

will reevaluate it to see if we really want to impose something on the American purchaser of electricity.

As I said before, we have to be very careful about mandating the use of unreliable energy sources. The renewables, with all due respect to those who think they are the great wave of the future, renewables provide some capacity for diversification, some ability to produce power in the future, but they should not be considered a good idea for baseload or for any significant portion of power requirements as a mandate because they are simply not that reliable.

I hope colleagues will consider supporting the Kyl amendment, and, as a result of that, it will eliminate the underlying Bingham amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I have a unanimous consent request, that amendment No. 3023 be modified with the language that is at the desk. This modification is technical in nature.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 3023), as modified, is as follows:

(Purpose: To expand the eligibility to receive biodiesel credits and to require the Secretary of Energy to conduct a study on alternative fueled vehicles and alternative fuels)

On page 185, strike lines 9 through 14 and insert the following:

**SEC. 817. TEMPORARY BIODIESEL CREDIT EXPANSION.**

(a) BIODIESEL CREDIT EXPANSION.—Section 312(b) of the Energy Policy Act of 1992 (42 U.S.C. 13220(b)) is amended by striking paragraph (2) and inserting the following:

“(2) USE.—

“(A) IN GENERAL.—A fleet or covered person—

“(i) may use credits allocated under subsection (a) to satisfy more than 50 percent of the alternative fueled vehicle requirements of a fleet or covered person under this title, title IV, and title V; but

“(ii) may use credits allocated under subsection (a) to satisfy 100 percent of the alternative fueled vehicle requirements of a fleet or covered person under title V for 1 or more of model years 2002 through 2005.

“(B) APPLICABILITY.—Subparagraph (A) does not apply to a fleet or covered person that is a biodiesel alternative fuel provider described in section 501(a)(2)(A).”

(b) TREATMENT AS SECTION 508 CREDITS.—Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) in the subsection heading, by striking “CREDIT NOT” and inserting “TREATMENT AS”; and

(2) by striking “shall not be considered” and inserting “shall be treated as”.

(c) ALTERNATIVE FUELED VEHICLE STUDY AND REPORT.—

(1) DEFINITIONS.—In this subsection:

(A) ALTERNATIVE FUEL.—The term “alternative fuel” has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(B) ALTERNATIVE FUELED VEHICLE.—The term “alternative fueled vehicle” has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(C) LIGHT DUTY MOTOR VEHICLE.—The term “light duty motor vehicle” has the meaning

given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(D) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(2) BIODIESEL CREDIT EXTENSION STUDY.—As soon as practicable after the date of enactment of this Act, the Secretary shall conduct a study—

(A) to determine the availability and cost of light duty motor vehicles that qualify as alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.); and

(B) to compare—

(i) the availability and cost of biodiesel; with

(ii) the availability and cost of fuels that qualify as alternative fuels under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.).

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(A) describes the results of the study conducted under paragraph (2); and

(B) includes any recommendations of the Secretary for legislation to extend the temporary credit provided under subsection (a) beyond model year 2005.

Mr. BINGAMAN. Mr. President, I know my colleague from Nevada is here to speak on this amendment, so I yield the floor to him.

The PRESIDING OFFICER. The Senator from Nevada.

**UNANIMOUS CONSENT  
AGREEMENT—H.R. 2356**

Mr. REID. Mr. President, I have a unanimous consent request I would like to propound to the Senate. I see my friend from Kentucky, who has spent so much time allowing us to arrive at this point. I hope we can work this out for everyone's benefit.

Mr. President, I ask unanimous consent that at 10 a.m. tomorrow, that is Wednesday, the Senate resume consideration of H.R. 2356, the campaign finance reform bill, with the time until 1 p.m. equally divided between the leaders or their designees prior to the vote on the motion to invoke cloture, with the mandatory live quorum under rule XXII being waived; further that, if cloture is invoked, there be an additional 3 hours of debate equally divided between the two leaders or their designees, that upon the use or yielding back of time, the Senate vote on passage of the act with no amendments or motions in order, with no intervening action or debate; further, if cloture is not invoked this agreement is vitiated.

I further ask unanimous consent that immediately after final passage of the bill, the Senate proceed to the immediate consideration of a Senate resolution, the text of which is at the desk, and that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Senator from Kentucky.

Mr. McCONNELL. Reserving the right to object, and I am not going to object, I say, once again, that what is missing from this consent agreement is a technical corrections package which

Senator McCain, Senator Feingold, and I have agreed to. This is the first time in the history of this debate, over all of these years, that the three of us have actually agreed to something.

Regrettably, it has now been objected to by someone else on that side of the aisle. I say to my friend, the assistant majority leader, I hope at sometime during the course of the day tomorrow we can get that objection cleared up and hopefully Senator McCain, Senator Feingold, and I will offer a unanimous consent agreement tomorrow related to this technical package which the three of us have agreed to and hopefully we can work out some way tomorrow to clear that as well.

