

Not only are we going to take \$700 billion and put it into nonperforming loans, we are going to borrow another \$600 billion from the next generation to operate the Government, when we know over \$300 billion of that is waste.

What are we doing? We are passing more authorizations with new spending, which will get spent, or we are being dishonest with those people who say we are supporting those programs. It is time for a change. Both campaigns on the Presidential side are talking about that. But the change that needs to happen is a change inside Congress, that we will start addressing the real problem. Imagine the fact that HHS put out that in 2007 31 percent of all Medicare payments were improperly made, with about 80 percent of those being overpayments.

It does not sound like much until you see that is almost 80 billion of Medicare dollars that were improperly paid. Where is the bill on the floor now to fix that? Where is the bill on the floor to get us out of the energy jam we are in? Instead, we are authorizing new programs without eliminating others and continuing the very errors of our ways that got us into the jam we are now going to ask the American taxpayers to give us \$700 billion to get us out of.

It time for a timeout in Washington. It is time for us to reconsider how we do things, why we do things, and when we do things. Passing large numbers of new authorizations without eliminating the areas that are not working now does not fix anything. All it will do is make it more expensive to continue to fail. It also means we do not hold the bureaucracies accountable, which we are not.

I ask the Presiding Officer the amount of time I have.

THE PRESIDING OFFICER. Six minutes 41 seconds.

Mr. COBURN. I thank the Presiding Officer. I will finish in a moment.

The question the American people ought to be asking of Congress right now, I believe, is this: You took an oath to uphold the Constitution. The Constitution has in it this very significant component that is called the Enumerated Powers Act. It is article II, section 8. It tells us exactly what we are to be about, what we are to do, and what we are not to do. The question you ought to measure us on is: Are we following the U.S. Constitution? Many of the bills Senator REID just brought forward are well within the bounds of the Enumerated Powers, but many of them are not. Yet we think at a parochial level and a political level about our own reelections and we forget this document that has guided this country so well.

My hope is the American people will start demanding that we follow this rule book, this guide book. If we do, not only will we eliminate that \$300 billion of waste, fraud, and abuse, we will eliminate another \$300 billion worth of programs that do not have any role coming out of the Federal

Government, and we will put Government closer and more directly accountable to the very people who are being governed, and that is back at the local and State levels.

I will say in finishing up, Senator REID made several references to the Republican caucus. I will assure him that the vast majority of the members of my caucus do not support my position on authorizations. Their only support of me came in light of contrasting it next to an energy bill, which we still have not accomplished.

Congress has still not done anything about the No. 1 national security issue facing us, which is our dependence on foreign sources of energy. That is what we ought to be about this week. We ought to pass a CR. We ought to do what we have to do to fix the financial crisis. And we ought to be back making sure that another year does not go by where we do not have a comprehensive plan that utilizes every bit of America's talents, every bit of America's resources to make us less dependent and more secure on the issue of energy.

Madam President, I ask unanimous consent that this document be printed in the RECORD.

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

REID SET TO DELIVER NEARLY \$200 MILLION
TO NEVADA TO AID MILITARY

WASHINGTON, DC.—Major research efforts in Nevada and military infrastructure needs statewide could soon receive an enormous boost from Nevada Senator Harry Reid, who is delivering nearly \$200 million in federal funding to help ensure the state's bases have everything they need.

As part of the defense authorization bill passed Wednesday by the Senate, Nevada will see important benefits if President Bush drops his veto threat. Notable are the construction of a \$33.9 million Army Reserve Center in Las Vegas, as well as nearly \$64 million in improvements at Nellis Air Force Base. This includes construction of a hangar and aircraft maintenance unit, and infrastructure upgrades for the F-16 aggressor squadron at the base.

There is also more than \$32 million for improvements at Creech Air Force Base in Indian Springs, including funds for the construction of the Unmanned Aerial Systems Flight Simulator and Academics Facility.

