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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the center of our joy, guide our lawmakers through this day by Your higher wisdom. Give them the clarity of thinking needed to solve the complex problems of our time. As they depend on Your words and guidance, give them peace that comes from knowing they are instruments of Your glory. Lord, help them never to be silent in the presence of injustice or impurity. Replace fear with faith, falsehood with truth, and greed with justice.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 13, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 2 hours. The Republicans will control the first half and the majority will control the final half.

Following morning business, the Senate will begin consideration of S.J. Res. 10 and S.J. Res. 24, both resolutions regarding balanced budget amendments. The Republican leader and I, yesterday, arrived at an agreement that we would have 8 hours of debate on this matter, and I think it should be a good debate. People have been looking forward to this debate for some time. Some are more interested than others, and this should give them ample time to say whatever they feel about this issue that is ripe for debate in the Senate and certainly the votes we will have tomorrow morning.

The Senate will recess this afternoon from 12:30 p.m. to 2:15 p.m. for the weekly caucus meetings.

MEASURE PLACED ON THE CALENDAR—H.R. 1633

Mr. REID. Madam President, H.R. 1633 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings on this matter at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

WORKING TOGETHER

Mr. REID. Madam President, in the last month, Republican leaders have repeated this mantra over and over: We support a payroll tax cut for working families. But we have not seen any proof of this yet. It has only been talk.

Senate Republicans have twice voted down their own payroll tax proposal, and House Republicans were unable to bring their plan to a vote for weeks. We understand they are going to have a run at that tonight.

I have served in the House of Representatives. When I served in the House of Representatives, no one would ever consider pushing something through with a majority of the majority. When I served there, Bob Michel was the Republican leader, Tip O'Neill was the Speaker, Jim Wright was the majority leader and the Speaker, and they always worked together on a bipartisan basis to get legislation passed. It is only a new thing that now the Republicans are saying: We are not going to pass anything unless we can do it on our own. That is unfortunate.

I spoke to the Speaker yesterday. I have the highest regard for him. I consider him a friend. But I said to him, as seriously as I could, we are not going to finish the work for our country this year unless we work together. You cannot pass anything in the House unless you get Democratic votes because anything you pass with strictly Republican votes fails over here; and over

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

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here we cannot pass anything unless we get Republican votes. It is a fact of life.

We have issues we have to complete this year. So we have to understand, as I explained to the Speaker yesterday, we are going to have to do this together. We cannot magically say 53 Democrats are going to pass something here. In the House, even though the Republicans have a majority, they know we have a bicameral legislature, and they have to get something passed over here also.

I am very disappointed in what the Speaker has done to get a vote over there that he thinks will pass. He keeps adding ideological candy to the proposal. Last week, they were supposed to have a vote. At that time, they could not get the Republican votes to do it. I suggested they go to either the former Speaker, NANCY PELOSI, or STENY HOYER, the minority leader over there—I do not know the exact title—but the two leaders, PELOSI and HOYER, and the suggestion was turned down.

This ideological candy they have added to this bill to get rebellious, rank-and-file Republicans on board is not going to sell over here.

They recently added a provision to fast-track the controversial pipeline proposal attractive to the tea party, which is not opposed by President Obama. It is not opposed by him. He is saying this is such a big deal that, for example, the State of Nebraska feels it would—unless there are some major changes made—badly damage that most important aquifer we have in that part of the country. In fact, it is probably the biggest, most important one we have anyplace in the country.

So as was announced yesterday by the Secretary of State, she said: If the Republicans are trying to push this on me, I cannot make a decision in 3 months. That is what the legislation calls for. If they do that, I will have to turn it down. The Secretary of State has said that in writing.

In effect, as some have said, what they are trying to do is kill the hostage. The hostage is the Keystone Pipeline. If they push this through, it is bound and doomed to failure.

But to tell everyone where they are coming from—they, the Republicans—JIM JORDAN, who is a Republican Congressman, said about the Keystone Pipeline:

> Frankly, the fact that the President doesn't like it makes me like it even more.

I repeat, the President has not said he does not like it. But as a result of what has happened in Nebraska and other places along that pipeline, there are some major studies that need to go forward.

President Obama and the Democrats in the Senate have already declared the House legislation dead on arrival. Yet—after weeks of delay—Republicans are going to vote on it tonight. They are wasting time catering to the tea party folks over there, when they should be working with us on a bipartisan package that can pass both Houses. We have offered solutions—serious, good-faith proposals with bipartisan support.

If Republicans continue to block these reasonable plans to cut taxes for 160 million workers, there, of course, will be consequences. Middle-class Americans will notice when they open their paychecks in January they will have less money to spend, and they will have Republicans in Congress to blame—no one else.

Also, for the third time in 2 weeks, Senate Republicans have filibustered a qualified nominee, one of the President's nominees.

Last night, they blocked confirmation of Mari Aponte to serve as Ambassador to El Salvador—the job she already has. She has done it well for 15 months. She has finalized an important international anticrime agreement with the people of El Salvador and forged a strong partnership with El Salvador in many different areas during her time as Ambassador.

I hope the Republicans will come to their senses before her term expires at the end of the year and approve this good woman.

I had a Republican Senator come to me after the vote and say he believed Republicans wanted to vote for her, and he was glad I moved to reconsider the vote. I hope that, in fact, is the case.

Last week, Republicans blocked the nomination of Richard Cordray to serve as head of the Consumer Financial Protection Bureau—the Consumer Financial Protection Bureau. Mr. Cordray has a record of protecting consumers from predatory lenders.

Two days before that, Republicans blocked the nomination of Caitlin Halligan to be on the Court of Appeals for the DC Circuit. She is an exceptionally well-qualified person, with a great resume, an exceptional legal mind. She was blocked.

All three nominees were qualified. All three had bipartisan support. All three were committed, enthusiastic public servants. Yet Republicans opposed their nominations for one purely partisan reason: to deal a blow to President Obama.

This kind of Republican obstructionism has, unfortunately, become very commonplace. But it also has consequences, and Republicans aiming to hurt the President have once again harmed our country instead.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A BALANCED APPROACH

Mr. MCCONNELL. Madam President, today the House of Representatives will vote on a bill that extends the temporary payroll tax cut as well as unemployment insurance and which will not add a dime to the Federal deficit. In other words, the House bill would do both of the things the President and Senate Democrats have described as their top legislative priorities before the close of this year.

So it was surprising, to say the least, to read this morning that President Obama and my friend, the majority leader, are now plotting to block this very legislation—even to the point of forcing a Government shutdown—over the inclusion of a job-creating measure that the President thinks will complicate his reelection chances next year.

That is what is happening in Washington this week, and the American people need to know about it. So let me repeat what is unfolding right now in the Capitol.

Yesterday, the members of the Senate Appropriations Committee—Democrats and Republicans alike—agreed to a spending bill that would fund the government through the end of the fiscal year; that is, next September 30. Today, Republicans in the House will consider a bill that contains the President's top priorities: an extension of the payroll tax cut and unemployment insurance.

But here is the problem: The House bill also includes a provision to accelerate construction of the Keystone XL Pipeline, a project that has been described as the biggest shovel-ready project in America. Evidently, the President does not want this project approved before his election next November—because a small faction of very liberal voters he is counting on to get reelected do not like the pipeline.

We have already had 3 years of environmental studies. This project was not only ready to go from an environmental point of view, it is shovel ready. It will produce jobs almost immediately, as soon as the President signs off on it.

Here is a project that would create tens of thousands of jobs, as I indicated, right away. It also would not cost the taxpayers a dime to build. It is being built by the private sector. It would reduce the share of energy we import from unfriendly countries overseas, and it is a project which everybody from labor unions—labor unions—to the U.S. Chamber of Commerce says they support because it would create tens of thousands of jobs right away.

The Teamsters support getting the pipeline started right now. The AFL–CIO supports getting the pipeline started right now. This is the kind of project the Democrats themselves, including the President, have been saying all year they want.

But the Presidential campaign seems to be getting in the way, to the point that my friend, the majority leader, now says he is willing to hold up a bipartisan bill to fund our troops, border security, and other Federal responsibilities rather than letting the President

decide if this pipeline project should move forward.

Let me say that again. The President and the Democratic majority leader, my friend, HARRY REID, are now saying they would rather shut down the government than allow this job-creating legislation to become law. That is what would happen if they succeed in blocking this bipartisan funding bill from coming to the floor for a vote.

House Republicans are giving the President everything he asked for today. They just think that instead of simply providing more relief to those who continue to struggle in this economy, we should also help prevent future job loss and incentivize the creation of new private sector jobs, all at the same time.

That is what the House bill does. It goes beyond government benefits—beyond government benefits—and takes us a step toward addressing the jobs crisis at hand.

Most people would view this proposal as evidence that the two parties are putting their best ideas on the table and addressing both sides of this jobs crisis—the relief side and the incentive side. Most people would call it a balanced approach.

Unfortunately, the President does not seem to be happy these days unless he has an issue over which to divide us. If the Republicans are proposing it, he is against it, regardless of how many job losses it prevents or how many private sector jobs it would help create, and he is not even trying to hide it.

The majority leader signaled yesterday that he and the President are so determined to turn even the most bipartisan job-creating legislation into a political issue that he will ask his Members to hold off signing the government funding legislation—that they have already agreed to on an a bipartisan basis—just to hand the President what they view as a political victory this week.

This is not just irresponsible, it is reckless. The House is about to pass a bill we believe—certainly going to consider today—would help working Americans by extending the temporary payroll tax cut, help unemployed Americans by extending unemployment insurance, and which would help Americans looking for work by accelerating the construction of the single biggest shovel-ready project in America. This is the biggest construction project in America, ready to go. It only needs a signoff from the President of the United States.

It deserves to pass with broad bipartisan support. They had a vote on that earlier this year in the House. Forty-seven House Democrats voted to get this project started. So I would suggest that our friends put the political games aside and give the American people the certainty and the jobs they deserve. Take up the House bill, pass it right here in the Senate, and send it to the President for a signature without theatrics and without delay.

I yield the floor.

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, the Senate will be in a period of morning business for 2 hours with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Maine.

Ms. SNOWE. Madam President, I ask unanimous consent to be recognized for 20 minutes.

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

BALANCED BUDGET AMENDMENT

Ms. SNOWE. Madam President, this morning I rise to speak to the question the Senate will be focused on over the next day or so regarding a constitutional amendment to balance the budget. I do not think there is any doubt that we have to reverse this fiscal recklessness, not just for our time but for all time.

I have consistently and vehemently championed a balanced budgeted amendment for the past three decades in both the House and the Senate to prevent precisely the kind of fiscal quagmire we are enmeshed in today, with our Federal Government borrowing an astonishing 40 cents of every dollar we spend.

In my 30 years in Congress, I have cosponsored a balanced budget amendment 18 times. I spoke or made statements in favor of it 35 times. So I have had some experience in this battle to get the Federal Government to balance revenues with expenditures.

I learned that without a self-restraining mechanism, the debt over time only goes in one direction—up. In fact, since 1981 we have debated a constitutional amendment to balance the budget in the Senate on five different occasions and on four occasions in the House of Representatives through 1997. In the meantime, we have seen what has happened with the mounting debt.

The impending vote to amend the Constitution represents an unambiguous choice between changing business-as-usual in Washington or embracing the status quo that we can no longer afford, that has brought this country to the edge of our fiscal chasm; the status quo that has led to more than 3 years without passing a Federal budget; the status quo that has brought us the first ever downgrade of America's sterling AAA credit rating; the status quo that was exemplified by the supercommittee's inability to agree on $1.2 trillion in debt reduction over the next 10 years.

Now we have two competing balanced budget proposals pending before the Senate in a partisan duel that has become regrettably all too predictable in Washington. Our Nation is on the edge of a fiscal cliff and 20 million Americans are unemployed or underemployed. There should not be two competing proposals on an issue as critical as our Nation's fiscal health and survival.

We have been in legislative session for 86 days since July 1st, yet we can only consign about 8 hours or so to the idea on debating the mighty question of a constitutional amendment to balance the budget.

Prior consideration in the Senate, whether it was in 1982—it was 11 days; in 1986 it was 8 days; in 1995 it was more than a month; in 1997 it was another month. We are giving 8 hours to debate two competing proposals rather than addressing the differences through the amendment process so we can ultimately resolve the question once and for all of whether we should have a constitutional amendment to balance the budget.

Amending is consistent with the tradition and practice of the Senate. Yet, regrettably, we will be denied that opportunity which is unprecedented, frankly, on this question. It is a question that clearly deserves much greater deference than is being accorded in the Senate.

Thomas Jefferson once wrote,

> I place economy among the first and most important republican virtues.

And, yes, that is republican with a small ''r.''

He went on to say,

> Public debt is the greatest of dangers to be feared.

He wrote in 1798:

> I wish it were possible to obtain a single amendment to our Constitution . . . I mean an additional article taking from the Federal Government the power of borrowing.

Jefferson understood the perils of borrowing. We are not even going as far as Thomas Jefferson was advocating. But he also recognized the danger of debt and deficits do matter.

He said:

> One generation should not pay for the debts of another no more than we should pay the debts of a foreign nation.

Jefferson could not have been more right. We have now entered what some economists have labeled an economic danger zone because our gross national debt is approaching 100 percent of gross domestic product. Our outstanding Federal debt exceeds the size of entire economy. There is no question that high levels of debt have stunted economic growth, costing millions of American jobs at a time when we are experiencing the longest period of long-term unemployment and the worst postrecession recovery in the history of

this country, the second worst recession in 100 years.

Just as disturbingly, the government currently pays $200 billion annually in interest to foreign countries—to foreign countries that hold our Treasury bonds, countries such as China and Russia. The cost of the net increase alone in interest will more than triple in the next 10 years by the year 2021. That is just the net interest that we will pay to foreign countries because of our bonded indebtedness.

In fact, the Congressional Budget Office's most recent long-term outlook states that by 2035 interest costs on our Nation's debt will reach 9 percent of the gross domestic product, more than the United States currently spends on Social Security or Medicare. CBO warned that growing debt would increase the probability of a sudden fiscal crisis during which investors would lose confidence in the government's ability to manage its budget and government would thereby lose its ability to borrow at affordable rates.

That is exactly what is happening in Europe. It could also happen here at any moment in time. It could be a small item that ultimately precipitates and triggers a debt crisis, that puts this economy in jeopardy and peril as we experienced so dramatically in America in 2008. We do not know what all could ignite this explosive growth in debt.

If interest rates were just 1 percentage point higher per year over the next decade, the deficit would balloon by $1.3 trillion from increased costs. To put these numbers in perspective, we have to look at the past. It took our Nation 200 years to accumulate its first trillion-dollar debt. Yet in just the past 3 years alone the national debt has soared by nearly $5 trillion.

Let's just repeat that for a moment. In the first 200 years we accumulated $1 trillion in debt. In the last 3 years we have accumulated $5 trillion.

So when the President stated last summer that we do not need a constitutional amendment to do our jobs, well, not exactly. If that were true, if such an amendment were not required for us to do our jobs then why do we find ourselves wallowing in this economic morass? If Congress actually possessed the capacity to forestall the skyrocketing debt of its own volition, why are we mired in a major debt crisis? Why are the CBO and other economic forecasters reiterating and underscoring the negative outlook for the future if we do not grapple with this debt?

The facts speak for themselves. In 1986 when the Senate failed by one vote to pass a balanced budget amendment, the national debt topped $2.1 trillion. In 1995, the Senate failed again by one vote to pass a balanced budget amendment, and the national debt at that time was $4.8 trillion. In 1997, when the Senate yet again failed to pass it by one vote, the national debt was $5.3 trillion, a number we found staggering. But, apparently, it was not staggering enough, as the abysmal track record following 1997 dramatically demonstrates. In 1999, just 2 years after that fateful vote, the debt rose to $5.6 trillion. By 2009 it rose to $11 trillion, and last year to $13.5 trillion. Today, it is at $15.1 trillion. The bottom line is that from 1997 to 2011 the national debt has almost tripled.

In 1992, when I was serving in the House of Representatives, we debated a constitutional amendment to balance the budget. During one particular balanced budgeted debate on the floor, I said we have no way of knowing how bad things might get if we continue without a constitutional amendment to balance the budget.

Unfortunately, we can only speculate where we would be today had we passed that balanced budget amendment some 14 years ago. But we can no longer afford to speculate about where we will be with respect to our debt 14 years from now.

Let's not be confused as we hear all of the usual diversionary excuses why this amendment should not pass. I have heard it time and time again over the last three decades, as I have indicated. Those excuses have been reiterated time and again in the nine times it has been considered between the House and the Senate over the last three decades.

I have heard how a balanced budget amendment will be overly restrictive, spending reductions too substantial, and that other measures would be equally effective without changing our Constitution.

Let's not be distracted by the siren's call with the masterful art of deflection. As I recall, during the course of that debate in 1992 in the House of Representatives, I was challenged by a colleague when he asked:

What if appropriations exceed estimated revenue? What if the President and Congress underestimate the amount of Federal revenues in a fiscal year? What if it requires budgetary adjustments as a result of a contracting economy, or inaccurate estimates?

Well, I said at the time, as I do now: welcome to the real world of families and businesses in America that are trying to project their costs every day—current costs, future costs, whether they will have a job, how much they will get paid, and how much health insurance will cost—not to mention the 49 States that have adopted a balanced budget requirement That is the real world, but apparently not in the Senate and the House of Representatives. It is one we have long ignored to our fiscal peril.

These are issues that day in and day out the State capitals have to deal with, as the Chair knows, being a former Governor of New Hampshire. My husband was a former Governor of Maine, and I know that States have to make tough choices and establish priorities, and they have to understand what is coming in and what is going out. Why should the Federal Government be any different?

So now we have a fiscal gap here in Washington where there not only is a disparity between revenues and expenditures, but there is also a shameful imbalance between the trust people place in us as elected officials and the responsibilities we must carry out if we are to demonstrate the worthiness of that trust.

Absent a permanent mechanism that compels and forces the Congress to set and fulfill its fiscal priorities, we will blithely continue in our wayward practices. Obviously, we only have to learn from the past to understand the future.

Rest assured that we have already tried every statutory mechanism possible. Yet nothing we have implemented has withstood the test of time, circumvention, or clever gimmickry to bind both the House and Senate to provide continuity from Congress to Congress—nothing.

We have witnessed the positive effects of statutory limits with past budget enforcement mechanisms, such as the Gramm-Rudman-Hollings Act, the 1990 Budget Enforcement Act, and the 1997 Balanced Budget Act that combined saved upward of $700 billion. Unfortunately, we allowed them to lapse because we could do it statutorily. We allowed these efforts to wither on the legislative vine. You could not do that with a constitutional amendment.

When we talk about a deficit reduction package for the future, anything we implement today could be undone by tomorrow or by the next Congress if we do not have the binding effect of a constitutional amendment. That is the big difference. Congress does not want its hands tied. That is what this is all about—not tying Congress's hands, irrespective of the impact on the mountains of debt.

We have squandered historic opportunities. I tried for a legislative trigger back in 2001 when we had projected surpluses to pay down the national debt and invest in Social Security and Medicare, but it was dismissed and derided. Senator Bayh and I tried to get that through, but people were not thinking about the future. I had seen from our experience in the past and I knew we had to protect the surpluses we had and invest them in the future. That didn't happen. People want to spend without restraint.

As we sadly know, the promises to get a handle on budget and deficits were empty which is why we have not had budgets in the last 3 years—or why we passed only one appropriations bill last year for the first time since the 1974 Budget Act. If you have no discipline in the budget process, you have no discipline in spending and a mounting debt. That is the net effect of what has happened over the last three decades.

The reality could not be more stark about the necessity for a balanced budget amendment. Yes, we do need one if we are ever to ensure fiscal balance and restraint.

Finally, even Vice President BIDEN spoke to this issue in 1995, expressing the same frustration I do today. He said:

There is nothing left to try except the balanced budget amendment.

That is where we are. And I still do not understand why we have two competing amendments now. It is not as if we don't have differences, but why not amend one legislation? That is what the Senate is all about. Regrettably, it has become another cynical process in the Senate, an all-or-nothing proposition, a zero sum game, either your way or no way.

We have two separate votes on two separate measures, creating a parallel universe with two different balanced budget amendments but zero opportunity to reconcile our differences. We know what the strategy is. It is called lip service. It is to allow everybody to say they voted for a balanced budget amendment, while the armies of the status quo employ every weapon to ensure it does not happen.

I regret that we are not treating this issue with the deference it deserves—an issue that 70 to 80 percent of the American people support at a time in which the U.S. Congress has an approval rating of 9 to 12 percent—it varies from day to day. We should be embarrassed about how this reflects on the institution because we are not focusing on the issues that matter to people in their daily lives. It matters because they understand that we are shackling future generations.

We can either bring disrepute upon ourselves by continuing to mortgage our future to cover the fiscal offenses of today or we can rise to the occasion and meet our moral responsibility and bequeath the generation to come a nation unencumbered by the shackles of perpetual debt. The decision is ours and history awaits our answer.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. I inquire of the Chair, how much time remains on our side for morning business?

The ACTING PRESIDENT pro tempore. There is 39½ minutes remaining.

Mr. CORNYN. I am sure I won't need all that time, but I ask unanimous consent to speak for as much time as I may use of that time.

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

Mr. CORNYN. Madam President, I express my appreciation to the Senator from Maine for her leadership on the balanced budget amendment issue for so long now. This is a fight that people have fought for so long that some have become very cynical about whether we will actually ever act in a responsible fashion to deal with the runaway debt our country continues to accrue where about 40 cents out of every dollar being spent today is out of borrowed money.

We know this is not just a theoretical problem, it is very real. When we look at what is happening in Europe, with countries engaged in sovereign debt crises that have made promises they cannot afford to keep, the day of reckoning has come to Europe. The day of reckoning for the United States may not be far behind.

I think it is really important to lay a few foundational points. Let me start with the preface of the Constitution of the United States of America because what we are talking about doing is amending the Constitution—something we have only done 27 times since the founding of our country. But the Constitution of the United States starts this way:

> We the people of the United States of America, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

It is important to recognize that this is a constitution created by the American people. This is not something handed down from on high that we cannot change or should not change. This is our Constitution. We own it. It is within our power to amend the Constitution when circumstances make it prudent for us to do so.

Let me also refer to article V of the U.S. Constitution. This is the basis upon which we are seeking to amend the Constitution by this vote tomorrow. Article V says to Congress:

> When two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution.

And then should the joint resolution pass with two-thirds the vote in both Houses, then it goes to the States, where 38 States—three-quarters of the States—would have to ratify that amendment before it would become the fundamental law of the land.

There is another provision in article V that I will talk about in a minute which allows the States, in the face of inaction by Congress, to ask for a constitutional convention to be established for that purpose. As I said, I will save that for a later time.

Madam President, all 47 Members on this side have cosponsored S.J. Res. 10. But this doesn't have to be a partisan endeavor. Indeed, the last time, in 1997, when there was a vote on a constitutional amendment—and it failed by 1 vote in the Senate—11 Democrats joined Republicans to come within 1 vote of passing that joint resolution, which had already passed the House of Representatives. So this doesn't have to be and indeed should not be a partisan undertaking.

Let me remind my colleagues, what did our financial situation look like in 1997? Our deficit was $107 billion—that is right, $107 billion. Today, it is roughly $1.3 trillion. Our national debt, which recently broke the $15 trillion mark, back then was roughly $5 trillion. So we have seen almost a threefold increase in our national debt since 1997, when we came within one vote of passing a constitutional amendment and sending it to the States.

We know that throughout American history, our government has faced fiscal challenges. Our Founders had their own when they had to amend the Articles of Confederation to provide for a constitution that allowed us to deal with our financial problems. But what are the differences between those faced by the founding generation and those we face today? Back then, government was the solution to the problem. Today, the size and growth of government is the problem. The American people understand the difference, clearly.

As I said, the American people are absolutely repulsed by the idea that Congress continues to spend 40 cents out of every dollar that is spent in borrowed money. I know people like to say this is a problem for the next generation and beyond, but all you have to do is look across the Atlantic Ocean to what is happening in Europe today, and you realize, no, this is our problem, in this generation now, in Europe. The ramifications could easily extend to the United States and create a recession, if not worse, as we go through a sovereign debt crisis.

The American people also understand this huge debt we bear is a job killer because it dampens economic growth. Only by the private sector economy growing do you get the sort of job creation that will help get us out of this mess. Right now, we are muddling along at roughly 2 percent of GDP, which is not even enough to deal with the unacceptably high unemployment. Yes, we had a break last week, when we saw the unemployment rate come down a little bit. But a closer look at the statistics reveals it was because so many people had quit looking for a job. They gave up.

We also know this is a national security risk, this high debt. Former Chairman of the Joint Chiefs of Staff, Admiral Mullen, said the debt was the single largest threat to our national security. This is the Chairman of the Joint Chiefs of Staff. You wouldn't think that was part of his portfolio, but that is what keeps him awake at night and worries him—our debt, and the fact that China is the major purchaser of that debt, a country with interests that are not exactly aligned with ours, to say the least.

Secretary of State Hillary Clinton has said the debt undermines our capacity to act in our own interests and sends a message of weakness internationally. Then there is a quote from a former colleague of ours way back in 2006, who said this:

> Increasing America's debt weakens us domestically and internationally.

He also said:

> It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our government's reckless fiscal policies.

You may have guessed who said that. Yes, that was then-Senator Barack Obama.

What I think people find absolutely unnerving, disappointing, and, yes, even shocking is the lack of leadership on this issue, not only because our national debt is a growing fiscal problem as well as a national security risk, but it has created a crisis of confidence in our political system and people's confidence in the Congress's ability to do what we get paid for, what we got elected to do, and that is to solve our Nation's problems, including our Nation's fiscal problem.

President Obama understands this very well. That is why he appointed a bipartisan fiscal commission, now called the Simpson-Bowles commission, which came up with $4 trillion in debt reduction along with other recommendations, such as tax reform, which would make us more competitive globally. But since December 2010, when that report was rendered, what has the President done with regard to that report that received bipartisan support—I believe it was 11 out of the 18 members, including 3 Republican Senators at that time, Judd Gregg, MIKE CRAPO, and TOM COBURN? The President walked away from it. He walked away from it. What did he do when he gave his State of the Union speech shortly thereafter? He didn't even mention it.

But what did he do? Did he come up with a counterproposal or a different proposal? No, he held back, and he waited until the chairman of the House Budget Committee, PAUL RYAN, and House Republicans passed a budget out of the House—something that has not happened in the Senate for more than 900 days—and then the President attacked. He engaged in scare tactics that I believe are beneath the dignity and responsibility of the Office of the President of the United States.

Leadership on the national debt has not only been lacking from the White House, but Congress hasn't done much better. It is true what the Senator from Maine has said, the basic conundrum we have had at times when we have passed deficit reduction legislation, such as Gramm-Rudman-Hollings and others, is that purely statutory fixes are fine but they can't bind future Congresses. We need a constitutional amendment that will make it the law of the land that cannot be ignored by future Congresses. This is what I hope we will do by embracing our responsibility and passing this constitutional amendment.

The facts show that the time for a strong balanced budget amendment is now. It is today. Joint Resolution 10 is a strong balanced budget amendment that will protect the American people from runaway deficits and reckless spending. If ratified by three-quarters of the States; that is, 38 States, it would require a two-thirds supermajority of Congress in both Chambers to approve a deficit in any fiscal year. A supermajority would be needed in times of emergency to approve a deficit in any given year. And it can't be open-ended. It has to happen each year a deficit might be run.

We can imagine that emergencies could occur, but it shouldn't be a routine matter, as it is now, where we engage in deficit spending. This amendment would provide exceptions where it would require a majority of both Chambers to approve a deficit during a time of declared war and a three-fifths supermajority in both Chambers could approve a deficit during military conflicts.

So for those of our colleagues who are worried this balanced budget amendment would provide such a straitjacket it would deny us the flexibility to respond to our Nation's emergencies, the amendment itself provides the means to deal with those extraordinary circumstances.

Joint Resolution 10 would also require a two-thirds majority to approve outlays beyond 18 percent of GDP. That is roughly what our revenue has been—roughly 18 percent of GDP—although today our spending is at 25 percent. Because of the recession and the fragile economic recovery, our income is roughly 15 percent. So we are running at roughly a 10-percent annual deficit.

This amendment would require a two-thirds majority to raise taxes. We don't have a tax problem; we have a spending problem, and we are not able to keep up with the promises we have made both in terms of entitlements and other spending. This would require the discipline of a two-thirds supermajority to raise taxes in order to balance the budget. So we could do it when there was a broad consensus that it was necessary but not provide the easy out to raise taxes in order to balance the budget unless two-thirds said that was all right. It would also provide for a three-fifths supermajority to raise the debt limit.

Finally—and this is important—the balanced budget amendment, Senate Joint Resolution 10, would require the President to submit a balanced budget to the Congress each year. The President has historically submitted a budget in, I believe, roughly February of each year, but it is rarely balanced. Indeed, the last budget submitted by President Obama was not even brought up for a vote by our friends across the aisle. When we insisted upon a vote on that budget, it lost 97 to 0. No Democrat and no Republican voted for President Obama's last budget because it continued the reckless spending and the debt.

It is important this body support a strong balanced budget amendment and not a fig leaf or cover vote, because Senate Joint Resolution 10 has the strongest provisions on spending and taxes in addition to provisions that would allow us to balance the budget.

I know there is another alternative that will be voted on, but I am afraid this alternative offers more of a mirage than a real solution. First of all, it does not include all spending. This would make government accounting even more mystifying, even more opaque, less transparent. Can you imagine families and small businesses doing something such as that, saying, well, we are going to balance our budget, but we are not going to include all the spending we do? Small businesses and/or families don't have the luxury of moving things off the balance sheet—in sort of Enron-style accounting—and neither should their government. Either you balance the budget or you do not.

The alternative we will be presented an opportunity to vote on, next to this strong balanced budget amendment, does not protect the middle class from higher taxes. It would not have stopped the 21 tax increases that were enacted in the first 3 years of the Obama administration. That is right, 21 tax increases during the first 3 years of this administration. The problem in Washington is not that it is too difficult to raise taxes, the problem is it is too easy.

A real solution to our debt crisis must permanently change the propensity to tax and spend with reckless disregard. A strong balanced budget amendment will actually solve the problem. Let's remember the disease here in Washington the balanced budget amendment is designed to cure is out-of-control Federal spending, and big deficits are a symptom of that disease. Any doctor will tell you just treating the symptom doesn't cure the disease. Without treating the underlying cause of those symptoms, we would not be making matters better, we would be creating again another illusion of a solution.

The strong balanced budget amendment which I support, along with 46 of my Republican colleagues—and I hope a significant showing on the other side—will treat the disease along with the symptoms. An amendment with too many exceptions and loopholes will not. A strong balanced budget amendment will reassure financial markets and the American people that we understand the magnitude of the problem.

As I talk to my constituents in Texas and others around the country—who are the type of people we are looking to to create jobs by making the investments, by starting businesses, and by growing existing businesses—they tell me with the growing debt, with uncertainty about tax policy, with overregulation, and with Washington's unwillingness to deal with a potential sovereign debt crisis, and slow economic growth in the private sector, they are going to sit it out. They are sitting on the sidelines. They are not going to take imprudent risks with the capital they have acquired after going through this recession and becoming leaner and becoming more efficient. They are not ready to get back in the game until

they get a signal from us we are actually serious about solving our financial problems.

Unfortunately, the President not only has neglected his own bipartisan fiscal commission—the Simpson-Bowles commission—and fallen for the siren call of his political advisers to not offer a constructive solution but, rather, attack those who do, the President has compounded his mistake in this area by saying, ''We don't need a constitutional amendment to do our jobs.'' Presumably, that refers not only to our balanced budget amendment but to an amendment offered by the Democrats as an alternative to the Senate Republican balanced budget amendment.

The President has claimed a balanced budget amendment is not necessary because ''the Constitution already tells us to do our jobs and to make sure that the government is living within its means and making responsible choices.'' Who does he think he is fooling? Who does he think he is kidding? The President does himself no credit, and, indeed, I think demonstrates a lack of commitment to dealing with our Nation's problems when he says things such as that. He knows the experience of this Congress—whether it is Republican administrations or Democratic administrations—has been that without a balanced budget amendment we simply are not going to have the tools necessary to get the job done.

According to one White House spokesman, balancing the budget is ''not complicated.'' Well, if it is not complicated, why hasn't the President of the United States submitted a balanced budget proposal? His last one broke the bank, made the debt worse, didn't solve the problem, and was rejected 97 to 0 by a bipartisan vote in this body.

The same White House spokesman said:

> All that is needed is that we put politics aside, quit ducking responsibility, roll up our sleeves, and get to work . . . get beyond politics as usual.

I have to say, what bunk is that? Don't they know how little credibility that sort of rhetoric has when it comes to solving the problem? Just saying it does not make it so. What people are looking for is concrete action by the Congress.

The strange thing to me was, when the President of the United States invited the Republican conference over to the executive office building several months back, he asked for ideas around the table. Several of us, including me, told him: Mr. President, if you would embrace solutions to solving these problems, we would work with you because we are Americans first and not members of political parties first. We are Americans. We didn't come here just to posture and to act like we were solving the problem while doing nothing. We actually are willing to do it because, frankly, we are concerned. Many of us are beyond concerned; we are scared. This is no longer just for our children and grandchildren. This is about the present generation. This is about us, and all we need to do is look at what is happening in Europe, and it could be our problem in the foreseeable future. I am not just talking about decades, I am talking about years. It could be earlier.

Everything we read about the sovereign debt crisis in Europe and the history of these crises in the past is, once the public loses confidence in the ability of a sovereign nation to pay back its debt, then things slip away very quickly. We have seen that happen in Europe with the price of the debt on Italian bonds and Greek bonds going through the roof because people know they can't be paid back. If people begin to doubt for a minute our lack of resolve at dealing with this fiscal crisis and this debt crisis, we could well be not just in a similar mess, we could be worse off because there will be no European Union, there will be no IMF to bail out the United States of America, the largest economy of the world.

Let me close for now by saying this is not just a matter of conjecture whether a balanced budget amendment would help and would work; 49 different States have some form of balanced budget requirement. Vermont is the only one that does not. Of these, 32 States have constitutional provisions. Additional States require that their Governor actually propose a balanced budget or require a balanced budget indirectly by prohibiting the State from carrying a deficit into the next year.