But I have no objection to this package as far as it goes. The only caveat I issue is that we hope to be able to achieve yet another consent agreement tomorrow, to move a technical package out of the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I am grateful to the Senator from Kentucky for his work on this issue. It has been a very difficult thing for him, but he has persevered and we have gotten to the point where we are now and look forward to trying to work on the other problem that he mentioned today.

I will be very brief. I know the hour is late. I say to the Republican manager of this legislation that at such time as the Senate gets back on this legislation, the first thing that will be done is move to table this Kyl amendment. I explained that to the floor staff. I have explained that to Senator KYL. But we thought, rather than doing that today—we had the right to do that earlier today—that there was interest in this. Even though we had the right to do that, we wanted to make sure everyone had an opportunity to speak on this. People can speak as long as they want on this tonight.

But I do say that as soon as we get back to this legislation, unless there is some kind of an agreement that we will vote on this motion where we would have 10 minutes equally divided or 20 minutes equally divided, something reasonable, the majority leader will seek recognition to move to table because we have spent enough time on renewables.

AMENDMENT NO. 3038

Mr. President, I feel very strongly we need to diversify the Nation's energy supply by stimulating the growth of renewable energy.

America's abundant and untapped renewable resources are essential for the energy security of the United States, for the protection of our environment, and for the health of the American people.

We should harness the brilliance of the Sun, the strength of the wind, and the heat of the Earth to provide clean, renewable energy for our Nation.

I rise in opposition to the amendment by Senator KYL to strike provisions in this important legislation that would establish a renewable portfolio standard. The prospect of passing an energy bill without a renewable portfolio standard, to me, is embarrassing. It should be, I would think, to the country.

We have already told the automobile industry to build the cars as big as they want, using as much gas as they want. We are not going to increase fuel efficiency standards. So I think we can at least go this step further.

In the United States today, we get less than 3 percent of our electricity from renewable energy sources about which I have spoken—wind, Sun, geothermal, and biomass—but the potential is much greater.

This visual aid in the Chamber says it all.

In Nevada, we have great resources for geothermal. If you look on the map, you'll see that we also have wind all over the State. As the Senator from Alaska has heard me say, Nevada is the most mountainous State in the Union, except for Alaska. We have over 300 mountain ranges. We have 32 mountains over 11,000 feet high. By Alaska standards, I guess that is not very high. We have one mountain that is 14,000 feet high. By most standards, Nevada is a pretty mountainous part of the world.

In many of those areas we already have people who are beginning the development of wind farms, especially with the production tax credit that was passed for wind energy as part of the economic stimulus package. So, the credit for wind energy has been renewed, which is good. There is a 260-megawatt wind farm being constructed at the Nevada test site, as we speak. So there really are a lot of resources in Nevada and around America for this alternative energy.

My friend, who I have the greatest respect for, the junior Senator from Arizona, has talked a lot about the cost in dollars of renewable energy. It reminds me that many years ago there was a company called the Luz Company, which was in Eldorado Valley, near Boulder City, NV. In this big valley, they wanted to build a big solar energy plant—about 400 megawatts.

They went to the Nevada Public Service Commission, and they were turned down. Why? Because, in effect at that time there was a law and a regulation by the utilities commission saying that you had to have power produced that was the cheapest. Solar was not the cheapest in actual dollars. But it is cheaper in many ways when it comes to providing clean air for my children and grandchildren who live in Las Vegas.

What has happened? In that valley today they have natural gas plants. They are clean, but they are not as clean as solar energy. I think it would have been wonderful to build that solar facility. The cost is not always the dol-

lars it takes to build a power plant. The cost is other things including environmental and health effects. What does it do to foul the air? What does it do to people's health? What does it do to the environment?

That is why we need more alternative energy. It is more than just the cost that we see in dollars and cents that you can add up when you build a plant. It is the dollars and cents in people's health, people's comfort.

Eldorado Valley used to be as clear as the complexion of a newborn baby. Not anymore. So the potential for renewable energy in real terms is significant.

Senator DORGAN from North Dakota has talked about wind. The "Saudi Arabia in America for wind" is North Dakota. The "Saudi Arabia in America for geothermal" is Nevada. We need to change what we have been doing in the past and diversify the Nation's energy supply.

My State could use geothermal energy to meet one-third of its electricity needs—a State which will soon have 2.5 million people—but today this source of energy only supplies about 2½ percent of the electricity needs in Nevada.

I have said before that I remember the first time I drove from Reno to Carson City. I saw this steam coming out of the ground. I thought, what is that? I had never seen anything like that. It was heat coming from the depths of the Earth. Every puff that came out of the ground was wasted energy. We need to harness that steam energy and produce electricity.

