluntly, our foreign mineral dependence is a mounting threat to our economy, to our national security, and to our international competitiveness. We cannot lose sight of that international competitiveness. The absence of just one critical mineral or metal could disrupt entire technologies, entire industries, and create a ripple effect throughout our entire economy.

I think it is well past time for us to be taking this seriously. We have seen some good signs from the administration. However, the reality is that our executive agencies are not as coordinated about this as they really should be. They do not have all of the statutory authorities needed to make the necessary progress on this issue.

There is just no substitute for legislation, and that is why I am very pleased that the members of the Energy and Natural Resources Committee accepted my language in our bill to rebuild this mineral supply chain. We did this in committee with almost no substantive changes.

When it comes to permitting delays for new mines—you have heard me say this before—our Nation is among the worst in the world. We are almost dead last. We are stumbling right out of the gate, right out of the very start of the supply chain, and then we do not ever seem to be able to catch up.

Where do you place the blame? The fall begins with us here. When we decide that a mineral is critical, we need to understand what we have. We need to survey our lands. We need to determine the extent of our resource base so we know what we can produce right here at home. If we do not know, it makes it pretty difficult to get anybody interested in production. We should keep working on alternatives, on efficiency, and recycling options. That is not what this is about. We need to keep doing that, especially for those minerals where our Nation does not and will not ever have significant abundance there.

We should build out a forecasting capability so that we can gain a better understanding of mineral-related trends and also an early warning when we see that there might be issues arising. We also need to have a qualified workforce. We need to make sure that we have those that can access this mineral resource, this mineral wealth.

The United States right now is down to a handful of mining schools. A large share of their faculty will be eligible to retire in the near future. We need some smart, young people who are interested and want to go into these fields.

Provisions to tackle all of these challenges are contained within the bill. They have good support. The Director of the United States Geological Survey, the CEOs of the Alliance of Automobile Manufacturers, and the National Electrical Manufacturers Association are among some. State witnesses, former military officials, and many others have endorsed this approach. We have a good opportunity to bring our mineral policies into the 21st century, and the mineral subtitle in this bipartisan Energy bill offers us that chance.

I want to note the other members of the energy committee who have been very helpful in helping to advance this legislation. Senator RISCH was very helpful as was Senator CRAPO of Idaho and Senator HELLER. They were all cosponsors of the original bill with me. There were many other cosponsors from both sides of the aisle in recent Congresses, and we also thank the Presiding Officer for his support as well.

I also wish to acknowledge Secretary Moniz, the Secretary of Energy, and his team over there at DOE, and Director Kimball, who is the Director of the U.S. Geological Survey. They helped us a lot when it came to drafting this bill, and I thank them for that.

I have consumed more time than I should, but I hope everyone can hear the enthusiasm I have in ensuring that as we modernize our energy policies, we do not take a step forward to help address what we need to do on the energy front and fail to bring along the growing concerns that we have in needing to modernize and understand our mineral resources and how we can ensure that there is that level of true energy security that helps us with our economic security and certainly our national security.

With that, I see that my colleague from Alabama is here, so I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the senior Senator from Alaska for her leadership and comments on this bill, and I will have thoughts on that subject as we go forward. We have had some good things happen in energy, and we need to keep having that happen. Energy serves the American people. A low cost of energy is a blessing, a high cost of energy is a detriment to working families.

I truly believe we need to make clear to the American people that those of us, like the Senator from Alaska who fought to increase production of energy, have done so not to provide a profit to private companies but to have created a situation in which the price of energy would decline. We have had a large surge in energy, and sure enough the prices have declined. I think that is a good thing.

TRANS-PACIFIC PARTNERSHIP AGREEMENT

Mr. SESSIONS. Mr. President, I wish to share some thoughts tonight, before we go out, about the trade issue this Nation is facing, and it is a highly significant issue. The President is expected to sign the Trans-Pacific Partnership on February 4. It is a historic event. It cannot become law of the United States of America. It is detrimental to this economy. It is particularly detrimental to people who go to work every day and would like more jobs. They would like higher paying jobs and better benefits. It is detrimental to that, and we are going to establish that point. We have a Presidential campaign going on today and people need to talk about it. The American people need to know where their candidates stand on it.

