

Coons	Klobuchar	Schumer
Cortez Masto	Leahy	Shaheen
Duckworth	Manchin	Sinema
Durbin	Markey	Smith
Feinstein	Menendez	Stabenow
Gillibrand	Merkley	Tester
Hassan	Murphy	Udall
Heinrich	Murray	Van Hollen
Hirono	Peters	Warner
Jones	Reed	Warren
Kaine	Rosen	Whitehouse
Kelly	Sanders	Wyden
King	Schatz	

NOT VOTING—5

Enzi	Loeffler	Rounds
Harris	Perdue	

The nomination was confirmed.
The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

UNITED STATES-MEXICO
ECONOMIC PARTNERSHIP ACT

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the Senate the message to accompany H.R. 133.

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the House:

The senior assistant legislative clerk read as follows:

Resolved, that the House agree to the amendment of the Senate to the bill (H.R. 133) entitled "An Act to promote economic partnership and cooperation between the United States and Mexico," with an amendment to the Senate amendment.

MOTION TO CONCUR

Mr. MCCONNELL. I move to concur in the House amendment to the Senate amendment to H.R. 133.

The PRESIDING OFFICER. The motion is pending.

Mr. MCCONNELL. I ask unanimous consent that there be 60 minutes of debate, equally divided between the leaders or their designees; and that following the use or yielding back of that time, the Senate vote on the motion to concur without further motions or amendments in order and that 60 affirmative votes be required to adopt the motion to concur.

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

The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST

Mr. HOEVEN. North Dakota is an energy powerhouse, and our late-night producers work around the clock to ensure homes and businesses in the Midwest have affordable and reliable access to power when it is needed most. But the PTC, the wind production tax credit, is creating artificially low prices in markets for power generation.

Qualified wind projects are receiving up to 2½ cents per kilowatt hour from the taxpayer. These subsidies distort the market and are forcing out the critical coal-fired baseload generation we need to keep the lights on.

Since Congress established a wind production tax credit in 1992, wind power has been able to transition from an emerging technology to a multibillion-dollar industry that is clearly commercially viable. That is why we worked on a bipartisan agreement in 2015 to phase down and sunset the wind tax credit at the end of 2019.

We had an agreement to do the phaseout, and the wind industry agreed to it. I worked with Senator THUNE and AWEA, the American Wind Energy Association, and others to do it. And they agreed. We had an agreement. That is why we are opposed to extending the PTC and offer an amendment to strike it.

We saw what happened in California over the summer, and we can't afford to have blackouts and brownouts during the coldest of winter weather months. We, instead, must strengthen grid resiliency and reliability by keeping diverse sources of generation available at all times, including when the wind isn't blowing or the sun isn't shining. That means baseload.

Instead of extending the production tax credit, we should be working on making technologies like carbon capture and sequestration commercially viable.

The American Wind Energy Association states on its website that "growth in the wind industry is expected to remain strong when the PTC is fully phased out." Why, then, are we considering another extension of this credit when the leading trade association expects to see strong growth for the wind industry without the credit?

We need to bring back a level playing field for competition in our electricity markets and reverse the trend of taxpayers continuing to subsidize a mature, multibillion-dollar wind industry.

I urge my colleagues to support this amendment and ensure that the wind production tax credit sunsets.

With that, I would like to ask for some words from my cosponsor on the amendment, Senator CRAMER.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CRAMER. Mr. President, I rise to join my colleague Senator HOEVEN in offering this amendment and urging our colleagues to support the amendment to strip the wind protection tax credit from this massive bill.

I feel like I am living in an episode of the "Twilight Zone," and I wish I could say that I am surprised. But I am not, because here we go again. Despite numerous requests and appeals and deals with the leader and the chairman of the Finance Committee to not jam this body with a 13th extension of the wind protection tax credit, here we are with another one in front of us.

Since the credit's inception in 1992—and for a lot of those years I was a util-

ity regulator—it has always been promised that it would be temporary and would expire. Last year, we got jammed at the last minute with another extension, and, rightfully, the people back home are really, really upset with us. And it didn't sit very well with me either.

That is why, in April of this year, I led a letter to Leader MCCONNELL with colleagues from West Virginia, Wyoming, and Georgia saying it was time to finally level the playing field and get rid of this market-distorting atrocity.

In July, I led another letter to Chairman GRASSLEY with even more colleagues—from West Virginia, Wyoming, Tennessee, Oklahoma, and Pennsylvania—with the same message: Let this credit expire.

Yet here we are again. The requests have fallen on deaf ears, and we have simply been given another pill to swallow with the extension today.

Some in this town have pointed to an extension in carbon sequestration credits like 45Q and 48A, as if they were an equal trade. They are not. Despite years of pleading, the Treasury Department—yes, this Treasury Department—still has not finalized regulations. So an extension of 45Q is moot if there is no way to actually monetize the credit.

Of equal importance, financial investors have said if renewable credits are extended, they will absorb whatever tax appetite exists because they are predictable, and those deals have been done many times.

Just to reiterate, they can't even utilize 45Q because Treasury hasn't finished the regulations 3 years after Congress expanded the credit.

More to the point, while there are some great proposed carbon sequestration projects planned in North Dakota, their benefit is targeted, while in contrast, hundreds of miners and the local communities they have built are being hurt by the extension of the production tax credit. I strongly support carbon sequester projects, but to assume that the potential benefits of 45Q or 48A are equal to the unilateral harm of the wind credit is disingenuous at best.

I have heard from utilities who actually use the wind PTC, but they said they don't need it because the market is so awash with wind credits, they can't even monetize them. It is completely upside down. In fact, the PTC credits are actually taking money away from other clean energy projects like nuclear clean coal, taking emissions-free energy right off the grid.