Other nations are doing better than we are doing. We started out doing great, but now we are falling behind. They are using a lot of equipment that we have developed. We need to stimulate the growth of renewable energy and become a world leader.

Drawing energy from a diversity of sources will protect consumers from energy price shocks and protect the environment from highly polluting fossil fuel plants.

Fourteen States have already enacted a renewable portfolio standard, including Nevada, which has the most aggressive standard in the Nation.

I hope the Senate will be willing to establish a national portfolio standard with achievable goals. I support Senator BINGAMAN, but I think his goal of 10 percent is too low. I supported Senator JEFFORDS' amendment. I think we should go for 20 percent.

In Nevada, we are going to require 15 percent of the State's electricity needs be met by renewable energy by the year 2013. That is pretty quick.

We must diversify the Nation's energy supply by stimulating the growth of renewable energy. This is essential to the energy security of the United States, the protection of the environment, and the health of the American people.

My friend from Arizona, the junior Senator, has stated that renewables

are more expensive than conventional power sources, including nuclear. But I would just mention in passing, no electric utility of which I am aware—I could be wrong—has ever declared bankruptcy because of investments in renewable energy. But I do know that El Paso Electric, on the other hand, was driven into bankruptcy by its investment in the Palo Verde nuclear plant in Arizona.

I think we need to be aware of the volatile nature of the supplies and price of natural gas. There have been charts shown earlier today where you see the amount of natural gas that is going to be used in the future.

From 1970 up until 2020, natural gas is just going up in consumption, but the price variables during that period of time, because of supply and demand, have been really like a teeter-totter. With renewables, you do not have that. You have price stability.

I am a big fan of coal. We have a lot of resources in America for coal. But I am for clean coal technology. We should be spending more, not less, money on clean coal technology. In the United States, we have more coal than the rest of the world. We need to figure out a way to use coal that burns clean. We have not done a real good job on that. We have made progress, but we need to do more.

I hope we defeat the Kyl amendment. I cannot imagine an energy bill that has no renewable energy in it. I heard people get on the floor and say: Well, we have to look at this State by State. Some States are more able to produce alternative or renewable energy. That is probably true, but remember, we are not saying, in this legislation, it has to be State by State. We are saying utilities have to do that. As we know, we have excluded co-ops and a lot of the smaller producers.

But there is no reason in the world these big utilities should not use renewables for part of their portfolio. That is what we are saying. It is not a State by State issue; it is a utility by utility issue.

I hope we resoundingly defeat the Kyl amendment. If there were ever an amendment that deserves defeat, it is the Kyl amendment. We need to encourage the growth and development of renewable energy resources in our great country.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I have listened very carefully to my good friend, the majority whip, and I am certainly fascinated by the example he has given with regard to geothermal.

Geothermal has a tremendous potential in certain parts of the United States. One of the problems, however, is that a lot of our geothermal is adjacent to or in national parks. Clearly, there is a tradeoff there as to whether or not we want to develop that. But in many cases, particularly out in California, there has been enough public

pressure to suggest that this natural phenomena should remain untouched. As a consequence, to a large degree the potential has not been realized to the extent it might have.

I am also inclined to question the tactics and the strategy of the Democratic side relative to the announcement that the amendment is going to be tabled. That sounds like a fishing expedition to me. They are going to make a determination of just where the votes are, and it might make it easier for some Members to simply justify their vote by saying, well, we tabled it. That doesn't really mean that we have a position one way or another on it.

Mr. REID. Will the Senator yield for a comment?

Mr. MURKOWSKI. Without losing the floor, I will.

Mr. REID. Of course. We would be happy if Senator KYL and/or the Senator from Alaska wanted to have an up-or-down vote. We would agree to that also.

Mr. MURKOWSKI. All I know is that I was advised that the majority had made the decision to table it. I was not aware that the minority had made the decision. I can only comment on what I have heard. In any event, I would certainly honor the statement by the whip, as well as Senator KYL, as to just how this is disposed of. But if indeed the commitment and the agreement is that we will have a tabling motion, it appears we will have a tabling motion.

Again, I remind my colleagues, that kind of determination, in my opinion, is a bit of a finesse. There is other terminology I could use. Members have different ways of justifying tabling motions. We are all quite aware of it. I would prefer to see an up-or-down vote.

We have had a good debate on this issue. Some of the things, however, that I think we have overlooked are, this isn't the first time we have come up with renewables in this country or discussed it or debated it or argued the merits. Clearly, there is a tremendous merit to renewables. But the question is, How fast and how far can we move?

I am told that about 4 percent of our entire energy mix comes from renewables. That includes hydro. Two percent of our electricity is generated from renewables. That is significant as well. But, clearly, when you understand we have spent some \$6.5 to \$7 billion investing in renewables, in tax credits, in subsidies, in loans, I am sure it is well spent, but we have had a reasonable concentration.

