

blows, you cannot store it, and it is already over subsidized by a massive amount compared to every form of electricity.

The largest single Federal tax expenditure for electricity over the next 5 years is the renewable production tax credit, and 75 percent of that goes to one proven technology, wind, which is competitive where the wind blows, not competitive where it does not, is not reliable for baseload, and is not reliable for peaking. That is not being good stewards of the Federal taxpayers' dollars at a time when we really do need to encourage renewable electricity and we need to deal with climate change and with clean air.

I have just a couple more points.

As one might suspect, when you are subsidizing something at \$24 per Megawatt hour as compared to \$1.50 for nuclear and 25 cents for natural gas, you get a big surge in wind capacity. That is what happened during the period of the subsidy. Even with this rapid growth, wind produced 2.7 percent of our clean electricity, of only 0.8 percent of all our electricity. And as I have mentioned several times, wind energy is not reliable. You can't store it. It is not produced when you are likely to need it most.

Another limitation on wind power is it is not available everywhere in the United States. There are some parts of the United States where wind power works fine, and there are some Members of the Senate who love to advocate wind power. You can see where those are. It is where the wind blows down from the North, and it blows on a reliable basis. So you can put up wind, and particularly if you are paying \$24 per Megawatt hour to subsidize it, you are going to find a lot of investors in Chicago and New York and around this country that can make a big buck off putting wind up here where it is competitive and where they do not need the subsidy, or putting it down here where the wind doesn't blow, and they apparently get enough subsidy anyway. You may say: Well, if they only get paid when the wind blows, how do they make any money? Well, we have all kinds of tax subsidies for wind, and the production tax credit is one, but there are a number of other subsidies that I am looking for right now. There are subsidies in agriculture. There is the clean renewable energy bonds—the Federal Government. Those can help build the wind turbines. There is the Department of Energy grant incentive programs for renewable energy production. In the farm bill, there will be some renewable energy and energy-efficient grants and loans. Thirty-three million dollars of that goes to wind. There are a variety of State subsidies for wind. Twenty-four States have enacted renewable portfolio standards.

We have gotten all excited about renewable energy, which is a good thing, but what we have forgotten to do to be careful to encourage a wide variety of forms of renewable energy, so that we

can have reliable energy that has the capacity to be used as a base load or peak load.

Then there is the other limitation that affects some people and doesn't affect others. Here is the Buffalo Mountain wind project in Tennessee. This is the only wind farm in the Southeastern United States. It is the only one the Tennessee Valley Authority has. There are 18 of these turbines here. They are tall and they are white. They are about twice as tall as the sky boxes in the football stadium at the University of Tennessee.

Now the Senator from Michigan will smile at that, because Michigan and Tennessee have, for years, had a little friendly competition going about who has the largest stadium. We are up to about 107 thousand on a Saturday afternoon, and I think the University of Michigan is at 1,010 or 1,011 people. So they are a little ahead of us now. But to visualize, each of those stadiums have these large sky boxes, and each of these towers is twice as large as those sky boxes. Each one has blades extending from the goal line to opposite goal line. They are white, and they have flashing lights so you can see them from 20 miles away during the day.

We are paying \$24 per megawatt hour to subsidize that all over the country—only 25 cents an hour for natural gas—in a place where the wind doesn't blow. Last August, during the drought, that farm was operating at 10 percent. So it doesn't work there very well.

My argument is for realism. I would like to see us have a realistic policy. I would like to have clean air and deal with climate change not only in this generation but in the next 10 years. To the extent we need to do that with electricity, we need to look first at conservation.

The Tennessee Valley Authority operates at about 27,000 megawatts on the average, but every night it has about 7,000, 8,000, 9,000 or 10,000 megawatts of idle capacity. Now, some people remember how Ross Perot made his money. He noticed that in Texas, in the 1960s, the banks were closing at 5 and not using their computers. So he bought their time and came to the States and got a contract to manage Medicaid data, and he made a lot of money doing that. It is the same thing here. We have, in the TVA region, 7,000 or 8,000 megawatts of idle capacity at night. That is seven or eight nuclear power plants. That means we probably have 210,000 megawatts of idle nighttime electric capacity.

