mom, an immigrant to this country, and my dad, from a farm family, never borrowed money, scared to death of debt, because they saw the Great Depression and they saw it destroy people. Franklin Roosevelt came in as President in those days. He came in in March of 1933. He said, we are going to change this. We are going to get America back on its feet. You have nothing to fear but fear itself. We are going to put people back to work. We are going to give them government jobs if we cannot find them jobs in the private sector. We are going to tell our farmers, you are going to survive because we are going to basically stand behind you through the tough years. Whether it is a drought or a flood, we are going to be around to help you get through to the next year. We are going to make sure that banks do not fail. We are going to inject government into this economy and get America back on its feet.

At that time the unemployment rate in America was 25 percent. When the New Deal got started, they brought it down 13 percent, cut it in half because of government investment in this economy. People went back to work. They left the long lines waiting for soup and bread and started earning some money. They built highways. They built bridges. They built stadiums. They built parts of America we still use today. It was an investment by the government in our economy to bring us out of the worst depression we had ever faced.

Then, after a few years what happened? Republican critics came forward and said, wait a minute. This is deficit spending. We are spending money we do not have. We have got to stop. And they prevailed, just as Senator MCCONNELL wants to prevail today. Hit the brakes. Stop spending. You know what happened? They prevailed with that argument. You know what happened with the unemployment rate? It went from 13 percent back to 19 percent, and the sick economy continued for years until the war came along, World War II, and we had a massive investment in our Nation to protect our Nation, to give our troops what they needed, and we put people back to work.

Now we are about to repeat history. The Republicans come to us now and say, we have got to stop putting money back into the economy. It creates deficit. Yes, it does. But if you do not get the 14 million unemployed Americans back to work, the deficit will get worse. They will not be paying taxes, they will be drawing on government services.

We want them back to work. And it means making sure we make investments in America that count—helping small businesses; tax credits and tax deductions for small businesses; credit for small businesses; government actively moving forward to give small businesses a chance to keep their employees and hire more.

That is what we believe in on the Democratic side of the aisle. The Republicans say: Oh, deficit spending. Stop. We cannot do that. Then what happens? The business fails. The jobs are lost. The people draw unemployment and, in desperation, wait for something to happen.

You know what the Republicans are up to now? Last week we asked them: Would you please extend unemployment benefits for these millions of Americans who are out of work. In my State the unemployment rate is 10.8 percent. It has been around that for several months now. Boone County, 16.6 percent; Pulaski County, way down south, 12 percent; western edge of our State, Hancock County, 11.8 percent; and in Clark County, in the southeastern end of our State, 13.7 percent. There are 717,000 people in Illinois officially unemployed.

The Republicans say: Cut off their unemployment benefits. That is what they voted for last Thursday. And 80,000 of those 717,000 unemployed will lose their unemployment benefits.

What happens to the unemployment check? It is the most quickly spent government check ever sent out. Desperate people out of work take that check and turn it into groceries and clothes and shoes and gas in the car and utility bills and rent and mortgage payments as quickly as they receive it. It is money right back into the economy. They want to cut it off because we have a deficit.

I understand this deficit. I am on the Deficit Commission, and I understand taking it seriously. But let's take seriously putting America back to work. This Republican approach of cutting the unemployment compensation for people who lost their jobs through no fault of their own is a strategy that failed in the 1930s and is going to fail us now.

We have to believe in America and a better day when people are back to work and this economy is moving forward. We will deal with this deficit with a strong economy, with Americans working, not by quaking and quivering and saying we cannot put money back into the hands of those who are out of work. That is one of the fundamentals in this government. It is the way we take this great free market system of ours, when it falls on hard times, and move it forward again.

All of the speeches we will hear from the other side of the aisle about deficits are going to overlook the obvious. Were it not for the failed economic policies of the Bush administration, we would not be where we are today. Were it not for the doubling of the national debt under the last Republican President, we would not be where we are today.

It seems that those on the other side of the aisle have, I guess, an extreme sensitivity to deficits when there is a Democratic President, and are oblivious to them when there is a Republican President. The American people know what the facts say. They know the history. I hope they do not embrace the Republican approach which will drive us further into unemployment and recession.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

KAGAN NOMINATION

Mr. CARDIN. Madam President, this Monday the Senate Judiciary Committee will begin the confirmation hearings for Elena Kagan to be an Associate Justice of the Supreme Court. These confirmation hearings will provide an opportunity to the public to see firsthand how important Supreme Court decisions are in their ordinary lives. There are many examples we could give, from schools to consumer issues to personal lives, privacy, religious protections, helping the environment, the workplace.