So as we look at the mix now and say, here we are going to have a mandate, a 10-percent mandate, we ought to look at just what the cost of this is and how significant it is going to be, what effect it is going to have on the economy. I know that is what Senator KYL has been commenting on for some time.

First, I would like to address a couple of statements made in this debate. One is that the U.S. is too dependent

on coal and natural gas. I would be happy to be corrected, but I believe that was the statement made by the chairman. We can do something about that if we wish. We could concentrate on nuclear energy. I don't see any great support for nuclear energy in this package, even though it is clean and the consequences of any air quality emissions are nonexistent. We have a problem with the waste, but everything seems to have a tradeoff.

Certainly, we could go to my State and open up ANWR. That would address dependence on coal and natural gas.

But we have to recognize the role of coal in this country. The United States is the Saudi Arabia of coal. U.S. coal, for all practical purposes, is never going to run out. The question is the technology of cleaning up the coal.

I notice a good deal of attention has been given to the chart of the majority. That chart was rather interesting because it proposed biomass. Let's not make any mistake; I don't think a lot of people know what biomass is.

Biomass is primarily wood waste. What do you do with wood waste? You burn it. And when you burn it, you generate heat. The heat generates, in the process of generating in a boiler, steam. The steam goes into a turbine, and it generates electricity.

But is it magic? No, it has tremendous emissions. I know in my State, a few small sawmills that, by the Environmental Protection Agency, have been mandated to burn their waste. They have to use so darn much fuel oil to get it hot enough to burn that the economics are out the window.

Another thing that I can't understand why the majority doesn't face up to is the provision in here that says you can't use any wood waste from public land. What does that mean?

In my opinion, that is another finesse. I have another word for it, but I shall refrain. It simply is in response to America's environmental community. It doesn't want any timber harvesting in the national forests, which is where the public lands are. It says you can't, in your biomass mix, use anything from the national forests other than residue that has come from thinning. In other words, you can have a mill that has a timber sale in the forest, and they have mill ends, they have bark, they have sawdust. In this legislation, you can't use it.

That is not a practical way. The specific reading deserves to go into the RECORD. These are the things that are wrong with this particular bill. That is why I think it is so important to recognize the contribution of the Kyl amendment. We will pick that up in a minute.

Nevertheless, it is a crass inconsistency. Good heavens, what difference does it make? Waste is waste. If you have cut a tree from a national forest legitimately, you could make lumber out of it, but you can't use the residue for biomass. The issue here is obvious

to those of us out West. This is to discourage harvesting in the national forests.

What are you going to do in my State of Alaska? I don't have any nonpublic timber. We have two forests. We would have to, under this legislation, go out and buy credits. We couldn't make biomass because all our timber, all our sawdust, all our mill ends come from those forests. Let's get realistic.

I will have to offer an amendment, and I am prepared to do it.

Let me read what it says here. This is on page 6:

With respect to material removed from the national forest system lands, the term "biomass" means fuel and biomass accumulation from precommercial thinning, slash and burn.

That is the limitation. You can't use the residue from a commercial tree that you take out of the forest.

That is inconsistent with the utilization of the product. What are you supposed to do, waste it? Save this and waste that?

The chart wasn't ours, but it was an interesting chart because it showed biomass. And, again, biomass is not the magic it is cracked up to be because you have to burn it. To burn it, you have emissions. Because of emissions, you have to address air pollution. Air pollution means technology. Technology means cost. Don't think you are going to get a free ride with biomass.

Solar works great in Arizona and New Mexico, the Southern States. It doesn't work in Barrow, AK. We have a long dark winter where the sun never rises above the horizon for about 3 months. Solar has an application, I grant you. I don't belittle it. But nevertheless, the footprint is pretty broad. You would have to cover several States with solar panels to equal what I can produce from ANWR in 2000 acres. I can produce 1 million barrels a day, and it would take somewhere in the area of two-thirds, three-quarters of the entire State of Rhode Island.

We had some discussion earlier today relative to wind generation. Wind generation has an application. I think one of the tremendous application of wind generation is using it to fill dams. In other words, the technology is relatively simple because when the wind blows, the wind powers electric pumps or generators that pump water from a lower area to an upper area. And then you have the fall into the turbines and you can generate. There is a lot of thought that says that some areas near saltwater, where you have canyons and so forth, you could theoretically dam up a little inlet where you have wind, and you could have the wind generating power for the pumps. And then you pump the saltwater up and run it through the generator. You are really picking up something if that is the kind of technology you are talking about. But make no mistake, there is a footprint.

