



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, TUESDAY, APRIL 23, 2002

No. 46

Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota.

The PRESIDING OFFICER. This morning our guest Chaplain, Chaplain Daniel Coughlin, Chaplain of the U.S. House of Representatives, will lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Lord our God, shepherd us as Your own flock. Speak Your Word in the hearts of all the Senators and to all who work for the Senate Chamber. Make all in the Nation attentive to Your voice; that they may walk as Your free children along the right path, fearing no evil.

On this new day, anoint us with Your Spirit, that only goodness and kindness flow from us. Having invited us to enjoy the banquet of equal justice, may we serve You all the days of our lives. Banish our foes into the darkness of confusion that great deeds of dignity may be accomplished in Your Name; and the nations may dwell in peace for years to come. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAUL D. WELLSTONE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 23, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WELLSTONE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided between the two leaders or their designees.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

REQUEST FOR PRAYERS BY THE SENATE CHAPLAIN

Mr. REID. Mr. President, we have been honored this morning with the presence of the House Chaplain. The reason for that is our Chaplain's wife is very ill. She has been in intensive care now for more than a week. Our own Chaplain has expressed to each of us that we should not worry about sending cards or letters or flowers or plants because, of course, the flowers and

plants are not allowed in intensive care, but he asked specifically that Members of the Senate pray for his wife.

SCHEDULE

Mr. REID. As you have announced, the Senate will be in a period of morning business until 11:30 a.m. At 11:30 a.m. the Senate will resume consideration of the energy reform bill, when we will vote on cloture on the Daschle-Bingaman substitute amendment. All second-degree amendments to this energy bill must be filed by 11 o'clock today.

The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent the hour begin running now and the time for the vote occur at 25 minutes until the hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Mexico.

CLOTURE MOTION ON THE ENERGY BILL

Mr. BINGAMAN. Mr. President, I will yield myself up to 10 minutes to speak in favor of going ahead with the motion for cloture on this bill.

This is the sixth week we have been on the energy bill on the Senate floor. Today is the 22nd legislative day we have worked on the bill. We will be voting this morning on cloture on the substitute amendment that was first laid down on February 15. It was modified to its present form on March 5.

Since then, we have had a great many amendments. We have acted on 84 amendments to the substitute amendment. Of those 84 amendments, 68 were adopted, 9 were defeated or otherwise fell, and 7 were withdrawn.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Seven other amendments are currently pending on the bill.

One would think that dealing with 84 amendments on a bill would represent fairly good progress on a bill, and in many ways it does. We have taken up almost all the major issues on the bill, and they have been disposed of with very few exceptions. I appreciate the help of Senator MURKOWSKI and others who have been active in this debate, trying to move this set of issues along and to move the legislation along.

At the same time, we have had many days when Senators have not been willing to come to the Chamber and offer amendments. We have had periods when Senators have delayed votes on their amendments and been anxious to wait until conditions seemed more favorable before a vote would occur on their amendments.

If we in fact were out of amendments, obviously that would be good news. The truth is, yesterday at the time of the filing deadline that was triggered by the cloture process, there were 115 additional amendments filed. Some of those amendments are variations on earlier amendments that have been filed. Some are variations on others that we understand can be handled. Clearly, we still have a substantial number of issues that Senators believe they need to have considered.

I am also disappointed that our efforts to get unanimous consent on a finite list of amendments have been blocked. We have asked unanimous consent several times on the Senate floor to get agreement, not on time limits—we had never got to the stage where we were asking for time limits—but first, before we asked for time limits on amendments, we were trying to get a finite list of amendments. The effort to get that has been blocked. Even adoption of amendments that both managers of the bill have been willing to clear has been a problem for us.

So we have not had, in my view, the cooperation we need to bring this bill to conclusion. We need to have that change quickly if we are going to continue on the bill and conclude action on it.

I know there is great concern as we approach this cloture vote about the tax-related provisions. I strongly support those provisions, the tax incentive provisions that were voted out of the Finance Committee on February 28. I supported those. I believe they are dramatically better than the tax-related provisions that were attached to the House-passed energy bill last year.