In recent years, by a sharply divided Court, they have reversed precedent and congressional intent and ruled on the side of big business over individual rights. This is judicial activism, not judicial restraint. I hope all my colleagues will agree that the next Supreme Court Justice should be on the side of individual Americans, following legal precedent and congressional intent.

I wish to give an example—I know my colleagues will give others—about workplace fairness in Ledbetter v. Goodyear Tire. Let me provide a little background. Lilly Ledbetter worked for 19 years at Goodyear Tire. During that period, she was paid $15,000 a year less than her male counterparts doing the same work. This type of discrimination is prohibited by congressional statute under the Civil Rights Act of 1964. Within that legislation, title VII was specifically enacted to protect American workers from undue discrimination, including gender discrimination. When Mrs. Ledbetter found out she was being discriminated against, she did the right thing: she brought a claim against her employer.

The only reason Mrs. Ledbetter knew she was being paid less than her male counterparts was because a colleague finally told her. This is not unusual. In fact, in most employment discrimination cases, employees are unaware of discrimination until an unexpected event occurs or undisclosed information finally comes to light.

Mrs. Ledbetter went to court, stated her claim, and won. After multiple appeals, the case reached the Supreme Court. The Supreme Court, by a 5-to-4 decision, denied her claim. The Court said Mrs. Ledbetter had to file her case within 180 days after the beginning of the discrimination, and since she did not do that, her claim was barred by the statute of limitations. This defies logic. How can a person bring a claim when they don't know they are being discriminated against? It makes no sense.

This decision appalled me and many of our colleagues. Whose side is the Supreme Court on? What happened to protecting American workers and not big business? What happened to following legal precedent? What happened to following congressional intent? What happened to judicial restraint from a majority of the Court that professes that is what they believe is right? If an employee is being discriminated against, there should be effective remedy. If they don't know they were discriminated against, it doesn't make the error any less wrong when they find out about it. The Court is clearly out of touch with the impact they have on everyday Americans.

This case is a perfect example of hurting female workers. As of 2009, women comprised 46.8 percent of the U.S. labor force. As of 2009, 66 million women were employed in the United States; 74 percent were employed full time; 26 percent, part time. Equal pay has been U.S. law for more than four decades. But on average, women today still make just 78 cents for every dollar made by a man in an equivalent position. Women of color are in an even worse position. The average earnings for African-American women were 68 percent of a male's earnings, while Latinos earn just 58 percent of a male's earnings. The Supreme Court ruled against precedent and actually made it more difficult for women to bridge this gap. That is not what we want from the Supreme Court of the United States. That is not what we want as far as the activism of the Supreme Court is concerned.

When the Court turned the law completely on its head and circumvented congressional intent, Congress stepped in. I am proud to say that my senior Senator, Ms. MIKULSKI, introduced the Lilly Ledbetter Equal Pay Act, which I cosponsored. This legislation had 54 Senate cosponsors and passed the Senate by a vote of 61 to 36. The House of Representatives passed the bill by a vote of 255 to 177. On January 29, 2009, President Obama signed his first bill into law, the Lilly Ledbetter Equal Pay Act.

Under our system of checks and balances, each branch of government has a responsibility to keep the other in check. But we all should be on the side of the American people and workers. As the Judiciary Committee and the Senate convene next week to consider the nomination of Elena Kagan, we need to remember whose side we are on. We need to remember that big business can and will fend for itself, but it is individuals who look to the Court and to Congress to uphold the law and the protections it delivers.

Elena Kagan will be the fourth woman to serve on the Nation's highest Court, and this will be the first time in history we will have three women serving on the Court at the same time. Elena Kagan's record as Solicitor General and her broad legal background give me confidence that she understands the appropriate role of the Supreme Court.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, let me thank the Senator from Maryland for his comments about the Ledbetter decision.

What we are gathering on the floor today to discuss is whether American corporations are getting something more than a fair shake from Republican appointees on the Supreme Court, whether there is a bit of a systemic lean in favor of corporate interests on the part of those judges to the point where we really now need to call that out because it is beyond what statistics could possibly justify.

Certainly, the Ledbetter decision helps prove that point. We have at a company a woman who does not know she is being discriminated against; that for the same work as her male colleagues, she is being paid less. She has no way to know that. She does not know that. The fact that she does not know that is held against her rather than against the company which discriminated against her. The company was able to get off scot-free for all those months and years of discrimination before she found out what they were doing to her. The law did not require that particular answer. As the dissenting Justices pointed out, it was, in fact, the wrong answer. But it certainly served the interests of corporations across America to limit their liability when they discriminate against their employees.