But the point is, this is not just a matter of conjecture and guesswork. We know because we have seen at the State level that balanced budget requirements are effective. What do they do? Well, we know State balanced budget requirements are only effective when combined with limitations on taxing and spending. States with limitations on taxing and spending are less likely to raise taxes to balance the budget than States without such a limitation. States with taxing and spending limitations have a slower growth of government than States without such limitations.

In other words, States with taxing and spending limitations have a slower rate of growth and cost and size of government than States without them. So we know a balanced budget amendment could work.

I hope my colleagues—as frustrated as I am, on a bipartisan basis, with the lack of leadership on this—will show leadership. We shouldn't just look for leadership at the White House or anywhere else. We ought to look at ourselves in the mirror and ask what can we do to solve this problem. I submit that a balanced budget amendment would go a long way to putting us on the path to fiscal responsibility.

Now, we can't do it overnight because we didn't get into this mess overnight. But just as Vice President BIDEN said back in 1995:

> I have concluded that there's nothing left to try except the balanced budget amendment.

That is what Vice President BIDEN said in 1995. I agree with him. But if it was true then, it is even more true now.

So I hope tomorrow, when we have a chance to vote, we will vote for a real solution—a real balanced budget amendment, S.J. Res. 10—that will avoid the temptation to act once again as if we are doing something, without actually delivering a solution to the problem, by providing a cover, a fig leaf that, once again, will undermine the public's confidence in our commitment, in our willingness, in our leadership when it comes to the Nation's problems. Ultimately, the American people will have the final say. If we don't do it tomorrow, then the American people will have another chance to have an election and vote and presumably choose people who will deal with the problem.

Ultimately, we know—getting back to article V of the Constitution—if Congress does not propose a solution, to quote article V, the Congress ''on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments.''

So the final word is not with the Members of Congress. Although we can solve the problem tomorrow if we voted on it and we passed it and encouraged our colleagues in the House to pass it, ultimately, there will be an intervening election. But, ultimately, beyond that, the Constitution—which is the Constitution of we, the people of the United States—the people of the United States will have the final word, whether it be in the next election in 2012 or by means of a constitutional convention called on the application of two-thirds of the States, of which I am told about 20 applications are already pending.

Mr. President, I yield the floor, I reserve the remainder of my time, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. TESTER. I ask unanimous consent to speak for 10 minutes.

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

JOB CREATION

Mr. TESTER. Madam President, I rise today to talk about jobs and politics.

There are a lot of folks in Washington who pay lipservice to jobs and a lot of people that are playing politics.

But it sure doesn't seem that many folks are interested in doing the hard job of creating jobs.

Folks all over Montana have been asking for good-paying, liveable-wage jobs, the kind of jobs that can't be outsourced, jobs that put folks to work in our forests, jobs that build the energy infrastructure this country needs. Right now there are two proposals that will do just that.

First, I would like to talk about my Forest Jobs and Recreation Act. This bill will stabilize the wood products industry in Montana by ensuring a dependable timber supply that will give certainty to loggers in the woods and workers in the mills.

This bill will allow for the restoration of 100,000 acres of national forest lands in Montana, reducing the chances of out-of-control forest fires that could devastate our communities, our watersheds, and our way of life.

Recent data released by the Forest Service shows that wildfires that burn where the trees were thinned were less expensive to fight, they were easier to control, and did less structural damage to neighboring buildings.

This bill also puts people to work by rolling up roads, improving our water quality, and protecting big game habitat. It protects nearly 1 million acres for our children and grandchildren in wilderness and recreation areas.

This is a bipartisan solution, supported by industry and conservationists. It is the product of people who were on polar opposites of the issue who came together to find solutions for how we can manage our forests better. We could take a lesson from their example. They brought those solutions to me to be put into law. This is a bill that will move the country in the right direction with a responsible balanced solution, and it will create jobs.

But rather than getting this bill passed, it has become a political football in the appropriations process. Some House Republicans seem to be more concerned with their own job rather than creating Montana jobs by passing my Forest Jobs and Recreation Act. That isn't fair to Montanans who are anxious to get back to work, to reclaim a life that has been disappearing in a rapid rate. We lost over 1,700 jobs in the timber industry in 2009, more last year, and still more this year.

I would ask folks who are negotiating this final deal right now to think about the folks who are counting on us to set politics aside and do what is right for our country and for Montana.

This same logic applies to the Keystone XL Pipeline. Right now, the President has the power to create jobs by approving this pipeline. He could make the decision to approve this pipeline in the very near future.

Now, let me be clear. He should do it right. Doing it right means approving this pipeline while respecting private property rights. I support the pipeline. But I will never support any corporation—much less a foreign corporation—given the right to take away property from Montanans or any other American without a fair deal that is negotiated in good faith.

Doing it right also means ensuring that the highest possible safety standards are followed throughout Montana and rural America. I do not believe we should have to wait until January of 2013 for a decision that can create American jobs right now. In Montana, we need the jobs. We need the ability to provide incentives to boost production in places where it makes the most sense, such as the Bakken formation in eastern Montana.

Now, many folks don't know that the Keystone Pipeline will actually include an onramp in Baker, MT. That onramp will tap into the booming Bakken formation, and it will ensure that we are getting the most out of American energy resources. That matters to our economy and it matters to our energy and national security. The Keystone XL pipeline will transport North American oil and will help move this country away from spending billions of dollars per day in Middle Eastern countries that do not like us very much.

At the same time, I am concerned about the way folks on both sides of this issue are handling it right now. We do not need to entangle this issue with a payroll tax in the House bill that would add more than $25 billion to our debt and that would cut Medicare benefits.

It is time to quit playing politics and start doing what is right, whether it is the Forest Jobs Act or the Keystone pipeline. It is time to move forward, working together to create jobs in this country.

Instead, politicians on both sides are using these important items as political footballs and that is too bad. We should be acting responsibly to create jobs with this pipeline and to put folks back to work in the woods with my bill. Instead, we are watching political maneuvering designed to score points rather than create jobs. We all know this is how Washington acts. The people who lose are the hard-working Americans and Montanans who want to get back to work. They want to build and maintain the infrastructure that powers and protects America.

I am proud to again offer my support for the Keystone XL pipeline and the jobs it will create. We need a quicker decision based on the merits of the project. After setting aside their differences and working together to protect our forests, Montanans also deserve the passage of the Forest Jobs and Recreation Act. Instead of irresponsible partisan fights, it is time that Congress finally takes a page from those who constructed the forest jobs bill. They set aside nearly 30 years of partisan bickering to find solutions where everyone gives a little and gains a lot. It is the right way to do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, I ask unanimous consent I be permitted to engage in a colloquy with my colleagues for the remainder of the Democratic time in morning business.

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

GLOBAL WARMING

Mr. SANDERS. Madam President, I understand that some of my colleagues here in the Senate and in the House as well do not believe global warming is real and they do not want to see our country and, in fact, other countries around the world take the necessary actions to deal with this issue. That is fine; everybody is entitled to their opinion. But it does seem to me to make a bit of sense that we listen to the leading scientists of this world, not only in our own country but throughout the world, and hear what they have to say about global warming and the need to respond.

The National Academy of Sciences in our country, the United States, joined by academies of science in the United Kingdom, in Italy, in Mexico, Canada, France, Japan, Russia, Germany, China, India, Brazil, South Africa, have said ''climate change is happening even faster than previously estimated'' and the ''need for urgent action to address climate change is now indisputable.''

They are not talking about whether climate change is real or not real. What they are saying and what scientists all over the world are saying is that climate change is happening even faster than previously reported. Eighteen scientific societies, including the American Geophysical Union, the American Chemical Society, and the American Association for the Advancement of Science said:

> Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

That comes from the American Geophysical Union, the American Chemical Society, and the American Association for the Advancement of Science. Further, it is not just scientists in our own country or throughout the world who are talking about climate change, who are talking about the need to respond vigorously to that crisis, but right within our own government, the U.S. Government, we have the Department of Defense saying:

> Climate change is an accelerant of instability.

What that means is that when there is drought, when countries around the world are unable to grow the food they need, when there is flooding and people are driven off the land, and when people migrate from one area to another,

this creates international instability, which is of concern to the Department of Defense.

The CIA understands that ''climate change could have significant geopolitical impacts around the world, contributing to poverty, environmental degradation, and the further weakening of fragile governments,'' as well as ''food and water scarcity.'' That is from our own CIA.

But it is not just scientists around the world, not just government agencies in the United States; you have a business whose life and death, whose profit margin depends upon understanding this issue and that is the insurance industry. If the insurance industry ends up paying out a whole lot of money when there are disasters, they are going to lose money. They have to understand climate change and the disasters, the weather disturbances that occur from that. This is what they say, in a report from the National Association of Insurance Commissioners. They found there is ''broad consensus among insurers that climate change will have an effect on extreme weather events.'' These are guys whose profit margins depend upon that analysis.

Many Americans and people around the world are concerned about the future impacts of global warming on our planet and what is going to happen 10 or 20 years down the line, and that is terribly important. We have to understand what climate change is going to do to our planet in years to come. But we do not have to just look at what may happen 20 or 30 years from today; we should be looking at what is happening right now, in the year 2011. The World Health Organization reports annual weather-related disasters have tripled since the 1960s, causing more than 60,000 deaths per year. The National Climatic Data Center shows that 26,500 record-high temperatures were recorded in weather stations across the United States this summer. Texas set the record for the warmest summer of any State since instrument records began in 1895. Oklahoma set a record for its warmest summer, exceeding records set during the Dust Bowl era of the 1930s. Drought in Texas has led to wildfires that destroyed more than 1,500 homes in Texas.

A 2010 heat wave in Russia killed 56,000 people. The heat wave in Europe in 2003 killed 35,000 people. We can look at Pakistan, which in 2010 had a record 129-degree temperature. All of that is consistent with what scientists have been warning us about for years.

NASA's James Hansen said climate change ''loads the dice'' in favor of more extreme weather events. Hansen said the answer to whether greenhouse gas emissions are contributing to these extreme weather disturbances is ''yes . . . humans probably bear responsibility for the extreme event.

There is much to be said. I think a number of colleagues are coming to the floor. But I want to yield the floor to a Senator who has been an absolute leader on this whole issue, fighting for the environment, and that is Senator WHITEHOUSE of Rhode Island.

Mr. WHITEHOUSE. I thank my colleague.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, the statement my colleague has made is truthful and important, but there is absolutely more to this story even than that. At another time I will discuss at greater length the oceans dimension to what is happening to our planet as a result of the carbon pollution we are emitting at literally unprecedented levels in human history. But for now let me say it is very severe, very dire, and to everyone who is listening and paying attention, the ocean is emitting warning signs that we disregard at our peril.

In addition to the threat of environmental harm, connected to the problem of carbon pollution is a huge opportunity and that is the opportunity of clean energy. Clean energy will drive the decades to come. Clean energy jobs can and should be powering our economic recovery.

We are in a race right now. We are in a race for dominance and for preeminence in the clean energy economy that is emerging. All around the world, other countries see it. They are competing in that race. They are putting everything they have into winning that race. But because we have a political system that is still listening to the dirty, polluting energy industry and using the politics of Washington to interfere, we are constantly having to fight to stay even. One of the things we are fighting right now to preserve is the section 1603 Treasury grant program, which will expire at the end of this year if we do nothing. This program has been vital for our renewable energy industry. It has leveraged nearly $23 billion in private sector investment, supported 22,000 projects which collectively power more than 1 million homes. This is big. This is no longer some tiny little cottage industry. The National Renewable Energy Lab estimates the 1603 program has supported up to 290,000 U.S. jobs.

If we look more largely at the renewable energy sector, renewable energy is more labor intensive, creates more jobs than fossil fuel energy per dollar invested, creates more jobs than fossil fuel energy per megawatt generated, and the clean economy as a whole, including renewable energy and energy efficiency and environmental management, employs 2.7 million workers in this country. It is more than the fossil fuel industry, but the fossil fuel industry owns this town and they keep stepping on this larger, growing, clean energy industry.

We are seeing it, unfortunately, out there in real life. Americans invented the first solar cell in 1995. America had 40 percent of the global manufacturing volume. We are now down to 7 percent of the global manufacturing volume of solar cells.

China is investing $20 billion more in clean energy every year to accelerate ahead of us. European countries have feed-in tariffs so investors can know what their clean energy product will sell for and that is attracting capital and growth there, and we simply are not keeping up. We are now, in the United States of America, the home to only 1 of the top 10 wind turbine manufacturers. This is an unhealthy place to be and we need to get back into this fight. The mature industries that America leads have demonstrated the important role of government intervention at their early days. Our commercial aviation industry has been the envy of the world through its entire history. The United States of America subsidized airmail to help support this fledgling industry. They purchased planes for military purposes to help support it and supported it with aeronautics R&D.

The same thing should be happening in clean energy, and we need to work very hard to make sure this 1603 Treasury grant does not die on the cutting room floor as we come to the end of this year. If it does, jobs will go with it. There will be an immediate response. Projects will be terminated, people will be laid off, divisions of companies and smaller companies will close, and it is an unnecessary, self-inflicted injury we should avoid.

Let me bring it home. In Rhode Island this project has facilitated solar panel installation on three new bank branches. The TD Bank has opened in Barrington, East Providence, and Johnston, RI. Those projects created jobs, put people to work, and lowered the costs of their electrical energy. Step by step it gets us off foreign oil and these foreign entanglements to defend our supply.

The city of East Providence, RI, is in the middle of planning a 3-megawatt solar project on an old landfill, land that had gone out of use effectively but now will be generating power for that city. Construction has also begun on three wind turbines at the Fields Point wastewater treatment facility in Providence. The turbines will meet more than half of our big water utility's energy needs.

A company called Hodges Badge—if your child has ever won an award in a track meet, in a horse show, or in a school production, they probably got a ribbon for it, and that ribbon was probably made by Hodges Badge. It is a great Rhode Island company. It has 95 employees. They have gone completely clean energy, and they are doing that to protect those 95 jobs. They are doing it to lower their energy costs, and they are doing it to do the right thing.

I salute Senator SANDERS for his eloquence on the real problem of climate change and the campaign of lies and propaganda that has interfered with our ability to deal with what is a real and emerging problem, and also to

point out that the second step in this is that there are jobs and there is economic success behind the clean energy industry that will lead us out of the predicament we are creating for ourselves because people here are in the thrall of the polluting industries.

I thank Senator SANDERS very much.

I yield the floor.

Mr. SANDERS. Mr. President, I want to reiterate the very important point that Senator WHITEHOUSE has made. This struggle is not only to transform our energy system, to move away from fossil fuel, and to end the absurdity of importing over $300 billion a year in oil from Saudi Arabia and other foreign countries and move toward energy independence, this effort is to cut greenhouse gas emissions so that we save the planet. This effort also has to do with creating jobs in the midst of the worst recession since the Great Depression.

I hope that every Member of the Senate is on the side of the American workers in helping us to grow sustainable energy companies so we create the jobs we need in this country rather than let China and other countries dominate those industries.

Mr. President, I am very proud to give the floor over to the chairperson of the Environmental and Public Works Committee, certainly one of the great environmental leaders here in the Senate, Senator BARBARA BOXER of California.

Mrs. BOXER. Mr. President, what is the time remaining in Senator SANDERS' block?

The PRESIDING OFFICER. There is 36½ minutes.

Mrs. BOXER. Is the Senator satisfied if I take about 7 minutes?

Mr. SANDERS. That would be fine.

Mrs. BOXER. I want to say how proud I am of the Environment and Public Works Committee. To be chairman of the committee that has such incredible Senators, such as those you have heard from—Senator SANDERS, Senator WHITEHOUSE; we also have Senator CARDIN, Senator CARPER, Senator BAUCUS, Senator GILLIBRAND, Senator MERKLEY, and Senator LAUTENBERG. I hope I am not leaving anyone out. These are the environmental voices, the commonsense voices for jobs, for clean technology, for a bright future for our Nation, so to be the chairman of that committee is an honor beyond my every expectation.

It is not to say we don't work with Republicans; we do on public works matters. We work very well with Senator INHOFE and his team of Republicans on public works, but when it comes to the environment, there is nobody home over there. As a matter of fact, they do harm.

Today I am going to talk about the need to create jobs through this sector, but I also want to say, while my colleagues are here, an interesting development that has happened on the payroll tax cut bill that the House is about to pass. We have a kind of inside-the-Beltway term when extraneous provisions are added to a bill that will bring down the bill, and we call that a poison pill amendment. I have never said to you when I coined that phrase ''poison pill'' amendment that it is literal. In this case they have attached to the payroll tax cut—which is on the one hand giving a tax cut to the middle class—a literal poison pill by rolling back a Clean Air Act provision that will require a very small percent of the boilers in this country to cut back on the filthiest of all pollution, including mercury, arsenic, and lead. I will say that again: mercury, arsenic, and lead.

If I were to stop anyone in the street, they don't need a degree in science to know if those are good things or bad things for you. They didn't even have to see the movie ''Arsenic and Old Lace'' to know that arsenic is bad. Lead damages the brains of our kids. Mercury has horrible impacts, particularly on children. So they have attached a poison pill, literally, because it will kill 8,100 more people than otherwise would have been killed from pollution. They have attached that to the payroll tax cut. How is that for a Christmas gift? Hi, I am your Senator, here is a tax cut for you of about $1,000, but, sorry, you might die from breathing in too much poison in the form of mercury, lead, and arsenic.

That is what is going on here. Honestly, we have asked for a lot from Santa in our day, but we never asked for lead, arsenic, and mercury.

The reason Senator SANDERS took to the floor today—and the reason I am proud to be here—is because we all say here in this Chamber that we care about jobs. We all say here in this Chamber that we want to be energy independent. We should all add that we want less pollution. Our colleagues on the other side never mention it. We should add that we want less carbon pollution, which is leading us to extreme weather conditions, climate change, but they don't say that. We say that.

How do you do it? Well, there are many ways. One is to enforce the clean air laws we have, by the way, that will help get carbon out of the air. But a very easy way as we extend this payroll tax cut, which we all want for our middle class, is to say we should extend those clean energy tax breaks that allow us to move toward innovation. You hear a lot of talk from the other side about how solar energy is in decline and they talk about Solyndra and the problems there. Let me tell you something, that mindset would mean we never would have made it to the Moon because we know what happened to Apollo 1. It was not good. We didn't walk away from going to the Moon. We expected there would be problems with the program that we put together. That is why we had $2 billion to offset any companies that might not make it. Do we stop cancer research because a lot of the scientists' leads don't pan out? We don't walk away from cancer research. But our friends on the other side, the minute they can seize on something to walk away from clean energy, they do. I have come to the conclusion that there is only one reason for it, and that reason is they represent—and this is my opinion—big oil, big polluters, the people who, over the years, have tried to stop us from moving away from those fossil fuels.

All you have to do is read the history books to see how big oil teamed up with the auto industry to take out all the railroad tracks that they could to stop the competition. All you have to see is the movie ''Who Killed the Electric Car.'' You cannot even find those GM cars. They took them and literally flattened them and they bought time for the gas-guzzling cars until finally, with President Obama's leadership, we were able to influence the companies in Detroit to make them understand the very simple fact that if we move to cleaner burning fuels, if we move to fuel economy, they are going to make a lot more money because that is the future.

What we face here instead of seeing an extension of the clean energy provisions to help us move toward solar, to help us move away from fossil fuels, to help us get a better balance of payments, to move away from the Middle East dictators, we see nothing. What do we see? We see another poison pill in another one of their bills over there to repeal the standards for light bulbs. What are these people thinking? They need a light bulb to go off in their own head. We have to move toward energy efficiency. It is a win-win-win.

I am going to talk about California in my remaining time. We have seen great progress there. We have added 79,000 jobs in the clean energy sector in the past 7 years, and that clean energy sector remains one of the most promising industries in our State, and people are happy. We are going to put a million solar rooftops on in California. I know Senator SANDERS has been calling for this for years. California is doing it with Governor Brown leading the way with the legislature. Do you know what that means? It means that people are going to work in California. You cannot be in China unless you have an extremely long arm and put a solar rooftop on in Los Angeles or in Riverside County or San Francisco or San Diego. So we need to reauthorize 1603, the Treasury grant program, which allows developers to receive a grant in lieu of a credit, in lieu of a writeoff. That means they will get the funding and they can move forward with their front. It is leveraged by $22 billion in private sector investment. If we extend the program, we will be creating 37,000 jobs.

I have to ask rhetorically: What is wrong with the Republican Party that they don't understand that when you extend these kinds of tax credits, you move away from the dictators who control the oil supply and who would turn on us in a minute, and instead you create jobs here at home, the air is less

polluted, the kids have less asthma? There are very few things that we could come to the floor and say are such a win-win-win.

There is 48–C in the manufacturing tax credit, which provides a credit for facilities that make clean energy equipment components. We know there is a demand for these programs.

I want to say to my colleagues on the other side who are on the EPW Committee, I hope they will join me at 2:30 p.m. We are going to have a press conference to talk about the need for protecting the air that we breathe and for the need to see a payroll tax cut that doesn't come over here loaded down with things that are going to lead to riders that are unrelated, that are going to lead to the death of our people.

Simple message: No poison pills that poison the people, please. I hope they will join me there. But I want them to know, and I want to say, Senator WHITEHOUSE organized a letter that was critical to get all of us on this letter. I ask Senator WHITEHOUSE, through the Chair, how many signatures did you get?

Mr. WHITEHOUSE. We had over 30. The number is still climbing retroactively—but more than 30 Democratic Senators.

Mrs. BOXER. That is a very large number of Senators to have put their names on a letter. These letters are hard. People are busy. They do not have time. You get 30 names on a letter, and we say: Extend these tax cuts for jobs, for the environment, for all the good things. I ask unanimous consent to have the letter Senator WHITEHOUSE organized printed in the RECORD.

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

U.S. SENATE,
Washington, DC, December 7, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MAX BAUCUS,
Chairman, Senate Finance Committee,
U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington. DC.
Hon. ORRIN HATCH,
Ranking, Senate Finance Committee,
U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID, REPUBLICAN LEADER MCCONNELL, CHAIRMAN BAUCUS, AND RANKING MEMBER HATCH: We are writing to urge your support for the extension of key expiring clean energy and efficiency tax provisions that create jobs and protect our environment. Allowing these incentives to expire would harm the U.S. economy, eliminate tens of thousands of jobs, and sideline billions of dollars of private sector capital investments. In particular, the renewable energy industry would be negatively impacted by an expiration of provisions.

One of the most critical tax provisions set to expire this year is the 1603 Treasury Grant Program (TGP), which has provided a way to finance renewable energy projects despite the breakdown of tax equity markets and has proven a particularly effective job creation tool. Over the last two and a half years, the TGP has leveraged nearly $23 billion in private sector investment for 22,000 projects in every state and across a dozen clean energy industries, including solar, wind, biomass, fuel cell, combined heat-and-power, and hydropower projects. To date, the program has spurred the construction of sufficient new generation capacity to power more than one million American homes and has supported roughly 290,000 U.S. jobs. Allowing the TGP to expire would shrink financing available for renewable energy projects by 52 percent, according to a July 2011 survey by the U.S. Partnership for Renewable Energy Finance. This would kill tens of thousands of jobs across all clean energy industries and states.

We have seen what happens when these credits expire. The biodiesel production tax credit lapsed in 2010, and fuel production dropped dramatically, shuttering dozens of plants and putting thousands of people across the country out of work. Given our nation's urgent need for more transportation fuels from domestic sources that are both secure and environmentally sound, we cannot let that happen again. With the biodiesel tax credit in place again for 2011, domestic production has more than doubled, supporting more than 31,000 jobs and generating at least $3 billion in GDP and $628 million in federal, state, and local tax revenues.

We also support additional funding for the Advanced Energy Manufacturing Tax Credit (48C), which has leveraged timely private investments in new, expanded, or re-equipped advanced energy manufacturing projects throughout the country. The program has been able to leverage $5.4 billion in private investment, boosting growth and creating new U.S. manufacturing jobs producing components and equipment for the burgeoning global renewable energy industry. Applications to the program have far exceeded the program's original allocation, indicating a tremendous potential for continued investment and job creation in the manufacturing sector. Without funding for programs like this, we effectively forfeit clean energy manufacturing to countries like China.

The Production Tax Credit (PTC) has facilitated tens of billions of dollars in new clean energy generating capacity, particularly in the wind industry, which has created thousands of new manufacturing and construction jobs in many of the hardest hit parts of our country. Last year, new wind power represented over one-third of all new U.S. electricity generation capacity. This is an industry in which the United States currently has a trade surplus with China, Brazil. and other fast-growing developing economies. We need a timely extension of the PTC to keep these jobs in the U.S. and provide certainty to investors.

These expiring tax provisions have demonstrated their effectiveness in catalyzing private investment and job growth, spurring U.S. technological innovation, and diversifying our nation's energy mix. In light of the critical role these incentives and others have played in fostering U.S. economic growth, now is not the time to let them lapse, even temporarily. We believe it is important these critical tax provisions be part of any year-end tax legislation.

Sincerely,

John F. Kerry, Sheldon Whitehouse, Barbara Boxer, Jeff Bingaman, Maria Cantwell, Benjamin L. Cardin, Jeanne Shaheen, Robert Menendez, Bernard Sanders, Richard Blumenthal, Dianne Feinstein.

Mark Udall, Sherrod Brown, Ron Wyden, Daniel K. Akaka, Debbie Stabenow, Tim Johnson, Tom Udall, Jeff Merkley, Michael F. Bennet, Mark Begich, Amy Klobuchar.

Jack Reed, Patrick J. Leahy, Al Franken, Joseph I. Lieberman, Tom Harkin, Christopher A. Coons, Frank R. Lautenberg, Barbara A. Mikulski, Kirsten E. Gillibrand, Carl Levin, Bill Nelson, Daniel K. Inouye.

Mrs. BOXER. I would yield back to our leader on this important block of time. I would yield my time back to Senator SANDERS. We are determined to get this done right for the American people.

Mr. SANDERS. I thank Senator BOXER very much, not only for her words but for her leadership on the Environment and Public Works Committee.

I wish to reiterate a very important point Senator BOXER made. She reminds us of great moments in the history of this country. This country, with great difficulty but persistence, built a railroad ahead of the rest of the world that went from the east coast to the west coast. It was not easy. This country led the world in putting a man on the Moon. It was not easy, at great expense, difficulties, but we did it. Does anybody not think this country can lead the world in transforming our energy system away from polluting fossil fuels to energy efficiency, to sustainable energies such as wind, solar, geothermal, biomass, other technologies? Can we not lead the world in making our own country more energy efficient, making our air cleaner but also in creating large numbers of jobs as we weatherize our buildings, as we build the solar panels we need to build the wind turbines, as we put more engineers and scientists to work to help us in this energy transformation.

I wish to pick up on a point Senator WHITEHOUSE made a moment ago, which is that while we talk about energy transformation, while we all understand that over a period of years, the oil industry, for example, has received billions and billions of dollars of permanent tax breaks, what we are fighting for right now is to see that the 1603 renewable energy grant program is renewed. As Senator WHITEHOUSE indicated, 1603 allows renewable energy developers to get a grant instead of a tax credit. Since 2009, when this program was enacted, it has leveraged nearly $23 billion in private investment supporting 22,000 projects in all 50 States and supported approximately 290,000 jobs, according to the National Renewable Energy Lab. Since 1603 was enacted, solar jobs doubled to more than 100,000 jobs.

We have to make sure that before Congress adjourns for the Christmas holidays, we renew 1603. It is enormously important for the renewable energy industry, enormously important for jobs in our country.

With that, I would yield the floor to Senator WHITEHOUSE.

Mr. WHITEHOUSE. I thank Senator SANDERS. Senator CARDIN has arrived so I will hand off to him in a moment. But to the Senator's point about the imbalance between support for the fossil fuel energy industry and the renewable energy industry; the first being one that hurts our national security, pollutes our air and costs a fortune and

is phasing out and the second being one that is growing, that is clean, and that is the way of the future.

According to the Environmental Law Institute, the U.S. invested almost six times more in subsidies for fossil fuel from 2002 to 2008 than we did in renewable energy. So by a factor of six times, we have our thumb on the scales supporting the old dirty industry against the new, rather than supporting the new the way our international competitors are doing.

I ask unanimous consent that a response from Secretary Chu to a letter Senator SANDERS and I and other Senators wrote to him about the status of and success of our clean energy investments be printed in the RECORD.

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

THE SECRETARY OF ENERGY,
Washington, DC, November 16, 2011.

Hon. BERNARD SANDERS, Hon. JEFF BINGAMAN, Hon. DEBBIE STABENOW, Hon. SHERROD BROWN, Hon. JOSEPH I. LIEBERMAN, Hon. CHRISTOPHER COONS, Hon. SHELDON WHITEHOUSE, Hon. RICHARD BLUMENTHAL, Hon. JON TESTER, Hon. PATTY MURRAY, Hon. MARK UDALL, Hon. PATRICK LEAHY, Hon. TOM UDALL, Hon. JOHN KERRY, Hon. CARL LEVIN, Hon. ROBERT P. CASEY, Jr., Hon. TIM JOHNSON, Hon. MICHAEL F. BENNET, Hon. JACK REED, Hon. DANIEL AKAKA, Hon. JEFF MERKLEY, Hon. KIRSTEN E. GILLIBRAND,
U.S. Senate, Washington, DC.

DEAR SENATORS: Thank you for your October 5, 2011 letter requesting an update on United States investment in clean energy technology and job creation. I strongly agree that the United States faces a critical decision point in our Nation's energy future if we hope to compete in and win the global clean energy economy. As President Obama has said, ''The country that leads the clean energy economy will lead the 21st century global economy.''

The annual global clean energy market is estimated to be worth more than $211 billion, up 32 percent from 2009. The global market for solar photovoltaic systems alone represents an $80 billion market this year. It is estimated that the global renewable energy market will grow to $460 billion by 2030, with a cumulative investment from 2010 to 2030 of approximately $7 trillion in new capital. This increased market is being driven by increased global demand and technological advances that are rapidly making renewable energy cost competitive with fossil energy.

The economic stakes are high. However, we are currently at risk of falling behind our global competitors who are seizing the opportunity by investing more heavily and establishing market policies that give them a strategic advantage. The United States currently ranks first in only one of the top ten clean energy benchmarks. Thanks to our world-class universities and national labs, we still hold an edge in technology innovation, but we are falling further and further behind in key areas such as manufacturing competitiveness and exports. Countries like China are moving forward with large investments.

There are some who say that we cannot compete with China. I respectfully disagree. However, time is of the essence. I would like to work with you to establish a comprehensive energy policy that targets all aspects of the energy value chain—innovation, manufacturing, deployment, financing, and markets—to provide the certainty American businesses and entrepreneurs need to compete with their global counterparts. Without a comprehensive, long-term energy policy framework focused on this full energy value chain, American business will continue to move capital and jobs overseas to take advantage of more business friendly policies.

The questions you have posed in your letter are very important to understand America's current position in the clean energy economy, including where we have been successful and where we need to improve. While these questions are very complex, I have attempted to succinctly answer each of them as directly as possible. I also have included additional background information related to each question you raise to provide a fuller understanding of our domestic clean energy landscape.

I know that you care deeply about these issues and that you understand the opportunity presented by the growing demand for clean energy technologies. There is a growing debate in Congress on issues relating to the clean energy innovation chain and the steps we can take to position America to win the clean energy technology race. I want to make sure you know that I am personally available, along with my senior staff and the full resources of the Department to assist you in gathering information and in providing technical assistance on these issues. I am fortunate to have a thoughtful team of professionals who wrestle with these issues every day, and I would be happy to make them available to you.

Thank you for the opportunity to respond and for your commitment to America's energy future. I look forward to working with you and your colleagues to help recapture our leadership role in clean energy by establishing smart policies to win the clean energy technology race.

Sincerely,

STEVEN CHU.

QUESTIONS AND ANSWERS

1. How have the investments that the United States has made over the last several years contributed to the growth in energy efficiency deployment and renewable energy generation, and what projections can you share for the near future?

Jobs: The clean energy sector directly employs nearly 1.6 million people in the U.S. The Recovery Act alone has already saved or created over 225,000 clean energy jobs and is estimated to add an additional 800,000 jobs by the end of 2012. As of August 2011, the U.S. had created over 100,000 solar-focused jobs and at least 75,000 jobs related to wind installation in 2010.

Renewable Energy: Through investments in clean energy, the United States is on track to double U.S. renewable energy generation in four years (from 71 TWh in 2008 to 178 TWh in 2012). For example, the highly leveraged 1603 grant in lieu of tax credit program has led to the deployment of more than 5,000 renewable energy projects across the country. These projects have enough capacity to power more than one million homes.

Energy Efficiency: Over the last two years, the Department of Energy's Weatherization Assistance Program has helped more than 750,000 low-income households save on average more than $430 per year on their energy bills. The program has supported over 14,000 jobs across the country and thousands of additional jobs throughout the supply chain. Residential efficiency standards are currently saving consumers about $25 billion per year in energy costs—a savings of approximately $250/year per household. A recent analysis estimates that appliance standards have created an industry supporting 340,000 jobs, with expected growth to 380,000 jobs by 2030.

Transportation: Three years ago, American businesses accounted for only two percent of the market for advanced batteries. We are now on track to establish annual production capacity for 500,000 plug-in hybrid electric vehicles, helping support a projected total of 1 million electric vehicles on the road by 2015. New fuel economy standards will save American families an average of more than $8,000 at-the-pump for cars in 2025 compared to those in 2010. These improvements will reduce America's dependence on oil by an estimated 12 billion barrels, and, by 2025, reduce oil consumption by 2.2 million barrels per day—enough to offset almost a quarter of the current level of our foreign oil imports.

Near-Future Projections: All the trends suggest that the cost of electricity from solar and onshore wind is either already or will soon be cost competitive without subsidies with electricity from natural gas in many parts of the country. This will result in sharp increases in renewable energy deployment. Between 2010–2030, estimates suggest a 7.9 million cumulative net job-years of direct and indirect employment to be created as a result of this electricity supply forecast. The renewable energy and energy efficiency sectors are estimated to see a 6.4 million net job-years increase (an 80 percent share of total increase) during this period, with the rest of the increase mostly coming from natural gas.

2. In particular, how is clean technology playing a role in rebuilding our manufacturing base, and creating jobs in construction and manufacturing supply chains?