This chart shows San Jacinto, CA, between Banning and Palm Springs. I

have driven through there many times. If you look at it, it is rather astounding because you see literally hundreds of these windmills. And some of them are turning; some are not. Sometimes they have technical problems because the wind pitch and velocity is such that it can tear up the transmissions.

We have some in a few areas of Alaska where they actually have brakes on the ends of the blades. It has a tendency to brake itself rather than tear the transmissions up or to get ice on them, and so forth.

But the point I want to make here is that this is about 2,000 acres of a wind-generating area that is committed to the placement of the wind generators and the towers, and that equates to making about 1,815 barrels of oil. So the footprint there, 2,000 acres, equates to 1,815 barrels of oil in an equivalent energy Btu comparison. Yet 2,000 acres of our area, in ANWR, will produce a million barrels of oil. So there is a tradeoff. So we have solar, and we have wind, and we have biomass. They are all meaningful, they all make a contribution, but they have a certain cost to them. Now, there is either biomass, wind, solar, geothermal—I mentioned geothermal and a good portion of those, unfortunately, are in or adjacent to our parks.

Another point made earlier in the debate is that this is not a State preemption. It really is a State preemption, Mr. President. It preempts those States that have decided that a renewables portfolio standard is not in the consumers' interests. There are 14 now that have come in voluntarily. But this legislation would mandate that all States achieve it.

Let's take the State of Michigan, for example. What is in it for Michigan? I am not from Michigan. I can't speak about it, other than to share some observations that the staff has made. But we have some wind in Michigan; some solar; not much hydro potential; biomass—I suppose there is some; geothermal, very little. But they clearly don't have a significant segment of one of these alternatives available. So what are they going to do? Well, probably buy credits.

Another thing that came out of the debate that is wrong with this legislation is there is nothing to prohibit. The Three Gorges dam on the Yangtze River in China, which is about completed—but they are putting in turbines now, and so forth—it is my understanding that would qualify for credits. That is a pretty big project—one of the largest hydroprojects ever undertaken in the history of the world. Are we going to see a situation where utilities are going to be allowed to go buy credits? There is nothing in the legislation to prohibit it.

That isn't the intent. The intent is to encourage the development of renewables.

That is another thing wrong with this legislation. I am sure this can be corrected; nevertheless, it suggests

that we have left an open door in this concept of buying credits.

Another point that was brought up in the debate is the issue of transferring wealth from one part of the United States to another. It is fair to say that the State of California, with a large population, dynamic economy, depends on energy coming from the outside. They would rather buy energy than develop their own. We saw that last year in the crisis in California. We have seen it time and time again. My good friends from Louisiana have indicated that they get a little tired of this "not in my backyard" business. Louisiana is developing oil and gas offshore. They are subject to the impact of that on their school systems, roads, and so forth. Do they get anything extra? No. The OCS goes into the Federal Government fund. Yet they are generating this for the benefit of other States.

So it is not fair, necessarily, to consider this transfer of wealth from one part of the United States to another. In other words, those areas that have the potential of generating biomass from either solar or wind are not going to have to buy credits. Others that don't have this availability are going to have to do so. I suggest to you this is not necessarily equitable.

There are other examples that I think deserve a little examination; that is, under this mandate, each electric utility, other than public power—and why is that, Mr. President? We have investor-owned power and we have public power. But we make a distinction here. We do the mandate on every electric utility other than public power. What is the politics of that? I don't know, Mr. President, but I know public power opposes it, and they have prevailed. They don't have to maintain a mandate. You are a businessman, Mr. President, and so am I. What does this mean?

This means that investor-owned power companies are not necessarily going to have the same comparative cost mechanism because investor-owned companies are going to have to go out and buy credits or put an investment in renewables.

Does that mean public power can increase their rates a little bit to coincide within investor-owned? Who pays that, and is that kind of a windfall profit? I don't know, but I think every Member who is going to vote on this ought to be able to go home and explain this because it is not equitable. Power produced by investor-owned and by public power—they both do a good job, but why are we excluding one? It is because of the politics. They don't want it. I would like to hear the debate from the other side, but I see they have adjourned for the evening—at least on that side of the aisle. I would like to hear an explanation of that.

So what we have here is each electric utility other than public power must have one renewable credit for the required percentage of its retail sales. That starts at 1 percent and increases

to 10 percent in the year 2020. Who are we exempting, Mr. President? We are exempting Bonneville, which you heard of, out West, and TVA, WAPPA, which are significant power groups in their own right, entitled to the process; nevertheless, the public and we should question this.

To obtain a credit, a utility can, one, count its existing wind, solar, geothermal, or biomass, but not hydro. Well, I have been chairman of the committee, and I have been ranking, and how they can conclude that hydro is nonrenewable is beyond me. But I have made my case. It looks as if they have put this in here so it will fit. That is what is wrong.