The case I wish to talk about is the Exxon decision where the Supreme Court threw out a jury verdict after the Exxon Valdez oilspill, a jury verdict for punitive damages in the amount of $5 billion. Sounds like a lot of money. It is a lot of money, but at the time, it was just 1 year of profits for Exxon.

Remember what they did in this case. They took this gigantic tanker, the Exxon Valdez, and they allowed the captain, a known alcoholic, to get on board drunk, to continue drinking heavily while on board, and to steer the Valdez aground in Prince William Sound, creating what was then, in 1989, the biggest oilspill in American history.

Prince William Sound is still recovering from that. Our colleagues from Alaska will tell us that one can still pick up rocks on the seashore and see the oil on the underside of the rocks. We all remember the images we first saw there—and are now seeing tragically echoed in the gulf—of birds, marine mammals covered in oil, poisoned by oil, dying on the shores and beaches or, if they can be found, being recovered by human volunteers who try to clean them up and save their lives. It was a very significant error by Exxon.

Everybody knows corporations are all about their bottom line. That is not me saying that; that is the law of corporations. They actually have a duty, a legal duty to their shareholders to maximize their economic self-interest. It is what they do. It is why they were set up. It makes them a very important economic engine for society. But it does mean we have to control that motivation through the law. One of the ways we control that motivation through the law is with punitive damages—punitive damages assessed through the jury.

Let me say a quick word about the jury. The jury is an American institution of government. It is mentioned three times in the Constitution and Bill of Rights. It is there for a reason. It is there for a very important reason. When de Tocqueville wrote ''Democracy in America,'' he wrote about the jury that it is ''an institution of the sovereignty of the people.'' He wrote that in a chapter whose heading was about protecting against the tyranny of the majority.

The Founding Fathers saw it that way because they saw corrupt colonial Governors. They saw legislatures that had panicked in that period between independence and the Constitution. Remember Thomas Jefferson talking about the Virginia Legislature, saying: We have turned out 1 tyrant, and now we have 270 tyrants—or whatever the number was—of the Virginia Assembly. They had to go back, and Madison had to rethink the balance of powers. They adopted what is now the American system of government. They had an experience that there needed to be a place where one could go to get a clean decision from a jury of one's peers. And it didn't matter who the Governor was, who the general assembly was, what the power structure was; there was some place in American Government where power did not count, where the powerful and the powerless had the same shot. That is why it is in the Constitution. That is why it is described as a mode of the sovereignty of the people.

When the Supreme Court takes away from the jury what seems to me to be a reasonable punitive damage assessment—if they had really been whacked for $5 billion, who knows what message that might have sent through the oil industry. Conceivably, it might have prevented the oilspill in the gulf if it really rattled their cages enough. But, no, it interfered with the predictability corporations want. So the Supreme Court threw out the $5 billion punitive damage assessment—just 1 year's profit for that company—and knocked it down 90 percent. They adopted a rule that it couldn't be more than one-to-one with damages. It is not in the Constitution. It is not statutory. They just decided that the interests of corporations in predictability were so important that paying back Alaskans for the damage done and putting a punitive assessment on top of it that would prevent this from happening again was less important. Predictability was more important; deterring misconduct

was less important. That is a value judgment. It is a value judgment these Justices bring to this Court.

Jeffrey Toobin is an authoritative writer about the Supreme Court. He studies it carefully. He tracks it carefully. Here is what he wrote last year about our Chief Justice:

In every major case since he became the nation's seventeenth Chief Justice, Roberts has sided with the prosecution over the defendant, the state over the condemned, the executive branch over the legislative, and the corporate defendant over the individual plaintiff. Even more than Scalia, who has embodied judicial conservatism during a generation of service on the Supreme Court, Roberts has served the interests and reflected the values of the contemporary Republican Party.

Remember, this is the one who, when being confirmed, said he was only going to call balls and strikes, as if that was even an apt metaphor. Well, it seems that the strike zone for individual plaintiffs is a lot smaller in this Court than the strike zone for the big corporations. I will pick out a part of the sentence:

In every major case since he became the Nation's seventeenth Chief Justice, Roberts has sided with the corporate defendant over the individual plaintiff.

That is as of May 25, 2009.