Roughly 26 percent of all clean energy jobs lie in manufacturing. On average, clean energy manufacturing exports represent roughly twice the value of traditional exports on a per job basis ($20,000 versus $10,000). Between 2003 and 2010, technology manufacturing produced explosive annual job growth rates (e.g. 18.4 percent for solar thermal, 14.7 percent for wind, 10.7 percent for solar photovoltaics, etc.).

3. How do our policies and investments in clean technology compare to foreign competitors, how would proposed reductions in clean energy research and development funding impact American competitiveness, and do American manufacturers have a level playing field?

The table gives a global score card for clean energy investments. The U.S. has fallen behind China and other nations in total clean energy investments. Venture capital investments are largely focused on technology innovation, and the U.S. is the overwhelming leader. However, technology innovation is a lagging indicator of prior investments in science and engineering R&D, the majority of which is government sponsored. In 2008, the U.S. invested only 0.03 percent of its GDP on public energy R&D, which ranks behind China, Japan, and Canada and is tied with S. Korea. Finally, U.S. public energy R&D investments have declined by a factor of four since the late 1970s. While the U.S. is currently the leader in technology innovation, increases in Chinese investments in energy R&D suggests that U.S. leadership in the future is not guaranteed.

Categories (Year)	Top Rank	Number for Top Rank	US Ranking	US Numbers
Total Clean Energy investments (2010)	China	$54.48	3	$34B
Clean Energy Investments as Fraction of National GDP (2010)	Germany	1.40%	9	0.23%
Five Year Growth Rates in Clean Energy (2010)	Turkey	190%	11	61%
Venture Capital Financing (2010)	USA	$6B	1	$6B
Public R&D Investment as a fraction of GDP (2008)	China	0.11%	5	0.03%

In relation to China alone, the U.S. leads China in only 1 of the 6 key clean energy investment indicators. In particular, China is outpacing the U.S. by over 2 to 1 in clean energy asset financing, which typically produces the largest number of jobs.

Chinese trade practices are also having a significant impact on the ability of U.S. clean energy manufacturers to compete in the global marketplace.

4. How do current incentives for renewable energy compare to support for other energy technologies when those technologies were first emerging?

The success of fuels and technologies in the energy market depend on a wide range of factors, one being subsidies. The Environmental Law Institute found that between 2002 and 2009, fossil fuels received more than double the amount of subsidies (approximately $70 billion) than renewable fuels ($29 billion) over the same period. Moreover, their report suggests the most significant portion of the fossil fuel subsidies are in the form of Foreign Tax Credits, indirectly supporting the overseas production of oil.

Over the longer term, another report suggests that the historical average of annual energy subsidies is roughly $4.86 billion for oil and gas (1918–2009), $3.5 billion for nuclear (1947–1999), $1.08 billion for biofuels (1980–2009) and $0.37 billion for renewables (1994–2009). Accordingly, for the first 15 years since the birth of each technology, non-hydro renewables for electricity generation seem to have received lower subsidies in equivalent dollars than the other technologies.

In energy R&D alone, federal spending since 1978 on fossil fuel and nuclear energy sources has significantly outpaced spending on energy efficiency and renewable energy: nuclear energy (37 percent); fossil energy (26 percent); renewable energy (16 percent); energy efficiency (14 percent).

5. What is the potential for continued growth in energy efficiency deployment and renewable energy supply, and job creation in these sectors, over the next 10 years and beyond?

The current world market for renewable energy is projected to grow from approximately $195 billion in 2010 to approximately $395 billion in 2020 and $460 billion by 2030. The cumulative investment from 2010 to 2030 will be approximately $7 trillion in new capital. The potential growth for energy efficiency is also significant. McKinsey and Company estimates that the U.S. economy has the potential to reduce annual non-transportation energy consumption by roughly 23 percent by 2020, eliminating more than $1.2 trillion in energy waste. This would also result in the abatement of 1.1 gigatons of greenhouse-gas emissions annually—the equivalent of taking the entire U.S. fleet of passenger vehicles and light trucks off the roads for one year. The Center for American Progress estimates that retrofitting just 40 percent of the residential and commercial building stock in the United States would:

—Create 625,000 sustained full-time jobs over a decade;

—Spark $500 billion in new investments to upgrade 50 million homes and office building;

—Generate as much as $64 billion a year in cost savings for U.S. ratepayers, freeing consumers to spend their money in more productive ways.

FACT SHEET

The U.S. imports roughly 50 percent of the oil we use, much of it from countries that are not always friendly to the U.S., and we pay an estimated $1 billion per day. Our economy and our people are vulnerable to fluctuations and steady rise in global oil prices, and we do not have much control over them. We are more dependent on foreign oil today than we were at the time of the first ''energy crisis'' nearly 40 years ago.

We urgently need to develop alternatives for transportation energy that are based on domestic, clean and sustainable resources. The U.S. invented the lithium ion battery that is used in plug-in hybrid cars, and in 2009 it had only about 2 percent of the world's manufacturing volume. We need to innovate to regain our lead; otherwise we will become importers of batteries instead of oil.

Between 2003 and 2010, the technology-focused ''cleantech'' sector produced explosive job gains in the U.S. and the clean economy has outperformed the overall nation's economy. Roughly 26 percent of all clean energy jobs lie in manufacturing, compared to just 9 percent in the broader economy. On average, clean energy manufacturing exports represent roughly twice the value of traditional exports, on a per job basis ($20,000 versus $10,000). The renewable energy sector is estimated to see a 5.7 million net job-years increase (a 72 percent increase) between 2010–2030, with the rest of the increase mostly coming from natural gas (1.6 million job-years). This is a fast-growing sector to create new jobs in the U.S.

The cost of renewable energy has fallen dramatically (solar over 70 percent in the last three years) and these costs will continue to decline. Renewable energy costs are competitive with conventional energy costs in many parts of the world and will be in the U.S. within several years. Therefore, the current world market for renewable energy grew 30 percent between 2009 and 2010, and is projected to grow from approximately $200 billion in 2010, to approximately $400 billion in 2020 and $460 billion by 2030. The cumulative investment from 2010 to 2030 will be approximately $7 trillion in new capital. Other nations are positioning themselves to avail of this massive opportunity because this will create new domestic jobs.

The U.S. invented the modern solar cell, and had more than 40 percent of the global manufacturing volume in 1995. Today, it has about 7 percent of the manufacturing volume. This is a rapidly growing industry, and we are falling behind.

The global competition for clean energy jobs is fierce. China ranks first among all nations in overall investment, clean energy asset financing, and the use of public markets to invest in clean energy. The United States currently ranks first in only one of the top 10 clean energy benchmarks—3rd in overall investments, and 9th when it comes to investment as a percentage of GDP. Trends in 5-year investment growth rates in clean energy show that U.S. does not appear among the top 10 countries.

America faces a choice about what to do with the opportunity presented by the global clean energy race. We can compete in the global marketplace—creating American jobs and selling American products—or we can buy the technologies of tomorrow from abroad. I believe all Americans would agree that the U.S. should compete to win the future.

How can we win the future? We must leverage our Nation's strengths and core competencies to simultaneously address the five components of our energy value chain—innovation, manufacturing, deployment, finance and markets.

1. We have the world's best and most innovative universities, national labs and small businesses in clean technologies. We must double down with smart and sustained investments in R&D to unleash our unique capacity to innovate clean energy technologies.

2. We must provide long-term predictable support for American entrepreneurs and businesses so that they can catalyze private sector investments to translate these innovations into manufacturing and jobs. This will enable these technologies to become globally competitive, affordable worldwide, and to be sold without subsidies.

3. American entrepreneurs and businesses need access to low-cost, long-term, and large-scale capital if they are to be globally competitive. We have the world's largest capital markets. We must find ways to leverage this strength by unlocking this capital to finance clean energy investments for both manufacturing and deployment.

4. Finally, innovation, manufacturing and deployment occur only if there is a demand for these technologies here in the U.S. Just like the new fuel efficiency standards are creating a market for domestic innovations in transportation, policies such as the Clean Energy Standard can create demand for clean electricity from renewables, nuclear and clean fossil fuels produced in the United States, and provide certainty for American entrepreneurs.

The stakes are too high to wave the white flag and surrender. It is a fight we can and must win.

Mr. WHITEHOUSE. I yield to Senator CARDIN.

Mr. CARDIN. Let me thank my colleague for yielding. I wish to thank Senator SANDERS, Senator WHITEHOUSE, and Senator BOXER, who were on the floor on this issue.

I just wish to underscore the point that was just made about having a level playing field, where we have tilted the scales in favor of fossil fuels over renewables. My colleagues have already talked about the direct difference in our subsidies. I would like to add an additional element; that is, when you look at the subsidies we give to the fossil fuel industries, they are permanent. They are in the Tax Code. They do not go through the annual exercise of an extender.

What does that mean? That means the lack of predictability in sustainable energy means there is a higher cost for investment. It tilts the scale in favor of oil and gas, rather than on sustainable, renewable energy sources. I would just mention three. The Congressional Research Service did a report on this, just three of the provisions that benefit the oil industry: the excess of

percentage over cost depletion, the expensing of exploration and development costs, and the amortization of geological and geophysical expenditures. Just those three provisions that are permanent in our Tax Code, between 2010 and 2014, will cost the taxpayers over $10 billion.

We are subsidizing the oil industry, and we should not be doing that. We should be encouraging a transformation to sustainable energy issues as my colleagues have pointed out for the purposes of national security. It is good for our environment and it is good for jobs. This is about jobs. That is why we cannot go home until we have extended the tax provisions, particularly 1603 but others of the energy-related, sustainable energy provisions.

I wish to talk for one moment, if I might, about the production tax credit we need to extend because I want to talk about one specific project in Maryland, on a brownfields site that we are dealing with that relates to energy. Some might say: OK. That does not expire until 2013. But here is the problem. You have to have it in production by that date. Our waste-to-energy projects—it is not going to be in production by that date. So if we do not extend it this month, the project will be at a standstill in Baltimore.

There are 1,900 jobs at stake—1,900 jobs are at stake on just that one project which, by the way, helps our environment, helps our energy, and also helps our economy. That is why it is critically important that before we leave, we extend these sustainable energy tax credits, so we can get the investment.

Quite frankly, I would like to see us make some of these permanent. We make them permanent, we get predictability. We get predictability, it is less cost, it encourages more activity in this area. That is what we should be about, creating jobs for our country. The wind energy credit alone would allow us to create another 54,000 jobs. So this is about job growth for America. It is about our energy security, and it is about a cleaner environment. It is about America's future.

That is why we have taken the time to point out to the American people that Congress needs to make sure it is active on these areas before we adjourn for the year. We owe that to the people of this country.

With that, I will yield to my friend from Vermont.

Mr. SANDERS. Mr. President, I wanted to thank the Senator from Maryland not only for his important remarks now but for, year after year, the strong work he is doing in trying to create jobs in America in sustainable energy.

I would like to yield to the Senator from Rhode Island for his thoughts.

Mr. WHITEHOUSE. I thank Senator SANDERS. I wish to go back to this question of the jobs and the economic value we get from clean energy. The Department of Energy reports that the clean energy sector alone directly employs nearly 1.6 million people in the United States. So nearly 1.6 million families are depending on the paychecks they get from the clean energy sector.

Within that, it is growing. The United States has created over 100,000 solar-focused jobs—100,000 solar-focused jobs—and at least 75,000 jobs related to wind energy installation in 2010. In Rhode Island, we are seeing that coming on. The newspaper today, the Providence Journal, reported on a permit application for the cable that will connect an offshore wind facility that is going in off Block Island back to the grid onshore to bring the power from that installation back and into the New England energy grid.

But when it gets going, think of the jobs that are going to be involved in that. Senator REED and I worked very hard to shore up—get money to shore up the waterside, the side of the pier at Quonset so it would be capable of dealing with very heavy-duty installation barges and things such as that.

So the Quonset Point facility is now ready for this construction. We have the trains and new highways that bring in the pieces of those big turbines. The turbines are so big you cannot build them in China, in Europe. We have to assemble them onshore and put them right on the barge. So the assembly of them will take place in Rhode Island, right at Quonset, and that will mean a lot of jobs.

Then we have to barge them out and we have the barge operators and the barge captains and the tugs. Then we sink the base, and we have to have divers and builders and people who are experts in that kind of marine construction.

Then we put them up. We have to operate them. We have to maintain them. What they do is they contribute clean energy to the grid. They are a constant supply because of the wind over the Atlantic being such a powerful resource, and it is kind of a win-win situation. So we see the need to get behind this in an immediate way in Rhode Island.

It would be one of the great tragedies if we let the Chinese and the Belgians and the French and the Dutch and whoever else get ahead of us in this competition. We do not need to. It is wrong. We are taking ourselves out of a race we should be winning when we do that. I commend Senator SANDERS for his effort to bring us together to continue to make this point. There are jobs here. There is an energy industry that is going to lead the economy of the next decades of this world, and we want America to be at the front of it and not to have sand thrown in our gears by the dirty, polluting energy industry that is on its way out as its last contribution to the damage it is now doing to our economy and to our environment.

Mr. SANDERS. I wish to thank my friend from Rhode Island for his remarks and for his extraordinary effort in fighting for jobs and protecting our environment.

If we read some headlines today in the media, we might think, especially the rightwing media, that renewable energy in America is on the verge of collapse. Quite literally—this is quite literally the case. A recent headline from FOX News said: ''Entire solar industry on brink of collapse.''

The reality is quite the contrary. The fact is, not only is the solar industry not on the verge of collapse, the reality is the American solar energy industry is thriving, as is the renewable energy industry more broadly. We have doubled the number of solar jobs in America since 2009. It does not sound to me like that industry is collapsing. It sounds to me like it is doing extraordinarily well.

Today, more than 100,000 Americans work in the solar industry, at more than 5,000 companies in every single State in our country, and that includes manufacturing, installation, and supply chain jobs.

Mr. President, last year we installed nearly 1,000 megawatts of solar power in the United States—more than double the amount installed in 2009. That doesn't sound like an industry that is collapsing to me. With the solar industry growing at a rate of 69 percent annually, it is one of America's fastest growing industries and is creating jobs all over our country. The cost of solar panels has fallen 30 percent over just the last 2 years, continuing a long-term decline in the price of solar and making it more and more competitive with other energy technology.

(Mrs. HAGAN assumed the Chair.)

Madam President, everyone, from Walmart to the U.S. Marine Corps, is looking toward a future in solar. Walmart is installing solar panels at 130 stores in California, and they say:

> Walmart has reduced energy expenses by more than a million dollars through our solar program.

The military—the U.S. Department of Defense—is using solar energy with battery storage to fully power forward operating bases in Afghanistan.

Marine COL Bob Charette said:

> For the Marines, renewable energy is about saving lives by reducing the number of dangerous fuel convoys needed for resupply.

The reason I am making these points is that many people don't know the extent to which we are already making progress in sustainable energy. We are on the verge of something extraordinary. But it is important to understand where we are today and to refute those people who suggest that solar and wind are not the technologies for the future.

In terms of wind, that technology is growing rapidly. Texas alone has more than 10,000 megawatts of wind energy installed. That is equal in capacity to 10 nuclear powerplants—in Texas alone. Iowa now gets 20 percent of its electricity from wind. There are 75,000 wind energy jobs in America today and more than 400 manufacturing facilities

in 43 States. The price of wind energy has dropped by 90 percent since 1980, and wind electricity today is competitive with fossil fuels at 5 to 6 cents per kilowatt hour. At the same time, we are increasing American manufacturing of wind turbines, and now 60 percent of turbine components installed in the United States are made in America, up from 25 percent in 2005.

In the midst of this horrendous and painful recession, the story of renewable energy in the United States is actually a rare good news story. It is a good news story. Renewable energy is helping to cut pollution and greenhouse gas emissions, it is making our country more energy independent, and it is creating hundreds of thousands of jobs.

But all of this could be significantly slowed down if we do not continue Federal support for the renewable energy industries at a fraction of the kind of support we are giving to fossil fuels. It is absurd that we even have to fight to extend renewable tax credits and grants when fossil fuel industries enjoy permanent subsidies. Mature industries, such as oil and gas, continue to reap billions every year in Federal subsidies and massive tax breaks that never expire, despite the fact that the top five oil companies earned nearly $1 trillion in profits over the last 10 years. So here we are struggling to help wind and solar—new technologies—and we are giving massive tax breaks to mature industries that are incredibly profitable.

Contrast what we do for renewable energy to what we do with fossil fuel and specifically with regard to the production tax credit for wind energy, which was allowed to lapse three times in recent years—1999, 2001, and 2003—leading to an average dropoff of 81 percent in new wind energy installation each time the credit expired. The wind credit is set to expire again in 2012.

The point here is the one Senator CARDIN made a moment ago. Unless there is predictability, unless the industry knows these tax credits will be there, they are not going to start investing or working on new projects only to have the rug pulled out from underneath them. They need stability and predictability, which is why we have to move not only to extending these tax credits but to making them permanent.

I also want to say a word about the Keystone XL Pipeline, and that is to say there are some in the House and some in the Senate who want to use year-end legislation to tack on a rider that says to the State Department: You have to approve the Keystone XL Pipeline within 60 days.

Let's be clear about what we are talking about in terms of the Keystone XL Pipeline. What we are talking about is a 1,700-mile oil pipeline from Canada to the gulf coast that would carry tar sands oil. Tar sands oil is not like regular oil. It requires an energy-intensive process to get it out of the ground, extract it, and, in fact, to refine it. That means it emits approximately 82 percent more carbon emissions when produced compared to regular oil, according to the EPA.

Tar sands oil is also hard to clean up when it spills. Refining tar sands also produces more toxic air pollution compared to conventional oil. A tar sands spill in the Kalamazoo River in Michigan that happened in 2010 is still being cleaned up, at a cost now exceeding $700 million.

In my view, the last thing we need is to eliminate the environmental and safety reviews now taking place and fast-track approval of this pipeline.

I also note to my colleagues who want to fast-track Keystone XL that I, along with several other Senators and Congressmen, asked the State Department inspector general to look into allegations of conflicts of interest in the preparation of the environmental impact study of Keystone XL. The contractor the State Department used for the impact study, Cardno Entrix, has financial ties to the project developer, TransCanada. Those ties need to be investigated to ensure that the Federal environmental and safety reviews were done correctly and without bias. That inspector general special review is under way right now. I think it is completely inappropriate to try to fast-track this pipeline when we have not even heard back from the inspector general about potential conflicts of interest. I urge my colleagues to allow that special review to play out before any decisions are made.

I will conclude my remarks this morning by thanking my colleagues for joining me—Senators WHITEHOUSE, BOXER, and CARDIN—who speak for many other Members of Congress and I think who speak for tens of millions of Americans, who see an energy future in this country in which we break our dependence on foreign oil, in which we no longer spend over $300 billion a year for oil from Saudi Arabia and other foreign countries; who see a future in this country where we move toward energy independence; who see a future in this country where the United States is a leader in reversing global warming by not only cutting greenhouse gas emissions in America but providing technology and expertise for countries all over the world, for them to do the same; and also understand that, as we move to energy efficiency—and I have to tell you that in Vermont we are leading the country in energy efficiency. What we are seeing as we weatherize homes is fuel bills going down for the middle-class, working-class people by 30, 40, 50 percent. We are investing in weatherization, and the payback is pretty good. It takes place over a very few years, when you cut fuel prices 30 to 50 percent.

In Vermont, we are probably doing as well as any other State in that area, but we can and will do a lot better. Tens of thousands of homes in our State can be weatherized. When we do that, we not only cut greenhouse gas emissions, we not only reduce the need to import foreign oil, we also create jobs. We create jobs for those people who are producing the insulation, the new doors, the windows, and the new roofing that makes homes and buildings more energy efficient.

Furthermore, in our State and around the country, we are seeing, as I indicated a moment ago, significant progress in moving to sustainable energy—the solar industry, growing very rapidly; wind energy, growing very rapidly; other technologies, growing very rapidly. As a nation, we should be proud of the change that is taking place. But understand that we have a long way to go to be the kind of energy efficient and sustainable energy Nation we know we can become and to help lead the world in a new energy direction.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO REQUIRING A BALANCED BUDGET—S.J. RES. 24

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE BUDGET—S.J. RES. 10

The PRESIDING OFFICER. Under the previous order, the Judiciary Committee is discharged from further consideration of S.J. Res. 10 and S.J. Res. 24, and the Senate will proceed to the consideration of the resolutions en bloc, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 24) proposing an amendment to the Constitution relative to requiring a balanced budget.

A joint resolution (S.J. Res. 10) proposing an amendment to the Constitution of the United States relative to balancing the budget.

The PRESIDING OFFICER. Under the previous order, there will be 8 hours of debate on the resolutions, equally divided and controlled between the two leaders or their designees.

Under the previous order, the title of the joint resolutions is amended.

The amendments (Nos. 1459 and 1460) are as follows:

AMENDMENT NO. 1459

To amend the title so as to read:

''Joint resolution proposing a balanced budget amendment to the Constitution of the United States''

AMENDMENT NO. 1460

To amend the title so as to read:

''Joint resolution proposing a balanced budget amendment to the Constitution of the United States''

RECESS

Mr. DURBIN. Madam President, I ask unanimous consent to recess under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:28 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO REQUIRING A BALANCED BUDGET—S.J. RES. 24—Continued

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE BUDGET—S.J. RES. 10—Continued

The PRESIDING OFFICER (Mr. WEBB). The Senator from Vermont.

Mr. LEAHY. Mr. President, it occurs to me that all Senators swear an oath to support and defend the Constitution of the United States. I carry a copy around with me. It is our duty. It is our responsibility. But the pending amendments to the Constitution that are on the floor of the Senate threaten the constitutional principles that have sustained our democracy for more than 200 years.

In addressing the Nation's debt and deficit, what is lacking are not phrases in our Constitution. What is lacking is the seriousness within today's Congress to act, and the willingness in Congress to cooperate in forgoing solutions that meet the real needs of our country and its people. These are human failures, not the failure of our constitutional framework. Nor are these failures insoluble or inherent. We balanced the budget and even created budget surpluses less than two decades ago.

Now we are being asked to put the problem once again under the pillow for another day—this radical partisan proposal would be out of place in our national charter.

Never in our history have we amended the Constitution—the work of our Founders—to impose budgetary restrictions that require supermajorities for passing legislation. Yet now it seems every Member on the other side of the aisle has joined to put forth a radical proposal to burden our Constitution with both of these kinds of strictures.

The Hatch-McConnell proposal is different in kind than any other amendment to our Constitution. It is not consistent with the design of our founding document or the stance taken by our Founding Fathers.

It is a bad idea to write fiscal policy into our Nation's most fundamental charter. It is simply unnecessary. We do not need a balanced budget amendment to balance a budget. A vote for this amendment does absolutely nothing to get our fiscal house in order. Congress can work to continue our economic recovery. We can pass the appropriate legislation that leads to a Federal balanced budget, just as we did in the early 1990s.

I remember that very well because I was here. I remember, in this body, not a single Republican voted to balance the budget. It took the Democrats in the Senate and the Vice President of the United States to pass that balanced budget. Not a single Republican voted for a balanced budget in the House. They gave a lot of speeches on the floor that if we passed that balanced budget amendment, everything would come to a screeching halt. Actually, what happened was we passed it, and President Clinton was able to leave his successor a huge surplus.

With a growing economy, with what we did by votes in the House and the Senate—not by a constitutional amendment—we were able to create significant budget surpluses and pay down the debt until those surpluses were squandered. We have done it before. We can do it again. We need only work together to make the tough decisions, not to pass something that is a feel-good, bumper-sticker kind of item which kicks the can down the road and binds future Congresses to a fiscal proposal that is fundamentally unsound and the consequences of which are not understood.

The Republican proposal in the Senate is significantly more radical than the version the House of Representatives rejected in a bipartisan vote last month. In fact, the Hatch-McConnell constitutional amendment is the most extreme of all the pending proposals. The proposal, by its terms, will neither balance the budget nor pay down the Nation's debt, something everybody says they want. Instead, at a time of partisan brinksmanship that has led to the first-ever downgrading of our country's credit rating this summer and when ideological gridlock is the Republicans' operating principle, it would require supermajorities to pass legislation for the first time in our Nation's history. It would require a supermajority to raise the debt ceiling in times of economic crisis. Did we learn nothing from the disaster we went through last summer, which should have been a routine lifting of the debt ceiling and became a political free-for-all for weeks and months, cost the American taxpayers billions of dollars and caused people to lose their retirement money in the stock market? Do we want to do that again? I hope the Senate rejects this proposal.

Two weeks ago, the Judiciary Committee's Subcommittee on the Constitution held a hearing to examine the Hatch-McConnell proposal. All those witnesses, including those who were invited by the measure's cosponsors, presented thoughtful critiques of this extreme proposal and voiced serious concerns about its wording. Even Republican cosponsors discussed possible changes to the language in order to better achieve their goals. This is not the proposal that Senator HATCH previously favored. This is one of more than two dozen pending versions. In fact, we were not told which of the many versions of the proposal would be pending until yesterday. This proposal has not been considered by the Constitution Subcommittee or the Judiciary Committee. The House of Representatives has already voted down a less-extreme version of this proposal by a bipartisan majority. Yet here is the Senate of the United States, being forced to vote on some proposal for a constitutional amendment without doing any of the hard work or the votes that are expected to accompany an amendment to America's Constitution. This is no way for the Senate to proceed on a proposed constitutional amendment. This is not some feel-good resolution. We are talking about amending America's charter.

The Hatch-McConnell proposal contains many problematic provisions and it leaves many significant questions unanswered. Section 10 of this proposal relies on estimates for outlays and receipts. We know that economists' estimates and recommendations do not always agree. So what do these proposed constitutional provisions really mean? We know that estimates are not static but ever changing. What if during the course of a fiscal year, there was a natural disaster, a terrorist attack, or a shift in the economy? What then? What if estimates were recalculated or revised, as employment statistics are every month? Would that make every penny expended by the Government over a revised estimate unconstitutional? Would that mean we could not help disaster victims or could not respond to a terrorist attack?

Another provision would limit total outlays for each fiscal year to 18 percent not 16, not 20, not 17.9 of the previous year's Gross Domestic Product (GDP). But who is to decide what the ''GDP'' was for a particular time period? What is to be included and what is not? How often do those estimates and artificial constructs get revised? Since when do economic surveys and shifting estimates belong in the Constitution? And what policy decision justifies the constitutional permanence of the number 18? I note that not even the budget proposed this year by Representative RYAN and the House Republicans, with all its draconian cuts and the end of Medicare as we know it, would satisfy this arbitrary 18 percent of GDP limit. None of the budgets proposed by or passed under President Reagan, not one, would have satisfied this proposal. At the end of the Bush

administration we survived the worst economic downturn since the Great Depression and are now in economic recovery. This is not the time to enact such a measure which would take us in the wrong direction. We cannot ''cut'' our way to a balanced budget without imposing great suffering. It would tank the economy rather than aid our continuing recovery.

Besides its arbitrary nature, limiting outlays to 18 percent of the previous year's GDP would leave Congress unable to respond swiftly and effectively to economic downturns and natural disasters. The Hatch-McConnell proposal would require a two-thirds supermajority to spend in excess of 18 percent of the previous year's GDP for a specific purpose. Filibusters and requirements for supermajorities have become routine to the detriment of the American people. They have stymied congressional action on behalf of the American people. This proposal would give a minority in Congress even more power to hold the country and our economy hostage. Have we not seen what that can mean? Have the lessons of the last year been lost on the Senate?

The Hatch-McConnell proposal would make permanent bad policy choices. Section 4 is a transparent attempt to enshrine tax breaks for millionaires and wealthy corporations by requiring a two-thirds supermajority to impose any new tax or even to close existing tax loopholes. We need a balanced approach to fix the deficit problem. And the wealthiest among us are those who least need a heavy hand on the scales in favor of their interests.

Let's look at what has happened. We have fought two unfunded wars. It is the first time in our history that we not only did not pass a tax to pay for a war we are in but actually passed a tax cut and borrowed money to pay for these wars. We squandered the surpluses the last administration inherited, ran up deficits and the national debt.

I would remind everybody, we can achieve a balanced budget. We have done it before. Working with President Clinton, Democrats in Congress voted for a balanced budget. But I don't want to hear lectures from the other side, when every single Republican voted no the last time we had a successful balanced budget. Our strong economy in the Clinton years led to budget surpluses. If we are serious about reducing the deficit and paying down our debt, we need to get to work improving our economy, getting Americans back to work, and continuing to recover from the worst economic conditions since the Great Depression.

One of the most glaring problems with this proposal is it provides no clear enforcement mechanism or standards for enforcement. Section 8 of the Hatch-McConnell proposal expressly prohibits courts from increasing revenues to enforce the amendment, but remains silent on judicial enforcement of the amendment by cutting spending. This proposal assumes our Federal courts are equipped to enforce this amendment. Do we want to say we will simply relinquish Congress's constitutional power of the purse to an unelected judiciary with no budget experience—something no Congress, Republican or Democratically controlled—has ever done before? Do we want judges deciding fiscal policy? Do we want judges to decide whether we cut Social Security or Medicare?

I recently asked Justice Scalia at a hearing before the Senate Judiciary Committee whether the Federal judiciary was equipped to handle such a task—the same task my friends on the other side of the aisle want the Federal judiciary to do. Do you know how he answered? He laughed. He indicated that budget issues and determining the allocation of resources is not the judiciary's proper role. Of course he is right, and I expect this is one area where all nine members of the Supreme Court would have answered the same. The proponents of this effort to transform courts into budget-cutting bodies are wrong. The Republican proposal does not even make clear who, if anyone, has standing to bring such challenges in court. None of these questions has been adequately debated or considered. Such a drastic change to the time-honored role of the judicial branch of our government should not be written into our Constitution presumptuously.

In addition to all these concerns, the American people need to understand what the real-world effect of such an amendment would be on their daily lives. In the Senate Judiciary Committee, we received alarming testimony from the president-elect of AARP, warning of the damaging effects such a constitutional amendment would have on Social Security, Medicare, and Medicaid. He testified that if such a constitutional amendment were in place today, the average Social Security benefit would be cut by 27 percent. Maybe that is what Members of this body want to do, cut Social Security by 27 percent. I do not. Do they want to balance the budget on the backs of hard-working, lower income, and elderly Americans by drastically cutting the safety net? I would say that is not the answer to our economic challenges, especially as we continue to give tax breaks to millionaires and continue to fight unfunded wars.

The notion of amending the Constitution to require a balanced budget is not new. The Senate rejected balanced budget amendments in 1995, 1996, and 1997. We proved after the Reagan and Bush administrations had tripled the national debt that we could through hard work and legislation, balance the budget. That is what Congress did in the late 1990s. We helped create hundreds of millions of dollars in surpluses that were paying down the national debt. Those surpluses were squandered by tax cuts for the wealthy and two unfunded wars. That is the cause of our budget imbalance.

We should not, for the first time in American history, amend the Constitution to set fiscal policy. It is a bad idea. It is even more irresponsible to consider doing so when we do not yet understand the full weight of the consequences of who is going to bear the burden.

I have never seen the solemn duty of protecting the Constitution treated in such a cavalier manner as it is today. I have heard many say they revere the Constitution. Let us show it the respect it deserves rather than treating it like a blog entry or a bumper-sticker slogan. Let us not be so vain in this body to think we know better than our Founders and better than the constitutional Framers who preserved our liberties for more than 200 years.

Our constitutional principles have served the test of time. They deserve protection. I will stand with the Constitution. I will stand with the Constitution of this country, and I will oppose this ill-conceived proposal to amend it.

I ask unanimous consent to have printed in the RECORD my full statement, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have the good fortune of serving with Senator LEAHY on the Senate Judiciary Committee. He is the chairman; I am the ranking Republican. In that capacity, we have jurisdiction over constitutional amendments. So I rise to support S.J. Res. 10, which is cosponsored by all 47 Republicans.

I am very pleased we are taking up a balanced budget amendment. The Senate has passed a balanced budget amendment in the past. More recently, it has come close to passing a balanced budget amendment.

I regret that this amendment has not become law. I believe that had the Constitution been amended to require a balanced budget, we would not be faced with the dire budgetary situation that is before us—a $1.5 trillion deficit for each of the last 2 or 3 years, and maybe as far as we can see into the future if we don't get things under control.

The balanced budget amendment before us is very straightforward. It provides that total outlays shall not exceed total receipts unless each House of Congress, by a two-thirds vote, agrees to do otherwise. It provides spending discipline. Total outlays cannot exceed 18 percent of gross domestic product unless two-thirds of both Houses of Congress vote to waive the cap. The President will be required to submit a balanced budget to the Congress.

To avoid balancing the budget by imposing tax burdens, new taxes or increases in total revenue can be imposed only by a two-thirds vote of both Houses, and the debt limit will be able to be raised only with concurrence of three-fifths of both Houses.

To provide a level of flexibility in wartime—and that would call for considerable flexibility because wars are

never predictable—the provisions on outlays and receipts, total outlays, and the debt limit can be overcome by less than the normal two-thirds vote by a three-fifths vote.

To minimize disruption, the amendment will not take place for 5 years.

Finally, the courts cannot enforce the balanced budget amendment by ordering a tax increase.

Reverence for the Constitution is a sentiment we all share. But the Constitution provides for an amendment process. When it is necessary, each generation has amended the Constitution when a guarantee of free speech or the abolition of slavery or giving women the right to vote required a constitutional amendment. No one has said reverence for the Constitution was the end of the matter.

We have reached that point of necessity with the balanced budget amendment. The Congressional Research Service reports—and I wish to quote a fairly long quote:

> The budget deficit each year from 2009 to 2011 has been the highest ever in dollar terms, and significantly higher as a share of GDP than at any time since World War II. Under current policies, the Federal debt is projected to grow more quickly than the GDP, leading observers to term it unsustainable.

That is the end of the quote from the CRS.

The very purpose of the Constitution, according to its preamble—and I know the preamble is not governing on anything we do or what the Supreme Court does, but it shows intention—the preamble was meant to extend the blessings of liberty to ourselves and our posterity—and I want to emphasize that word ''posterity.'' It is because the growth in the national debt is unsustainable, as I read from the Congressional Research Service, that our posterity may not receive the blessings that several generations of Americans so far have received. It is hard to imagine an amendment more in keeping with the goals of the Constitution than this one. Otherwise, runaway debt will expand exponentially. A permanent spiral can be created in which the debt feeds on itself. We are kind of in that spiral right now. Is it permanent? I sure hope not.