"Safety abroad begins with strength at home, and I will always make sure Nevada's military installations are as strong as possible," Reid said. "This money will improve both our ability to protect our country and the quality of life for the troops we appreciate so greatly. I will always deliver for our military and for our veterans when their military service ends, and I call upon the President to do the same by signing this bill."

Mr. COBURN. With that, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

IN REMEMBRANCE OF KENNETH N.
HARRIS, SR.

Mr. CARDIN. Madam President, I rise today with a heavy heart to remember Kenneth N. Harris, Sr., of Baltimore City.

Ken Harris was a Baltimore City councilman, community activist, and champion of safe and family friendly neighborhoods. He loved his family, was so proud of his children, and he was my good friend.

Ken grew up in west Baltimore's Sandtown and Park Heights neighborhoods, where the strict guidance of a single mother and afternoons at the YMCA gave him the self-assurance and direction he needed to succeed in an environment where so many others struggled to survive. He graduated from Dunbar High School and worked four jobs to put himself through Morgan State University. After graduation, Ken went to work for Blue Cross and Blue Shield of Maryland and began his professional life in the corporate world, including Comcast Cable. For many, professional achievement and financial security are enough. But not for Ken.

Concerned about his children's school and his neighborhood, Ken soon became a community leader serving as president of the Leith Walk Elementary School PTA and the Glen Oaks Community Improvement Association. Encouraged by his ability to make a positive change, Ken ran for office and was elected to two terms in the Baltimore City Council, representing the 4th District, an elected office he would, no doubt, continue to hold today had he not decided to run for president of the city council.

While in the city council, Ken championed the rights of his neighbors. He sponsored legislation to stop landlords from throwing tenants' belongings out on the street—saving many tenants from homelessness and cleaning up the streets. He pushed for remedial programs in the public schools, such as the Baltimore Truancy Assessment Center, to encourage students to stay in school. He took the police to task for not having enough real community policing but too many reckless warrants, arrests. Last month, when the new Hilton Hotel opened in downtown Baltimore, it was remembered that it was Ken Harris who insisted that if the city was going to financially ensure the development of the hotel, the city and the developer also had to ensure financial support for college students and afterschool recreational opportunities for schoolchildren.

I ask my colleagues to join me in thanking Ken's family, his wife Annette, his daughter Nicol, and his son Kenneth, Jr., for sharing her husband and their father with our city and the State of Maryland. His life, which ended all too soon, made a difference in the lives of many others, and his contributions will not be forgotten.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, I ask unanimous consent that morning business be concluded.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 6049, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6049) to amend the Internal Revenue Service Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

AMENDMENT NO. 5633

Mr. BAUCUS. Madam President, on behalf of Senator GRASSLEY and myself, I call up amendment No. 5633, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, and Mr. REID, proposes an amendment numbered 5633.

Mr. BAUCUS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Madam President, this amendment would extend and improve tax incentives for clean, renewable energy. It is a good energy amendment and energy policy for America.

Here is the bottom line: This amendment would create thousands of new American jobs—jobs that would pay good wages. This amendment would begin the end of America's dependence on foreign oil. And this amendment gives us a chance to show America, before we go home in October, that Congress can actually work for them.

This amendment would extend and improve tax credits for wind and solar power. It would extend and improve tax incentives for building and appliance efficiency. And it would extend and improve incentives for clean coal and biofuels.

And this amendment would create new incentives for clean energy. It includes a credit of up to \$7,500 to help consumers purchase plug-in hybrid cars. It includes a breakthrough credit for the capture and storage of carbon dioxide.

And it includes a new tax incentive for what people are calling "smart meters." Smart meters provide real-time information on electricity use. And thus smart meters have proven to reduce electricity use.

This amendment would allow my home State of Montana to further develop its vast energy resources, from wind power to biofuels, from clean coal to solar power.

I have been trying to pass a version of this amendment for most of the last couple years. And I am very pleased that passage may well be at hand.

Mr. President, the last bill that extended energy tax provisions was the Tax Relief and Health Care Act of 2006. The ink was hardly dry on that law before I set out to extend and modify the energy incentives that it included.