We should be spending this \$11 billion on smart meters that encourage people to buy electric cars and plug them in at night and use the idle capacity we have already built rather than paying \$24 an hour for wind that is proven where it works and would not work where the wind doesn't blow. Or we should take some of that money, as I have suggested with Senator KYL, and focus it on other emerging tech-

nologies. Wind has had its chance. It has done well and grown rapidly. Now, I see the majority leader, and I will be through momentarily, because I imagine he has a report to make about Senate business. So I will wind up in this way. What the Kyl-Alexander amendment would seek to do is to improve the Ensign-Cantwell proposal by extending from 1 year to 2 the length of the production tax credit extension by focusing it on emerging technologies, and by focusing it on base-load technologies. Our amendment would treat wind fairly by adding another billion dollars to the \$11.5 billion we are already spending for less than 1 percent of our electricity on wind, and that would cost about the same.

I hope our colleagues will consider the Alexander-Kyl amendment, No. 4429, when the Ensign-Cantwell amendment is offered tomorrow.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The majority leader.

#### UNANIMOUS-CONSENT REQUEST— S. 2664

Mr. REID. Mr. President, I appreciate my friend yielding the floor. We are waiting for the Republican leader, who is on his way down here.

Good, he is here. But I do express my appreciation to my friend from Tennessee for yielding the floor.

I wish to speak briefly on the subject of the Foreign Intelligence Surveillance bill, known as FISA. Everyone knows this is a very important issue. The Presiding Officer, a member of the Intelligence Committee and a member of the Judiciary Committee, has worked as hard, if not harder, than anyone else on this issue, and I would acknowledge his wide breadth of knowledge on this important piece of legislation. We have relied on the Presiding Officer to give us direction and understanding of this bill, and he has done that.

We all agree on the need to strengthen the Foreign Intelligence Surveillance Act of 1978. Congress has modernized the act many times since then, and there is broad agreement on improvements that should be made now. I have said many times we need to give the Intelligence community all the tools it needs without compromising the privacy of law-abiding Americans.

The Senate passed its bill in early February. The House, which passed a bill on this subject last November, passed a new version before the Easter recess. The new House bill is similar to the Senate bill, although there remains disagreement over the issue of immunity. In any event, the two Houses must resolve their differences so the final bill can be enacted.

The President keeps giving speeches saying the House must yield to his demand to pass the Senate bill. But that thing we call the Constitution keeps

getting in the way. You can't pass legislation unless the House and the Senate put their stamp of approval on this, and the House has not been willing at this point to move. That is how our system works. The President must work with the Democrats in Congress to find common ground and also give some direction to Republicans in the House and the Senate to negotiate this.

We have tried, since this legislation passed, to work out some type of a compromise. Legislation is the art of compromise. A number of meetings have been scheduled, but with rare exception, Democrats have been meeting with themselves. The Republicans have not been coming to these meetings. There are some positive signs the Republican position may be thawing. I hope that is true. We need good will on all sides to finish this important piece of legislation.

On several occasions, I have proposed a 30-day retroactive extension of the law that expired in February, so the so-called Protect America Act can move forward, at least for a limited period of time. My purpose is to make sure there is no gap in the intelligence-gathering capacity and to set a deadline for final action on a long-term bill. But the President has threatened to veto such a bill, and it has been blocked procedurally by the Republicans.

So I now again propose such an extension. The Republicans may again object. If they do, they bear responsibility for the fact this law is not in place.

Eventually, the President and Republican leaders must come to the negotiating table for the good of the country. We believe that is something that needs to be done and can be and should be done.

I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 583, S. 2664, a 30-day extension of the Protect America Act; that further, the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, I will make a short statement in response to what the majority leader has said before making an objection.

Last August, we passed a 6-month authorization which we called the Protect America Act, and it gave us plenty of time to complete our work. Yet our Democratic colleagues didn't put a bill on the Senate Floor until the week before Christmas. Even then, a Democratic filibuster forced the majority to pull it. We should have turned to it at the start of the year. Instead, we went to Indian health care. That caused another delay, which forced another extension. Our Democratic colleagues claimed this extension would give us enough time to complete our work. Unfortunately, that extension has come and gone.

The Senate used that time to overwhelmingly pass a bill that gives our intelligence professionals the tools they need to protect good corporate citizens whose assistance is essential. As a result, the Senate bill—the bipartisan Rockefeller-Bond bill—is the bill we know can get a Presidential signature. We also know a majority of the House, on a bipartisan basis, would pass it, if they had a chance to. Instead, the House has not used that time wisely. It refused to pass a bill that meets the minimum required criteria.

So now our Democratic colleagues want yet another extension as cover for their failure to responsibly act. What is needed, to keep the program going, is not another extension, not another delay. Rather, we need to get serious in protecting companies that helped protect our country. Right now, these companies face multibillion dollar lawsuits because they answered our call for help. We asked them to come help us. The Government is not in the communications business. They will not continue to help us if they are sued out of existence for doing so. If they do not help us, then, of course, we will not have a program at all.