Take a look at Europe today, where we ought to learn lessons about the lack of fiscal soundness. Nations there risk default when they overspend, and they are in that position of almost default now. If we are not careful, our country, the United States, at some point will face the same crisis. It is frightening to contemplate, and particularly frightening as a threat to the blessings we ought to give to generations after us.

We hear from opponents that Congress can balance the budget now without a balanced budget amendment, but the fact is it cannot. For more than 40 years, Congress has been unable to summon the ability to balance the budget. Statutes that sought to provide a path to a balanced budget failed.

Let me speak here about a personal involvement I had when I was a Member of the other body, working with Senator Harry Flood Byrd of Virginia. The Byrd-Grassley amendment was adopted in either 1979 or 1980. It was a statute that was just a few words. It said Congress can't spend any more money than it takes in.

Do you know what happened? For several years after that until it was finally repealed in the early 1990s, Congress delayed it for a year at a time as part of the appropriations process. So statutes are not a good way of making this happen. Gramm-Rudman was probably a little more successful, at least once or twice, but it soon was repealed. By putting something in the Constitution requiring a balanced budget, it is going to discipline Congress in a way that statutes cannot provide discipline; in other words, a constitutional amendment will succeed where statutes have been proven to have failed based upon the examples I gave and other examples that can be given.

The only exception was when we had 3 years going into this century when a financial bubble provided windfall revenues. We all know about that. I believe it is $568 billion we paid down on the national debt for 4 fiscal years after a Republican Congress was elected in 1994.

Anyway, except for that, we have not been able to have very sound fiscal policy. Then because Congress has been unable to control spending, the budgets have been in deficit and the national debt has increased. The only way Congress will exercise the discipline to balance the budget is if the Constitution forces it to do so.

We can say this from some experience, particularly if you believe the States are the laboratories of our political process and of government policy, because 46 State constitutions require their budgets to be in balance. They meet that requirement. As Members of Congress, we do take an oath to adhere to and defend the Constitution. We take that oath seriously. If the balanced budget amendment became part of the Constitution, we would adhere to it or face the consequences from the voters.

This amendment wisely contains effective tax limitations as an integral part. I have favored a balanced budget with tax limitations for more than 20 years. For decades, Federal spending has far outpaced even the steady and sizable growth in taxes and revenues. Raising taxes does not produce surpluses. The historical fact is they spur more spending. For every additional dollar in taxes Congress has raised since World War II, it seems as though it has given us a license to spend about $1.13 for every $1 that has come in for additional taxes.

Don't take my word for that. A person who studied that for a long period of time, Professor Vedder, of Ohio University, has written about that. You will find his figures just about the same. I think he said on average since World War II, $1 coming into the Treasury was a license to spend $1.17 instead of the $1.13 I give here.

Raising taxes, then, would make balancing the budget harder, not easier. Bring a dollar in here, spend $1.13. You hardly get ahead. It seems we cannot ever reach an agreement of how high taxes have to be in this body to satisfy the appetite of Congress to spend money. That is not just a Democratic problem, that is a problem on both sides of the aisle here in Congress.

That brings us to this issue about a supermajority requirement for tax increases. A balanced budget amendment may well encourage tax increases, fueling greater spending and the continuation of additional debt and costs in servicing that debt. The failure to balance the budget is a fiscal issue of greatest importance.

But getting back to our obligations to posterity under our Constitution, it is also a moral issue. Maybe the moral aspects of it are more important than the economic aspects of it. Without a balanced budget amendment, our children and grandchildren will pay for this generation's chronic inability to live within its means. We live high on the hog and worry about our children and grandchildren paying for it.

In the absence of an amendment, the standard of living of future generations will likely decline. The fears of many Americans that the next generation will not live as well as this one are in many respects traceable to decades of fiscal irresponsibility on the part of Congress. This balanced budget amendment would mean a stronger economy. It would surely mean good government, as fiscal responsibility ought to be a part of good government. Obviously people are concerned now about the problem of jobs. Employers are particularly concerned that Congress does not have a sound fiscal policy. That leads them not to hire anybody. A balanced budget is going to mean more jobs.

I believe the American people are willing to do their part to prevent future generations from being saddled with an unconscionable level of debt. They are willing to do so even if it means that some Federal spending they support would be affected. This is especially true if our budgeting is done fairly.

I believe if one listens closely to the arguments of the opponents of this measure, one will hear more arguments against a balanced budget than against a balanced budget amendment. There will need to be difficult actions taken. It is those difficulties that have prevented Congress from balancing the budget. Those difficulties are, therefore, reasons for a constitutional amendment, not reasons against a constitutional amendment. But balancing the budget is necessary and it will take an amendment to the Constitution of the United States of America to make sure it is done consistently.

We also hear arguments about the need to run deficits when the economy is in a recession. That kind of brings us to where we are right now. We have been in a recession for 3 years. The amendment before us permits Congress to vote to run a deficit in that situation, but be skeptical of that argument. If deficits and debt gave us a strong economy, right now we would be in the midst of the greatest economic boom in our history. Obviously we are not in that economic boom. Deficits of $1 trillion-plus and a national debt of $15 trillion are not stabilizing the economy in the way that people who argue that maybe in a time of recession you ought to have a lot of deficit spending have claimed.

In fact, I believe the size of the deficit and debt is one reason the economy is not performing well. The size of looming deficits and debt is another. The markets are not viewing the debt as stabilizing a weak economy. Rather, they view it correctly as a drag on the economy. That is why jobs are not being created. That is why corporations have $1 trillion in their treasuries in the United States, $1 trillion in their treasuries overseas, $2 trillion that is not being spent, that is not making corporations any money. It is lying there. They want to invest it in jobs and machinery and get the economy going and make more money.

On the issue of enforcement, the opponents attack straw men. They say either that the amendment cannot be enforced, so it is toothless, or they say the courts will enforce it, leading to chaos. Both of these arguments cannot be true. This amendment will be enforced by the President submitting a balanced budget and Congress complying with the amendment, as do State legislators all over the country. Members take an oath and voters will punish those who do not obey the constitutional command.

With respect to the courts, the text of the amendment prohibits courts from raising taxes. Of course, judicial standing requirements, ripeness, and the doctrine of political questions will mean that the courts will continue to lack the power of the purse, as has been the case throughout 225 years of history of our country.

In the past dozen years, Congress has been unable to balance the budget even when times are good. Had we passed a balanced budget amendment when it was before us in the past, we would not have racked up the huge deficits that now confront us.

We have heard in the past that a balanced budget amendment was not necessary because Congress could balance the budget on its own. We know how successful Congress has been doing that. Those arguments were wrong. Today we face one of the worst debt pictures in our history. If nothing is done, the future will be even worse. We owe a responsibility to the American people and to future generations to maintain the fiscal discipline that has allowed us to be the world's biggest economy.

Our pleas for a balanced budget amendment have been denied by its opponents in the past. We warned at that time what road lay ahead if we failed to pass a balanced budget amendment. Time has unfortunately proved us right. It is not too late if we act now, but time is growing shorter each year.

I urge my colleagues to do the right thing and enact a constitutional requirement that the budget be balanced.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise to speak in favor of legislation I have authored to amend the United States Constitution to require that Congress balance the Federal budget. The Senate's debate on the balanced budget amendment, which will occur over the next few days, is an incredibly important debate. It is a debate that will spark a wide range of emotions and it will test our policies, goals, and philosophies. Thus, I want to recognize at the outset that we hold strong and differing opinions about the wisdom of adding a balanced budget amendment to our U.S. Constitution. Amending the Constitution is not something any of us in the Senate takes lightly. In fact, we have only amended our Constitution some 27 times in the history of our Nation. Our Founding Fathers in their wisdom designed the Constitution to discourage amendments. They created a high hurdle to clear before an amendment can be passed by the Congress and ratified by the States.

I intend today to make a case for why my proposal, which has been cosponsored by several of our colleagues, meets that elevated standard. Today I aim to explain why this balanced budget amendment will help restore the fiscal health of our Nation, protect our national security, and spur our future competitiveness in the global economic race.

Let me start by discussing some basic facts that color this debate. First, our government debt now totals over $15 trillion. That is $48,000 for every man, woman, and child in our country. Let me say that again: $48,000 for every man, woman, and child. Moreover, we borrow 40 cents of every dollar that the Federal Government spends. The total amount of public debt now held by us equals 68 percent, almost 69 percent, of our gross domestic product. That reflects a level rarely seen in our country's history.

Finally, in August of this year, one of the major credit agencies downgraded our Nation's credit rating because of Congress's inability to work in a bipartisan manner to reduce our debt. I don't think I have to tell the viewers that the last thing our struggling economy or job creation efforts needed was that downgrade. It is little wonder that Americans hold us in such low regard or that other countries wonder what we are doing in the Nation's Capitol.

I could go on and on, but I will not. These facts are appalling enough to most Americans. These are hard-working Americans who balance their checkbooks on a weekly and monthly basis. It is appalling to me that Congress is so unable to resist the temptation to spend without limit while also trying to keep taxes as low as possible. We have even been willing to watch the debt grow to a level where national security experts are telling us that our own self-created problem is a bigger threat than any of our enemies.

In the last several years Congress has taken steps to try to reach an agreement on how to reduce our deficit and pay down our debt. Many of us have spent countless hours working in bipartisan groups to chart a commonsense balanced debt reduction plan. I have not given up hope that we may eventually reach a comprehensive plan to cut spending, reform the Tax Code, and shore up programs such as Social Security and Medicare which are critical to our Nation's middle class. To give up on that goal would be to say to hard-working Americans, we are not serious about ensuring that the American dream is within everyone's reach. After watching Congress struggle to reach even a basic plan to cut spending or reasonably raise new revenues to pay our bills, I am convinced we need additional tools that force fiscal discipline. If we don't put limits on how Congress does its budgeting, the question won't be whether we can stop the bleeding, it will be how much do we cut to the bone or even into vital organs the programs that we value. In other words, without some fundamental reforms now, the foundations of our government will be severely weakened later.

To be sure, a balanced budget amendment will not solve the problem on its own, but a reasonable balanced budget amendment would help us ensure we never get into this position again. Passing my middle-ground, commonsense balanced budget amendment would send a strong signal to the financial markets, U.S. businesses, and the American people that we are serious about stabilizing our budget for the long term. That is the signal they want to see to give them the confidence to expand and create jobs.

Before I move to making the case for specifics in my balanced budget proposal, I want to make a few points about exactly how our skyrocketing national debt affects all of us. As a start, our debt threatens investments we need to make. It harms our ability to compete with countries around the world, it inhibits job growth here at home, and it dampens our innovative spirit. If we don't address our debt now, it would sap the economic power that has enabled our Nation to become the most powerful force on the globe.

Throughout most of our history—perhaps aside from the Great Depression—our economic strength has enabled the

United States to create an environment that is good for business. This strength has then helped our own people on our Main Streets thrive in communities all over Colorado and across our Nation, and it has meant that every generation has been able to build on their parents' success, seize opportunity, and live the American dream. We all know this is what has made the United States exceptional. But today across our great country, families are wondering whether the American dream is still within their reach. Whether you are a college graduate and living at home because you are unable to find a job or a middle-aged factory worker laid off for the second or the third time struggling to pay your bills, our economic future seems a bit tougher.

Our country has endured a terrible economic slump for over 3 years now. In order to move quickly to turn things around, we need businesses to hire again. Business and community leaders across Colorado and elsewhere have told me that in order to have the confidence to do that, they need to know our national debt is not poised to send our economy off a cliff. The cochairman of President Obama's bipartisan commission on debt reduction tapped into that sentiment and called our debt a cancer that is eating away at our economic health. Beyond pure economic factors, our growing debt burdens us more broadly.

The former Chairman of the Joint Chiefs of Staff, for whom we all have enormous respect, ADM Mike Mullen, warned that our national debt is ''the single biggest threat to our national security.'' By now these are familiar arguments here on the floor of the Senate. We know the challenges that confront us. The problem is Congress is not doing what every economist and every one of us in this body acknowledges we must do, and that is get our out-of-control budget under control. We all have our theories for why this is the case. I personally believe that part of the problem is the nature of Congress itself. We are all temporary single Members of a greater body. We each have our own constituents, goals, and responsibilities. It is sure tempting to come to Washington, fight like hell for our corner of the Nation, and lose sight of or willfully ignore the bigger picture. As Members of Congress, it seems as if we are hardwired to fight for results that are important to our constituents and our political ideologies.

Let me give you a couple of examples. Democrats are reticent to support meaningful adjustments in entitlement spending, and many of my Republican friends turn a blind eye to the revenues needed to support retiring baby boomers and our national security needs.

My father, who had the great privilege of serving for 30 years in the House of Representatives as a Congressman from southern Arizona, witnessed this same phenomenon several decades ago, and he used to recall the advice that was given to freshmen House Members. That advice was: ''If you want to get ahead in Congress, do two things—vote for every appropriations bill and against every tax bill.''

In many ways the Federal budget deficits we face are so daunting today because too many Members of Congress have taken that advice literally over the past decades, but also because it is what Americans expected of us. It is only natural that people want the best of both worlds. We cannot continue down this budgetary path and hope that the results will be any different than they have been in the past.

In fact, the results get worse by the day. Based on what I hear from Coloradans, our constituents are now ready to make a little sacrifice. They are ready for us to make some tough decisions that may cause a little budget pain. Americans now get it, and that is why it is time for some serious action. A balanced budget amendment to our Constitution is serious action. It would require us to consider our larger, collective obligation to the national economy.

I will admit that my support of the balanced budget amendment has not made me particularly popular with some of my Democratic colleagues. Democrats traditionally have not been big fans of the balanced budget amendment idea. These days Democrats are suspicious that balanced budget proposals are a Trojan horse. They look good on the surface, but actually they are designed to further dismantle government programs that most Americans value. But a few decades ago Democrats were leading the charge for a reasonable balanced budget amendment.

Most notably, Senator Paul Simon of Illinois—a progressive and serious-minded legislator—was perhaps the greatest champion of a balanced budget, and I want to share with my colleagues some of his words. In debating the balanced budget amendment in 1993, Senator Simon said the following, which he addressed to his fellow progressives:

> I am here to tell you that the course we are on, unless it is changed soon, absolutely threatens all of the programs that you and I have fought for and believe in so strongly. The fiscal folly that we followed for more than a decade has brought us to a crossroads. We face a basic decision, whether through default or through our actions to choose wisely the course that will lead us away from the brink.
>
> If we do not act, interest payouts will spiral upward until they consume not only Social Security but health care, education, transportation investments—every need on our national agenda. My warning to you today is that a rising tide of red ink sinks all boats.

That is a powerful warning from a very wise and respected colleague. His warning is even more serious in December of 2011 than it was in 1993.

There are not any easy answers here, especially since our aging population and the post-9/11 national security needs have squeezed our Nation's budget in ways we have seldom seen in our country's history. But it is time for us to listen to hard-working Americans who are telling us loudly and clearly, make the tough decisions necessary to get our national debt under control. So I say to my colleagues here today, it is time to put aside our political differences, check ultimatums at the door, work across the aisle, and challenge ourselves to put our country first.

I want to reiterate a point I made earlier, which is that a balanced budget amendment is not the sole answer to the problems we face. It is not a perfect solution, and I recognize that. For example, it will not help us deal with our current debt, much less reduce it. For that we need a comprehensive plan along the lines of the recommendations of President Obama's bipartisan commission. It has been headed by former Clinton Chief of Staff Erskine Bowles and former Senator Al Simpson.

Two years ago I helped create the Bowles-Simpson Commission, and I continue to believe its recommendations, which would lower the debt by more than $4 trillion over the next decade, are the best place to start on a path toward fiscal soundness. Let's own up to the mistakes of our past and take charge of the opportunity staring us in the face by passing the Bowles-Simpson debt reduction plan. That plan would require all of us to put some skin in the game, and it represents our best path to balance our books.

I have also fought for bipartisan proposals to create a Presidential line-item veto to ban earmarks and to enforce pay-as-you-go budgeting. These should all be and could be and must be tools in our responsible budgeting toolbox. Even though we have to find the courage to get our current fiscal house in order, we also need to have stronger rules in place to ensure Congress is not tempted to fall off the wagon in the future. In my view, passing a balanced budget amendment to prevent us from ever again trading fiscal responsibility for political expediency is a critical step we must take.

That long windup brings me to the balanced budget amendment proposals under debate in the U.S. Congress today. Let me start by saying that I was pleasantly surprised to see last month the U.S. House of Representatives pursue a balanced budget amendment that was more realistic than what some of my Republican colleagues here in the U.S. Senate have proposed. The House proposal required a balanced budget unless three-fifths of the House and Senate agreed there was an economic downturn, a national disaster, or another emergency that required temporary expenditures and increases thereon.

It was a straightforward measure, and it was designed to garner a broad range of support. However, the House

proposal fell short by nearly two dozen votes, largely because it did not win enough support from Democrats. As we know, in order for a balanced budget amendment to succeed, it must be bipartisan. So I was surprised to see that after the House balanced budget amendment failed, instead of seeking to find consensus with those who could bring along additional Democratic votes like me, my colleagues in the Senate on the other side of the aisle, led by my dear friend Senator HATCH, have taken an altogether different route.

There are important differences between the two approaches the Senate will vote on this week, my amendment and Senator HATCH's amendment. So I want to spend some time differentiating between the two proposals because they represent two philosophically different ideas. We will have a vote on both of these proposals later this week.

Balancing our books is a simple equation based on the principle that our Nation is healthier without an unreasonably large debt load. Members of both parties can agree on that. Yet Senator HATCH's proposal goes a number of steps further and seemingly seeks to shrink government altogether. Not only does it require an unwieldy two-thirds majority to waive it in case of national emergencies, it also locks in special interest tax breaks and could weaken Social Security, Medicare, and other important programs that are supported by a vast majority of Americans.

Ironically, Senator HATCH's proposal—at least by some analyses—could jeopardize our national defense as well. Why do I say that?

I see my dear friend on the Senate floor. I look forward to engaging with him over the course of this important debate.

The Republican proposal prevents government from spending more than 18 percent of gross domestic product, which is less than the historical average, less than what George W. Bush spent, less than what Ronald Reagan spent, and less than what is required to care for our Nation's seniors and protect our homeland against terrorist attacks. Quite simply, to my way of looking at this, Senator HATCH's alternative proposal goes too far and has the potential to harm our middle class and future economic growth.

So what am I proposing? Well, let me tell you what I think my proposal would do, and I would note that it is cosponsored by a number of my colleagues from across the country.

My amendment would allow us to avoid the mistakes of the last decade without locking ourselves into a requirement that could tie our hands in an emergency. In such a case, if we tie our hands, we could make our economy worse for the middle class and small businesses and therefore for all of us.

My balanced budget amendment proposes and incorporates a big dose of Colorado common sense. It is aimed at finding common ground that both parties and a big majority of Americans can support. It starts with a strict requirement for balancing our books. My proposal would then allow deficits only when three-fifths of the House and Senate vote to address serious economic downturns or a war or other emergencies. However, it would also prevent some of the worst mistakes Congress has made in the past 10 years. For example, it would prevent deficit-busting tax breaks for Americans who earn $1 million or more per year. I think the Presiding Officer and I have a fundamental question. We wonder why we should continue to give tax breaks to the wealthiest among us during times when we are running huge deficits and aggregating debt like never before.

My amendment would also create a Social Security lockbox to keep Congress from raiding the trust fund to hide the true size of our annual deficits. Right now, the Treasury Department owes close to $3 trillion to the Social Security Administration. What I want to do is to see that never again is Social Security used as a slush fund to remedy our budgeting problems.

In sum, my proposal upholds the principle that we should pay for our government in a responsible manner, with waiver authority to be used only in exceptional circumstances. I think most Americans could agree to that. Coloradans certainly do.

I encourage all of my colleagues to acknowledge that passing a balanced budget amendment will require some flexibility and cooperation, and my version is designed to do just that. It is meant to bridge the divide between us.

The American people are demanding that we get our fiscal house in order. As usual, they are a few steps ahead of us. We have an opportunity to catch up to the American people. So I am here on the floor of the Senate today to ask my colleagues of both parties and both Chambers to support my proposal. As I have said, amending the Constitution may not be the solution desired by many in this Chamber. It is not something to be done without great thought. I, therefore, look forward to an honest and spirited dialog about the balanced budget amendment. I look forward to discussing the best ways to dig ourselves out from under our suffocating debt in a way that will encourage investment and job creation and help Americans and small businesses feel secure about their economic future. Our children's future depends on it.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Utah.

Mr. HATCH. Mr. President, I care a great deal for my colleague from Colorado, and I appreciate his explanation of his amendment. Unfortunately, as I view his amendment, it might work as long as you accept the rachet up of spending and taxing. That is what we are trying to stop around here. His S.J. Res 24 would be a band-aid on the system. It does not address the cause of our unbalanced budgets. An amendment that does not limit spending and does not limit taxes will never solve this crisis. It is just that simple. And to work, they have to use budget gimmicks.

I wish to begin by thanking my friend, the ranking member of the Judiciary Committee, Senator GRASSLEY. In his service on the committee, he has always been a champion of our limited government, and with his remarks today he has again proven himself a strong advocate of constitutional government. So, too, my good friend and collaborator on a balanced budget amendment, Senator CORNYN, deserves recognition, as well as my partner in the Senate, MIKE LEE, and a whole raft of others—47, to be exact. Earlier today, Senator CORNYN highlighted admirably the threat our debt poses to the liberty and prosperity of all of America's citizens. And although he has not spoken yet, I know in advance that my friend and colleague from Utah, Senator MIKE LEE, with whom I worked closely in drafting S.J. Res 10, will deliver powerful remarks later today in support of this amendment and about the importance of restoring meaningful limits on the power of the Federal Government.

Today we are engaged in a historic debate. You might not know it from the amount of time dedicated to the subject, but I am confident that when the history of our country is written, today will be marked as a turning point.

Today is the day that every Republican in the Senate stood up for a strong balanced budget amendment that will begin to restore this Nation's fiscal integrity. It is the day that conservatives stood up and supported a constitutional amendment that would reset the limit on the size and power of a federal government that has grown far too large. It is the day that the people of this country stood up for serious constitutional limits on Congress and the President, who have spent with impunity for far too long.

We are having this debate for a simple reason: Our Nation is now $15 trillion—actually more than $15 trillion and going up every day—in debt. This chart shows just how much it was just a few minutes ago. It is important to put this number in perspective.

The Nation achieved the ignominious landmark of a trillion-dollar deficit in President Obama's first year in office. We are now in our third straight year of trillion-dollar deficits. The Federal Government is now borrowing more than 40 cents of every dollar it spends. The burden of this debt is more than $48,000 for every man, woman, and child in America.

The Congressional Budget Office projects that interest payments alone on all of this debt will total $4.5 trillion, crowding out many other national priorities. For 2010, spending on interest on the national debt is greater than

the funding for most other Federal programs. Let's look at that. As you can see, in 1 year, spending on interest on the national debt is greater than funding for most programs—$656.7 billion for the Department of Defense; $414 billion for interest expense; $173 billion for the Department of Labor; $129 billion for the Department of Agriculture; $108 billion for the Department of Veterans Affairs; and just one other I will mention, $92.9 billion for the Department of Education.

Well, the impact of this quickly escalating debt burden could prove catastrophic for economic growth and for American families. In a letter to the then-ranking member of the House Budget Committee, PAUL RYAN, the Congressional Budget Office determined that ''beyond 2058, projected deficits in the alternative fiscal scenario become so large and unsustainable that CBO's model cannot calculate their effects.'' That ought to tell you something. In other words, the CBO model crashes when it even attempts to calculate the impact of all of this debt on economic growth. Yet all of these numbers might be understating the Nation's debt burden. What happens if interest rates rise? Right now they are at historic lows, but that will not always be the case, and we are figuring on historic lows right now as though they are going to continue.

According to CBO's alternative fiscal scenario, which is our most realistic fiscal scenario, debt held by the public will reach 82 percent of GDP by 2021. Now, that is if they are right, and they have never been right yet over the long term; they are always low. Absent real fiscal reforms, it will reach 100 percent of GDP by 2035. But this does not tell the whole bleak story. The fact is, when you include the IOUs the government has issued to itself, intergovernmental holdings, our debt is already at 100 percent of GDP—larger than our entire economy.

When are our friends on the other side going to start thinking about these things and start realizing that they are taking us right down into bankruptcy in this country? This debt burden we have is simply not sustainable. If interest rates go back to their average in the 1990s, our public debt will increase by 77 percent over even these grim estimates I have just mentioned. We are spending at historical highs and going higher, and with interest on the debt taking a larger and larger share of spending, we need to be very concerned as a nation that we are entering a debt spiral from which we will have a difficult time extricating ourselves.

For these reasons, ADM Mike Mullen, former Chairman of the Joint Chiefs of Staff, concluded that our national debt is the ''biggest threat we have to our national security.'' For these reasons, Standard & Poor's issued its historic downgrade of U.S. Treasuries this past summer.

The impact of this debt is more than academic; it will eventually lead to higher interest rates for all Americans, undermining the ability of people to purchase a home, buy a car, or even start a business. Most importantly, it will fundamentally alter the relationship of citizens to their government. It will further undermine personal liberty. It will lead to more government control of the economy. And it will jeopardize the livelihoods of American business owners and workers as ever-escalating debt and government spending embolden those who seek higher taxes to finance this leviation.

The solution to this problem is S.J. Res. 10, the balanced budget amendment supported by every Senate Republican, all 47 of us.

In the time I have been fortunate enough to serve the people of Utah, I have sponsored 5 balanced budget amendments and have been an original cosponsor of 18. These amendments have not been identical. Their provisions have been honed over time. I am confident this version strikes just the right balance.

It is the right amendment for the right time. We face a crisis of spending and a government that has clearly exploded in size. This constitutional amendment is the only one that will be debated this week that will address that crisis and would reduce the size of this Leviathan government.

The President has strongly opposed not only this balanced budget amendment but any balanced budget amendment. As he said: ''We don't need a constitutional amendment to do our jobs.'' My goodness. That is what he said on July 15 of this year.

I wish to spend a few moments considering the President's claim. The President claimed that a balanced budget amendment is not necessary because ''the Constitution already tells us to do our jobs—and to make sure that the government is living within its means and making responsible choices.''

The President's spokesman, Jay Carney, elaborated in greater detail on why a balanced budget amendment is not necessary. According to him, balancing the budget is ''not complicated.'' All that is needed is that we put politics aside, quit ducking responsibility, and roll up our sleeves and get to work. Yet all I hear from the White House is that we have to have more taxes and more spending.

This is the lament of the tough chooser, a term coined by the journalist Andrew Ferguson. The tough chooser talks a lot about making tough choices. But when it comes to actually making them, the tough chooser goes missing.

Tough choosers, concerned about our deficits and debt, voted for ObamaCare, even though it increased spending by $2.6 trillion and taxes by over $1 trillion.

Tough choosers reject a balanced budget amendment because all that is required, in their view, is some tough choosing by legislators. The problem with this theory is that the so-called tough choosers never step up.

The past history of the balanced budget amendment is all the evidence we need that a constitutional amendment is required to force legislators and the White House to make these tough choices. But given President Obama's rejection of the balanced budget amendment, it is worth considering his own actions this year and his personal contributions to deficit reduction. That record is a weak one of denial and avoidance.

Following the clear statement of the American people last November that Washington needed to address deficits and debt, the President had an opportunity to lead with his fiscal year 2012 budget. Yet this is how the Washington Post described the impact of that budget. After next year, ''the deficit will begin to fall, settling around $600 billion a year through 2018, when it would once again begin to climb as a growing number of retirees tapped into Social Security and Medicare.''

So the President, who today is telling us that he and Congress are willing to buckle down and make tough choices to balance the Nation's books, gave us a budget that did little to put this country on a path toward long-term fiscal sustainability.

The President's budget landed with such a thud and was so unresponsive to the desire of the American people to tackle the debt, that he took a mulligan and attempted a budget do-over in the Spring. In an April 13 speech at George Washington University, President Obama offered a revised budget. True to form, he did not stick his neck out and actually offer anything that could be scored by the CBO. Yet Republicans did analyze the President's speech, and after stripping out the gimmicks and the rosy scenarios, they found that far from making any tough choices, his do-over actually added $2.2 trillion to the deficit.

This avoidance of tough choosing by Washington's tough choosers is, unfortunately, the norm.

We have heard the President's argument before. I have heard it now for 35 years, maybe not just from him but from others as well. We hear it every time a balanced budget amendment comes to the floor and is debated in the Senate. The opponents claim there is no need for a balanced budget amendment; all that is necessary is that we put politics aside and make the tough choices.

So how is that working out for our country?

When I introduced my first balanced budget amendment in 1979, the national debt was $827 billion. We thought that was astronomical. In 1982, when the Senate passed a balanced budget amendment that I cosponsored, the national debt had risen to $1.1 trillion. In 1986, when the Senate failed by one vote to pass a balanced budget amendment that I cosponsored, the national debt topped $2.1 trillion. By 1997,

when this body voted on a balanced budget amendment that I introduced, the national debt had passed the $5 trillion mark. Today, it is three times that amount—over $15 trillion.

The record is clear. Absent the constitutional restraint of a balanced budget amendment, Congress and the President do not make the tough choices. Instead, they take the path of least resistance. They gladly disperse Federal dollars today—to grateful special interests—and then figure out a way to pay for it tomorrow, except they never figure out the way.

This is not the political and economic philosophy of the Founders, who warned at the birth of our Republic against debt and overspending. That is the political philosophy of J. Wellington Wimpy, who would ''gladly pay you Tuesday for a hamburger today.''

A balanced budget amendment is not an abdication of Congress's responsibility. On the contrary, it would force Congress to live up to its responsibilities. It would force Congress and the President to make the choices about national spending priorities they have thus far been unwilling to make.

I don't think there are many Americans who question whether our fiscal situation would be better today if we had enacted and the States had ratified a constitutional amendment when Ronald Reagan was President.

This is where we are headed as a country if we don't get our fiscal house in order. We are headed off a cliff. I could have put up a map of Greece, but that might have understated our predicament.

Yet to hear the opponents of a balanced budget amendment talk, one would think the problem we face as a country is the amendment, not the out-of-control spending that demands such an amendment.

These misplaced priorities fundamentally understate how much government spending is accelerating in this country and the threat this spending poses for personal liberty, constitutionally limited government, and free enterprise.

As I noted earlier, our true debt burden is already 100 percent of GDP. This is very dangerous territory. According to the economists Carmen Reinhart and Kenneth Rogoff, public debt burdens above 90 percent of GDP are associated with 1-percent lower economic growth.

I ask unanimous consent that a short article outlining their thesis be printed in the RECORD.

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

[From Bloomberg.com, July 14, 2011]

TOO MUCH DEBT MEANS THE ECONOMY CAN'T GROW: REINHART AND ROGOFF

(By Carmen M. Reinhart and Kenneth S. Rogoff)

As public debt in advanced countries reaches levels not seen since the end of World War II, there is considerable debate about the urgency of taming deficits with the aim of stabilizing and ultimately reducing debt as a percentage of gross domestic product.

Our empirical research on the history of financial crises and the relationship between growth and public liabilities supports the view that current debt trajectories are a risk to long-term growth and stability, with many advanced economies already reaching or exceeding the important marker of 90 percent of GDP. Nevertheless, many prominent public intellectuals continue to argue that debt phobia is wildly overblown. Countries such as the U.S., Japan and the U.K. aren't like Greece, nor does the market treat them as such.

Indeed, there is a growing perception that today's low interest rates for the debt of advanced economies offer a compelling reason to begin another round of massive fiscal stimulus. If Asian nations are spinning off huge excess savings partly as a byproduct of measures that effectively force low-income savers to put their money in bank accounts with low government-imposed interest-rate ceilings—why not take advantage of the cheap money?

Although we agree that governments must exercise caution in gradually reducing crisis-response spending, we think it would be folly to take comfort in today's low borrowing costs, much less to interpret them as an ''all clear'' signal for a further explosion of debt.

Several studies of financial crises show that interest rates seldom indicate problems long in advance. In fact, we should probably be particularly concerned today because a growing share of advanced country debt is held by official creditors whose current willingness to forego short-term returns doesn't guarantee there will be a captive audience for debt in perpetuity.

Those who would point to low servicing costs should remember that market interest rates can change like the weather. Debt levels, by contrast, can't be brought down quickly. Even though politicians everywhere like to argue that their country will expand its way out of debt, our historical research suggests that growth alone is rarely enough to achieve that with the debt levels we are experiencing today.

While we expect to see more than one member of the Organization for Economic Cooperation and Development default or restructure their debt before the European crisis is resolved, that isn't the greatest threat to most advanced economies. The biggest risk is that debt will accumulate until the overhang weighs on growth.

HISTORICAL PRECEDENTS

At what point does indebtedness become a problem? In our study ''Growth in a Time of Debt,'' we found relatively little association between public liabilities and growth for debt levels of less than 90 percent of GDP. But burdens above 90 percent are associated with 1 percent lower median growth. Our results are based on a data set of public debt covering 44 countries for up to 200 years. The annual data set incorporates more than 3,700 observations spanning a wide range of political and historical circumstances, legal structures and monetary regimes.

We aren't suggesting there is a bright red line at 90 percent; our results don't imply that 89 percent is a safe debt level, or that 91 percent is necessarily catastrophic. Anyone familiar with doing empirical research understands that vulnerability to crises and anemic growth seldom depends on a single factor such as public debt. However, our study of crises shows that public obligations are often hidden and significantly larger than official figures suggest.

CREATIVE ACCOUNTING DEVICES

In addition, off-balance sheet guarantees and other creative accounting devices make it even harder to assess the true nature of a country's debt until a crisis forces everything out into the open. (Just think of the giant U.S. mortgage lenders Fannie Mae and Freddie Mac, whose debt was never officially guaranteed before the 2008 meltdown.)

There also is the question of how broad a measure of public debt to use. Our empirical work concentrates on central-government obligations because state and local data are so limited across time and countries, and government guarantees, as noted, are difficult to quantify over time. (Until we developed our data set, no long-dated cross-country information on central government debt existed.) But state and local debt are important because they so frequently trigger federal government bailouts in a crisis. Official figures for state debts don't include chronic late payments (arrears), which are substantial in Illinois and California, for example.