The Finance Committee undertook a series of hearings on energy-tax policy at the beginning of last year. Our hearing topics ranged from renewable electricity to biofuels, from electric vehicles to carbon sequestration, from energy efficiency to clean coal technology. We heard from a wide range of experts on the need for reliable, long-term tax incentives for clean energy, and how best to invest in these incentives.

We used this input to develop a far-ranging clean-energy bill. It would have invested roughly \$30 billion over 10 years.

Our bill included long-term extensions for the wind and solar tax credits. It included long-term extensions and modifications of incentives for improved building efficiency. It included new incentives, such as favorable tax treatment for transmission lines, so we can get renewable power to the market. And it included a credit for cellulosic biofuels, which I am proud to have helped pass a couple months ago in the farm bill.

In keeping with the philosophy of paying-as-you-go, the Finance Committee offset the cost of that package. The offsets largely scaled back or repealed tax breaks for the long-established oil and gas industry.

We scaled back tax incentives for oil and gas companies in order to increase tax support for clean energy. Our rationale was twofold.

First, we argued that as America moves to address global warming, we should begin to provide Federal support for energy that is less carbon-intensive, not more.

Second, we argued that with oil and gas prices on the rise, the oil and gas industry did not need tax incentives that it may have needed in the past. Indeed, in 2005, President Bush said, "I will tell you with \$55 oil we don't need incentives to oil and gas companies to explore." When the Finance Committee reported our bill on June 19, 2007, oil traded at more than \$69 a barrel.

We needed 60 votes to pass the bill. And the oil and gas industry lobbied hard to prevent us from reaching that threshold. We had a strong Senate majority for the Finance Committee product. But we fell 3 votes shy of the 60 needed to break a filibuster.

So we went back to the drawing board. We listened to the concerns from the other side that the oil and gas

tax offsets were too big. We scaled back our bill. We worked with the House Ways and Means Committee to produce a package with a roughly \$20 billion pricetag—about a third smaller than our committee-reported bill.

And the argument for our offsets grew stronger. When the Finance Committee reported its bill, a barrel of oil sold for \$69. Four weeks later, oil crossed the \$75 threshold. In October of last year, oil topped \$85 a barrel. And a month after that, oil reached \$95 a barrel.

In December of last year, we presented our revised \$20 billion energy package to the Senate. When the Senate voted on that package, oil traded at \$92 per barrel.

Our argument swayed a couple of votes, but not enough to break 60. Despite dramatically scaled-back oil and gas tax offsets, our bill fell short by just one vote: 59 votes to 40.

So I went back to the drawing board another time. I wrote an energy tax package without oil and gas offsets.

I introduced legislation to pay for an energy-tax package by closing tax loopholes and by delaying a tax benefit for multinational corporations. These items also offset the cost of expiring nonenergy tax provisions, such as the tuition deduction and the research and development credit.

I have tried to move this package for the last several months. While I dropped the oil and gas tax offsets, some still objected. We made several attempts to pass this vital legislation, with non-oil and gas tax offsets. But it did not clear the Senate.

But now energy prices are sky-high. And many more Senators have come to agree that it makes sense to scale back oil and gas tax breaks.

So Senator GRASSLEY and I worked together to rewrite our energy tax package one more time. The package before us today is a bit more modest than it used to be. But it is still a valuable set of incentives.

It would foster clean-energy jobs, here in America. It would help us to address energy independence. And it would help us to address global warming.

Our amendment would extend the section 45 production tax credit, for wind and biomass and geothermal. It would provide an 8-year extension of the credit for solar projects. And it would remove the \$2,000 cap on the residential solar credit, giving consumers a strong incentive to power their homes with solar power. The amendment would extend the biodiesel credit, as well as the incentive for property used to refuel alternative vehicles.

As before, today's amendment also has several new incentives. It includes the new plug-in hybrid credit—an incentive of up to \$7,500 for consumers to purchase clean-running, next-generation vehicles. The amendment includes new incentives for conservation as well—in the form of those "smart meters" and investments in recycling property.