In short, to ensure the continued functioning of this vital intelligence program, we need to protect our intelligence operations, not the trial lawyers. To address that concern, I ask unanimous consent to modify the UC the majority leader offered by including an amendment at the desk that would enact the liability protections passed by the Senate on an overwhelming bipartisan vote of 68 to 29. That is the liability title of the Rockefeller-Bond bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, if it is appropriate at this time, I object to the original unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I appreciate my friend, the Republican leader, coming to the floor and objecting to this rather than having someone do it. He gave his explanation, and I appreciate that. It would have been easy for anyone on the other side to object, and I appreciate his laying out the reasons.

But I would say this is not the way to negotiate on the Senate Floor. We have tried. Senator ROCKEFELLER supported the Senate position. I didn't, but Senator ROCKEFELLER did and a number of Democrats supported the Senate-passed position and that was something Senator ROCKEFELLER recognizes. As a result of that, he has tried very hard—February, March, and, of course, he is also working in April—to try to work something out. But as I indicated, he has called meetings and Republicans would not come. Even the people leading the committee, Senator

BOND and others, wouldn't show up for the meetings to try to work something out.

Initially, the White House directed none of its people to come. It is a little tough to work something out when that is, in fact, what is happening. The House must be involved. As I have indicated, that is the Constitution.

We pass a lot of things the House disagrees with. They pass things there that we disagree with. No matter how foolish they may think we are or we think they are, we have to work together and get things passed. That is where we are with this legislation.

I would say to my friend, there is no need to criticize trial lawyers and try to focus blame on any one group of people. There are a lot of consumer organizations that have nothing to do with trial lawyers, who really do not like what the Senate did and they have really made their voices heard.

My friend said this unanimous consent request is cover for failure to responsibly act. I would say I think we are at the point where we are as a result of the White House's irresponsibility. Many say what was done in the Senate is only something to protect the telephone companies, the President, and Vice President from liability. We have even gone so far as to say if, in fact, there is liability, and the phone companies are not responsible for having done this—that they were following orders from the White House or whomever they follow orders from, someone in one of the intelligence communities—then the Government should pay for it. It is called substitution.

Senator LEVIN has pushed this a long time, as has Republican Senator ARLEN SPECTER. It is not as if we are not trying to work through this. It just appears to me, as has happened for more than 7 years with this administration, it is the President's way or no way. I think we have come to the realization here that it is not going to be the President's way. He needs to work with us.

We believe the actions of the President have been irresponsible. But that is what legislation is all about. His people and the Republicans in the Senate and the House should work with us to see if we can come up with something. Just ignoring us is no way to resolve the issue because it appears pretty clear the House is not blinking.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. At the risk of prolonging this for just one more moment, it is not a solution to absolve the communications companies of the financial responsibility by having the taxpayers of the United States pick up the tab. What is inappropriate here is litigation in the wake of a response to the Government to protect American citizens. The Federal Government is not in the communications business, not in the telephone business. There will be no program without the companies. It is

the litigation itself that endangers the program, not just the amount of money that might be awarded. Having the taxpayers in effect pay the plaintiffs' lawyers is not the kind of solution that is going to continue the program.

This is an area that cries out for bipartisanship, and that is exactly what happened in the Senate. By an overwhelming vote of 68 to 29, a substantial—I guess every single one of the 29 were Democrats—a significant number of Democrats, more than half, voted for this bipartisan bill. We know for a fact there are 21 Democrats in the House who support what the Senate did. If you add those 21 Democrats to the Republicans in the House, we know there is a bipartisan majority in the House of Representatives to pass the very same bill we passed in the Senate.

I keep hoping we will somehow, through this process, evolve the same kind of spirit that we were able to exhibit on a bipartisan basis in passing the economic stimulus package earlier in the year and that we exhibited last week on the housing bill, which presumably will pass tomorrow or Wednesday. So I have not given up hope. But this is no small matter. This is about protecting the American people from attacks on our homeland.

We know we have successfully protected them for almost 6 years now, since 9/11. I don't think we ought to let our guard down and assume that our enemies have gone to sleep. This is an extremely important issue. I hope at some point we will figure some way forward that gets the job done, but I do not see it at the moment, and I do not think a short-term extension will help us get there.

I yield the floor.

Mr. REID. Mr. President, one brief comment. As the Presiding Officer knows, under FISA as passed in 1978, that is in effect no matter what we do here.

