

**From:** [U.S. Senator Markey](#)  
**To:** [Ellison, Aaron](#)  
**Subject:** Reply from Senator Markey  
**Date:** Tuesday, July 19, 2016 12:03:16  
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## United States Senate

July 19, 2016

Dear Aaron:

Thank you for contacting me about S. 2012, the Energy Policy Modernization Act of 2016. It was good to hear from you.

This legislation would promote energy efficiency in our buildings and appliances. It would help to modernize our electrical grid and support energy storage technologies. It would permanently reauthorize the Land and Water Conservation Fund.

I was pleased that my bipartisan legislation with Senators Inhofe, Rounds and Booker to reauthorize the Environmental Protection Agency's [brownfields](#) program through 2018 was included in this bill. This provision will help clean up the decades of abuse our lands have experienced at the hands of corporate polluters. It will help to create jobs and spur economic activity in Massachusetts and around the country, while revitalizing underutilized and polluted lands.

In December 2015, Congress voted to lift the 40-year old restrictions on exporting U.S.. I opposed lifting the oil export ban because I have concerns that exporting American oil abroad could increase refined fuel prices for American consumers and businesses and harm sectors of the U.S. economy such as ship building. However, the final legislation that became law did not even include any requirement for analyzing and reporting on any potential impacts that oil exports could have on these industries or on U.S. consumers. That is why I offered an amendment on the floor of the Senate to require the Government Accountability Office to analyze the impacts of oil exports on consumers, fuel prices, and sectors of the American economy. My amendment was adopted by the Senate by a vote of 62-29 on January 28, 2016.

The bill also includes a bipartisan [amendment](#) that I authored with Senator Cassidy to protect taxpayers by improving the way that we are going to be selling oil under a law passed last year. I believe that our strategic oil stockpile should be reserved for emergencies. But for the sales of the Strategic Petroleum Reserve (SPR) oil that were required by the Budget Act that became law last year, my amendment would give the Secretary of Energy more flexibility to sell oil when prices are high. This fix should allow us to sell fewer overall barrels from the SPR and get a better return on these sales for American taxpayers. The Cassidy-Markey amendment was agreed to by the Senate by voice vote on April 19, 2016.

However, there are a number of provisions in the bill with which I have concerns. The bill would apply a 45 day shot-clock to the Department of Energy's review of liquefied natural gas (LNG) export applications. Exporting American natural gas abroad will raise prices for our consumers and manufacturers. The Department of Energy should be more thoroughly reviewing how LNG exports affect various regions of our country, our energy security and our environment. Congress should not be legislatively truncating the review process.

I'm similarly concerned that a provision regarding forest bioenergy would interfere with the EPA's scientific review process of the carbon pollution implications of biomass electricity and potentially interfere with EPA's statutory responsibilities.

Finally, I am concerned about what is not in this bill. The tax breaks for the oil, gas and coal industries are permanent pieces of the tax code that never expire. Meanwhile, [tax breaks](#) for wind power will begin phasing down in five months and be gone by the end of 2019. The tax breaks for solar will expire in 2021.

That schedule would be a disaster for offshore wind in particular, which has the potential to create tens of thousands of jobs in Massachusetts and up and down the East Coast. In fact, the Department of Energy has found that that there would be no offshore wind projects that would be able to qualify for these tax credits before they expire. We need to put clean energy technologies on equal footing with mature fossil fuel industries, whose tax breaks date as far back as 100 years.

The Senate voted to go to conference to reconcile differences with the House on July 12, 2016 by a vote of 84-3. As the Senate and House work to move this bill forward we need to build on the bipartisan measures that have been included in the Senate bill and ensure that the Senate continues to reject the damaging and highly partisan provisions that the House has included in its energy bill. I look forward to working with my colleagues on both sides of the aisle to ensure that any final energy bill promote clean energy and energy efficiency, improve America's economy and protect our environment.

Thank you again for contacting me about this issue. If I can be of further assistance, please do not hesitate to contact me. To sign up for my newsletter, visit <http://www.markey.senate.gov/newsletter>. You can also follow me on [Facebook](#), [Twitter](#), and [YouTube](#).

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style.

Edward J. Markey  
United States Senator