Well, let me share a few thoughts tonight and begin this discussion. The President is expected to sign the agreement on February 4. He negotiated this agreement with 11 different countries in the Pacific region. At some point he will implement legislation and then Congress will vote on whether to go forward. The legislation is part of the fast-track process, so it will not be filibustered. The bill will come up on a simple majority vote. No amendments will be allowed. It will simply be an up-or-down vote.

What is happening in the world trade market today? On Monday, January 25 of this week, Ford announced that they were leaving the Japanese and Indonesian markets. Indonesia and Japan are good friends of ours. They are good countries, but they are tough trading partners. Why did Ford leave Japan? They sell automobiles all over the world. They sell them in Europe, Mexico, and South America. Why are they not able to compete in Japan?

What did Ford say? They said that nontariff barriers have prevented them from selling cars in the market. In 2015, Ford sold less than 5,000 cars in Japan, representing six-tenths of 1 percent of the Japanese automobile market. In fact, only 6 percent of the automobiles sold in Japan are manufactured outside of Japan. It is not a question of tariffs. That is not the problem in dealing with Japan and importing cars into Japan. The Japanese have erected substantial nontariff barriers. In fact, Hyundai, a very fine South Korean automobile company in my state, attempted to sell in Japan for some time, and they recently gave up.

What is the policy of Japan? The truth is Japan talks about free trade, but like most of our Asian allies and trading competitors, they are mercantile. The essence of having a successful mercantile economy is to export more and import less. This is the reality we are dealing with. The people who are and have been negotiating our trade agreements don't seem to understand this or don't care. In fact, they basically say: Well, if someone sells a product cheaper here, we don't care.

We will buy it. They don't worry if we can't sell products in their country.

A trading agreement is a contract between two nations—we were all taught that in law school—and it should serve the interests of both parties. When a contract ceases to advantage both parties, you abandon the contract. It shouldn't be signed or it should end.

What else about this agreement? It creates an international commission—a commission of the 11 or 12 countries, including the United States. The language, by definition of our own administration, is that the agreement is a living agreement.

The Presiding Officer is a fine lawyer. He has worked at the court of appeals. I know a living agreement makes the hair on the back of his neck stand up. It makes you nervous. A living agreement is no agreement at all. It can just be changed. They acknowledge and repeatedly say in the fast-track documents that nations can meet and change the agreement anytime they want. They can update it for changed circumstances, which is what activist judges say when they redefine the meaning of the U.S. Constitution. They like to say that they are updating it for changed circumstances.

Well, Congress is supposed to do that, it seems to me, but anyway this agreement is a living agreement. It contains 5,554 pages. It is twice the length of the Holy Scriptures. It includes section 27, which sets up an international commission with nearly unregulated power. In fact, our own U.S. Trade Representatives—our own Web site—states that the Commission is formed “to enable the updating of the agreement as appropriate to address trade issues that emerge in the future as well as new issues that arise with the expansion of the agreement to include new countries.” Congress would be launching such an event into the future. Well, what is our problem?

Well, what is one of the major problems that we have today? It is our substantial trade deficit. One report, which I think is probably conservative, says that one-half of 1 percent of the GDP has been lost in the United States as a result of our trade deficit. That is probably an acceptable economic estimate, and that is significant. When you have 2 percent GDP, you are losing 25 percent based on the trade deficit. We have to have growth in this country, more GDP, more Americans working, more people with better jobs and better pay, and part of that is manufacturing.

The final figures for 2015 are expected to show that the bilateral trade deficit with China is increased to 8 percent to a record of around \$365 billion. China is not a part of these 12 nations, but it has openly been said that they could be made a part of it in the future if countries vote them in.

According to the Economic Policy Institute, growing U.S. trade deficits with China through 2013 eliminated 3.2 million jobs. Is that an accurate figure? I don't know for sure, but no one