Under the 1978 act, someone can go to a judge and ask that there be this information obtained. We would like it to be streamlined. We think the 1978 act should be modernized. We have been happy to work with the White House and Republicans in the Senate and House to do that. I say that in recent days we have seen signs that there is a thaw in the Republican position.

Does that mean we can get things done? I don't know. But at least people are beginning to talk a little bit and that is good. There have been some staff level discussions that have been very good too. I hope we can work together to bridge the differences between the House and Senate and do everything we can to get that done, but also understanding the 1978 FISA Act gives the President a lot of leeway to get this done anyway.

Mr. MCCONNELL. Mr. President, to prolong it one more moment here, if that were adequate, we would not have passed the PROTECT America bill in the first place. Clearly, the 1978 law is not adequate to meet current chal-

lenges. There are many problems with the bill the House took up and passed and sent back over here. One is that it would require prior court approval before our intelligence professionals could monitor foreign terrorists overseas. So the House bill doesn't do anything about the problem. The Senate passed a good bill. I hope at some point the House will wake up here and do what is necessary to protect America.

In any event, the issue is not going away. The program may go away if we can't figure a way to get the job done. This is a very, very serious problem and I appreciate the good faith and attitude of the majority leader. The Senate is really not the problem here. Hopefully at some point the House will realize the best path forward.

Mr. REID. Never let it be said that I tried to get in the last word.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### GREEK INDEPENDENCE DAY

Mr. REED. Mr. President, on March 25, 2008, we marked the 187th anniversary of Greek independence. Throughout 400 years of oppressive rule by the Ottoman Empire, the Greeks were able to maintain their language, religion, and their sense of identity. In 1821, the Greeks began an 8-year war of independence and in 1829 became the first country within the powerful Ottoman Empire to achieve its freedom. Today, Greece remains one of the oldest democracies in the world, a tribute to those brave Greek citizens who risked everything in the quest for liberty and freedom.

Our own Founding Fathers were deeply influenced by the philosophers and statesmen of ancient Greece who first imagined the idea of a republic. The United States enjoys a long history of cooperation with our Greek friends, and we owe much of our civic foundations to the Greek concept that the power to govern is vested in the people.

Throughout the 20th century, Greece has been a stalwart ally, and is one of only three countries in the world outside the British Commonwealth that has allied with the United States in every major international conflict. American and Greek soldiers have fought alongside each other in efforts to advance freedom, democracy, peace, and stability. In this century the Greece-U.S. relationship has deepened as the two countries have partnered to spread greater security, stability, and prosperity throughout the Mediterranean, Southeastern Europe, and the Caucasus. Today, Greek defense forces are deployed as part of the Inter-

national Security Assistance Forces in Afghanistan, maintain two battalions of troops in Kosovo as part of the NATO peacekeeping force, train Iraqi military officers at the Multi-National Peace Support Center, and provide logistical support to U.S. military forces throughout the Mediterranean region.

The historic friendship between Greece and the United States has been one of mutual respect and support. In history they have inspired, and in the present they enliven our great Nation. It gives me great pleasure to join my colleagues as a cosponsor of S. Res. 476 designating March 25, 2008, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I send all Greek Americans my best wishes as we celebrate Greece's independence and contributions to our national heritage.

#### NATIONAL MONTH OF THE MILITARY CHILD

Mr. KENNEDY. Mr. President, I urge support for S. Res. 500, which honors military children. The children of our servicemen and women in the Armed Forces have been deeply affected by the invasion in Iraq and Afghanistan. Thousands of children have lost a parent serving in Operation Iraqi Freedom and Operation Enduring Freedom, and tens of thousands more must deal with the daily pressure of their parents' deployment. Military children clearly deserve our support.

Even in times of peace, these children pay a high price as they are typically required to move to many new locations several times during their formative years. The Department of Defense agrees that these multiple moves can make it more difficult for military children to do well in school, form lasting relationships with peers and adults, or cope with emotional issues ranging from loneliness to anger to depression.

In spite of all the challenges facing military children, they persevere. Children attending Department of Defense schools continue to have some of the highest test scores in the country. They rank 8th or better in all categories in comparison to the states in every national test, and they rank first or second in all categories for African-American and Hispanic students. Military children also have high school graduation and college enrollment rates significantly higher than the rest of the Nation's children. One study estimates that about 75 percent of children who graduate from high school with one or both of their parents in the military go on to college. That's significantly higher than the national average of 67 percent.

These are all accomplishments to be proud of. Military children unquestionably deserve our support, and the resolution offered by Senator BAYH recognizes them and pays tribute to their commitment, sacrifice and unconditional support for their parents and