This legislation has been shopped on the other side to the point where it has accommodated virtually every special interest group. That is what is wrong with it. It never had the process that normally takes place around here, and that is the committee process, where the legislation is developed within the committee, the bill is introduced, referred to the committee, hearings held and markups and so forth. We know the history. But it is beyond me that the media has not picked up on the injustice of that.

The majority leader obstructed the committee of jurisdiction—Energy and Natural Resources—to do this. He said it was too contentious. He pulled it away from the chairman. Here we are on the floor of the Senate at 7:10 enlightening one another as to what is in the legislation. That should have been done in the committee process. It was not and that is a tragedy.

It is kind of interesting, to make a parallel—I will not make an issue of this, but what is good for the goose is good for the gander. Somebody made an observation of that nature, where we had the majority leader, in the Pickering nomination, on a question relative to sending the matter directly to the floor, taking it up, and resolving it on the floor. Oh, no, we had to observe the traditional process of the committee jurisdiction. I don't know why it is not good enough for the Energy Committee, but it certainly applies in the case of Judge Pickering. I don't want to go down too many rabbit trails this evening, but I wanted to point out an inconsistency.

As I have indicated, to obtain a credit, a utility can count existing wind, solar, geothermal, and biomass, but not hydro.

It can build a new renewable powerplant or purchase the credit from another new renewable powerplant or purchase the credit from the Secretary of Energy. Is the Secretary of Energy going to be selling these credits? Is that revenue to the Federal Government? What is it worth? What is it going to cost?

My understanding is the average cost of electricity is about 3 cents per kilowatt hour. You are going to have to pay something for these credits. I am told it may be another 3 cents. So that

is 6 cents. That is going to be passed on to the consumer, Mr. President. Public power is not going to pay it, just investor-owned companies. Isn't there some kind of subsidy, tax credit, associated with this of about 1.7 cents?

We are now taking power that usually goes to the consumer, about 3 cents, and that consumer is now going to be paying about 7.5 cents. Is anybody concerned about that? I do not see a lot of concern. Evidently the public is just willing to pay from the investor-owned business only an increase from 3 cents to 7.5 cents. Think about that: Every Member and staff who is watching, you had better be prepared to explain that to your ratepayers and your consumers. That is the price you are paying for this mandate.

In the early years of the renewable portfolio program, there will be few tradeable credits because only new facilities produce credits for sale. The renewable credit would be, as I said, about 3 cents per kilowatt hour through the wholesale market price of power. This is on top of the 1.7 per kilowatt hour renewable tax credit. That substantiates what I said.

Let's talk about a few key States.

West Virginia: American Electric Power serves the bulk of West Virginia. Ninety-seven percent of the American Electric Power Generation is from coal. A smaller portion is from natural gas and nuclear, and eight-tenths of 1 percent is hydro. We are told that American Electric Power could not meet the renewable portfolio standard through existing renewable generation. They would have two choices: Build new renewable powerplants or purchase credit.

New York: Consolidated Edison serves New York City. Con Ed has disposed of most of its generation, as we know, and now purchases 95 percent of its electricity. All of its remaining generation is gas fired and located within the city of New York. Con Ed could not build renewables production in New York City to satisfy its renewable portfolio requirement. It would have to purchase credits to satisfy the renewable portfolio standard requirement. They simply cannot do it in New York. They acknowledge that.

Arkansas: Arkansas is served by Entergy. It is 98 percent natural gas, nuclear, and coal, and only 2 percent hydro or wind. It would not meet its RPS—renewable portfolio standard—requirement through existing wind generation. It would have to purchase credits to satisfy the RPS requirement.

Illinois: Exelon serves most of Illinois, including Chicago. It is 88 percent nuclear, coal, and natural gas, and 8 percent hydro. They would have to build renewables or purchase credits to meet the RPS requirement.

What are they going to do? Are they going to purchase them or build them? They are going to make a business decision, and the business decision is going to be made on the quickest return on investment. That is what you

make business decisions on—the least risk and the highest return. Are they going to build renewables or buy? It depends on the mix.

I do not think we have really reflected because the other side is so anxious to salvage something in this energy bill. This energy bill can only be salvaged by good amendments because it was a bad bill to start with. It has been improved dramatically. I support the continued process, but the continued process toward a good bill can only be resolved by amendments.

The Kyl amendment is not a vote against renewables; it is a vote for States, it is a vote for consumers, and it is a vote for the freedom to choose.

This is not in the House bill. What is going to happen when it goes over to the House for conference? There is nothing in the House bill. We all have a little idea what the House is going to do.

The Bingham amendment, in my opinion, subsidizes renewables at the expense of coal, natural gas, and nuclear power. What does that mean? To me that is a Btu tax, British thermal unit tax. It was the first legislation introduced by former President Clinton when he first took office, looking for revenues: We are going to put on a Btu tax.