PUBLIC AND PRIVATE DEBT

Indeed, it isn't unusual for governments to absorb large chunks of troubled private debt in a crisis. Taking this into account, chart 1, attached, shows the extraordinarily high level of overall U.S. debts, public and private.

In addition to ex-ante or ex-post government guarantees and other forms of ''hidden debts,'' any discussion of public liabilities should take into account the demographic challenges across the industrialized world. Our 90 percent threshold is largely based on earlier periods when old-age pensions and health-care costs hadn't grown to anything near the size they are today. Surely this makes the burden of debt greater.

There is a growing sense that inflation is the endgame to debt buildups. For emerging markets that has often been the case, but for advanced economies, the historical correlation is weaker. Part of the reason for this apparent paradox may be that, especially after World War II, many governments enacted policies that amounted to heavy financial repression, including interest-rate ceilings and non-market debt placement. Low statutory interest rates allowed governments to reduce real debt burdens through moderate inflation over a sustained period. Of course, this time could be different, and we shouldn't entirely dismiss the possibility of elevated inflation as the antidote to debt.

EXTREMELY RARE

Those who remain unconvinced that rising debt levels pose a risk to growth should ask themselves why, historically, levels of debt of more than 90 percent of GDP are relatively rare and those exceeding 120 percent are extremely rare (see attached chart 2 for U.S. public debt since 1790). Is it because generations of politicians failed to realize that they could have kept spending without risk? Or, more likely, is it because at some point, even advanced economies hit a ceiling where the pressure of rising borrowing costs forces policy makers to increase tax rates and cut government spending, sometimes precipitously, and sometimes in conjunction with inflation and financial repression (which is also a tax)?

Even absent high interest rates, as Japan highlights, debt overhangs are a hindrance to growth.

The relationship between growth, inflation and debt, no doubt, merits further study; it is a question that cannot be settled with mere rhetoric, no matter how superficially convincing.

In the meantime, historical experience and early examination of new data suggest the need to be cautious about surrendering to ''this-time-is-different'' syndrome and decreeing that surging government debt isn't as significant a problem in the present as it was in the past.

Mr. HATCH. Mr. President, while one might quibble with the particulars of Reinhart's and Rogoff's assessment, failure to take it seriously, given the recent struggles of the eurozone, amounts to whistling past the graveyard.

To be clear, the long-term source of our fiscal problem is overspending, not a lack of revenue. Our friends at the Heritage Foundation have done an excellent job of putting all this spending into historical perspective.

I will run through some charts highlighting just how unusual and unsustainable recent levels of Federal spending have become. Any way we cut it, spending is up. Federal spending per household is skyrocketing, even with the $2.1 trillion in deficit reduction achieved by this summer's Budget Control Act.

In 1965, Federal spending per household was $11,431. In 2010, it was $29,401. It is projected to hit $35,773 in 2020. That is per household.

Federal spending is growing faster than median income. Between 1970 and 2009, total Federal spending rose by 299 percent, while median household income has gone up 27 percent in the same time period.

Federal spending that is far out of line with historical averages is the cause of our annual deficits and total debt—not the much reviled 2001 and 2003 tax relief extended by President Obama and a Democratic Congress.

Historically, revenues have averaged around 18 percent of GDP. As the economy recovers, CBO projects revenues to return to that historical average. Yet spending is going higher and higher.

The end result of all this spending is not pretty to look at. Our national debt is going to skyrocket. Up to 344 percent by 2050.

The problem the Senate Republican balanced budget amendment is meant to address is reckless spending. We will hear many arguments against this amendment. We will hear it prevents tax increases. We will hear it prevents deficit spending in an economic downturn. We will hear it hamstrings the Nation in times of military emergency and that it prevents spending in excess of 18 percent of GDP.

It does no such thing. What it does do is require a broad national consensus before Congress spends beyond its means. It makes certain that there is deep bipartisan agreement before raising taxes—a provision the Nation would have benefited from prior to the decision of the President and congressional Democrats to drive through $1 trillion in ObamaCare tax increases on nearly party-line votes, and it demands wide support for spending in excess of 18 percent of GDP.

As my friends at Americans for Prosperity put it in their letter of support for the Republican proposal, the amendment ''strikes a balance between allowing flexibility for some deficit spending in times of national emergency, while requiring supermajorities in both Chambers to do so. This assures citizens that the Federal Government will only run a deficit when there is broad consensus that a genuine crisis demands it.''

That sounds like pretty good language to me.

I ask unanimous consent that that letter from Americans for Prosperity be printed in the RECORD.

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

AMERICANS FOR PROSPERITY,
March 31, 2011.

DEAR SENATOR HATCH AND COSPONSORS: On behalf of more than 1.7 million Americans for Prosperity (AFP) activists in all 50 states, I applaud you for proposing a balanced budget amendment to the United States Constitution that includes a strong limit on total federal spending. Over the past decade or so, it has become increasingly clear that unless there are firm constitutional guardrails to constrain federal spending elected officials are either unable or unwilling to overcome the institutional forces that facilitate endless profligacy. Your proposed amendment seeks to establish those guardrails in a responsible and, hopefully, effective way.

One of the most important provisions in your proposed amendment is a spending cap that would limit federal outlays to 18 percent of GDP. This limitation reflects a proper vision of limited government and the relationship of spending to GDP in the post-WWII period. Additionally, by insisting that spending is restrained in order to balance the budget you guard against the amendment being hijacked and distorted to advance economically-destructive tax increases.

Your amendment also strikes a balance between allowing flexibility for some deficit spending in times of national emergency, while requiring supermajorities in both chambers to do so. This assures citizens that the federal government will only run a deficit when there is a broad consensus that a genuine crisis demands it.

Several other provisions nicely round out your balanced budget amendment. Your insistence on two-thirds majority vote to approve tax increases or spending above 18 percent of GDP is laudable. Your measure to prohibit courts from legislating tax increases from the bench is important and prescient. Finally, a five-year transitionary period from ratification to legal efficacy will give budgeteers enough notice to take meaningful action without the politically-contentious transition that could otherwise be used as a pretext to oppose the amendment.

While it is always difficult to predict how the Judicial Branch will interpret any portion of the Constitution, the mere presence of a balanced budget amendment will serve to compel the tough decision making that is often skirted in today's federal budget process. It's time for the federal government to balance its books, and AFP is proud to support your amendment. I urge your colleagues to support its passage and I look forward to working with you in the future.

Sincerely,

JAMES VALVO,
Director of Government Affairs.

Mr. HATCH. Mr. President, we will hear there is a reasonable alternative being offered. But we need to understand this for what it is. It doesn't put any spending limitations on Congress. It leaves wide the door for massive tax increases to pay for levels of spending that are far outside our constitutional traditions. Even the requirement for balance—that outlays not exceed revenues—lacks strength, if we read it carefully.

The bottom line is that there is no substitute for the strong balanced budget amendment being offered by the Senate Republicans.

A number of protaxpayer groups committed to liberty and constitutionalism have written in support of our balanced budget amendment—Let Freedom Ring, Americans for Tax Reform, the National Taxpayers Union, the 60 Plus Association, Americans for Limited Government, and the Council for Citizens Against Government Waste, just to mention a few.

I ask unanimous consent that their letters be printed in the RECORD.

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

MARCH 30, 2011.

Hon. JON KYL,
Hart Senate Office Building,
Washington, DC.
Hon. ORRIN HATCH,
Hart Senate Office Building,
Washington, DC.
Hon. PAT TOOMEY,
Dirksen Senate Office Building,
Washington, DC.
Hon. MIKE LEE,
Hart Senate Office Building,
Washington, DC.
Hon. JOHN CORNYN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS: We write to encourage your colleagues to support your Balanced Budget Amendment to the United States Constitution, signaling the United States Senate is serious about reforming federal government spending.

The amendment limits spending to 18 percent of Gross Domestic Product (GDP). Capping spending at this level puts spending in line with the historical average of revenue receipts. Since 1970, spending has averaged 21 percent of GDP while tax revenues have consistently stayed around 18 percent. However, CBO projects spending will explode over the next decade, averaging over 23 percent of GDP. Capping spending at 18 percent demonstrates that the government should be cognizant of its means—and live prudently within them.

Most importantly, your Balanced Budget Amendment places the onus of responsible budgeting on lawmakers, rather than passing the burden onto taxpayers who are already shouldering the weight of failed ''stimulus'' programs and bailouts. It does this by requiring any net tax increases to overcome a two-thirds supermajority in each chamber of Congress.

This clause is vital to keep the debate where it should be—federal overspending. Americans are not taxed too little; Washington spends too much. In the same vein, the spending restraint in the amendment cannot be waived unless a two-thirds majority agrees to do so.

While the bill could be strengthened to require a supermajority to waive the spending cap during a declared war, it does require a vote of three-fifths of the Congress to approve spending beyond the cap in the times of a military conflict. What's more, the amendment requires a three-fifths vote to raise the debt limit, forcing Congress to confront its poor spending habits rather than simply increasing its borrowing authority.

Thus, we support the Balanced Budget Amendment and encourage your colleagues

to cosponsor the measure to signal lawmakers are serious about fiscal restraint.

Sincerely,

GROVER NORQUIST,
President, Americans for Tax Reform.

MATTIE CORRAO,
Executive Director, Center for Fiscal Accountability.

NATIONAL TAXPAYERS UNION,
March 31, 2011.

AN OPEN LETTER TO THE UNITED STATES SENATE: SUPPORT THE CONSENSUS BALANCED BUDGET AMENDMENT!

DEAR SENATOR: On behalf of the 362,000 member National Taxpayers Union (NTU), I write to provide our strong endorsement of the ''Consensus Balanced Budget Amendment'' (BBA), which is the product of negotiations among advocates of several BBA measures. We commend Senator Hatch and his colleagues, Senators Lee, Cornyn, Kyl, McConnell, Toomey, Snowe, Risch, Rubio, DeMint, Paul, Vitter, Enzi, Kirk, and Crapo, for introducing this legislation and urge all Senators to cosponsor the resolution.

NTU has approached the current legislative evolution of the BBA not merely as an interested observer or even as a concerned stakeholder. Instead, we view this process through a 40-plus-year organizational history in which constitutional limits on the size of government have occupied the central part of our mission.

Throughout the 1970s and 1980s, my organization helped to launch and sustain the movement for a limited Article V amendment convention among the states to propose a Balanced Budget Amendment (BBA) for ratification, all while pursuing a BBA through Congress. Our members were elated over the passage of S.J. Res. 58 in 1982, and the passage of H.J. Res. 1 in 1995 through the House of Representatives. In both cases the measures, whose provisions varied somewhat, fell short of enactment in the other chambers of Congress. More recently, we have provided endorsements to BBA legislation such as S.J. Res. 3 and H.J. Res. 1.

To our members, a BBA would provide the very lifeblood that will restore and sustain the financial health of our Republic. We are therefore elated over the intensifying interest among Members of Congress and state legislators in a unified BBA concept. The proposal admirably harnesses this energy, by combining and refining elements from several amendments introduced thus far in Congress. These include strong ''supermajority'' safeguards against reckless tax or debt increases as well as override provisions to confront the realities of military conflicts.

Also of great importance is the amendment's spending limitation clause. Although several types of mechanisms could answer to the purpose of controlling growth in expenditures, any such protection incorporating Gross Domestic Product (GDP) must pay careful heed to historical experience. In this case, an annual spending cap at 18 percent of GDP is clearly the most prudent choice. Such a level reflects the share of economic output that federal revenues have typically represented since World War II. Given that constitutional amendments should be designed with a long nod to the past and an equally farsighted view to the future, 18 percent is a most stable and logical benchmark.

In addition, setting the expenditure limit at 18 percent would make a vital contribution toward harmonizing all parts of the amendment so that the whole functions as intended. An assumption that spending should normally be linked to the average and customary federal revenue proportion would by its very nature give Congress and the President a starting point that is closer to balance. Indeed, the limit helps to remedy Washington's increasingly metastasized affliction of tax-spend-and-borrow, by elevating the concept of expenditure restraint to its rightful place in policymaking. While the two-thirds ''supermajority'' override requirement is essential to ensuring this place, so is the 18 percent cap on expenditures. If set too high, the spending limit would merely institutionalize, rather than minimize, deficits. Recent spending-to-GDP ratios in excess of 20 percent—and the resulting pressures to borrow or tax even more—ought to convince fiscal disciplinarians of the need for a carefully-designed limit.

We understand the political environment within which the consensus BBA was crafted, and, given our history, we appreciate the many challenges in the legislative effort that lies ahead. Yet it is precisely our longstanding devotion to this reform that gives us cause to make several observations. Moving forward, Senators must commit to passage of the BBA in this Congress, not simply another ''test vote'' tied to some legislative urgency. This means making the Amendment a part of the Congress's everyday narrative on tax and spending policy, thereby leading a national discussion that occupies a primary place in the public square. Nor should the BBA be held as some proxy to other reform approaches. Indeed, statutory or regulatory steps to control the nation's finances are not ''second-best'' substitutes; their very effectiveness depends upon a constitutional foundation that will set the boundaries within which they can operate.

Furthermore, supporters of this BBA must reach far and wide across the aisle to obtain the necessary bipartisan backing that will ensure passage of the measure. The temptation to put electoral calculations first is unacceptable to taxpayers, who (properly) surmise that concerted action to control deficits cannot wait until after 2012. Likewise, Senators must engage their House colleagues as well as state legislators in their capitols back home, many of whom have both the commitment and the experience to see the BBA through to passage and ratification.

Through all of these means, and toward the critical end of enacting a Balanced Budget Amendment, NTU and members pledge the fullest possible measure of their time, energy, and resources. Together, we can fulfill this long-overdue obligation to future generations.

Sincerely,

PETE SEPP,
Executive Vice President.

THE 60 PLUS ASSOCIATION,
Alexandria, VA, March 31, 2011.

DEAR SENATOR HATCH: On behalf of more than seven million senior citizen activists, the 60 Plus Association thanks you for introducing the joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

Thanks to your outstanding leadership, this effort shows a solid commitment to restore the fiscal stability of the United States by balancing the nation's budget.

We applaud your efforts to respond to the overwhelming concern Americans have to the spiraling debt and out-of-control spending and cannot stress strongly enough that senior citizens and soon-to-be-seniors believe that current budget policy cripples our economic stability and threatens our nation's future.

Sincerely,

JAMES L. MARTIN,
Chairman.

AMERICANS FOR LIMITED GOVERNMENT,
Fairfax, VA, March 31, 2011.

Senate Minority Leader MITCH MCCONNELL,
361-A Russell Senate Office Building, Washington, DC.

Senator ORRIN HATCH,
104 Hart Office Building, Washington, DC.

DEAR LEADER MCCONNELL AND SENATOR HATCH: As you are well aware, the nation is risking a fiscal calamity that threatens a catastrophic default on the $14.2 trillion national debt and the collapse of the dollar as the world's reserve currency. If something is not done to bring the nation's fiscal house into order, soon the debt will become too large to even refinance, let alone be repaid.

That is why Americans for Limited Government strongly endorses the Senate Republican Balanced Budget Amendment and urges all members of the Senate to fight for its immediate adoption. Soon the gross national debt will become larger than the entire economy, and by 2021, the Office of Management and Budget projects it will soar to over $25 trillion.

Interest payments alone threaten to destabilize the nation's finances very soon. In 2010, the Treasury paid a total of $413 billion in interest, including $216 billion to the Social Security and Medicare trust funds. The total interest is a real obligation that requires real borrowing to meet, and cannot be readily discounted as revenue to the entitlement programs when it is in fact a liability to taxpayers.

The total interest owed on the debt will actually be over $1.2 trillion in 2021. And since the government never anticipates the debt being paid down, the number will easily grow to over $2.4 trillion by 2030. Moody's has warned that when interest owed on the debt reaches 18 to 20 percent of revenue, the nation's gold-plated Triple-A credit rating will be downgraded. The trouble is that the Office of Management and Budget projects total interest owed for 2011 to be $430.4 billion, which is already 19.79 percent of the projected $2.174 trillion of revenue. That means time has already run out.

Currently, the $14.2 trillion national debt already stands at 95.5 percent of the nation's $14.8 trillion Gross Domestic Product (GDP). While it is unclear at what percentage of debt-to-GDP that the debt will become too large to refinance, the warning signs are already there that we cannot even meet our current obligations honestly.

Pimco reports that in 2009, 80 percent of treasuries were purchased by the Federal Reserves, and in 2010, it had to buy 70 percent, bringing its current U.S. debt holdings to $1.3 trillion. As a result, the Fed is the largest lender to the U.S. government in the world—all with printed money—more than China or Japan. When the Fed ends QE2 in June, it will likely keep a high water mark of $1.5 trillion in treasuries holdings.

Printing money to refinance the debt cannot continue for long without very severe consequences, including a potential collapse of the dollar as the world's reserve currency, hyperinflation, and a complete default on the nation's obligations. The time to pass the Balanced Budget Amendment is now, before it is too late and it becomes impossible for the debt to ever be repaid.

The Balanced Budget Amendment being proposed, once implemented, will make it possible that for the first time since 1957, the national debt can be reduced. This must begin to occur to reassure the nation's creditors that the U.S. intends to honor its obligations with real money, not with a ''pretended payment'' that economist Adam Smith warned against.

With the upcoming vote on increasing the national debt ceiling above $14.294 trillion,

now is the opportunity to use your leverage not just to get an up-or-down vote on the Balanced Budget Amendment, but to get it adopted. To do so, we urge you to take your case directly to the American people, who will join with you in fighting to make certain that another increase in the debt will never again be necessary.

The American people must be advised of these cataclysmic risks of inaction. There is a very dangerous misconception that the nation can just continue borrowing and printing money perpetually. It cannot. Nor will it long endure as the world's foremost economic and military superpower if it tries to.

Besides a failure to meet our fiscal obligations, a national default will mean that the U.S. will be unable to meet its security obligations around the world, destabilizing whole regions, and threatening national security. It is likely for this reason that Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, described the debt as the number one danger facing America.

With a projected $1.645 trillion budget deficit for this year alone, the hour grows late for real action to rein in the federal government's unsustainable spending binge. It is clear that Congress lacks the political will to do what is necessary on its own. It needs the constitutional limits on spending, taxation, and the balanced budget requirement outlined in your amendment to compel it to act prudently when handling the American people's finances.

We thank you for your work on this critical issue, and urge you to use all the tools at your disposal, including the leverage of increasing the national debt ceiling, to ensure speedy adoption of the Balanced Budget Amendment. If you will take a courageous stand to save this nation from certain ruin, the American people will surely stand with you.

Sincerely,

WILLIAM WILSON,
President.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, March 31, 2011.

U.S. SENATE,
Washington, DC.

DEAR SENATOR, Senator Orrin Hatch (R-Utah) will soon introduce an amendment to the Constitution requiring that the federal budget be balanced. This amendment has received wide support, including that of Senators Mitch McConnell (R-Ky.), Mike Lee (R-Utah), John Cornyn (R-Tex.), Jon Kyl (R-Ariz.), Pat Toomey (R-Pa.), John Thune (R-S.D.) and Marco Rubio (R-Fla.). On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support this legislation.

Federal spending has ballooned out of control. Taxpayers are bracing themselves as the nation rapidly approaches its statutory, record-breaking $14.3 trillion debt limit. According to the Congressional Budget Office, recession-depleted tax revenues are scheduled to rebound to their historical average of 18 percent of gross domestic product (GDP) by 2018 and reach 18.4 percent by 2021. Federal spending, which has historically been 20.3 percent of GDP, however, is projected to reach 26.4 percent of GDP by 2021. America is on a dangerous trajectory as Congress continues to increase spending and raise debt ceilings without regard to incoming levels of revenue. Washington has put taxpayers at risk by violating a Budgeting 101 rule of thumb: Don't spend more money than you take in.

This proposed constitutional amendment would ensure that total outlays will not be allowed to exceed 18 percent of the U.S. GDP of a fiscal year and will require the president to submit a balanced budget to Congress that reflects the 18 percent cap. A two-thirds majority vote would be required of both the House and Senate to override the spending cap, increase taxes or levy a new tax. Additionally, a three-fifths majority vote in both Houses would be needed to increase the debt limit. In times of declared war, a simple majority vote will be necessary for a specific excess amount above the 18 percent cap, and in times of military conflict a three-fifths majority will be required. In order to protect taxpayers, the amendment prohibits courts from raising revenue as a means of enforcement.

The federal government has a moral and fiscal responsibility to Americans that it has simply been shirking. Congress cannot continue on a spending rampage while ignoring the nation's balance sheets. This legislation proposes a practical and necessary constitutional amendment that will safeguard taxpayers and force Congress to balance the national budget. All votes on the Balanced Budget Amendment will be among those considered in CCAGW's 2011 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
President.

Mr. HATCH. Mr. President, I am so pleased conservative leaders such as Ed Meese, Dick Thornburgh, and Ken Blackwell have stood in support of a strong balanced budget amendment.

I ask unanimous consent to have printed in the RECORD at this point the op-eds to which I just referred.

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

[From Bloomberg.com, July 20, 2011]

DEFICITS NEED BALANCED-BUDGET AMENDMENT FIX

(By Dick Thornburgh)

A late entrant in the budget deficit-debt ceiling talkathon in Washington is increasing support for a constitutional requirement that the federal budget be balanced every year. Liberals will no doubt characterize this proposal as a nutty one, but careful scrutiny of such an amendment to our constitution demonstrates its potential to prevent future train wrecks in the budgeting process.

Constitutional budget-balancing requirements are already available to most governors and state legislatures, along with a line-item veto and separate capital budgeting, which differentiates investments from current outlays. They work.

Any debate in Congress will probably include the following arguments against a balanced-budget amendment:

First, that the amendment would clutter our basic document in a way contrary to the intention of the Founding Fathers. This is clearly wrong. The framers of the Constitution contemplated that amendments would be necessary to keep it abreast of the times. It has, in fact, been amended 27 times.

Moreover, at the time of the Constitutional Convention, one of the major preoccupations was how to liquidate the post-Revolutionary War debts of the states. It would have been unthinkable to the framers that the federal government would systematically run a deficit, decade after decade. The Treasury didn't begin to follow such a practice until the mid-1930s.

Second, critics will argue that the adoption of a balanced-budget amendment wouldn't solve the deficit problem overnight. This is absolutely correct, but begs the issue. Serious supporters of the amendment recognize that a phasing-in of five to 10 years would be required.

During this interim period, however, budget makers would have to meet declining deficit targets in order to reach a final balanced budget by the established deadline.

As pointed out by former Commerce Secretary Peter G. Peterson, such ''steady progress toward eliminating the deficit will maintain investor confidence, keep long-term interest rates headed down and keep our economy growing.''

Third, it will be argued that such an amendment would require vast cuts in social services, entitlements and defense spending. Not necessarily. True, these programs would have to be paid for on a current basis rather than heaped on the backs of future generations. Difficult choices would have to be made about priorities and program funding. But the very purpose of the amendment is to discipline the executive and legislative branches, not to propose or perpetuate vast spending programs without providing the revenue to fund them.

The amendment would, in effect, make the president and Congress fully accountable for their spending and taxing decisions.

Fourth, critics will say that a balanced-budget amendment would prevent or hinder our capacity to respond to national defense or economic emergencies. This concern is easy to counter. Clearly, any sensible amendment proposal would feature a safety valve to exempt deficits incurred in response to emergencies, requiring, for example, a three-fifths majority in both houses of Congress. Such action should, of course, be based on a finding that such an emergency actually exists.

Fifth, it will be said that a balanced-budget amendment might be easily circumvented. The experience of the states suggests otherwise. Balanced-budget requirements are now in effect in all but one (Vermont) of the 50 states and have served them well.

Moreover, the line-item veto, available to 43 governors, would ensure that congressional overruns—or loophole end runs—could be rejected by the president. The public's opposition, the elective process and the courts would also restrain any tendency to ignore a constitutional directive.

In the final analysis, most of the excuses for not enacting a constitutional mandate to balance the budget rest on a stated or implied preference for solving our deficit dilemma through the political process—that is to say, through responsible action by the president and Congress.

But that has been tried and found wanting, again and again.

Surely the U.S. is ready for a simple, clear and supreme directive that compels elected officials to fulfill their fiscal responsibilities. A constitutional amendment is the only instrument that will meet this need. Years of experience at the state level argue in favor of such a step. Years of debate have produced no persuasive arguments against it.

The stakes are high. Perhaps Thomas Jefferson put it best: ''To preserve our independence, we must not let our rulers load us down with perpetual debt.''

That is the aim of a balanced-budget amendment. Reform-minded members of Congress should support such an amendment to our Constitution as a means of resolving future legislative crises and ending credit-card government once and for all.

A nutty idea? Not by a long shot.

[From the Patriot Post, Apr. 5, 2011]

HATCH AND LEE'S BALANCED BUDGET AMENDMENT: A WIN FOR AMERICA

(By Ken Blackwell)

Senators Orrin Hatch and Mike Lee introduced a Balanced Budget Amendment (BBA)

to make it a constitutional requirement for Washington, D.C., to end our deficit spending and culture of debt. And our national grassroots organization, Pass the Balanced Budget Amendment, is working with them to compel lawmakers to approve this change to the Supreme Law of the Land.

The BBA requires that the U.S. cannot spend more than it takes in. There are a few exceptions, such as allowing two-thirds of the House and Senate to suspend it for a specific reason for one year, with lower thresholds to respond to a military threat to our national security or an official, declared war against a specific nation (not some open-ended or global military operation).

The amendment is cosponsored by all 47 Senate Republicans. This raises eyebrows in that the last time a proposed BBA was voted on, 1997, it enjoyed Democratic support with 66 votes, falling a single vote short in the Senate.

A separate story here is Utah's leading role. That state's senior senator, Orrin Hatch, designed one version of the BBA. Utah's junior senator, Mike Lee, designed another. Both senators—one tied as the most senior Republican in the chamber and the other among the newest—then designed a composite version.

The resulting BBA addresses several major economic priorities. In addition to forcing a balanced budget, the BBA caps federal spending at 18 percent of GDP. It also requires a 60-percent vote to raise the national debt limit. It requires a two-thirds vote to raise taxes. And in forbids courts from ordering any tax increase. The BBA thus addresses multiple aspects of fiscal policy in a full-spectrum response to America's debt-and-deficit nightmare.

Utah's predominance regarding a constitutional amendment is no surprise. Hatch is the former chairman of the Senate Judiciary Committee and was talked up as a potential Supreme Court nominee years ago. Lee is the only former Supreme Court law clerk in the Senate, and is already mentioned as a potential Supreme Court nominee. These two senators may be bookends in seniority and age, but they are the foremost constitutional scholars in the Senate.

The Constitution is extraordinarily difficult to amend, requiring two-thirds of the House and Senate to propose it to the states, then three-fourths of the states (38) to ratify it.

To turn the BBA into reality, Senators Hatch and Lee are working with a national grassroots organization, Pass the Balanced Budget Amendment, to organize volunteers in every legislative district in America to mobilize political momentum.

We are very grateful to have Senators Hatch and Lee as Honorary Chairman. With their leadership, as well as others such as Co-Chairman Ken Buck of Colorado, the BBA has the best chances of passing since America's fiscal mismanagement began decades ago.

This is not just about economic conservatives. We must balance our national budget for the sake of our children's future. And our national debt has now become a national security concern as well. This is the perfect fusion of the three legs of the Reagan Coalition, and will benefit all Americans.

There are also serious political implications. TBBA could change the national debate. With several GOP presidential contenders endorsing the idea, this will likely be an issue for the 2012 elections. Those of us involved at the grassroots level with this issue and determined on making it so.

[From the Heritage Foundation, July 21, 2011]

BALANCED BUDGET AMENDMENT: INSTRUMENT TO FORCE SPENDING CUTS, NOT TAX HIKES

(By Edwin Meese III)

As Congress considers what to do about federal overspending and overborrowing, conservatives must maintain focus. We must pursue the path that drives down federal spending and borrowing and gets to a balanced budget, while preserving our ability to protect America and without raising taxes. An important part of that conservative agenda is adoption of a sound—repeat, a sound—Balanced Budget Amendment. A Balanced Budget Amendment is not sound if it leads to balancing the federal budget by tax hikes instead of spending cuts. Thus, a sound Balanced Budget Amendment must prohibit raising taxes unless a two-thirds majority of the membership of both Houses of Congress votes to raise them. Without the two-thirds majority requirement, the Balanced Budget Amendment becomes the means for big spenders to raise taxes.

Supporters of the Balanced Budget Amendment rightly want to force the federal government to live within its means—to spend no more than it takes in. Because the government has failed for decades to follow that balanced budget principle, America is now $14.294 trillion in debt, a debt of more than $45,000 for every person in the United States.

President Obama is making things worse. In discussions with congressional leaders, he has pushed hard to get authority to borrow yet more trillions of dollars and hike taxes. And the White House reiterated this week that President Obama opposes amending the Constitution to require the federal government to balance its budget.

A Sound Balanced Budget Amendment Must Require Two-Thirds Majorities to Raise Federal Taxes. Like 72 percent of the American people, The Heritage Foundation favors passage by the requisite two-thirds of both Houses of Congress and ratification by the requisite 38 states of an effective Balanced Budget Amendment to become part of our Constitution. Heritage has made clear that an effective Balanced Budget Amendment must control spending, taxation, and borrowing; ensure the defense of America; and enforce, through the legislative process and without interference by the judicial branch, the requirement to balance the budget. A sound Balanced Budget Amendment will drive down federal spending and end federal borrowing.

To date, Congress has proposed one largely sound Balanced Budget Amendment for consideration—Senate Joint Resolution 10, often called the Hatch-Lee Amendment after its main proponents. It has a number of important features, such as an annual federal spending cap of not to exceed 18 percent of the economy's annual output of goods and services (called the gross domestic product, or GDP) that Congress cannot exceed, except by a law passed with two-thirds majorities in both Houses of Congress or in specified circumstances involving military necessity.

A crucial feature is included in section 4 of the Balanced Budget Amendment proposed by Senate Joint Resolution 10: ''Any bill that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue may pass only by a two-thirds majority of the duly chosen and sworn Members of each House of Congress by a roll call vote.'' The requirement that no tax hikes occur without the approval of 290 Representatives and 67 Senators is essential in a sound Balanced Budget Amendment. Without the requirement for two-thirds majorities for any tax increase, the Balanced Budget Amendment becomes a sword for big spenders to use to raise taxes, instead of a shield to protect Americans from tax hikes. Those who seek to anchor into our Constitution a requirement to balance the budget must always remember that, if the only requirement is ''balance,'' that can be achieved two ways—cut spending or hike taxes. A sound Balanced Budget Amendment will balance the budget by driving down federal spending and not by driving up federal taxes.

Balanced-Budget States that Allow Simple Majorities for Tax Hikes Face Situations Very Different from that of the Federal Government. Some look at the experience of states that have requirements in their constitutions for a balanced state budget and draw the wrong conclusion about the need for two-thirds majorities for taxation. They mistakenly conclude that a requirement merely for simple majorities in state legislatures to raise taxes suffices to keep state taxation under control and therefore that a federal Balanced Budget Amendment should require only simple majorities in Congress to raise taxes. But the balanced budget requirement at the state level occurs in a very different context from such a requirement at the federal level.

As a practical matter, state legislators regularly work and live among the people they represent, often do their legislative work face-to-face with their constituents, and often depend upon direct contact with voters to persuade voters to keep the legislators in office. As a result, state legislators tend to be closely attuned and responsive to the need of their constituents for reasonableness in taxation. In contrast, U.S. Senators and Representatives spend much of their time distant from the people they represent, often deal with their constituents through the insulation of large staffs, and amass large campaign funds through political fundraising that allow them to depend more upon expensive mass communications than upon direct contact with voters to persuade the voters to keep them in office. As a result, U.S. Senators and Representatives tend to be less directly attuned and responsive to the need of their constituents for reasonableness in taxation than state legislators are. Accordingly, while a requirement for merely simple majorities in state legislatures to raise taxes may suffice to keep taxes under control in that state, simple majorities are not likely to keep taxes under control at the federal level—as the experience of federal tax increases in the last 50 years proves.

Some who recognize the need for taxpayer protection by requiring supermajorities, rather than just simple majorities, of the two Houses of Congress to raise taxes think a supermajority of three-fifths of both Houses would suffice. While three-fifths would add a modicum of taxpayer protection in the House, three-fifths would add little if anything in the way of taxpayer protection in the Senate, which already often requires a three-fifths majority to proceed to consideration of legislation. The existing three-fifths rule in the Senate has often failed to protect taxpayers from federal tax increases in the past. A sound Balanced Budget Amendment would add protection for taxpayers in both Houses of Congress by a requirement for two-thirds majorities of the membership of both Houses to raise taxes.

Conclusion: Adopt the Two-Thirds Majority Requirement for Tax Hikes, to Make the Balanced Budget Amendment the Instrument of Spending Cuts and Not Tax Hikes. America's soon-to-be New Minority—people who pay federal income tax—need protection from unreasonable taxation. When all Americans have the right to vote, but only a minority has the duty to pay the federal income taxes from which all Americans benefit, the risk is high that a non-taxpaying

majority will elect a Congress pledged to adopt taxation that oppresses the taxpaying minority The impulse to seek something for nothing has regrettably taken root in the American body politic in the past century. The requirement in the Balanced Budget Amendment of a two-thirds majority of the membership of both Houses of Congress to raise taxes will protect a taxpaying minority against oppressive taxation.

As Congress continues on the path toward adopting a joint resolution to recommend a Balanced Budget Amendment to the states for ratification, Congress should ensure that the Amendment includes a requirement for approval by two-thirds of the membership of the two Houses of Congress for tax hikes. Absent such a requirement, the Balanced Budget Amendment will encourage tax hikes instead of spending cuts as the means to balance the budget, making the Amendment the friend of the tax, spend and borrow crowd, instead of the friend of those who believe in limited government, free enterprise, and individual freedom.

Mr. HATCH. While a number of liberal groups committed to more government spending have lined up against our proposal, there is hardly a groundswell of support for the Democratic alternative. In fact, the lack of support for that proposal demonstrates more than anything I can say that it is a proposal designed with politics in mind. It is designed to provide cover for Members who want to say they support a balanced budget amendment while opposing the only amendment that would actually reduce government spending.