The argument was made yesterday that the Senate should now think of this bill as some sort of omnibus tax bill. I think that would be a big mistake, for us to now look on this measure as the major tax bill of the year and see this as an opportunity for all Senators to come and offer all sorts of provisions relating to taxes, particularly those that do not relate to energy taxes. I think that would be a very major mistake.

This is not an omnibus tax bill. It is an energy bill. We need to bring debate on the bill to a close. I hope we can do so with tax provisions included. I know the Senator from Montana has tried to get unanimous consent to do that. I support us doing that, having the provisions coming out of the Finance Committee brought up, debated, and voted on. But clearly we need to keep in context that this is not the major tax bill the Senate is going to consider in this Congress, and therefore it should not be a vehicle for all sorts of non-energy-related tax proposals.

I compliment our majority leader, Senator DASCHLE, for the enormous amount of floor time he has committed to trying to pass this bill. A lot of speeches have been made over the last several months implying that our majority leader was not committed to moving an energy bill through this body.

His actions speak much louder than words and the rhetoric around here. It is clear from his actions and committing 5 weeks of the Senate's time to this important issue that he is committed to trying to get an energy bill through the Senate.

I also appreciate the strong support that Senator LOTT has been providing in trying to move to cloture and move ahead with invoking cloture and completing action on the bill. I think that is very important as well.

Energy is a central policy concern in the Senate in this session. It is appropriately so. Our President has made it an agenda item for the country. Many of us have felt strongly that there are provisions in this bill that should be enacted into law. I hope we can do so. If you exclude Mondays and Fridays from the calculation, we now have 15 working and voting days between now and the Memorial Day recess. Clearly, there is a limit as to how much of the Senate's time we can devote to this very important issue.

I hope all Senators will support the effort to invoke cloture on the substitute amendment. Even if cloture is invoked, there are several hard fought battles still to be waged on particular amendments that have been offered and that will remain germane.

I believe we have reached a point where further debate should be limited to germane amendments. For that reason, I urge Senators to support the motion to invoke cloture.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. REID. Mr. President, the majority controls 30 minutes. I do not know if the minority wishes to use any of their time. It is my understanding that Senator BAUCUS wishes to give remarks in opposition to cloture. Is that true?

Mr. BAUCUS. At this point.

Mr. REID. Mr. President, I am happy to yield 5 minutes to the chairman of the Finance Committee, Senator BAUCUS.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will suspend my statement at this time if someone else wishes to speak.

Mr. REID. Mr. President, the Senator from Nebraska wishes to speak on a subject not related to cloture. I yield 5 minutes to him.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague and friend from Nevada for giving me this opportunity.

RENEWABLE FUEL STANDARD

Mr. NELSON of Nebraska. Mr. President, as we proceed with the debate—and hopefully it will end with a cloture vote—on the renewable fuel standard in S. 517, it is important to clarify some of the main issues and to counter some of the misinformation that has been offered by opponents of ethanol and other biofuels and the RFS.

In today's New York Times, one of our colleagues is quoted as saying that the renewable fuel standard may raise the cost of gasoline by 10 cents a gallon in New York. I am not sure how that number is achieved given the fact that the wholesale price of ethanol today in New York is about 30 cents per gallon less than gasoline.

But it is frustrating. For 25 years, we have all worked to ward off the negative arguments presented by some of the opponents. The opponents are determined to maintain control over the transportation fuels market by excluding ethanol, by excluding reformulated fuels, and by excluding new opportunities for renewable resources. Yet because the ethanol industry is right for America and for our State, it has survived and expanded from essentially zero in 1977 to over 2 billion gallons a year capacity today.

It has taken sound public policy to achieve this strength and it will take sound public policy to take the next leap forward in these days of dangerous and growing foreign oil dependency and mounting concerns about the environment including climate change. The RFS is the next sound and critical policy leap forward to more than double biofuels production in the next 10 years.

In recent years, an enlightened sector of these industries has accepted the benefits of ethanol blends. But the remaining and commanding sectors stand steadfast in their opposition. Old data, negative projections, and misinformation are their tools.

They have convinced some to actively embrace their campaign to maintain a fossil-interest stranglehold on transportation fuels. For these companies, national energy, economic and environmental security of the United States is not part of their global calculus as they pursue their determined path against ethanol and other biofuels. These biofuels are becoming an international force. If opponents