If you take a look at the decision that came down today in Rent-A-Center v. Jackson, an employee challenges a contract saying, Wait a minute. I should not have to be a party to that contract because the circumstances that caused me to enter into that contract were unconscionable. I should be protected from that contract because it was unconscionable to force me to sign it. The contract requires that you go and arbitrate instead of having access to—guess what—the jury.

The Supreme Court said the decision over whether it is unconscionable should go to the arbitrator. You wouldn't even be at the arbitrator if the contract weren't valid. It is topsy-turvy logic. But, once again, it reflects the fact that the strike zone for corporations is a lot bigger with the Republican appointees of this Court than the strike zone for regular people.

I see Senator FRANKEN from Minnesota here waiting to speak, and I will yield the floor so he may do so.

As we face this question of Elena Kagan's nomination to the Supreme Court, we need to be clear that when the opponents talk about rule of law, when they talk about not having activist judges, when they talk about making sure corporations get a fair shake, there is actually a little bit more going on here. There is a little bit more going on here, and what is going on here is that over and over and over again the Republican appointees to the U.S. Supreme Court, when they have the chance, will rule in favor of the corporation and against the individual defendant. It is not surprising, since the Republicans are the party of the corporations, that the judges they appoint want to help the corporations. We should not forget that fact as we look at a nominee who will hold the strike zone the same; who won't give that benefit any longer to the corporations that now, apparently, are beginning to feel they are entitled to at the U.S. Supreme Court.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I couldn't agree more with my colleague from Rhode Island and his eloquent statement, as well as my colleague from Maryland. I think we are going to be hearing a lot about this Roberts Court as we head into and during the Kagan hearings.

I rise today to talk about Americans' basic right to have their day in court. The Supreme Court has always been a towering institution, both physically and metaphorically. Until recently, as visitors walked up the steep steps of the Supreme Court's front doors, they entered underneath a mantle inscribed ''Equal Justice Under Law.'' Now those bronze doors are closed to the public.

That may have been because of security concerns, but it is hard to imagine a better metaphor for what has been happening to our Court. The Roberts Court has consistently denied hard-working people their day in court, blocking them from their entrance to the courtroom.

Many of my colleagues remember me speaking on the Senate floor about Jamie Leigh Jones. As a 20-year-old, she went to Iraq as a contractor for KBR, then a Halliburton subsidy. She complained about sexual harassment almost immediately. She was put in a barracks with 400 men and a handful of women. When she complained to KBR, they not only ignored her, they mocked her. They told her, Oh, go spend the day in the spa. Four days later, she was drugged and brutally gang raped by her coworkers and then locked in a shipping container with no contact with the outside world.

What happened to Jamie Leigh in Iraq was bad enough, but because of the Supreme Court's decision in Circuit City Stores v. Adams, KBR had been able to force Jamie to sign an employment contract that required her to arbitrate all job disputes rather than bringing them to a court of law. So Jamie, now a teacher in a Christian school in Texas, was forced to spend the next 4 years fighting to get her day in court after being gang raped on the job. She has had two reconstructive surgeries since this happened. Let me say this again. She was brutally gang raped on the job and still had to fight to get her day in court.

I am proud the Senate passed my amendment to give victims such as Jamie Leigh Jones a chance for justice and I was proud to see it signed into law. But, sadly, we are about to see a lot more Jamie Leighs denied their day in court. Just yesterday, as Senator WHITEHOUSE noted, the Court erected yet another hurdle for people seeking justice in another 5–4 decision, this one called Rent-A-Center v. Jackson.

On one side of the courtroom in this case was Rent-A-Center, a corporation that runs over 3,000 furniture and electronics rent-to-own stores across North America, with 21,000 employees and hundreds of millions of dollars in annual profits. On the other side stood Antonio Jackson, an African-American account manager in Nevada who sought to bring a civil rights claim against his employer. Jackson claims that Rent-A-Center repeatedly passed him over for promotions and promoted non-African-American employees with less experience.

Although Jackson signed an employment contract agreeing to arbitrate all employment claims, he also knew the contract was unfair, so he challenged it in court. But yesterday the Supreme Court sided with Rent-A-Center, ruling that an arbitrator, not a court, should decide whether an arbitration clause is valid. Let me say that again. The arbitrator gets to decide whether an arbitration clause is valid. Let me repeat that. The arbitrator gets to decide whether the arbitration clause is valid. That is just one step away from letting the corporation itself decide whether a contract is fair.