The bottom line is that not all balanced budget amendments are created equal. The Senate Republican amendment is one to restore liberty and constitutional government by reducing the size and power of Washington. By contrast, the Democrats' alternative promises more of the same. It does nothing to rein in spending or address the fiscal crisis this Nation faces. The differences between these proposals highlight clearly the distinctions between conservatives in Congress and the President and his supporters.

Although I am ever hopeful, I am realistic about the chances the Senate will pass S.J. Res. 10 tomorrow. I suspect the vote for the Senate Republican amendment will be as low as any the Senate has taken on a balanced budget amendment. This, though, shows how stark the differences have become between the two parties. The Democratic Party is now openly the party of tax and spend, the party of bigger and bigger government.

That is why today's debate and tomorrow's vote represents what Ronald Reagan called ''a time for choosing.''

As President Obama's speech in Kansas showed the other day, he is not backing away from his goal of fundamentally reordering American society in a way that transforms individuals and businesses into the arms of the State. The President, having completely abandoned the political middle and thrown in with the far left to secure his reelection, is now arguing that it is wrongheaded to believe one's success in life is owing to one's own hard work. Because the President seems to believe that individual success is ultimately not the result of personal effort but, instead, due to society, adherence to and respect for property rights, and the simple notion that one owns the fruit of one's labors becomes for him and his supporters a quaint artifact of an earlier era in American history.

The candidate of hope and change has turned out to be the President of spreading the wealth around. To succeed, he has embraced the politics of envy and class warfare that is far outside the mainstream of our political heritage.

The Republicans' balanced budget amendment offers nothing so grandiose. All we seek is the restoration of some limits on the power of the Federal Government and meaningful reductions in spending, and we give the time to get there too in our amendment. All we promote is a decent respect for the right to one's own wages and the freedom promised in our Declaration of Independence.

The Senate Republican balanced budget amendment secures these blessings of liberty, and I urge every one of my colleagues to support it.

The opponents of this amendment will say it is somehow improper to constitutionalize a requirement for a balanced budget. Hogwash. Many of those same individuals do not bat an eye when five unelected Justices on the Supreme Court rewrite the Constitution to fit their own preferred policy goals. Yet it is somehow inappropriate for the Senate to send a balanced budget amendment to the people in the States for ratification.

What are they afraid of? The Constitution ultimately belongs to the sovereign American people. It is only law because of their sovereign actions of ratification and amendment.

It seems odd the Democratic Party that claims Thomas Jefferson as its founder would oppose giving the American people a voice on this foundational constitutional issue. After all, if President Obama, the progressive Democrat, was so confident in the strength of his arguments, he could rest easy knowing the people would decline to ratify a balanced budget constitutional amendment.

So what are they so afraid of? Why are they so afraid to send this amendment to the people for ratification? Thirteen States could defeat this amendment. All they need to do is get 13 States to go against this amendment. That is what it would take to defeat it. That is all it would take. But it would be the people who would decide, not just a bunch of people here. If that is all the opponents of this amendment need, why are they so worried about sending it to the States for ratification? Why the lack of confidence in their powers of persuasion?

I can tell you why. The people of this country would ratify this amendment so quickly its opponents' heads would spin. Those who oppose sending this balanced budget amendment to the States for ratification know the people are eager to ratify it. That is certainly the case in Utah. Earlier this year, Utah passed S. Con. Res. 201 expressing support for S.J. Res. 10, the balanced budget amendment I introduced, along with my friend and colleague from Texas, Senator CORNYN, and my friend and colleague from Utah, Senator LEE, as well as 44 other Senators, all of whom deserve credit for this amendment.

I commend to my colleagues the Utah Senate's Concurrent Resolution 201 of the 2011 Second Special Session.

Mr. President, I take the instruction from Utah's State representatives very seriously. The Utah Legislature made it clear it supported ratification of this amendment, and I am confident if the Members of this body listen to their own State legislatures—49 of which are required to balance their own budgets—similar instructions would follow.

Here is the bottom line. Liberal special interests oppose the Senate Republicans' balanced budget amendment because they know the people would ratify it. And if the people ratified it, the government-funded gravy train would come to an end.

I look forward to this debate today. It is an important one, and I am confident that eventually the American people will ratify a balanced budget amendment and restore the promise of America's Declaration of Independence and Constitution for future generations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise today in support of the balanced budget amendment. In fact, it is beyond me to imagine how anybody in this body could oppose a balanced budget amendment. I ran my election last year primarily on this fact—that government spending was out of control and the debt was consuming our country and that we needed new and more serious rules to bring the budget under control.

We have tried in the past. This body passed Gramm-Rudman-Hollings with bipartisan support in the 1990s and immediately began to evade it. This body passed pay as you go and then proceeded to disobey their own rules 700 times. And we wonder why 9 percent of the people approve of Congress? It is because we cannot even obey our own rules.

So we need new rules. We need a balanced budget amendment that would be an amendment to the Constitution because we do not adhere to the rules we pass. This body is literally out of control.

Now, the other side says: Trust us. Trust us. We can balance the budget. The other side hasn't passed a budget this year or last year—not just a balanced budget, the other side can't pass any budget. So I think we need new and stronger rules to force us to do

what is right, do what every American family has to do; that is, balance their family budget. A nation is no different. A nation has a printing press and can run deficits for longer, but there are ramifications.

The enormous debt we are accumulating as a country—we are borrowing $40,000 every second. During the time of my 5-minute speech, we will have borrowed millions of dollars. So there are ramifications. We have to pay for our debt in some way. We can either tax people or we can borrow—we are at the limits of both—or we can simply print the money. But as we print money to pay for our debt, we destroy the value of the existing currency. So those who have savings, those who are on fixed incomes—senior citizens, the working class—those who use every penny of their paycheck to pay for their needs are being robbed on a daily basis by inflation. Inflation is the end result of debt.

If we look at the approval of Congress being 9 percent, and we contrast that with how much of the public is for a balanced budget, 75 percent of the public—Republicans, Democrats, and Independents—would vote in favor of a balanced budget amendment. Yet this body is out of touch because we can't get anybody from the other side even to talk to us about a balanced budget amendment. We worked for months to see what it would take to make one acceptable to the other side, and we got nowhere.

We need to balance our budget because the debt is a threat to our country. This is not just me saying this. The Chairman of the Federal Reserve has said our debt is unsustainable. Admiral Mullen, part of this administration, has said our debt is the greatest threat to our national security. Erskine Bowles, who led the deficit commission and has been known as a Democrat, said we are approaching the most predictable crisis in our history, and it will be a debt crisis.

All throughout Europe there is a debt crisis: Italy is having trouble paying its debt; Greece is underwater; Portugal, Spain, and Ireland are all tenuously holding on and trying to pay their debts. That European crisis, that destruction of the Euro, is coming this way. Our debt now equals our economy.

Senator HATCH mentioned we have a $15 trillion debt and a $15 trillion economy. Many economists say when our debt approaches 100 percent of GDP—where ours is now—we are losing 1 million jobs a year. So this is having a drain on the here and now. It is not just that this debt is being passed on to our kids and grandkids. The debt is affecting jobs.

When I talk to college kids, I say: The chance of you getting a job depends on what we do with the debt. If we continue to finance our spending through debt, you will not have a job. You will have less likelihood of getting a job.

Now, some say it would be too hard to balance the budget. It is just too far out of whack. We can't do it. It is pretty bad. We are borrowing 40 cents on every dollar. If we look at the spending, borrowing 40 cents on every dollar is remarkable. When we look at our budget, the revenue coming in is being consumed by entitlements and interest. Everything else we spend—national defense, roads, everything else—the rest of the 40 percent of the budget is being borrowed. It is out of control.

Can you imagine any business or any family in this country borrowing 40 percent every year, year after year after year? It can't be done. There are ramifications and a day of reckoning is coming.

Some say: How could we ever balance our budget? I will tell you how. If we cut 1 percent of spending—this is called the penny plan—cut one penny out of every dollar in Federal spending for 6 years and freeze spending for 2 years, the budget will balance in 8 years. If we were to pass a balanced budget amendment and send it to the States, there is a 5-year window in the amendment, plus it takes a couple of years to pass, so it would be about 8 years.

So we could balance the budget in 8 years simply by cutting one penny out of every dollar. One might ask: How could that be, when they are cutting trillions of dollars and not balancing the budget? The reason is, when they talk about cutting spending around here, they are always talking about cutting proposed increases in spending. They are never talking about real cuts in spending. What I am talking about is a real cut.

We spend $3.8 trillion in our budget this year. One percent is $28 billion. Next year, we would spend $3.8 trillion minus $38 billion. A real cut of 1 percent each year for 6 years balances our budget in 8 years. It could happen, but it is going to take some resolve.

People need to understand the alternative. The alternative, if we do nothing, is that our debt is going to consume us as a nation. We have been warning about this for some time. Senator HATCH has been active. The last time we voted on this was in 1997. Fourteen years later we have had a significant revolution at the polls, and people are anxious to say: Do something, protect us from this mountain of debt. Yet there is still great resistance in this body.

I would say people in this body who vote against the balanced budget amendment do so at their own peril and do it against the will of the people. If they think it is so important to continue to accumulate debt, and that debt is fine, they should vote against this amendment. But they are thumbing their nose at the people. They are thumbing their nose at the American people who are very worried about our Republic and very worried about this debt.

So, Mr. President, I rise today in support of the balanced budget amendment and encourage my colleagues to give serious thought to voting for this amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I too rise in strong support of the balanced budget amendment—the strong, meaningful, balanced budget amendment presented on this side of the aisle because it is an important, necessary effort to rein in the biggest economic problem and threat we have facing us.

I want to dovetail and expand on some of Senator PAUL's comments, with which I certainly agree.

First of all, I hope it is perfectly clear that our debt—our growing, unsustainable level of debt—is a clear and present danger and an immediate danger to our Republic, to our democracy, to our economy, and to our future.

Overspending has been a problem for quite a while in Washington. It has been a problem under Republican and Democratic administrations and Congresses. But forever it was a problem because we were passing on these big debt figures, this big burden to our kids and grandkids, and we were kicking the can down the road. It was a problem for the future which we should correct now but largely a problem for the future.

As Senator PAUL said, that is not true anymore. It is an immediate threat right now. It is not a question of just our kids and grandkids; it is a question of next month, next year, whether we avoid a crisis, as is brewing in Europe, which could be the biggest hit to our economy since the Great Depression, bigger than what we went through in 2008. So this issue is an immediate threat, and it is not some esoteric issue about balance sheets. Again, as Senator PAUL said, it is an immediate threat to the health of our economy, to the prospect and ability of Americans, including young Americans coming out of college, to get good jobs, to settle into good careers.

The second thing, which I hope is obvious, is that to get ahold of this problem, to deal with this threat, Congress needs enforced discipline. We need a fiscal straitjacket because we have proven, unfortunately, over and over, under Democratic and Republican majorities, under Democratic and Republican Presidents, that we are not going to do it on our own. We need the enforced discipline—the fiscal straitjacket, if you will—of a balanced budget amendment.

Why do I say this? Well, even knowing the threat we face right now, what does Congress do? Congress passes a debt plan. We pass cuts. While the so-called cuts of $2.1 trillion sounds like a lot of money—it is in some sense—it is largely cuts to the growth of government spending. Even under this plan that Congress recently enacted, we are still racking up new debt. We are still adding on $7 trillion to our already unsustainable level of debt in the next decade, increasing it 50 percent, from $15 trillion to $22 trillion. That is the best we can do without enforced discipline even in the crisis atmosphere

we have now, even with the understanding we have now. I hope that proves we need this enforced discipline. The balanced budget amendment Republicans have put forward gives us that discipline we need.

First of all, I wish to compliment so many who have worked with me on it—Senator HATCH, Senator LEE, many others. I was in the working group, and I was in several meetings to get the details right because the devil is in the details. We don't need a fig leaf. We don't need a talking point. We need a balanced budget constitutional amendment that will work.

The details are right in this proposal, and it will work. Why do I say this? Well, within 5 years of ratification, under the amendment, Congress must pass a budget, the President must submit a proposal that is balanced, but not only that, the size of the Federal Government is limited to 18 percent of GDP. That is the long-term historical average of revenues in modern history. That is where we need to be. That is not my decision; that is not the decision of a single Member of Congress; that is the average of where revenues have been in the modern period.

It requires a strong supermajority to ensure that we don't continue the practice of exceeding spending caps with gimmicks and emergency spending for things that are not truly emergencies. For instance, a two-thirds vote of both Houses is required for a specific deficit for a fiscal year. A majority vote is required for a specific deficit when we have a declared war, and it needs to be a declared war in that instance. A three-fifths vote is required for a deficit during a military conflict and—this is important—with the requirement specifically that that is ''necessary by the identified conflict.'' In other words, the overage from a balanced budget is only for that conflict, not just a general exemption. A two-thirds vote of each House is required to increase taxes, and that is important so that this is not just a mechanism for ever-increasing tax rates that will quickly stagnate the economy. A three-fifths vote of each House is required to increase the debt limit, which is also important.

The details are important. I am confident we have gotten the details right in this proposal.

We also have a Udall proposal, a Democratic balanced budget constitutional amendment. Unfortunately, I think that gets the details very wrong. I am pleased that Senator UDALL and Democratic colleagues on the other side are committed to the notion of a balanced budget constitutional amendment. That is important, and that is progress. But the devil is in the details, and I am afraid they got some of those details very, very wrong. For instance, there is a huge loophole exemption for whenever the country is in a military conflict—not just a formally declared war but any military conflict. Unfortunately, we are going to be in that situation for a lifetime under the present war against terror, so that is a huge, gaping loophole. Under that loophole, the amount beyond a balanced budget which is allowed isn't specific to that conflict, it is just a general exemption. So it is a big loophole.

There are other loopholes too. Social Security is completely exempt from this structure. I think that is a big mistake because that is part of our budget situation and because we need this very enforced discipline to fix and to save Social Security. That is one of the top items I want to fix and save. That is one of the first places we need this enforced discipline to fix and save Social Security.

I urge all of my colleagues to come together behind this important and necessary enforcement tool. The American people recognize the problem. They recognize this—a strong, meaningful balanced budget amendment—as an important part of the solution. They want us to act in a positive way, and I urge that support for this balanced budget amendment and for that solution.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I wish to thank my colleague from Louisiana, who has made great points about where we are.

I do think it is good news that we are talking about balancing the budget, but unfortunately, as we often do, this is really a political show more than a real attempt to actually balance the budget. The whole process is set up to fail.

We know the President has said that we don't need to balance our budget and that it is an extreme idea. The majority leader here in the Senate has called a bill that cuts spending and caps spending and sends a balanced budget amendment to the States to ratify the worst legislation he has ever seen. NANCY PELOSI, the Democratic leader in the House, has said that to balance the budget would cost jobs and that we would do it on the backs of the poor. Now we are to believe that our colleagues on the Democratic side here are serious about working with us to balance the budget.

The situation is too serious to just play politics, and I know from talking to a number of my Democratic colleagues that they feel the same way, that they know we need to balance the budget. It is very difficult for them as a party because a lot of their platform is based on more promises for government and more government spending.

In effect, a balanced budget amendment that meant we couldn't spend more than we were bringing in would change politics in Washington forever, which is something we have to do. But at least we are discussing the idea of balancing the budget.

We know that the President's budget, the only budget we have seen—we haven't seen one out of the Senate in the last several years—increased our debt another $10 trillion over the next 10 years. It didn't balance it.

Just about every Republican voted for a budget, a 10-year budget offered by Senator PAT TOOMEY that balanced in 10 years without cutting Social Security or Medicare. So we can do it. We can do it without hurting Americans. If we do it now, we can actually control our own destiny rather than what we see across the Atlantic in Greece and other European countries. They lost control of their destiny. They are now in the control of other countries and of fate. But America is still in a position that, if we make the decisions now to begin the process to balance our budget, even if it took 10 years, we could save our country and perhaps save freedom for the world. But there is no question that if we continue on the same course we are on today, we will bankrupt our Nation, lose control of our destiny, and change the world forever. But at least we are talking about balancing the budget, and maybe that is a good first step.

Today, the Democrats have offered a weak alternative to the Republican balanced budget so that they can say they are for it. Again, I think that is important to get on record, that we are at least for the idea of stopping spending more than we are bringing in. For the past 2½ years, as I mentioned, the Senate Democrats, who are in charge here, haven't even produced a budget, let alone the idea of balancing one. President Obama, as I said, proposed a budget that doubled the national debt in the next 10 years. That is not responsible leadership at a time when we are already at an unsustainable debt level.

Despite all the bipartisan promises to cut spending, Washington is still voting to make government bigger and more expensive than ever. And this includes some Republicans joining the fray here to just increase spending. Federal spending went up 5 percent in the first 9 months of the year despite all the hoopla about us doing something about spending.

There is one way to judge whether we are cutting spending or not, despite all the rhetoric here and the Washington-speak. If we want to know whether we are spending more, we just have to ask ourselves: Are we spending more than we did last year? The answer is yes. And we are going to spend more next year than we did this year, based on the bills we are passing this week and next. So this isn't austerity. It is gluttony. It is political gluttony.

Since Obama became President, the debt limit has been raised four times. The debt is rising faster and higher than ever. Yet the Senate refuses to pass a budget or cut spending. We must budget and balance the budget or we are going to bring down our whole country.

Republicans have offered a strong balanced budget amendment that limits government spending to 18 percent of gross domestic product—GDP—and

requires a two-thirds majority to raise taxes, and it has earned the support of every Republican in the Senate. That is pretty unusual for us. Passage of that amendment should have been tied to the last increase in the debt limit, but it wasn't. President Obama was given another $2 trillion to borrow, and Americans received nothing in return, no cuts in spending.

The Democratic amendment differs in three ways from the Republican amendment.

What Republicans are trying to do is to reduce the level of spending relative to our total economy and to make sure it is difficult to raise taxes to balance the budget. And we should all agree on that. We shouldn't go back to the taxpayer every time we spend too much. The emphasis should be on reducing our spending. But the Democratic amendment doesn't cap spending to the historical levels, which means we can balance the budget by raising taxes and continuing to increase spending. So our amendment is designed to cap that spending at a certain level.

Secondly, the Democratic balanced budget amendment does not require a supermajority to raise taxes. So during regular order here, we can increase taxes to meet the requirement to balance the budget. It would be a nice safeguard for the American taxpayer that we would at least have to get a supermajority to raise taxes in order to balance the budget.

For some reason, the Democratic balanced budget amendment inserts just an element of class warfare, saying that we cannot decrease taxes on those making over $1 million. It doesn't sound like something we would do anyway, but it is not something that should be part of a constitutional amendment that we send to the States to ratify.

The strong Republican balanced budget amendment would force both parties to find ways to cut spending and reform entitlements. Those are the things we have to do. The weaker Democratic version does not do that because it preserves the status quo where it is easier to raise taxes than cut spending, which is where we are today.

For the past 2½ years, Senate Democrats have not produced a budget, let alone a balanced one. President Obama proposed a budget this year that doubled the national debt. Again, that is not a budget; that is a loan application and this country cannot continue to operate based on more borrowed money and more spending and more threats of raising taxes.

If we want to get the economy going and balance our budget, we have to cut spending. That is the whole idea of the Republican balanced budget amendment. Let's get serious about saving our country and the freedoms for which so many have fought. If we do not do it soon, we will lose control of our destiny.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise today to join many of my colleagues, as Senator DEMINT has said, to endorse the balanced budget amendment that Republicans are offering. We have 47 Republicans in the Senate and there are 47 cosponsors and supporters of this approach to a balanced budget. Our approach addresses the fundamental problem in America and that is government spending. Big problems require bold action. Today's staggering national debt, $15 trillion, is crippling our economy. We must take action to stop it.

The 40-year average of total U.S. Federal Government spending is 20.8 percent of gross domestic product. For 2011, Federal spending was 24.1 percent of GDP. Looking forward, if we stay on the same course we are on, Federal spending is projected to be 40 percent of GDP in 2046, and by 2085 it will reach 75 percent of GDP. We are reading a lot of stories about European countries that are doing exactly what we are talking about how the future for America will look like if we do not curb spending right now.

Some of my colleagues on the other side of the aisle think increasing taxes will reduce the deficit. However, the facts state otherwise. The trajectory of government spending, as I have outlined, could not be met with tax increases. There are not enough tax increases if you went to 100 percent rate of tax. There would not be enough to support that kind of government spending.

In addition to that, as we have been saying, increasing taxes is going to lower the capability of our small businesses to hire. That is what we are trying to spur right now, more employment. It is going to take systemic changes in government spending to get the debt and deficits down in this country. Lower spending is the only way we can have the systemic changes that are necessary to lower the government burden so the debt begins to get less and less.

My colleagues across the aisle have proposed their solution with a different approach to a balanced budget amendment. In our opinion, it is flawed because it fails to include a supermajority requirement to raise taxes and it separates Social Security from the Federal budget. That might seem like a good idea on its face, to assure that Social Security never goes under because there would not be a connection between Social Security and the Federal budget, but in fact as we speak today it is part of our Federal budget because the Social Security outlays exceed what is coming in revenue from Social Security. Excluding Social Security from our Federal budget would not solve our deficit spending or shore up Social Security's finances for current and future generations. Right now, Social Security is on a glidepath toward insolvency.

I firmly believe that entitlement reform is vital to any long-term solution to our Nation's financial problems. It is essential that we assure the markets that long-term financial challenges are being confronted, and that includes entitlement reform so that Social Security will be on a glidepath toward solvency rather than the other way around.

Earlier this year I proposed a modest Social Security reform that would gradually increase the retirement age so it more closely resembles today's actuarial tables and life expectancy. It would decrease the annual cost of living slightly by adjusting it if inflation exceeds 1 percent. If inflation exceeds 1 percent, then you would have a cost-of-living adjustment. Otherwise, you would not.

In addition to spending reduction and entitlement reform, we need long-term progrowth tax policies in place, not constant threats of tax increases. When we hear our small business people talking about why they are not hiring—because I think probably every one of us in this Senate as we travel around our States and in the country asks our small business people why aren't you hiring? Why aren't you adding to our economy?—they say two things. They say, No. 1, the regulations of this country are driving them down. It is like a blanket over their capability to produce, get more traction and hire people. So it is overregulation that we are seeing rampant in this administration.

The second thing is our President is always talking about tax increases. He talks about it every time I see an interview or a speech. Those people out there need to pay more taxes. You know what, if you are being constantly threatened with more taxes, you know you have to look at your budget and adjust, and that adjustment usually means you are not going to hire people if you know your expenses are going to go up through regulations and more taxes.

If we are going to make conditions in this country better for private sector job growth in this country, which certainly would lead to a stronger economy, we have to address spending and tax policy. Our balanced budget amendment moves forward on these fronts. We reduce spending responsibly, to put our country on a fiscally responsible path. We can shift the spending trajectory in this country by passing the balanced budget amendment and implementing a long-term plan that caps Federal spending. The Federal Government has grown exponentially in the last few years. We cannot sustain that. That is not a responsible position when we know unemployment is almost 9 percent. We have to have policies that will encourage employment. That is the way to grow revenue.

We can grow revenue, but not by taxing the people who are hiring. Rather, we can do it by giving them a regulatory playing field that is responsible

and not overbearing, and by making sure we have not only a tax policy that encourages hiring but one that is stable and predictable.

If taxes are going to change every year, that is not predictable and it is not stable. I hate it when I talk to an international company and I am talking to someone in that company—maybe the CEO, or chief financial officer—and I say, why are you moving that part of your company overseas? They will invariably say: Because there is a better regulatory environment.

That is shocking. It is shocking for an American CEO to say we can better predict what the conditions for regulations are in foreign countries than we can in America. That is not the foundation to revive our economy.

We have a balanced budget amendment that we believe addresses the issues of this economy. It will put caps on Federal spending. It will start bringing down the size of government to meet the gross domestic product of our country. Right now it is off balance and we need to put it right so we do start hiring in this country in the private sector. Hiring in the government sector is not a long-term growth strategy. We need jobs in the private sector for permanency and we will do that with a balanced budget amendment that puts caps on spending. Systemic change is what is necessary in this kind of environment. I hope Members on both sides of the aisle will look at these amendments and realize we could help the jitters in the market get calmed by addressing this in a long-term way.

The balanced budget amendment we are offering—and we will vote on tomorrow—is the best approach. It is looked at by people in the real world, the business world, the hiring world. They are saying what they need is stable regulatory environment and taxes that are not confiscatory so they will have the ability to hire more Americans and create greater revenues through people who are working and producing—people who are going to pay taxes, people who are going to export and keep our economy on a growth pattern rather than one that continues to sit there with a high unemployment rate that is stagnating our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I rise today to join with the Senator from Texas and agree with her about the need for a balanced budget amendment to the Constitution and agree with her comments about the economy in this country and our need to focus on jobs and debt and the spending. I agree with her and I agree with the majority of the American people. That is why I am here today to talk about the balanced budget amendment to the Constitution.

We are at a time in the calendar year where the holidays are rapidly approaching. Americans across the country are looking very closely at their budget. That is what families do, they look at their budget and they consider what costs are out there and what money is available to deal with those costs. They are looking at gifts and travel and holiday celebrations. They are carefully balancing their regular monthly expenses with these additional special costs in order to avoid starting the new year with a mountain of new debt. Americans understand there are consequences for irresponsible spending. Folks know if they make decisions which they later decide were not the best decisions, then by New Year's Day bills will come due and they will have real concerns.

Formulating a responsible budget is not always easy, but it is absolutely necessary. It is the right, the reasonable, and the responsible approach. The problem is, unlike the rest of this country, Washington does not seem to be concerned about responsible budgeting. In fact, Washington does not seem to be concerned about any kind of budgeting. In Washington, the President is responsible for submitting a budget every year. Congress is then responsible for passing a budget every year. It has not happened this year; it did not happen last year. The House of Representatives did their job when they passed PAUL RYAN's budget, but this body, the Senate, did nothing. In fact, this Senate has not passed a budget in over 950 days.

What has happened in the last 950 days? Well, in 2010, the Chairman of the Joint Chiefs of Staff said: ''The single biggest threat to our national security is our debt . . . '' The single biggest threat to our national security is our debt. Washington did nothing.

A year ago this month, the President's bipartisan commission made recommendations to rein in the debt. The recommendations have been largely ignored. More recently, the Joint Select Committee on Deficit Reduction failed to present a plan to cut $1.2 trillion from the deficit as required by the legislation. Our national debt is now over $15 trillion. Our credit rating has been lowered for the first time in the history of this great Nation. So here we are, $15 trillion in debt and no real plan to get out of it. The American people deserve better. They expect better.

Back home in Wyoming folks understand the importance of balancing budgets and living within their means. What they don't understand is why Washington doesn't get it. A constituent from my hometown of Casper—Mike Brewster is his name—wrote to me earlier this year. Folks in Wyoming like Mike get it. Mike wrote:

> One of the values that makes our state and our communities so strong is being financially solvent. We do not spend more than we make. If we max out our credit cards, we don't ask for higher credit limits, we cut our spending. To do anything else would label one a fool.

Referring to the national debt, he went on in his letter and said:

> Let's be clear; this is a crisis. This crisis wasn't caused by a lack of revenue; it was caused by spending way beyond our means. The only logical solution is to reduce spending—that is the ''Wyoming Way.'' That is what your constituents would have to do if they had the same mess in their personal finances, and that is what you must do to properly represent us.

Mike is absolutely right, this is a crisis. It is a crisis that could have been prevented and a crisis where we need to solve it by doing the right thing. If we are going to balance Uncle Sam's checkbook, we need to stop charging everything under the Sun to the taxpayers' credit card. That means we need to stop spending more than we take in, and in order to achieve this, I believe that now, more than ever, we need a balanced budget amendment to the Constitution.

Amending the Constitution is not something I take lightly. This is the single most important document in our Nation's history, and I am very hesitant to suggest amending it. However, Washington's unwillingness and inability to be responsible stewards of taxpayers' dollars has left us no choice. We need to begin the long road to financial recovery by balancing each and every budget. We do it in Wyoming, and Washington should follow suit.

The balanced budget amendment is not a new idea. In fact, a bill that would have sent a balanced budget amendment to the States for ratification failed by one vote in 1997 right here in the Senate. Over the years many Democrats who serve in the Senate today have voiced their support for a balanced budget amendment.

Senator SHERROD BROWN, Democrat of Ohio, said:

> Before I ask for your vote, I owe it to you to tell you where I stand. I'm for . . . a balanced budget amendment.

That was what he said in 2006.

DEBBIE STABENOW had another similar quote in 2000: ''I crossed the line to help balance the budget, as one of the Democrats that broke with my party.''

Senator HARRY REID, the majority leader, said back in 1997 when they were voting on a balanced budget amendment: ''I believe we should have a constitutional amendment to balance the budget. I am willing to go for that.''

Senator TOM HARKIN said: ''Mr. President, I have long supported a balanced budget amendment. I expect to do so again . . . ''

We could go on and on with Democrats who in the past stood up to support a balanced budget amendment.

It seems to me if folks on the other side of the aisle are serious about balancing the budget, they will support the only balanced budget resolution with teeth. The Republican plan imposes real spending discipline that cannot be undermined by simply raising taxes on hard-working Americans. If we are going to amend the Constitution, we need to make sure the balanced budget requirement cannot be easily sidestepped by either party. The Republican plan does just that.

Our creditors will not wait for a politically convenient time to collect our debts. We simply cannot afford to wait any longer to reduce those debts. Irresponsible, unsustainable spending and debt has consequences, consequences we simply cannot afford to pay.

If you don't believe me, look at Europe. Everyone in this body needs to take a long, hard look at Europe and then decide what future they want for our great Nation. This is not about doing what is right for Democrats or Republicans; it is about doing what is right for all Americans and for this entire country.

As Art Middlestadt from Cheyenne, WY, said in a recent e-mail: Allowing our children to suffer the consequences of Washington's reckless budgeting is unconscionable. Well, this is about showing Art and the rest of America that we hear them and we understand them. Families know this, individuals know this, and the sooner Washington knows this, the better.

I urge all of my colleagues to vote in favor of balancing the Federal budget.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, one of the things about a debate such as this is that I have something I always do, and that is I will sit down and cross off things I was going to say that somebody else has already said. Unfortunately, almost everything has been said, but there are a few things that have not. I wish to put this in a more of a historic perspective.

I can remember back in 1968. In 1968 I was elected to the Oklahoma State Senate, and at that time we were all concerned about the deficit spending and the debt in this country. I remember so well a kind old gentleman from Nebraska. He was U.S. Senator Carl Curtis. Carl Curtis contacted me—because I was kind of an aggressive person at that time—and said, I have an idea. I have been up here trying to pass a balanced budget amendment to the Constitution and I have been trying for years to do it. One of the primary objections they have is they could never get the majority, the three-fourths necessary to ratify the Constitutional Amendment. He said, this is my idea: Let's go ahead and get three-fourths of the States to preratify a budget-balancing amendment to the Constitution. I thought that was an ingenious idea, and so we did.

I passed a resolution in the Oklahoma State Senate in 1968 that said we were going to preratify it. In fact, we came within one State of having the three-fourths necessary to do that; not that that would have preratified it, but it would have taken away the argument that Carl Curtis had that they objected to in that they would never be able to ratify this in the States. I thought that was a great idea. We came close to doing it way back in 1968. I remember this very well. I was trying to impress upon the American people how much that debt was, and at that time the debt was $240 billion. I said, if you take dollar bills and stack them up, by the time you get to $240 billion, it is the height of the Empire State Building. That was only $240 billion.

A lot of the groups and Members who are opposed to passing the balanced budget amendment think we don't need one. They actually believe Congress and the President can balance the budget without any enforceable accountability. But in 1986 when the amendment failed by one vote—and I remember that year so well because that was the year I was elected to the House of Representatives here in Washington—the national debt at that time was $2.1 trillion. By 1997, when the Senate considered the amendment again, the debt had risen to over $5 trillion, and it got up to about $10 trillion when this President took office, and that is where this all starts.

What has happened since President Obama has been in office is something that is totally unprecedented in the history of this country. In the years he has been there, it has gone up 42 percent. I was concerned back in 1968 with $248 billion, and now the increase in this short period of time has gone from $10 trillion to $15 trillion.

I think everyone knows the need to reduce spending is evident. We don't have to do anything more than look across the Atlantic. I think my friend from Wyoming covered that pretty well. When you stop and think what has happened to these countries over in Europe—and it is not just Greece and Italy; there are other countries too. They could not resist their insatiable appetite to spend money they did not have. What has happened there is happening in this country. I agree with my friend from Wyoming, we are right behind Europe in this case.

I remember, and probably everyone in this Chamber remembers, during your elementary years reading about the history of this country. A guy named Alexis de Tocqueville came to the United States. He came here, oddly enough, to study our penal system. That was back in the founding years of this country. When he got here, he was so impressed with the wealth of our Nation that he stayed and wrote a book. In this book he talked about how one plot of land was given to each person who came over and they were able to keep the benefits of their hard labor, and the prosperity was indescribable at that time. It is said in the last paragraph of the de Tocqueville book that once the people of this country find they can vote themselves money out of the public trust, the system will fail. That is why I say this is not an ordinary time. This is not 1968, 1986, 1997, where we tried this before. This is to the point where we will realize the accuracy of de Tocqueville's prediction.

It has been publicized recently that 47 percent of the people are not paying Federal taxes and not paying income taxes. That is dangerously close to that 50 percent he was talking about several hundred years ago. So this year Washington has been patting itself on the back with the Budget Control Act we passed in August which cut spending by $900 billion over the next 10 years. We are slowly starting to chip away at appropriations bills. These have not been as advertised. They have not come close to solving the problem. This is demonstrated by the fact that next year's deficit is still expected to be right around $1 trillion. I know this is kind of offensive to some of the people who participated in this great committee that was charged with the great responsibility of finding $1 trillion over 10 years.

When I talked to a large chamber group in Oklahoma on Monday morning—we had over 500 people there—I said: Can you understand what is happening here in terms of the request that has been made of coming up with $1 trillion over 10 years?

As the Senator from Wyoming said, the President submits a budget. It is not the Democrats, not the Republicans, not the House, not the Senate. It is the President. He has now submitted three budgets. In his three budgets he has had deficits each year of almost $1.5 trillion.

I remember in 1997 going down to the floor when Bill Clinton was President of the United States, and that was the first $1.5 trillion budget to run the country. That was $1.5 trillion to run the entire United States of America. Yet this President has come up $1.5 trillion in deficit over and above the revenues we had each year for 3 years.