Do my colleagues know what happened? He was defeated because the public said: This country is energy rich. We have a broad choice of energy mix. We have coal, we have oil, we have natural gas, we have renewables, we have biomass, and you want to tax us first thing.

This is a Btu tax on coal, natural gas, and nuclear power, make no mistake about it. Fourteen States have existing programs with different fuel mixes, and they would be preempted by this legislation.

Senator KYL's amendment replaces the Bingham renewable mandate—and remember, renewable mandate; we all know what mandate means: you must do it—Senator KYL's amendment would replace it with a program to encourage renewables without preempting the States, without micromanaging the market.

What is the matter with the way this market is working? Fourteen States have initiated programs because they believed it was in the interest of their State, the consumers, the air quality, and good citizenship. But, no, we are going to mandate it, and at what cost?

The Kyl amendment requires State utility commissioners—and I use the words “to consider”; it is not a mandate—“to consider the merits of a green energy program.” It does not order them to implement one. It says consumers can purchase green power if they want to; they are not required to. And I guess the utilities can charge them for green power if it is higher. There is nothing wrong with that if that is what they want.

Over the past 5 years, Congress has provided more than \$7 billion in sub-

sidies, tax incentives, and other programs to assist renewables. As I said earlier, I support those. That is how we bring on technology. But you do not get a free ride from it. If we do make this mandate the law, we are going to increase the cost of electricity to the consumer, but only for the investor-owned company, because that is to whom it applies. It does not apply to public power. I have yet to get an explanation as to why. We all know why. It is politics. They do not want it. They want to enjoy a differential. Is the public aware of that? Are they aware why one source of power should enjoy the benefits and not another?

If you happen to have public power providing you with energy, you are going to break. If you are an investor-owned business, you do not. This is not the American way, and people ought to begin to understand this. Members had better be able to explain it when they go home.

Now the Bingham amendment, in my opinion, is not good policy, frankly. I have the greatest fondness for my friend Senator BINGAMAN, but what it does, it picks winners and losers; it favors types of fuel based on politics, not policy; exempts public power, although there is no policy justification.

On the other hand, the Kyl amendment points out fundamental philosophical differences between—and we have heard that today—Daschle-Bingaman. We really want consumers to choose for themselves. On the other side, they want the Government to choose for the consumer. That is what this Daschle-Bingaman proposal is all about.

We want the States to make decisions on the needs of the people. They want the Federal Government in charge. This issue, renewable mandates, is opposed by the United Mine Workers, Public Power, Investor Owned Utilities, Chamber of Commerce—well, I have an explanation, and I appreciate that. I want to make sure the record reflects it because I have been saying that this would benefit Public Power, but I have been corrected by my staff to say that Public Power also is opposed to it.

Why is Public Power opposed to it? Because they are fearful it will be lost in committee, and they will in the committee process be also included in this mandate.

The record should reflect my reference to Public Power and the clarification.

So the renewable mandate is opposed by the Chamber of Commerce, United Mine Workers, Public Power, Investor Owned Utilities.

The fear that Public Power has is they will be exposed in committee and have to be subject to this as well.

I think all Members should consider the merits of what we are getting into, the precedence we are setting, and the emotional argument associated with: Gee, we have to do something on renewables. We have not been able to respond on CAFE. We have not been able

to move in a manner in which we could address even the pickup issue, on which we had a vote. Let us make sure the legislation we pass is good legislation; that it is well thought out; it is applicable; that it does something meaningful that is in the appropriate role of government to do, as opposed to what I think the States are doing very nicely by themselves. They are proceeding, should they wish, with their own renewable mandate proposal, and that is where I think these types of decisions belong.

I think we would all agree as Members of the Senate that one size does not fit all.

With the recognition it is late, I am prepared to yield the floor. I believe we will be on this bill in the morning. Might I ask the Presiding Officer what the order of tomorrow might be again for those of us who might not have heard the majority whip?

The PRESIDING OFFICER. There will be a cloture vote tomorrow at 1 p.m. on campaign finance reform.

Mr. MURKOWSKI. If I may ask further, upon the conclusion is there any order from the leader as to what we would go to?

The PRESIDING OFFICER. There is no special order. The Senate, by default, will resume consideration of the energy bill.

Mr. MURKOWSKI. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3039 TO AMENDMENT NO. 2917

Mr. REID. Mr. President, I send a technical correction to the desk with respect to amendment No. 2917. I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 2917) was agreed to, as follows:

On page 555, line 14, after "Secretary", insert "shall".

Mr. REID. Mr. President, for the information of the Senate, this technical correction is simply the addition of the word "shall" on page 555 of the amendment.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak not to exceed 5 minutes each.