Just a few days ago, POLITICO said this: The simplest option for tax extenders would be to let all 33 that are scheduled to expire at the end of the year to be renewed.

I have a simpler plan. Let them all expire. K Street wouldn't like it, but it would be one less section in this giant package.

One final point, in all of my time in Congress—and that has been 8 years

now—the wind production tax credit has never been extended through regular order or an open discussion or even hearings. Despite our objections or promises from the wind industry that it should expire, in the 11th hour with the government shutdown looming, it gets dropped into the Members' laps. That alone should be a red flag that the only time it has enough chance to pass is when it rides the coattails of our national defense and the government operations. It is shameful.

I support the amendment from Senator HOEVEN, and I urge my colleagues to support it as well. Let the wind PTC expire.

I yield my time.

Mr. HOEVEN. Mr. President, I thank my colleague Senator CRAMER and turn to my colleague Senator LANKFORD.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I will be brief. I did what many of us did today. We spent the day digging through a 5,600-page bill, trying to find out what is in it. We broke it up into hundreds of pages of chunks and separated it among our staff and just started reading through it as quickly as we could, trying to be able to pull out the details.

We found a lot of things that we really like. We found a few surprises as well. So help us, we found, right in the middle of the document on tax policy, a zombie—the wind production tax credit. Something that we had heard had died—in fact, something that we had heard died 2 years ago; in fact, something that we had heard died 6 years ago when all of us agreed it should die. In fact, the plan was to take it down a little bit each and every year until it finally got to zero. The problem was, when it got to zero, some lobbyist helped somebody get it back in last year, and it suddenly, after going to zero, reappeared. And then, so help me, it reappeared again.

So this temporary credit that distorts the market, that literally changes the prices in all of our energy—whether that be oil or gas or coal or solar or hydroelectric or nuclear—gives a special perk to one, and all of the rest of them get furious. But for whatever reason, this simple credit can't seem to go away.

When we agree to something, we should probably stick to it, and we agreed years ago to phase this out. But yet this zombie keeps reappearing and walking the halls of the Senate.

Our simple challenge is this. Let's put this zombie in the daylight. Let's have the real argument over it and determine: Is this distorting the energy market for everybody else, including all of our renewables? Is it something we need to keep?

I live in Oklahoma, and if you know our song, you know "the wind comes sweeping down the plains." We have been called the Saudi Arabia of wind power. I promise, you can't drive very

far in Oklahoma without seeing a field of windmills. We have lots of wind power, and we think it is a great energy source. But it is a mature energy source, and it does not need the wind production tax credit. So let's sunset it.

With that, I yield.

Mr. HOEVEN. Mr. President, I would like to thank my colleague Senator LANKFORD. Also, we would like to thank Senator ALEXANDER, Senator BARRASSO, and others who support this legislation.

With that, I ask unanimous consent that our motion to concur with the amendment, which is at the desk, be agreed to; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President and colleagues, I will be brief. I want to give the Senate a sense of where we are with respect to this issue. In front of us right now is a bipartisan agreement to extend a variety of provisions to promote clean energy and reduce carbon emissions.

When I talk to colleagues on both sides of the aisle, there is enormous support for the effort to reduce carbon emissions. Now, I can look around this Chamber and point out colleagues who have worked with me on the renewable energy provisions that are part of this bipartisan agreement, which includes not just the credit for wind but also solar and other renewable energy. I would submit this is the best approach we have today, which is to make sure that we don't miss out on critical investments right now.

For the future, I have a plan to move to a technology-neutral system that would avoid picking winners and losers, take this mess of a Tax Code, with more than 40 separate energy provisions, throw it in the trash, and say we are going to focus on one thing—reducing carbon emissions. We aren't there today. What is here today is climate change. That is why it is so important that we pass this bill and reject this amendment.

With that, I want to thank my colleagues from North Dakota. I remember enjoying going to North Dakota with the sponsor of this amendment. I will tell you, if you are over 6 feet tall, make sure to exercise before you go to North Dakota because you will be in the smallest airline seat in the history of aviation.

JOHN HOEVEN is a very good and caring man. I am looking forward to working with him on these issues in the future.

And with that, I would object.

The PRESIDING OFFICER. The objection is heard.

The Senator from North Dakota.

Mr. HOEVEN. I would ask my colleague from Oregon—and I did have

him in North Dakota. We had a great time, and I appreciate his coming out to see the energy we produce in our great State.

I would ask the gentleman for his help on carbon capture technologies. We put funding in place to advance those carbon capture technologies, and I ask for his help and his colleagues' help in that endeavor.

Mr. WYDEN. I would say to my colleague, I am always interested in working with him in the future. After we pass this bill, with these important provisions to meet our immediate needs, let's set as our lodestar reducing carbon emissions.

When you and I served on the Energy Committee together, that was an approach that brought together Republicans and Democrats.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. I thank my cosponsors on this amendment and our efforts will continue.

I yield the floor.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

PURPLE BOOK CONTINUITY ACT OF 2020

Mr. McCONNELL. Mr. President, I ask the Chair to lay before the Senate the message to accompany H.R. 1520.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of Senate to the bill (H.R. 1520) entitled "An Act to amend the Public Health Service Act to provide for the publication of a list of licensed biological products, and for other purposes," do pass with an amendment to the Senate amendment.

MOTION TO CONCUR

Mr. McCONNELL. Mr. President, I move to concur in the House amendment to the Senate amendment, and I know of no further debate on the motion.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the motion to concur in the House amendment to the Senate amendment.

The motion was agreed to.

Mr. McCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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