If you have the requirement of coming up with $1 trillion over 10 years and yet this President has increased the deficit by almost $5 trillion in the short period of time—it probably will be $6 trillion by the time the last budget is realized—then how in the world are you ever going to dig out of this? Well, the answer is you cannot.

Further, when I was talking to the people in Oklahoma on Monday, and I said, the requirement for the first year was $44 billion—if you take $44 billion as a requirement to cut spending in the first of 10 years and yet the President has had an increase of $1.5 trillion in his budget for 1 year, obviously that is not much of a requirement.

Obviously, that is not much of a requirement. That is not going to do. So to me that demonstrates what we are not able to do without having a balanced budget amendment to the Constitution. The amendment we have makes it difficult to raise taxes. It also requires that the President and Congress pass a balanced budget each year. It does something else that is very significant. The amendment would also limit the amount of spending allowed to 18 percent of GDP, which is the historic level of revenue the Federal Government has collected since World War II.

So it covers these things. People complain about it, saying: Well, we do

not know. There could be times of crisis. There could be times of war.

This has it built in. If we are in a declared war, you do not have to follow the guidelines in the balanced budget amendment. In fact, you could actually violate it because that is in times of war. We understand that. If it is not a declared war, you can do it with a supermajority. So this has those built in safeguards to take care of contingencies that we cannot determine what they are right now, such as war, such as a crisis we have.

Now, some of those people—not too many people will come to the floor and say this, but in their own minds they still believe this idea that more government spending can actually make the economy grow. And I do not know how they can still believe that after what they call the American Recovery and Reinvestment Act. It was $825 billion. That was supposed to be a stimulus package. That was supposed to stimulate the economy. Yet only 3 percent of that actually went to things that specifically would stimulate the economy, such as roads, bridges, and things we were supposed to do. It was all financed with extra government debt and with projects such as Solyndra, which has gotten a lot of attention recently, and other projects. It was more social engineering. We all know that. So we know you cannot increase spending to pull us out of the situation we are in. They also said that would cause the unemployment rate to get down to well below 8 percent. Of course, we know now that it did not do that. So none of the projections actually came to be realized. The economy is still very weak despite the fact that the President was able to secure nearly $1 trillion in stimulus spending. It did not help this time. It is not going to help again. It never helped in the past.

To enforce the amendment, the courts would be prevented from mandating tax hikes. Further, to raise the debt limit, a three-fifths majority of both Chambers—both, not just one—would be required.

So it does take care of all of these contingencies that I think would be necessary and answers the complaints that people have who say it would be dangerous to have a balanced budget amendment.

I know it works. The funny thing about it, when they say it will not work, look at the laboratories we have for the Federal Government. My State of Oklahoma, balanced budget amendment. It has all of these things built into it. In fact, it is not as generous as the one we are advocating. But nonetheless, I remember my years in the State legislature. We would get up toward the end of the year, and they would say: Well, wait a minute, we can't do that because we can't go into a deficit. If the States can't do it, we can pass the same thing.

So I would merely say, try to put it in the historic perspective. If you do that, then you will see why it is a sense of urgency that 47 percent of the people are on the receiving end of government. It would turn around and get to that point where, as Tocqueville said, we cannot go beyond.

Remember in 1968 the Carl Curtis thing. That was a $240 billion deficit; 1986, $2.1 trillion; in 1990, it was up to $10 trillion. It took all of that time to get up to $10 trillion. That has almost doubled with this one administration, with this President. So this is not business as usual. This is not like the balanced budget amendments have been in the past. They are structured very much the same way, but the sense of crisis is here.

I have 20 kids and grandkids. What we do here is not going to affect me personally, but it is going to affect future generations. This is an opportunity to really do something meaningful.

I urge the support of S.J. Res. 10, a strong balanced budget amendment to the Constitution.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Ms. AYOTTE. Madam President, I rise today to join my colleagues in expressing my clear and unequivocal support for a balanced budget amendment to our Constitution, Senate Resolution 10.

With our out-of-control and unsustainable debt threatening nothing less than the American dream and the opportunities that will be available for our children and our grandchildren, we need to pass a meaningful balanced budget amendment, and this, in my view, can be one of the single most important steps we can take to get America's fiscal house in order and to save our country from looming insolvency.

Madam President, 49 States in this country have some requirement to balance their budget. The Federal Government should be no different. My home State of New Hampshire has a legal requirement to balance its budget and has long followed this commonsense tradition of fiscal responsibility.

This is a subject I have discussed extensively with my constituents over the last year while I have done townhall meetings throughout our State focusing on our Nation's debt crisis. I have done a PowerPoint presentation to show my constituents the hard numbers on the fiscal state of this country. And it is deeply troubling where we are today: 3 straight years of $1 trillion-plus deficits, over $15 trillion dollars in debt, Medicare and Social Security on a path to insolvency as early as 2024 and 2036, respectively, and nearly half of our debt—47 percent—currently is being held by foreign entities, and the single biggest foreign holder of our debt is China.

I also talk about spending and deficits in terms of how it relates to your average New Hampshire family. In New Hampshire, if you use Washington's budgeting logic where we are borrowing 40 cents of every single dollar—in 2008, the New Hampshire median household income was $66,000. If you used Washington logic, the amount that family would spend would be $107,000 or $41,000 more than they earned. That would never fly in New Hampshire where families sit around their kitchen tables and they use their common sense to balance their budget. Yet in Washington we continue to perpetuate this borrowing to sustain our government every day.

If you look at where we are, one of the most troubling statistics that really impacts our economic growth is the share of our gross debt to the size of our economy or our GDP. That is now 100 percent. Just 5 years ago, that ratio was closer to 60 percent.

As many of us in this Chamber are aware, economists Carmen Reinhart and Ken Rogoff have concluded in a study that over the past century, for nations that reach where we are, where total debt reaches over 90 percent of the size of our economy, there is a negative impact on economic growth. And we can expect lower job growth and fewer economic opportunities. We certainly cannot afford that in this troubling time for Americans.

So not only do we need to get our fiscal house in order because it is the right thing to do so we are not dependent on other countries such as China to fund our government, we also need to do it so we can provide opportunities for future generations of Americans.

New Hampshire citizens understand we cannot keep spending money we do not have. They make those commonsense decisions on their own family budgets. Small business owners in New Hampshire are astounded when I tell them our Federal Government is operating without a budget. They would never run their businesses without a budget. But they do not understand why Congress cannot even perform such a basic function of passing a budget blueprint.

It has now been 958 days since the Senate last passed a budget. I have to say that I was really honored and excited to be the newest appointment to the Senate Budget Committee. However, I have been incredibly, incredibly disappointed that we have not in that committee done the hard work that needs to be done, the thing that is right for this country—to sit down, to make the hard choices, to put together a budget blueprint and to pass a Senate budget, to have the robust debate on the Senate floor about how we prioritize our spending and how we live within our means. The American people deserve better. They deserve us to do our job and to pass a budget for our country that is fiscally responsible.

In that time, in those 958 days that the Senate has not passed a budget, the Nation's debt has increased by $3.9 trillion. When you think about it, it is deeply troubling. I am hopeful that if we bring forward and pass the requirement of a balanced budget amendment to the Constitution, it will also force Congress to do the basic function of putting together a responsible and balanced budget for our country.

I cannot emphasize enough the urgency of passing this budget control measure, the balanced budget amendment, Senate Resolution 10. I think it is important for my constituents and the American people to know, if we pass the balanced budget amendment in this body, in the Congress, this is putting the question to you, to the American people, to decide, do you want the Federal Government to balance its budget?

So when we pass an amendment to the Constitution, we are simply sending along to the States the decision of should we amend our Constitution. I cannot think of anything more important than sending that question to the American people, to our State legislatures, to decide should we live within our means; should we be bound by the same requirements the States have, by the same common sense we find at home to balance our budgets and live within our means.

Madam President, for fiscal year 2011 we spent 24.1 percent of our GDP. That is well above the historical spending average of a little over 18 percent, if we go back to 1960 where the revenue we had has come in. So we are at a huge trajectory of spending at 24.1 percent. Yet in 2011 our revenues only accounted for 15.4 percent of our economy because of the difficult times we are in relative to our economic growth.

Under the Republican proposed balanced budget amendment, we put the handcuffs in place that are needed to put us on a path to eliminate this by capping Federal spending at the historical level of revenue at 18 percent. Why is this important? It is important because we can't continue to spend well beyond our means. We have to acknowledge that a meaningful balanced budget amendment will also cap Federal spending at its historical levels.

It is not difficult to see what will happen if we don't get control of our fiscal situation right now. Budget shortfalls will only get much worse, driven by massive increases in entitlement spending and interest payments, and the reality is the failure to act will result in America going the way of what we see happening in Europe right now, the way of Greece, Italy, and Ireland: our economy in tatters and our standard of living greatly diminished.

We cannot let that happen to our country. We must act now. We must pass this balanced budget amendment in the Senate and send that question to the House and also send that question to the States so the people of this country can decide if we should be responsible and have to balance our budget. Left unchanged, Medicare, Social Security, Medicaid, and other mandatory health programs alone will eventually grow to consume every single dollar of the revenues our government takes in.

Without reform, the Social Security trustees project the program will be insolvent by 2036. As a result, beneficiaries may see a benefit cut of 23 percent in just 25 years. The Medicare trustees project it is even more immediate and dire. The Medicare trustees project Medicare will be insolvent by the year 2024.

It doesn't have to be that way. We need to show the political will and courage to reform these programs, make them sustainable, and to reform them and preserve them for those like my grandparents, who are relying on them, and for future generations to know that these programs will be there. But if we fail to take this challenge on now and continue to kick the can down the road, then these programs will be greatly diminished, and they will continue on an unsustainable path that is bankrupting our country.

In this debate, it is important to remember that in 1997 the balanced budget amendment failed to pass this body by only one vote. At that time, our national debt stood at $5.4 trillion. We now have a $15 trillion debt. That debt equates to about $128,000 per household. That is a huge amount of money to an average household. Under the Budget Control Act, which I opposed last August, the debt will be allowed to reach a new limit of $16.4 trillion, left unchecked.

Congress has raised the debt limit 79 times since 1960, and in just 4 short months since the debt limit was last increased, over $700 billion has been added to our debt, since we took that action in August.

Speaking of the debt limit, the Republican-backed balanced budget amendment will require a congressional supermajority to raise the debt ceiling. That means three-fifths of both Chambers will have to approve unless it is a time of war. That would require a majority in a time of war. That is a very important measure because we can't continue to increase the debt limit without addressing the underlying drivers of this fiscal crisis that faces our country.

I also want to briefly touch on taxes. The Republican version of the balanced budget amendment, S. Res. 10, would require a supermajority to raise tax rates. We have a spending problem, not a revenue problem. Under S. Res. 10, a two-thirds approval of both Houses of Congress would be required for any bill ''that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue.''

My friends on the other side of the aisle are proposing an alternative—S. Res. 24—to the balanced budget amendment that I have just described. While this proposal sounds good, it fails to squarely address the magnitude of the challenges we face. It doesn't apply to all spending. It also doesn't contain a cap on spending. It does nothing to strengthen our entitlement programs, and it does nothing to make it harder to raise taxes. It does nothing to make it more difficult to raise the debt ceiling. In my view, it is insufficient to be meaningful to pass along to the States for a vote.

The Republican alternative contains the elements that I just talked about—a balanced budget, spending caps, a supermajority to raise taxes, and making it more difficult to raise the debt ceiling, unless and until we address the underlying causes of our fiscal crisis.

This issue is deeply personal for me. I fundamentally believe all of us have a duty to make this country stronger than we found it. As the mother of two young children, Katherine, now 7, and Jacob, 4 years old, who are both very excited for Christmas, I want the American dream to burn as brightly for them as it has for me. It is not too late for our country or for this body to make the tough decisions that will put our country on a fiscally responsible path.

I feel a solemn duty to make sure we make those choices now and that we don't continue to kick this can down the road to future generations and burden them with a debt they did not incur. The last thing I want is for my children to ask me: Mom, you knew we were going bankrupt. What did you do to save our country?

Now is the time for courage. All of us recognize the enormity of the fiscal challenges we face, as well as the dire cost of continued inaction in this body. The Republican balanced budget amendment provides a solid foundation that will set our Nation on a fiscally responsible path. This is an urgent need that we have right now. We cannot do what we did in 1997 and fail to pass the balanced budget amendment. We should send this question to the States and let them decide, let the people of this country decide: Should we live within our means? Should we balance our budget? Should we deal with this debt crisis now and make sure our children and all children and our grandchildren will have the same opportunities we have been blessed to have in the greatest country on Earth?

I urge my colleagues to support S. Res. 10.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Madam President, I agree with the Senator from New Hampshire on some of what she said with respect to facing up to our deficit and debt. This debt does present a clear threat to our country, and it must be confronted. I agree with her entirely on the question of the importance of that and the priority of it.

I disagree entirely with respect to this amendment that is before us. I came to the Senate floor to address this balanced budget amendment because I believe it would be a profound

mistake for this country. In fact, I believe if this amendment were in force today we would be in a depression. I believe adopting this amendment would have and could have disastrous consequences for the economy and for the future strength of this Nation.

I would like nothing more than to have a balanced budget. I believe in balanced budgets. I believe this debt represents a clear threat to the country. But I do not believe a constitutional amendment is the way to achieve it. I believe the way to achieve it is for us to make the decisions to balance the budget, to cut the spending, to raise the revenue, to actually balance the budget—not leave it to a constitutional amendment or to unelected judges or to the States but to make those decisions here and now.

I have been part of the fiscal commission where 11 of 18 of us agreed to a plan to get our debt under control. I have also been a part of four Democrats and four Republicans who have produced a plan that would get us back on track.

Here are the key provisions in the proposal before us. First, it would require the adoption of a balanced budget each year unless two-thirds of the House and the Senate voted to waive the requirement.

Second, it would cap spending at 18 percent of the prior year's gross domestic product, again, unless two-thirds of the House and the Senate voted to waive the requirement.

We have not had a spending level of 18 percent of GDP in as long as I can remember. So that is a formula I think that goes against the reality of the needs of this country—not only the need for support for education but also for our national defense.

It would prohibit passage of any bills that increased revenue unless two-thirds of the House and the Senate voted to waive the requirement. The Senator just showed a chart that showed revenue at the lowest level it has been in 60 years as a share of our national income. Again, revenue is the lowest it has been in 60 years. This constitutional amendment would say it would take a two-thirds vote to change it. Really? Revenue is the lowest in 60 years, and we are going to have a two-thirds vote to change it? Boy, that is a guarantee we are not going to have the necessary revenue to balance the budget anytime soon.

It would require a three-fifths vote in the House and Senate to increase the debt limit.

Here are what I see as the key problems with this proposal. First, most important, it would restrict our ability to respond to economic downturns. It would effectively block the implementation of countercyclical policies. This would only compound economic declines and possibly throw us into a recession or even into a depression.

Two of the best known economists in this country did a review of what would have happened absent a Federal response after the events of late 2008. Alan Blinder, former deputy head of the Federal Reserve, and Mark Zandi, the head of Moody's Economics, a former campaign adviser to JOHN MCCAIN, did an analysis of what would have happened in this economy absent the Federal response—the TARP and the stimulus. Their conclusion is that had we not had that Federal response, we would be in a depression today. We would have 16 percent unemployment. We would have 8 million more people unemployed.

This amendment would have prevented that response. What a mistake, what a profound mistake. Further, this amendment uses Social Security funds to calculate balance and subjects the Social Security Program to the same cuts as other Federal spending. Further, it shifts ultimate decisions on budgeting to unelected and unaccountable judges.

Finally, The State ratification process for a balanced budget amendment could take years to complete.

We don't have years. We need to act now, and we don't need an excuse for inaction by saying: Oh, we passed a balanced budget amendment to the Constitution that will not take effect for God knows how long.

Here are some additional problems that are specific to this proposal. The 18 percent of GDP spending cap is Draconian and unrealistic, particularly given the retirement of the baby boom generation and rising health care costs. The restriction on legislation that raises revenue would effectively prevent any increase in revenue, even if it is part of a bipartisan, balanced debt reduction plan.

What a profound mistake that would be. Again, I repeat: Revenue as a share of our national income is the lowest it has been in 60 years. Spending as a share of our national income is the highest it has been in 60 years. So this proposal would absolutely handcuff us on the revenue side of the equation, locking in deficits for God knows how long. It doesn't make sense.

Making it more difficult to raise the debt limit, this proposal increases the likelihood of default. We saw the turmoil created by our near default this summer. Why would we want to make an actual default far more likely to occur?

We can also see that on our current course, by 2021, spending on Social Security, Defense and other nonhealth care spending and interest alone will reach more than 18 percent of GDP. What is missing? Medicare. If we stay on our current course, under this balanced budget amendment, Federal spending on Medicare would have to be completely eliminated. Let me repeat that. On our current course, by 2021, spending just on Social Security, Defense, nonhealth care spending, and interest alone will reach more than 18 percent of GDP. What is missing? Medicare. Medicare would have to be completely eliminated if we aren't to change what we are doing with Social Security, not to change what we are doing with Defense and other nonhealth care spending. Obviously, we can't do anything about the interest expense. That has to be paid.

It is notable an 18-percent spending limit is so unrealistic that even the House Republican budget would violate this restriction in every single year. Let me repeat that. This 18-percent restriction on spending is so unrealistic that even the House Republican budget would violate this provision in each and every year of its life.

Norman Ornstein, a respected scholar at the American Enterprise Institute—a Washington think tank—described a balanced budget amendment as a very dumb idea. In a column in Roll Call earlier this year, he wrote:

> Few ideas are more seductive on the surface and more destructive in reality than a balanced budget amendment. Here is why: Nearly all our states have balanced budget requirements. That means when the economy slows, states are forced to raise taxes or slash spending at just the wrong time, providing a fiscal drag when what is needed is countercyclical policy to stimulate the economy. In fact, the fiscal drag from the states in 2009–2010 was barely countered by the Federal stimulus plan. That meant the Federal stimulus provided was nowhere near what was needed but far better than doing nothing. Now imagine that scenario with a Federal drag instead.

Mr. Ornstein has it exactly right. A balanced budget amendment would have a devastating impact on our economy at the worst possible time. Mr. Ornstein is not alone in that sentiment. Macroeconomic Advisers, a leading economic forecaster firm, had this to say in a company blog posted in October:

> If actually enforced in fiscal year 2012, a balanced budget amendment would quickly destroy millions of jobs while creating enormous economic and social upheaval. The effect on the economy would be catastrophic.

Let me repeat that. The effect on the economy would be catastrophic.

Continuing the quote:

> No model could capture the ensuing chaos and uncertainty, which would make matters far worse.

Macroeconomic Advisers went on to conclude that enforcing a balanced budget amendment in 2012 would result in 15 million fewer jobs.

Let me repeat that: 15 million fewer jobs. That is largely in line with the Blinder and Zandi analysis of what would have happened absent the Federal response to the economic downturn.

Here is what Bruce Bartlett, a former Reagan administration economic adviser, wrote in a New York Times online column in November:

> The idea of mandating a balanced budget through the Constitution is dreadful. And the proposal that Republican leaders plan to bring up is, frankly, nuts. The truth is that Republicans don't care one whit about actually balancing the budget. If they did, they would want to return to the policies that gave us balanced budgets in the late 1990s. Of course, no Republican favors such policies

today. They prefer to delude voters with pie-in-the-sky promises that amending the Constitution will painlessly solve all our budget problems.

We must absolutely address the Nation's deficit and debt. Our friends on the other side have that exactly right. Our economic future depends on our ability to put the budget back on a sound long-term path. That is why I believe what is actually needed is for us to put our energy and effort into writing a budget that actually balances, cutting the spending, raising the revenue, making the tough choices. That is the best way forward.

A balanced budget amendment to the Constitution is not the answer, and this balanced budget amendment is particularly troubled. It would restrict our ability to respond to economic downturns, it would impose a Draconian and unrealistic spending cap, and it would effectively prevent any increase in revenue, even if it is part of a bipartisan balanced deficit reduction plan.

I urge my colleagues to reject this amendment.

On a separate matter, let me just say when my colleague said we don't have a budget, we do have a budget. I sometimes think our colleagues missed out on what happened on August 2. We passed the Budget Control Act. The Budget Control Act provided a budget for this year and for next year. That is the budget we are operating under. It was passed in the Budget Control Act on August 2.

So when they put up these signs that say we haven't had a budget for 958 days or 858 days, that is not right. We do have a budget. They may not particularly like the budget. They certainly may not like the way it was done because it wasn't done through the regular process. It wasn't done as a budget resolution. It was done as a law. Budget resolutions are not signed by the President of the United States; they are purely a congressional document. The Budget Control Act is actually a law. It imposed a budget for this year and next year and 10 years of spending caps. That is the law of the United States. That is a budget.

For my colleagues to stand and say we don't have a budget, it almost makes me wonder, did they miss out on the debate and the passage and the signing of the Budget Control Act? I tell my colleagues, that is our budget. It is in law. It is not just a resolution, it is the law of the land.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Utah.

Mr. HATCH. Mr. President, I have listened with a great deal of interest to my good friend and colleague, and I do care a great deal for him. He has been budget chairman for quite a while. Frankly, he has been a lone voice over on that side, trying to get all of us to live within our means. I have great respect for him for at least trying.

But we call budgets line-by-line discussions of just exactly what are the inflows and outgoes as determined by the Budget Committees. He hasn't been able to pass a budget mainly because he can't get his side together to do it. It is a disgrace not for him but because our colleagues will not do it. Nobody wants to do that because if they truly had a budget, that would mean we would have to get spending under control. We can't just keep doing it by adding taxes. We have a low rate of income coming in right now mainly because spending is completely out of whack.

I listened to my colleague very carefully. I have to say he made a tremendous case for the constitutional balanced budget amendment because he kept going on and on about all the problems we have. He didn't mention we have been spending 25 percent of the GDP. Usually, that is around 20 percent. So 25 percent is a whopping amount of money. Our former CBO Director said: I guess the new normal will be somewhere around 23 percent. We have been spending around 20 percent, while the revenues are around 18 percent. Now they are spending 25 percent of our GDP.

If there was ever an argument as to why we need some restraint in the Congress of the United States, it is, No. 1, they can't get a budget over there. We have a darned tough enough time over here when we are in charge. No. 2, we are spending this country blind. I think the distinguished Senator made that case eloquently. I think it is both parties too. But there is certainly one party that is much more used to spending than the other—I have to say that—and it is not the Republican Party.

Look, all I heard in this last dissertation was what a rough road to hoe our country has. This amendment allows for 5 years to gradually reach a point where we can live with a balanced budget constitutional amendment. What it does is send a message to everybody in this body and the other body, over in the House of Representatives, that the game is over. We better get it in shape in 5 years. Some people don't think we can do it in 5 years. I am not so sure we can, but we have to try.

Let me tell you, this country is in real trouble. My distinguished colleague and friend, whom I admire greatly because he does tell it the way it is—though sometimes has his own interpretation as to the way it is—made a pretty darned good case that we are out of control. I have only been here 35 years, but I have to say I haven't seen many days where we have even come close to a balanced budget, and I have seen spending after spending after spending and demands for taxes so they can spend more. Both sides are at fault, in my opinion, but one side much more than the other.

I just wanted to make these points, because, my gosh, he made a great case for the balanced budget constitutional amendment. Frankly, I don't see how anybody listening would say the current way we are doing things is the right way to do it. Yes, this amendment would put constraints on Congress, and they would be tough constraints, but don't buy this argument there is no way we can raise revenue or no way we can spend under certain circumstances.

It is just that you have to have a supermajority vote to do it, and you are going to have to make a case for it for the first time, in my time here, I will tell you that.

I don't think anybody in this country thinks Congress is doing what is right with regard to raising taxes and spending. I have to say that I have watched it for all these years I have been in the Congress, and it is not working because we don't have the constraints that make us have to make it work. That is what this balanced budget amendment is all about.

What they offer as a balanced budget amendment wouldn't put constraints on anything. It is just there so they can have something to vote for so they can say they voted for a balanced budget amendment. It is anything but a balanced budget amendment.

Ms. COLLINS. Mr. President, I rise today to talk about the urgent need for our government to begin living within our Nation's means. We face a very grave fiscal crisis, one that threatens America today and the American dream for future generations. It demands that we get our Nation's fiscal house in order. So I am pleased the Senate is now debating a balanced budget amendment to our Constitution.

In February 1997, a month after I came to the Senate, I went to the Senate floor to urge my colleagues to pass a balanced budget amendment to the Constitution to prevent our growing debt from swallowing our future prosperity. Unfortunately, that effort came up one vote short. Since that time, our national debt has ballooned to an astonishing $15.1 trillion.

Sometimes when we deal with large numbers, it is easy to lose sense of what they mean and difficult to put them into context. What $15.1 trillion in debt means is that a child born today will automatically inherit a debt burden of more than $48,000. That debt has been largely accrued not for that child's benefit but for our own. It is difficult to imagine a more egregious example of taxation without representation than forcing our children and grandchildren to bear the future tax burden for today's excesses.

Unfortunately, as we have seen over the last decade, the addiction to budget deficits is not simply a Democratic or Republican problem. Both parties have had a difficult time showing restraint when it comes to spending. We have had Gramm-Rudman-Hollings, the Deficit Reduction Act, and the Budget Enforcement Act, and yet deficits not

only persist but have grown larger. The fiscal year that ended on September 30 marked the third consecutive year in which the United States has run deficits in excess of $1 trillion. Deficits have become a part of the way that Washington does business. Spend now and let someone else deal with the consequences later.

Those spendthrift ways are catching up with us. Our skyrocketing debt has become a drag on our economy and a threat to our future prosperity. We simply do not have the luxury of putting off difficult decisions. We are consistently spending more than we take in, and by a large margin. In the last fiscal year, government outlays totaled 24.1 percent of gross domestic product—the second highest level, after 2009, since World War II. Despite the very serious warning signs that we are on the wrong fiscal course, this marks the second consecutive year that the Senate has not even bothered to pass a budget resolution.

It is progress that the Budget Control Act that passed last summer includes caps on discretionary spending, and I have worked very hard with my colleagues on the Appropriations Committee to put together responsible and thoughtful spending bills that live within those caps. But, as my colleagues know, the biggest driver of our long-term debt and deficits is not discretionary spending but the mandatory spending that continues to balloon on autopilot.

Like many of my colleagues, I had hoped that the so-called supercommittee, which was created by the Budget Control Act, would be able to reach bipartisan agreement to reform mandatory spending and change our fiscal trajectory. Unfortunately, that bipartisan agreement remains elusive as both parties failed to come up with a deficit reduction plan that was capable of winning a simple majority of panel members. Instead, we have automatic spending cuts that are set to kick in, which could have very serious consequences for our national defense. Again, Congress has avoided making difficult choices about our national priorities.

The events currently unfolding across the Atlantic, with European leaders scrambling to stop the debt contagion that threatens the economic prosperity of the continent, should be a clear warning signal to us of what could come if we do not stem the tide of red ink that is engulfing our Nation. We must put in place structural reforms that will permanently force Washington to align expenditures and revenues.

Every day when I enter my office building, I am reminded of the famous quote attributed to its namesake, Senator Everett Dirksen. The wry observation he offered some four decades ago—''A billion here, a billion there, and pretty soon you're talking about real money''—seems tragically quaint today. I am convinced, now more than ever, that a balanced budget constitutional amendment is what is needed to address our growing debt and deficits.

Mr. MCCAIN. Mr. President, I come to the floor today to discuss my support of S.J. Res. 10, which would require a balanced budget amendment to the Constitution. Let me start off by saying that we need this amendment to protect the American taxpayer and bring back fiscal discipline to Congress. We need this amendment not because the American taxpayer is taxed too little, it is because Washington in particular, Congress—spends too much. Finally, we need this amendment to show the American taxpayer that we are serious about eliminating waste, fraud, abuse, and duplication from the Federal budget and are serious about putting our country back on a path to prosperity, not bankruptcy.

The Nation's debt now stands at the unsustainable level of $15.1 trillion. The Federal Government is borrowing 40 cents of every dollar spent. According to the CBO, by 2021 debt held by the public will reach 82 percent of GDP. Without real and meaningful action by Congress to reform the way we do business, the Nation's debt will balloon to well over 100 percent by 2035. CBO projects that the cost of simply paying the interest on all of this debt will total $4.5 trillion over the next decade. And we wonder why there is so much uncertainty in our economy, why businesses are not expanding and creating jobs that we so desperately need, why the approval rating of Congress is at alltime lows—and, may I add, justifiably. The writing is on the wall, and that writing says that Congress can no longer allow politics and special interests to direct how hard-earned taxpayer dollars are spent. We must make hard choices now and live within our means as every American family is required to do.

The President has said that we do not need a balanced budget amendment to the Constitution to cut spending and balance the budget. While that may be true, it is not the reality. When the Senate passed a balanced budget amendment in 1982, the national debt was $1.1 trillion. In 1997, when the Senate failed by one vote to pass a balanced budget amendment, the national debt was over $5 trillion. Today, it is over $15 trillion. Unfortunately, Congress has proven time and time again that they are unable to cut spending and must be required by law to do so. S.J. Res 10 is a strong, meaningful, and commonsense balanced budget amendment that will reassure financial markets and the American people, therefore, providing confidence that our economy so desperately needs.

First and foremost this constitutional amendment will require the President to lead by example and submit a balanced budget to Congress. Since being elected, President Obama has failed to send a balanced budget to Congress for consideration.

S.J. Res. 10 would also require Congress to pass a balanced budget that limits outlays to 18 percent of GDP. In addition, it would require a vote of two-thirds of both Houses of Congress in order to raise taxes on the American people. This provision is vitally important to ensure that we are not punishing the American taxpayer by making them pay for out of control spending by Washington. Finally, S.J. Res. 10 would require a vote of three-fifths of both Houses of Congress to increase the Nation's debt limit. This constitutional amendment also includes limited waivers that would, for example, allow Congress during a declaring of war to enact deficit spending or to raise the debt limit by a simple majority vote.

My colleagues on the other side have brought forth their own balanced budget amendment; however, their proposal fails to ensure that Congress will make the hard choices necessary to solve our current and long-term fiscal crisis. For example, the Democrats' balanced budget amendment does not apply to Social Security spending. According to the 2011 report by the Social Security Trustees, Social Security faces permanent deficits unless the Congress reforms the system. In fact, the program is projected to face a deficit of $46 billion this year. The Social Security disability trust fund is projected to become insolvent in 2018. We cannot be serious about solving our Nation's financial problems unless we include the Social Security Program, which is one of the largest drivers of future debt. In addition, their balanced budget amendment does not cap spending at 18 percent of GDP, it does not require a supermajority of Congress to raise taxes and does not require a supermajority of Congress to raise the debt limit. As we know too well, Congress has never voted against raising the debt limit.

This week, the Senate has the ability to show the American people that they are serious about fixing our fiscal crisis by adopting this balanced budget amendment to the Constitution. This balanced budget amendment is a vital step in ensuring that future generations will have the same opportunities that all of us here in this body have experienced. I urge my colleagues to support S.J. Res. 10.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I see the distinguished majority whip on the floor. I would like to propound a UC, and if he disagrees, please tell me. I would like to be recognized for 5 minutes, followed by Senator SHAHEEN from New Hampshire for 5 minutes, followed by Senator ENZI for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I would just like to add my name at the end of the queue for at least 5 minutes.

Mr. ISAKSON. With no objection from me.

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

Mr. ISAKSON. Mr. President, I appreciate the time.

I first thank Senator HATCH from Utah for 16 continuous years of work on the balanced budget amendment. It was his fight in 1995 that brought that amendment to the floor within one vote of passing in the Senate, and it is his fight today to bring it back for another vote.

I have listened to a substantial number of the speeches, and I come back to three points.

Facts are stubborn, and there are three facts: First, we are spending too much; second fact, we are promising too much to our people; and third fact, we are borrowing too much.

I ran a real estate company for 22 years. Real estate is all about borrowing and leverage, but you learn a lesson in real estate and you learn it very painfully. There is such a thing as good leverage and there is such a thing as too much leverage, and our country is at the breaking point on leverage.

We have a process problem in the Senate and the House. We can't deal with our financial fiscal affairs, our promises to our people or our borrowing, and it is time we change the paradigm.

I support a balanced budget amendment because if it is ratified by three-fourths of the States and becomes a part of the Constitution, it forces the Congress to just say no on spending when we are spending too much, it forces the Congress to look at entitlements and recognize that we can only promise that which we can afford, and it forces us to look at debt and recognize when we are in too much debt and we have become overleveraged.

I want to put in a plug for something Senator SHAHEEN and I have been working on for a long time, and it is a fundamental process change called a biennial budget where you appropriate in odd-numbered years for 2 years, not 1, and you spend that even-numbered year, the election year, overseeing your expenditures and your programs to find savings, to find waste, and to try to balance your budget. If we changed our process and forced ourselves to do something like that, we wouldn't be facing the catastrophic consequences we are today.

I thank the Senator from New Hampshire for being on the floor and recognize her for her leadership on the issue, also, as one from a State that does biennial budgeting, as do 20 of the 50 States in the United States of America.

I will tell you an interesting story about biennial budgeting. The nation of Israel got in financial difficulty 4 years ago. They were borrowing too much, they were spending too much, and they were going in debt too much. Israel asked around the world: What should we do to change our fundamental process? And they changed to a biennial budget. Two years later, their GDP was better, their deficit ratio was down, and GDP had gone up about 7.5 percent in 2 years, all because they got their fiscal house in order.

So while some will argue that you can't do a balanced budget because it won't work, some will say 18 percent is too much, some will say you just can't do this and you just can't do that, there is one thing we can't do anymore; that is, spend beyond our means, borrow beyond what is good for our children and grandchildren, and promise to our seniors and those in poverty that we can deliver more than we can deliver.

If we face the day of reckoning now and we reprioritize our entitlements, if we put our Tax Code on the table and reform it and we cut spending where we can, we can come up with a trifecta that will take this debate to ancient history, and we will begin getting the United States of America back in good fiscal soundness. That is what a balanced budget amendment starts, and I hope the end of it is that process and a biennial budget as well.

I thank the President for the time, and I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank my colleague from Georgia for his very thoughtful comments.

Senator ISAKSON has been working on a biennial budget for a very long time. I was pleased to join him in this session of Congress. And I agree with him. I believe this is one of the ways we can encourage more oversight of our spending and hopefully address some of the budget issues we face. So I appreciate and share his beliefs that this is an important change we should make.