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

#### HONORING FRED SCHEFFOLD

Mrs. CLINTON. Mr. President, I would like to take this opportunity to

honor the late Fred Scheffold, a battalion chief with the New York City Fire Department and one of the many NYC firefighters who so bravely gave their lives on September 11, 2001.

Today, I had the honor of meeting Fred's widow, Mrs. Joan Scheffold, and their daughter, Karen Scheffold-Onorio, at a news conference in the Mansfield Room of the U.S. Capitol Building. They were here to join my distinguished colleagues, Senator STABENOW, Senator ALLEN, Senator KYL, and me to announce the next steps in the implementation of the Unity in the Spirit of America Act, the USA Act.

The USA Act is legislation introduced by Senator STABENOW that establishes a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11. The measure was signed into law by President Bush in January. To recognize the heroism of New York Firefighter Fred Scheffold, and all the victims of September 11, I ask unanimous consent that the statement of Joan Scheffold be printed in the RECORD. It is a warm and loving tribute to a heroic husband, father, and American.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY MRS. JOAN SCHEFFOLD, MARCH 19, 2002

The world lost many treasures on September 11th, and I mourn the loss of my own gem, my husband Fred. Fred's 32 year career with the NYC Fire Department brought him to many corners of New York and on the morning of September 11th, he was just finished his 24 hour tour as a Battalion Chief in East Harlem. When the alarm came in, he rushed to the scene along with the Chief who was relieving him. Like so many others that day, he was not obligated to respond to the alarm but he did so out of the sense of duty and the simple fact that he knew his help and expertise would be needed.

But, he was so much more than just a fireman who was lost on September 11th. As an avid runner, skier, and golfer, he inspired our 3 daughters to reach their highest goals and set them higher once again. A talented painter and sculptor, our home and yard are decorated with many of his pieces, including a giant insect made of metal and wood on the front lawn and a front door painted purple. A self-proclaimed "news junkie", he read everything that he could get his hands on and could hold an intelligent conversation about any topic. Essentially, he had a lifelong love of learning.

He had the unique ability to make you feel like you were the only one of the room when you were talking to him and that what you were saying was the most interesting thing he's heard all day. But he never failed to end the conversation by making you laugh.

We mourn the loss of Freddie every single day. He was a magnificent human being and a beautiful soul who will never be forgotten. Fred's memory has been celebrated in many ways including a scholarship fund that has been established at his alma mater in the Bronx and trees that have been planted in his honor. We hope that we can continue to honor his life and the lives of those 3000 others lost on September 11th through projects of the Unity in the Spirit of America Act.

#### SALT LAKE 2002 PARALYMPIC WINTER GAMES

Mr. HATCH. Mr. President, during the last 2 weeks of February, the world watched the 2002 Winter Olympic Games held in our home State of Utah. The success of these games and the achievement of the competing athletes have been recognized as high points in the long Olympic tradition. We are all proud of the spectacular athletic accomplishments of the participation and support of this outstanding event.

Today I rise, as a Senator from the great State of Utah, to call attention to and express support for the Salt Lake 2002 Paralympic Games which concluded with the closing ceremony this past Saturday.

As meaningful and significant as the 2002 Winter Olympic Games have been, the Paralympic Winter Games, perhaps, elevate that significance, for paralympic athletes must not only excel in athletic skill and prowess, but must also accommodate a disabling condition.

During the 10 days of the Salt Lake 2002 Paralympic Winter Games, world-class athletes brought together their minds, their bodies, their spirits, and their determination to pursue the highest level of performance and commitment.

I especially want to recognize the fantastic achievements of our athletes from Utah. Steve Cook showed incredible speed and skill earning four silver medals in cross country skiing events—the 5K, the 10K, as an anchor on the relay, and the biathlon.

No less exceptional was Muffy Davis who was awarded three silver medals in alpine skiing. Her performances were stellar.

Lacey Heward excelled in both the Super G and the Giant Slalom, winning bronze medals in both events.

Also winning two bronze medals was Christopher Waddell in the Giant Slalom and downhill skiing event. Christopher also captured a silver medal in alpine skiing.

Monte Meier, through strength and courage won a silver medal in alpine skiing. Our alpine skiing is exceptional in Utah.

Stephani Victor earned a bronze in the downhill skiing through her great diligence and prowess.

No less outstanding is the participation of Daniel Metivier and Keith Barney, who also gave their all in these games. The stellar achievement of our Utah athletes has been magnificent. I am so proud of their excellence.

While it is fitting that the U.S. Senate express recognition and praise to these outstanding athletes, I cannot forget to applaud their dedicated coaches, trainers, and families. These individuals provide the needed unconditional support for the athletes. Though they stand in the background, they are no less deserving of Olympic glory.

I compliment the U.S. Olympic Committee, which is designated as the National Paralympic Organization. Under