In doing so, the Supreme Court made it even harder for ordinary people to protect their rights at work. Justice Stevens, not surprisingly, wrote the dissent. As he did in Gross, Stevens notes that the Supreme Court, yet again, decided this case along lines ''neither briefed by the parties nor relied upon by the Court of Appeals.'' In other words, the Supreme Court went out of its way to close those bronze doors—and keep them closed. Clearly, this is a ruling that Congress needs to fix, and I look forward to working with my colleagues to do so.

Sometimes it is easy to forget that the Supreme Court matters to average people—to our neighbors and our kids. Some have tried to convince us that Supreme Court rulings only matter if you want to burn a flag or sell pornography or commit some horrendous crime. But as Jamie Leigh Jones and Antonio Jackson show us, the Supreme Court is about much more than that. It is about whether you have a right to a workplace where you won't get raped and whether you can defend those rights in court before a jury afterwards. It is about whether corporations will continue to have inordinate power to control your life with their armies of lawyers and their contracts filled with fine print. It is about whether they can force you to sign away your rights in an unfair employment contract so you never see the inside of a courtroom. It is, quite frankly, about the kind of society we want to live in.

Next week, the Judiciary Committee will hold hearings on the nomination of Elena Kagan to the U.S. Supreme Court. Those hearings provide a good opportunity for us to examine the legacy of the Roberts Court and talk

about what it would mean to have a Court that instead cares about hard-working Americans.

Solicitor General Kagan is nominated to fill the seat currently occupied by Justice Stevens who wrote the impassioned dissent in yesterday's Rent-A-Center ruling. I hope General Kagan has learned from Justice Stevens and takes his words to heart. I look forward to questioning her during these hearings. I want to make sure she understands that Supreme Court cases impact all of our lives—and that she will be the kind of Justice who believes in equal justice under the law.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Republicans have 60 minutes, and individual Senators are limited to 10 minutes.

Mr. ALEXANDER. Would the Chair please let me know when 9 minutes have expired.

The ACTING PRESIDENT pro tempore. We will.

Mr. ALEXANDER. Thank you, Madam President.

ENERGY DEBATE

Mr. ALEXANDER. Madam President, last week the New York Times ran a story, and I ask unanimous consent to have it printed in the RECORD at this time.

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

[From the New York Times, June 18, 2010]

NET BENEFITS OF BIOMASS POWER UNDER SCRUTINY

(By Tom Zeller, Jr.)

GREENFIELD, MA.—Matthew Wolfe, an energy developer with plans to turn tree branches and other woody debris into electric power, sees himself as a positive force in the effort to wean his state off of planet-warming fossil fuels.

''It's way better than coal,'' Mr. Wolfe said, ''if you look at it over its life cycle.''

Not everyone agrees, as evidenced by lawn signs in this northwestern Massachusetts town reading ''Biomass? No Thanks.''

In fact, power generated by burning wood, plants and other organic material, which makes up 50 percent of all renewable energy produced in the United States, according to federal statistics, is facing increased scrutiny and opposition.

That, critics say, is because it is not as climate-friendly as once thought, and the pollution it causes in the short run may outweigh its long-term benefits.

The opposition to biomass power threatens its viability as a renewable energy source when the country is looking to diversify its energy portfolio, urged on by President Obama in an address to the nation Tuesday. It also underscores the difficult and complex choices state and local governments face in pursuing clean-energy goals.

Biomass proponents say it is a simple and proved renewable technology based on natural cycles. They acknowledge that burning wood and other organic matter releases carbon dioxide into the atmosphere just as coal does, but point out that trees and plants also absorb the gas. If done carefully, and without overharvesting, they say, the damage to the climate can be offset.

But opponents say achieving that sort of balance is almost impossible, and carbon-absorbing forests will ultimately be destroyed to feed a voracious biomass industry fueled inappropriately by clean-energy subsidies. They also argue that, like any incinerating operation, biomass plants generate all sorts of other pollution, including particulate matter. State and federal regulators are now puzzling over these arguments.

Last month, in outlining its plans to regulate greenhouse gases, the Environmental Protection Agency declined to exempt emissions from ''biogenic'' sources like biomass power plants. That dismayed the biomass and forest products industries, which typically describe biomass as ''carbon neutral.''

The agency said more deliberation was needed.

Meanwhile, plans for several biomass plants around the country have been dropped because of stiff community opposition.

In March, a $250 million biomass power project planned for Gretna, Fla., was abandoned after residents complained that it threatened air quality. Two planned plants in Indiana have faced similar grass-roots opposition.

In April, an association of family physicians in North Carolina told state regulators that biomass power plants there, like other plants and factories that pollute the air, could ''increase the risk of premature death, asthma, chronic bronchitis and heart disease.''

In Massachusetts, fierce opposition to a handful of projects in the western part of the state, including Mr. Wolfe's, prompted officials to order a moratorium on new permits last December, and to commission a scientific review of the environmental credentials of biomass power.

That study, released last week, concluded that, at least in Massachusetts, power plants using woody material as fuel would probably prove worse for the climate than existing coal plants over the next several decades. Plants that generate both heat and power, displacing not just coal but also oil and gas, could yield dividends faster, the report said. But in every case, the study found, much depends on what is burned, how it is burned, how forests are managed and how the industry is regulated.

Ian A. Bowles, the secretary of the Massachusetts Office of Energy and Environmental Affairs, said that biomass power and sustainable forest management were not mutually exclusive. But he also said that the logical conclusion from the study was that biomass plants that generated electricity alone probably should not be eligible for incentives for renewable energy.

''That would represent a significant change in policy,'' Mr. Bowles said.

The biomass industry argues that studies like the one in Massachusetts do not make a clear distinction between wood harvested specifically for energy production and the more common, and desirable, practice of burning wood and plant scraps left from agriculture and logging operations.

The Biomass Power Association, a trade group based in Maine, said in a statement last week that it was ''not aware of any facilities that use whole trees for energy.''

During a recent visit to an old gravel pit outside of town where he hopes to build his 47-megawatt Pioneer Renewable Energy project, Mr. Wolfe said the plant would be capable of generating heat and power, and would use only woody residues as a feedstock. ''It's really frustrating,'' he said. ''There's a tremendous deficit of trust that is really inhibiting things.''

In the United States, biomass power plants burn a variety of feedstocks, including rice hulls in Louisiana and sugar cane residues, called bagasse, in parts of Florida and Hawaii. A vast majority, though, some 90 percent, use woody residue as a feedstock, according to the Biomass Power Association. About 75 percent of biomass electricity comes from the paper and pulp companies, which collect their residues and burn them to generate power for themselves.

But more than 80 operations in 20 states are grid-connected and generate power for sale to local utilities and distribution to residential and commercial customers, a $1 billion industry, according to the association. The increasing availability of subsidies and tax incentives has put dozens of new projects in the development pipeline.

The problem with all this biomass, critics argue, is that wood can actually churn out more greenhouse gases than coal. New trees might well cancel that out, but they do not grow overnight. That means the low-carbon attributes of biomass are often realized too slowly to be particularly useful for combating climate change.

Supporters of the technology say those limitations can be overcome with tight regulation of what materials are burned and how they are harvested. ''The key question is the rate of use,'' said Ben Larson of the Union of Concerned Scientists, an environmental group based in Cambridge, Mass., that supports the sensible use of biomass power. ''We need to consider which sources are used, and how the land is taken care of over the long haul.''

But critics maintain that ''sustainable'' biomass power is an oxymoron, and that nowhere near enough residual material exists to feed a large-scale industry. Plant owners, they say, will inevitably be forced to seek out less beneficial fuels, including whole trees harvested from tracts of land that never would have been logged otherwise. Those trees, critics say, would do far more to absorb planet-warming gases if they were simply let alone.

''The fact is, you might get six or seven megawatts of power from residues in Massachusetts,'' said Chris Matera, the founder of Massachusetts Forest Watch. ''They're planning on building about 200 megawatts. So it's a red herring. It's not about burning waste wood. This is about burning trees.''

Whether or not that is true, biomass power is also coming under attack simply for the ordinary air pollution it produces. Web sites like No Biomass Burn, based in the Pacific Northwest, liken biomass emissions to cigarette smoke. Duff Badgley, the coordinator of the site, says a proposed plant in Mason County, Washington, would ''rain toxic pollutants'' on residents there. And the American Lung Association has asked Congress to exclude subsidies for biomass from any new energy bill, citing potentially ''severe impacts'' on health.

Nathaniel Greene, the director of renewable energy policy for the Natural Resources Defense Council, said that while such concerns were not unfounded, air pollution could be controlled. ''It involves technology that we're really good at,'' Mr. Greene said. For opponents like Mr. Matera, the tradeoffs are not worth it.

''We've got huge problems,'' Mr. Matera said. ''And there's no easy answer. But biomass doesn't do it. It's a false solution that has enormous impacts.''

Mr. Wolfe says that is shortsighted. Wind power and solar power are not ready to scale up technologically and economically, he said, particularly in this corner of Massachusetts. Biomass, by contrast, is proven and