I am actually on the floor not to speak on the balanced budget amendment, however, but to talk about what I believe is very important for us to do before the end of this year; that is, address the extension of the payroll tax cut.

In November, the private sector added 140,000 new jobs to our workforce. In fact, businesses have now created 100,000 jobs in each of the last 5 months. This is a positive trend we haven't seen in the past 5 years. While this is encouraging, we still have a long way to go because more than 13 million Americans remain unemployed and millions more are underemployed. These individuals and their families are struggling to make ends meet during this holiday season.

At this time last year, Congress passed bipartisan legislation to put more money into the pockets of working Americans. We cut payroll taxes for workers—an effort that increased take-home pay for the average household by almost $1,000 in 2011. This tax cut isn't just good for families on a tight budget, it is good for our fragile economy. In New Hampshire, the payroll tax cut has meant an extra $600 million in our communities.

There are some who want to allow this tax cut to expire at the end of the year. But let's be clear. If the tax cut expires, this would mean the average family would see their taxes increase by $1,000 next year. This would mean taking $120 billion out of our Nation's economy, money that would no longer be spent at our supermarkets, at our retailers, and at our gas stations. That doesn't make sense.

Independent economists have predicted that allowing this tax cut to expire could cost our economy 400,000 jobs next year. Some have even predicted that the United States could face another recession if we don't take action.

Members of this body have also suggested that this tax cut would starve Social Security of needed revenue and endanger this bedrock program's solvency. With Americans relying so heavily on Social Security to meet basic needs, this is a serious charge and one we should take seriously. However, the program's Chief Actuary has written that this tax cut does not hurt Social Security's finances. Instead, this proposal contains provisions to require that the Social Security trust fund be made whole.

I recently supported Senator CASEY's proposal to not only extend payroll tax cuts for employees but also to expand them to increase the average family's take-home pay by an additional $500 next year. This proposal would have cut employer payroll taxes, making it easier for small businesses to keep current workers and hire new ones. That proposal was fully paid for with a 3-percent tax on people earning more than $1 million in a year. Because of the way it was paid for, the legislation was blocked. My friend from Pennsylvania, Senator CASEY, also introduced a compromise plan that I supported. But again, unfortunately, it did not pass.

I think that particularly now, at this time of the year, at this critical stage for our economy, everyone should agree on preventing tax increases for working families. There are some competing ideas about the best way to accomplish this, and I welcome that debate, but Congress simply cannot afford to saddle middle-class families with a $1,000 tax increase in the midst of an uneven recovery. It isn't right for our small businesses, it isn't right for our communities, and it isn't right for the economy.

Time is running out to extend the payroll tax cut. I urge my colleagues to support this effort.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to discuss the issue I raised during my maiden speech on the Senate floor in 1997; that is, the need to pass a constitutional amendment requiring a balanced budget.

I am disappointed that we were unable to pass a balanced budget amendment in 1997. I commend Senator HATCH for his efforts then. We got within one vote. We had 66 votes and we needed 67. Had we gotten that, we

wouldn't be in this mess today. In 1997, our national debt was $5.4 trillion. Today, it is an astonishing $15 trillion. Without immediate action, that number will continue to increase to a level that is even more unsustainable.

Time and time again, the Federal Government has proven it is incapable of the fiscal discipline needed to spend within its means. Time and time again, the Federal Government has spent more money than we brought in. It has led to the situation we currently face where we are borrowing more than 40 cents on every dollar we spend and where we are being threatened with further downgrades in our credit rating.

In fiscal year 2010, the government brought in slightly more than $2.2 trillion in revenue. At the same time we collected $2.2 trillion, we spent $3.5 trillion. In other words, we overspent by $1.3 trillion. That is $1,300 billion. That is an astonishing amount of spending, and it cannot be sustained. I encourage everybody to write these numbers out with all of the zeroes sometime and see what we are talking about. We have a spending addiction that must be controlled. For years we have tried to hide it, disguise it, or ignore it. We have acted as if it is OK to keep spending money we don't have. We no longer have that option. The world today is different from the world of 1997.

We have seen riots in other nations where their fiscal situations were out of control. If we don't act now, we could see similar events in this country. We can either balance our budget or go broke—even more broke than we already are.

Balancing the budget is not a revolutionary idea. Responsible families balance the amount they spend with the amount they make or they go bankrupt. Businesses balance the amount they spend with the amount they bring in or they go bankrupt. Most States have amendments requiring them to balance the amount they spend with their revenue. Wyoming's Constitution requires a balanced budget each and every year, and they do it. If people in Washington understood budgeting the way Wyoming does, we would be in a much better place right now. If families, businesses, and States can balance their budgets, there is no reason the Federal Government cannot balance its budget.

There are two options the Senate is considering today, and I am pleased there is consensus from both sides of the aisle that a balanced budget amendment would help us. Although that is the case, there is no doubt in my mind that the version introduced by Senator HATCH is far superior to the version introduced by Senator UDALL.

The Republican balanced budget amendment gets to the heart of the problem, which is the need to rein in out-of-control spending. The Republican resolution requires that we get spending down to historical revenue levels and forces us to make the tough choices about which programs will no longer be necessary. It also prohibits Congress from raising taxes until a supermajority of Members support such a tax increase. This is an important provision because the default solution for our out-of-control spending should be cutting spending, not raising taxes. This bill also goes into effect 5 years after ratification, which gives us the ability to transition to a balanced budget.

I have a penny solution bill out there, a 1-cent solution where we cut 1 percent from every dollar we spend for 7 years. At the end of 7 years, the budget would balance. So it is not something that is undoable. We can balance the budget.

While I am pleased that my Democratic colleagues have a balanced budget amendment, the alternative they offer does not address the heart of the problem. It does not include a spending cap to ensure that we move spending to an acceptable level. It does not include a requirement for a supermajority to raise taxes, which will allow proponents of tax increases to more easily work to balance a budget on the backs of the American taxpayers. And the American taxpayers are only 49 percent of the people working right now. The American people are not the ones who cannot get spending under control. They should not see tax increases simply because Congress can't do its job.

We need to pass the Hatch amendment, and we need to pass it now, because I must also remind my colleagues that passage of a strong balanced budget amendment is the first step. If we pass a balanced budget amendment, it still must be ratified by the States. Three-fourths of the States have to pass it for it to become a part of the Constitution. That will take time, and with a $15 trillion debt we don't have a lot of time left. There is speculation that 2 years might be the outside. This isn't going to balance for 5 years. Two will create some substantial cuts and tax increases.

Passage of the balanced budget amendment by three-fourths of the States is a tough test. Because of the magnitude of what we are trying to do, it should be. However, we need to give the States this opportunity to force the Federal Government to come to grips with its finances, as the State governments are required to do.

Why should we give the States the opportunity to ratify a balanced budget amendment? Because I found that the best decisions are made closest to the people. State governments are closer to the people than the Federal Government and they are generally better at addressing the needs of the people of their State. Giving the States the opportunity to ratify the amendment will bring the budget closer to the people and would allow the American people to decide how they want Washington to spend their hard-earned money. Most of the American people get it and they are asking us to get it and do a balanced budget amendment.

Amending our Constitution is an extraordinary measure. It is not something I take lightly. We are in an extraordinary time. We have a budget deficit that is out of control and a national debt that is ballooning to levels that are unsustainable. We need a balanced budget amendment so we can begin to get our Nation's finances back in order.

I commend Senator HATCH for his bill and appreciate him offering it. I hope my colleagues will support it. It is essential for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, there are very few things on which Members of Congress agree, but one of the things that binds us and unites us is the common oath we take to uphold and defend this document. This document is not just another resolution, another law; it is the Constitution of the United States. For more than 220 years this document has guided our Nation and inspired other nations toward democracy. I think it is fitting that we swear an oath to uphold and defend it.

But I think we also have to look at this document not just with respect but with humility, humility because we know the words contained have managed to guide our Nation so successfully for so many decades and centuries. Those who are bold enough to suggest they would change the wording of this document have to expect to have hard questions asked as to whether it is appropriate and whether what they are setting out to do is consistent with this great document and the needs of our Nation.

I can recall when Senator HATCH chaired the Senate Judiciary Committee and I was a member. There was a day when they asked me, as a member of the Judiciary Committee, to give permission for three constitutional amendments to be considered in the same day. I objected, which was my right. I said to Chairman HATCH at the time: You can call two constitutional amendments on Thursday but, call me old-fashioned, I don't think we ought to amend the Constitution more than twice a day. The point I was trying to make was to suggest to my colleagues to at least have some humility and maybe even hesitancy to suggest they can change for the better the wording of this great Constitution.

It has been changed, there is no question about it. From the moment it was written until a few years later, Thomas Jefferson called for the Bill of Rights. Many say that was essential for the ratification of the Constitution. It included some basic rights that we now revere in this country. So the first package of amendments, the Bill of Rights, has become an integral part of the original document because they were adopted so quickly—added so quickly.

But in the 220 years since 1791, when the Bill of Rights was added—in the 220 years we have only amended this document 17 times and only for the most serious of matters. Consider what our amendments have done. They have ended the practice of slavery. They have established the principle of equal protection. They have assured the right of women in America to vote, among other things. They have provided for succession in case of Presidential disability, and they have addressed some of the most fundamental issues facing our Nation.

Now some Members of Congress believe we should enshrine in our Constitution their views of what the Federal budget should look like. They want to radically reshape our constitutional framework in order to relieve Congress of its political and moral responsibility to make tough choices about taxing and spending. They want to tie the hands of Congress on budget decisions and pass important decisions on to another branch of government, our Federal judiciary.

That is not what the Founding Fathers intended. The Constitution gives the power of the purse expressly to Congress. Fulfilling this constitutional duty carries some political risk, but we all signed up for that job. Members of Congress should not try to change the Constitution to avoid their duty to make tough and important decisions.

These days, some in Congress would rather take a red pen to the Constitution than to reconsider an anti-tax pledge they have made to a Washington lobbyist named Grover Norquist. Mr. President, 40 Republican Senators, all of whom are cosponsors of this amendment, have taken a pledge, a public oath to Grover Norquist when it comes to the issue of taxes. I believe my colleagues who are indentured politically to Grover Norquist need to get their priorities right. Our oath to support and defend the Constitution is much more important than any allegiance to any Washington lobbyist.

Congress has balanced the budget not just in my lifetime but in my term of service. We ran a budget surplus in fiscal years 1998 through 2001. There is nothing stopping us now from getting our fiscal house in order except a lack of political will. We simply do not need to go to the extreme of amending the Constitution to get this job done.

It is also clear a balanced budget amendment proposal has many unanswered questions and concerns and it is our responsibility to ask those questions. I held a hearing as chairman of the Constitution Subcommittee of the Judiciary, well attended by Members on both sides of the aisle, with witnesses telling us the pros and cons of a balanced budget amendment. That is the way the process should work. Now we come to the floor to consider two versions of a balanced budget amendment.

It is interesting, when the balanced budget amendment came before the House of Representatives, opposition to it was bipartisan. Even the Republican chairmen of the House Rules Committee and the House Budget Committee voted against the Republican version of the balanced budget amendment brought up in the House.

A few weeks ago, when we held this hearing, witnesses told us why we should have pause, if not reject, this notion of a balanced budget amendment. First, it would cause harm to the economy. I cannot say it any better than Senator CONRAD did moments ago. Our budget in Washington is designed to not only serve the needs of the nation but to help our economy get on track and stay on track. In fact, when things go bad in our economy, as they have in the last several years, our budget steps in with countercyclical measures such as unemployment compensation to put our economy back on track. The balanced budget amendment before us today is going to make that more difficult to do.

The forecasting firm Macroeconomic Advisers told us what would have happened with this balanced budget amendment if it had been in place today. They said such an amendment would double the unemployment rate in America, cause the gross domestic product to shrink by 17 percent, and destroy millions of jobs. That is something my Republican colleagues will not acknowledge, and they should. If we cannot spend in times of recession, even when receipts are low, we fail to turn the recession around and of course we leave many unemployed Americans with no help when they desperately need it.

There is also a provision in the Hatch-McConnell balanced budget amendment that would increase the risk of default on our national debt by requiring a three-fifths vote in each House to raise the debt limit. I might tell my colleagues who follow this, only 3 of the last 11 debt ceiling increases passed both Chambers by a three-fifths vote; 3 of the last 11. If you enjoyed the debt limit standoff of a few months ago and the threat of not only closing down our Government but closing down our economy, you would enshrine it in the Constitution with the Republican balanced budget amendment.

It always strikes me as odd, if not hypocritical, that Members come to the floor and give speeches about how much they support a war effort, or spending for a given issue, and then when it comes time to raise the debt limit, which is part of the bargain, they are nowhere to be found. They want to be there for the press release saying, I am for the war, but when the debt limit needs to be increased to pay for the war they become fiscal conservatives and are nowhere to be found. I think there is some political hypocrisy in that.

Another concern no one has answered that I commend to my colleagues was exemplified by the testimony of Professor Alan Morrison of George Washington University Law School. He asked the basic question: Who is going to enforce this amendment? If in fact Congress does something in violation of the amendment, who can sue? And which court would consider it? It is a valid question because ultimately this will end up in the courts. The courts will have to make some rather unique decisions. What are the outlays and receipts of the United States? What was the gross domestic product? These are issues which many in the court may find challenging if not impossible to deal with on a timely basis. The longer it takes to resolve those issues the more uncertainty there will be about our Nation's economy and its economic future.

Do we want to put the courts in charge of budget decisions? Former Solicitor General and Judge Robert Bork said ''the result . . . would likely be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results.''

Those who support the amendment look for stability and certainty. My guarantee is turning this over to the Federal courts will give you neither.

The nonpartisan Congressional Research Service looked at balanced budget amendment enforcement on August 3 and said:

> The experience of State governments indicates that concern over judicial involvement in budgeting is realistic. In some States the judiciary has become involved with the operation of various aspects of budgeting to impose budget balancing remedies [like] requiring tax increases, limiting expenditures generally or preventing implementation of specific spending laws. The possibility that the Federal courts could invoke such remedies prompts concern about the potential such actions would have for causing a significant shift in the balance of power among the branches of the Federal Government.

Even former CBO Director Douglas Holtz-Eakin, who was called in by my Republican colleagues to testify at our hearing in support, conceded ''the question of enforcement remains a challenge that should be thoughtfully considered.''

I might add, parenthetically: No kidding. Enforcement of this is critical. How can the Senate consider passing a balanced budget amendment without answering first the question of enforcement? It would create tremendous uncertainty.

I would say the balanced budget amendment that has been sponsored by all the Senate Republicans raises particular concerns. Under this proposal, spending would be capped at 18 percent of gross domestic product each year, a level far below the Draconian budget suggested by Congressman PAUL RYAN that would end Medicare as we know it.

The Senate Republican proposal enshrines the Republican philosophy in requiring a two-thirds vote in each House on any bill that increases taxes or revenue without any ability to waive that two-thirds requirement, even in time of war.

The effect of these reforms would devastate programs such as Medicare and Social Security while giving constitutional protection to tax expenditures currently enjoyed by corporations and the wealthy. This proposal is not sensible, it is not fair, it would not serve our country well.

In short, our hearing made it clear there has not been a balanced budget amendment proposed that would actually be enforceable and that would not cause great collateral damage to the economy.

I have served on several efforts, and continue to, in an effort to reduce spending, to find new revenue, and to balance our budget. I will tell you that it takes political will. This kind of approach, this idea that somehow we can pass a constitutional amendment and be done with our responsibility is not only shortsighted, I think it is counterproductive. I think it will make our situation worse instead of better. I thank Senator MARK UDALL for his offering on his balanced budget amendment. It is a better approach, and while I don't support a balanced budget amendment, if I were to support any balanced budget amendment it would be the Udall amendment. But I don't believe amending the Constitution at this point in time is the right way to approach this. I do not believe either amendment achieves it without creating terrific uncertainty in our future about enforcement.

I urge my colleagues to oppose efforts to amend our Constitution. I urge them, instead, to show political courage and work hard right now in a bipartisan way to address our fiscal challenges. That is what the American people expect of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to express my support for the Republican-offered balanced budget amendment, a measure I worked on with Senators TOOMEY, LEE, HATCH, and CORNYN, and thank those Senators for their leadership on the issue.

As Americans know, Washington has a spending problem. The Federal Government's fiscal position is unsustainable. It now borrows more than 40 cents of every dollar it spends. Indeed, our debt has climbed to over $15 trillion and will continue to grow and threaten our economy and our jobs and our way of life unless we do something about it.

Opponents say Congress should do its job. Sure, it should, but it has not. Events during the last 30 years have shown that Congress cannot be counted on to make the tough choices necessary to control spending and to balance the budget. Here is a little history. When the Senate passed a balanced budget amendment in 1982, that national debt was $1.1 trillion. In 1986, when the Senate failed by one vote to pass the balanced budget amendment, the national debt topped $2.1 trillion. By 1997, when the Senate again failed by one vote, the national debt was over $5 trillion. Today the debt is over $15 trillion. So there is no evidence that Congress has been willing to or able to reduce the debt without the Constitution requiring it.

The Republican balanced budget amendment simply requires Congress to do its job. It includes real reforms that would help the government live within its means, including having the President submit a balanced budget to Congress every year.

The balanced budget amendment does not etch rules into stone. Any of its requirements can be waived by a supermajority of the Congress; that is, if there is a real national consensus to do so. Let's remember we are in a crisis today because of deficit spending. Raising taxes and getting deeper in debt have been far too easy for Congress.

The Republican balanced budget amendment contains two key enforcement mechanisms that Congress would have to abide by. First, Congress would have to limit spending to 18 percent of the gross domestic product from the preceding calendar year. The balanced budget amendment would also prohibit spending from exceeding total revenues in a given year. Why 18 percent? Well, if the goal is to balance the budget, the only way to succeed is to limit the Federal spending to the level of revenue that the economy is willing to bear.

According to the Congressional Budget Office's August Budget and Economic Outlook, from 1991 to 2010—the most recent period of time—revenues averaged 18 percent of gross domestic product, and that is why that number is selected.

It is notable that the Democratic alternative does not contain a spending cap. It also contains a lower threshold of votes for waiving the balanced budget amendment, which, of course, would make deficit spending much easier.

The second mechanism in the Republican balanced budget amendment is a prohibition on any bill that increases taxes from becoming law unless approved by two-thirds of a rollcall vote of Members in each Chamber. When Congress cannot get its hands on enough revenue for its spending priorities, the temptation is always to look for more revenue and raise taxes. Well, it should be more difficult to take more money from the American people and to increase the size of the Federal Government.

Moreover, raising taxes is not a productive solution to budget deficits. Not only does projected revenue usually fail to materialize, higher taxes discourage work, production, savings, and investment which all results in lower revenues in future years. So we cannot balance the budget by raising taxes.

On the issue of tax increase restrictions, the Democratic alternative again falls short. It does not contain a mechanism to make it more difficult for Congress to raise taxes. In fact, it does the opposite. It contains a provision that makes it more difficult to lower taxes collected from American job creators.

Some of our friends on the other side of the aisle will paint a doomsday scenario that they say would result from the Republican balanced budget amendment, one that would mean immediate changes and draconian cuts. That is not accurate. As we know, Congress cannot amend the Constitution. We can only propose an amendment for States to consider in a ratification process that takes a long time. If it passed, the balanced budget amendment would not become effective until 5 years after ratification by three-fourths of the States. So it is not like we have some immediate concern that next year's budget is going to suffer if the balanced budget amendment were to pass.

Let's not punt again on getting our spending under control. Let's not keep kicking the can down the road. Let's put on some real constraints so Congress will have to do its job, the job the American people expect it to do.

I urge my colleagues to vote in favor of the Republican-offered balanced budget amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I rise today to join Senator KYL in supporting the balanced budget amendment that Senators LEE and HATCH have crafted. I commend them for their hard work, and I particularly thank Senator HATCH for his principled leadership over the years in this effort. In the mid-1990s he almost got us to a balanced budget amendment to send to the States, and this time I hope he—showing his leadership again—will be successful.

Washington's runaway spending and crippling debt burden underscore the need for us to have a balanced budget in this country. If Washington doesn't stop spending more than it takes in, I fear there will be an economic collapse, and, perhaps more profoundly, it will threaten the very foundation of our Nation—the freedom of individuals to thrive and to prosper.

There is plenty of evidence to show that the huge debt burden we have is already crippling the economy. There was a recent study done by respected economists Carmen Reinhart and Kenneth Rogoff that shows that the debt burden of 90 percent of the economy will reduce a country's economic growth by 1 or 2 percentage points. Our gross debt right now is 100 percent of our economy. Growth this year is likely to be closer to 2 percent total, pretty weak growth. So 1 percent to 2 percent more would mean a 50-percent or even a 100-percent growth increase in this country. This means over 1 million new jobs could be created right now if we didn't have these huge deficits building up annually to a record debt that is now over $15 trillion.

It is unacceptable that we have the economic growth that we do because it

is keeping people from achieving the opportunities they seek at a time when there are almost 22 million Americans who are unemployed or underemployed, and we need to do everything we can to give the economy a shot in the arm. Part of it is getting our fiscal house in order and stopping this record deficit and debt. We should not condemn people to chronic unemployment through inaction in Washington.

However much lawmakers at times want to do the right thing, it seems as though the political system and the budget rules around here create a bias for spending and deficits. When I left the post as Director of the Office Management and Budget in the last Presidential administration—that was in 2007—the budget deficit was $161 billion, which is about 12 percent of today's budget deficit, and I thought that was way too high. In fact, that year I proposed, on behalf of the President, a budget that actually balanced over a 5-year period because at that time we were so concerned about growing deficits and debts. Again, that was only 12 percent of today's deficit.

In that time, as OMB Director, I was convinced that we need to have a discipline in Washington to balance the budget because we need to have some incentive to prioritize. Washington, again, seems to have this bias toward spending and deficits that I think can only be resolved through what 49 States have, which, again, is this power to be able to tell the elected representatives that we have to figure out how to prioritize; we have to figure out how, at the end of the day what every family in America does, what every business in America does, which is to figure out how not to spend more than we take in.

Study and experience led the Founders of our country to create the best system of government ever devised: a Republic with enumerated powers. Similarly, study and experience should lead us to enact a balanced budget amendment. The times demand it. We need to reverse this system's bias in favor of deficits and debts. We need a balanced budget amendment in order to preserve the Founders' vision of a limited government of enumerated powers.

But the fact is, Congress has not been able to get its spending under control through any other means. Some have called for a far higher tax rate. In other words, instead of dealing with the spending that is increasing dramatically—by the way, spending has gone up 21 percent just in the last three years. But instead of dealing with that, people say: Why don't you just raise taxes to catch up with the spending? That way we would have a balanced budget through higher and higher revenues.

I guess what I would say is, Congress has a spending problem not a revenue problem. The growth in the entitlement programs, of course, is the long-term driver of this spending problem. The cost of these entitlements, along with interest on the debt, is projected to squeeze out the cost of every other Federal program within the next couple of decades, leaving little to nothing for other government priorities.

People say, well, the revenues as a percent of our economy are relatively low now, and that is true. Coming out of the recession, we have not had the growth we had hoped for and that has resulted in lower tax revenues coming in.

Historically, tax revenues have been 18 percent of our economy. Today they are lower than that and closer to 14.5 to 15 percent. Spending has been at about 20 percent of our economy historically since World War II. Today, that spending is over 24 percent of our economy.

What happens over the next several years, based on the Congressional Budget Office analysis, is the revenues begin to increase as a percent of the economy even if the 2001 and 2003 tax relief is not continued. In that case, the revenues increase even more dramatically up to 21 percent or 22 percent of the economy.

So the fact is, the spending is on a trajectory to go up from a historic 20 percent to 24 percent now to 30 percent to 40 percent to 50 percent over the decades. We cannot catch that spending with enough taxes. It simply cannot be done and have a viable economy. So we have to deal with the spending side of the ledger. Even if we do raise taxes to chase the trajectory, we will upset that balance between the Federal Government and a free, robust private sector that encourages innovation and gets people back to work.

If the Federal Government ends up taxing every dollar of earnings, we will have taken away the space for Americans to pursue and enjoy the rewards of their hard work, risk-taking and innovation. The Founders might have used another phrase to describe what a free economy promotes: life, liberty, and the pursuit of happiness. Today we are talking about how we ensure that we have economic growth so that we can bring back the jobs, and that will not happen through the level of taxation that would be required to catch up to the record levels of spending.

To address Washington's natural inclination toward taxing and spending, a successful balanced budget amendment needs to do more than just require the outlays be less or equal to receipts. Again, it should include a spending cap because of the problems I have talked about with regard to the projections by the nonpartisan Congressional Budget Office over the coming years and decades. It should also demand a supermajority should Congress seek to enact antigrowth tax hikes.

I think this balanced budget amendment, crafted by Senators HATCH and LEE, by doing that strikes a good balance. It also addresses the concern about a balanced budget amendment limiting the Federal Government's ability to spend in a time of war. If there is a declaration of war against a nation-state, a majority vote in both Houses would allow for deficit spending. If the Armed Forces are engaged in a military conflict that has not been given a full declaration of war, a three-fifths vote in both Houses would allow for deficit spending. This is in keeping with the intention of the Founders.

In Federalist 34, Alexander Hamilton drew a distinction between monarchies and republics. He said, the chief source of expense in every government was defense spending. But republics, Hamilton counseled, should not use this to live beyond their means. He wrote:

> There should be as great a disproportion between the profusion and extravagance of a wealthy kingdom in its domestic administration, and the frugality and economy which in that particular become the modest simplicity of republican government.

Washington has spent and overspent. This has led us away from that frugality that was the intention of our Founders. A balanced budget is the only way to get back to frugality and to that ''modest simplicity of republican government.'' And that is republican with a small ''r.''

If we don't restrain spending through a balanced budget amendment, we will effectively inhibit and ultimately undermine the liberty of the Americans. We will threaten the American dream, the hope that each generation is able to pass on to the next generation a better life so that they are able to flourish and to meet, again, their achievements, their objectives in life through opportunity that can be created through a growing economy.

It is time for Congress to prioritize. It is time for Congress to make tough decisions. We should do it with the discipline of a balanced budget. Time has shown us there is a need for a requirement to make those decisions.

My home State of Ohio has that discipline. In fact, over the past year, Ohio has had to make some tough decisions to close a budget gap of about $8 billion. Here in Washington, we have a budget gap that is far higher. This year the government will bring in about $2.2 trillion and spend about $3.7 trillion. This gap is huge and growing, and just as 49 States do, we need to discipline Washington to force Congress to make these tough decisions to prioritize on behalf of the American people so that we don't have this crippling effect on economic growth, so that we can begin to see the kind of robust recovery we hope for coming out of the recession.

For all these reasons I urge my colleagues to join me in support of the Hatch-Lee balanced budget amendment.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

(The remarks of Mr. BROWN of Ohio pertaining to the submission of S. Res. 347 are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. BROWN of Ohio. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, Congress cannot absolve itself of the responsibility to balance the budget by passing a constitutional amendment. Congress has an existing constitutional duty to control the purse. If Congress has the will to balance the budget, it can do so. If it does not have that will, no constitutional amendment can be a substitute.

We knew that in 1996, which I believe was the last time the Senate seriously evaluated a balanced budget amendment. While we did not pass the balanced budget amendment, we did adopt budgets and policies that created the first surpluses in decades, enabling the United States to begin to reduce its debt load. Unfortunately, that fiscal sensibility was washed away by irresponsible, unfunded Bush tax cuts in 2001 and 2003 and two unfunded wars. Once again, we find ourselves in a deep fiscal hole.

We can and must dig ourselves out of it, as we did in the 1990s, by taking a balanced approach, restoring revenues, and making sensible spending cuts. But that is not a constitutional question. That is a political one. Can we, as a Congress, pass the tough measures needed to restore fiscal discipline?

I have proposed a seven-point plan for reducing the deficit. Bipartisan commissions have proposed making spending cuts and increasing revenues and realistic folks from all parts of the political spectrum agree Congress needs to address revenues, as well as spending, if we are to achieve real deficit reduction.

Congress needs to make tough choices and is failing to do so. One more procedural promise—this time in the form of a constitutional amendment—is not going to get the job done.

While the details of the two amendments before us differ in many respects, there are real questions as to how either could be enforced.

For instance, the Udall amendment says:

> The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

What would happen if Congress failed to adopt the implementing legislation that lives up to the terms of the amendment? If it does not have the will to make cuts and raise revenues, what makes people think Congress will be able to agree on implementing legislation?

The amendments raise far more questions than they answer. For example, would a court be willing to hear a case alleging a failure by the Congress to fulfill its duties or would a court treat such a challenge as a political question that is beyond its reach? Who would even be able to bring a case alleging a violation? Who would the case be brought against and what would the remedies be?

Could a judge nullify a budget or a law on the basis that it somehow violated the amendment? Which appropriations bill pushed us over the limit—the last one adopted?

Would a judge have the power to put the budget in balance by ordering specific spending cuts? How would those cuts be identified and set? Would the judge be tasked with reviewing the entire Federal budget and then making cuts? Would the judge be able to compel Congress to enact cuts? What would happen if Congress failed to comply with such an order? Does the judge make changes and substitute his or her priorities for those of Congress?

These same questions could be asked about revenue increases as well. A judge cannot mandate revenue increases under the McConnell amendment. The resolution, apparently, would allow judges to make spending cuts, however. But that dangerous shift of power to the judiciary arises only by implication in the McConnell resolution. What is explicit under McConnell is that taxes and revenues can only be raised by a two-thirds vote. So even closing loopholes to end tax dodges and raise revenue would require a supermajority. That is the opposite of a balanced budget amendment provision. That makes it more difficult to balance the budget.

The American people do not need new processes or hollow promises. They do not need a constitutional amendment that raises more questions than it answers. They need Congress and the President to do our jobs. A balanced budget amendment will not force Congress and the President to do anything, because it is, as a practical matter, unenforceable. And when it does not work, public cynicism would only deepen. It already is plenty deep. There is only one way to balance the budget. That is with the willpower to make the hard choices. Those of us elected to public office have that obligation now. And if we fail, we as individuals will be judged by our own electorate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I stand today to urge my colleagues to support one of the most important pieces of legislation that has come before this body in decades, Senate Joint Resolution 10, the Hatch-Lee balanced budget amendment proposal.

The reason why I insist this is so important is because of a crisis we are facing today. We have accumulated about $15 trillion in sovereign debt on behalf of the United States—$15 trillion. It works out to about $50,000 for every man, woman, and child in America. This is an amount of money that could represent an expensive car. It could represent a college education. It could represent all kinds of things. But it represents ultimately debt that Congress has incurred, debt that Congress cannot afford to continue to incur at this same rate, which we are doing every day. We are adding to that debt at an unsustainable rate of about $1.5 trillion every single year.

Here is why that is so distressing to me. As the White House itself acknowledged a few months ago, we are now within about a decade, perhaps much less, of owing about $1 trillion a year just in interest on our national debt. Currently we are paying a little over $200 billion a year in interest. By the end of this decade, that number is likely to rise to an astounding $1 trillion a year. We could reach that number much sooner than that. It could happen perhaps in half that amount of time if interest rates suddenly started to climb, as they easily could do, particularly given the fact that we are about 350 basis points below the historic average for yield rates on U.S. Treasury instruments, the means by which our governmental debt is financed.

We have to get this problem under control now, because if we wait until then, until we have to pay $1 trillion a year in interest on our national debt, it will be too late to do anything. By waiting, by postponing the day of our accountability, we will have made a choice, a devastating choice, that will prove to signal the downfall of the greatest economy the world has ever known. We cannot allow that to happen—not now, not on our watch, not when the stakes are this high.

If we have to make up that difference, the difference between the $200 billion a year we are paying now and the trillion a year we will have to be paying in interest on our national debt a few years from now, that money has to come from somewhere. That money is not something we can expect simply to obtain through an increase in taxation.

Over the long haul, we have learned that our tax system is capable of generating a revenue stream equaling a little over 18 percent of all of the revenue that moves through the American economy every single year—a little over 18 percent of our gross domestic product. As this chart shows, that percentage remains relatively constant. It has remained that way for many decades, going back to at least 1960. It averages out a little over 18 percent of gross domestic product.

That remains true even when we go back 30 years or so when our top marginal income tax rates were approaching 90 percent. The economy finds a way to produce no more than a little over 18½ percent—a little over 18 percent of GDP. So we cannot just raise taxes at that point in order to generate more revenue, because our income tax system, no matter how we tweak it, no matter how high we raise top marginal rates, is not capable of generating that much revenue. What we do when we simply ratchet up those tax rates, if anything, is we shrink the size of our economy. We chill economic growth to the point where we are actually generating less revenue, not more. So we cannot tax our way out of that problem, nor can we at that point simply borrow our way out of that problem. In other words, we cannot borrow an additional $800 billion a year on top of the present-day $1.5 trillion a year we are borrowing, because if we did that, our interest rates would go up that much more. That would make our decision that much more crippling on our economy.

There are a lot of reasons why this matters. My colleague from Ohio, Mr. PORTMAN, acknowledged a few minutes ago that this chills job growth when we have this much debt. It is also true that this impairs our ability to fund every conceivable government program from defense to entitlements, such that if we wait in order to make the necessary changes to the way we spend money in Washington, we will wait at our own peril. We will wait at the peril of those who have become dependent on those very government programs that will have to have their budgets slashed immediately, abruptly, severely. We cannot afford to do that. Those who have become dependent on Social Security, on Medicare, on Medicaid, on other entitlement programs, on supplemental nutritional assistance, would be devastated if all of a sudden we cut off funding for those programs, we had to slash those budgets by 30, 40, 50 percent overnight. It is these abrupt changes that prove most difficult for our economy to absorb.

I have often said it is something that we can analogize to being on top of a large building. Let's say our $15 trillion debt can be compared to a 15-story building. If you need to get down off of that building, you need to get to the ground floor. If you want to do it quickly, you could decide to jump. If you decide to jump, it is not the fall that will kill you, it is the abrupt halt at the end of that fall. So you need to do something to cushion the fall, to slow it down a little bit so it can be accomplished gradually, so nobody gets hurt. That is where the balanced budgeted amendment comes in. The Hatch-Lee balanced budget amendment, Senate Joint Resolution 10, would bring about severe, significant, systemic changes, but it would do so gradually so that the cuts, while significant over the long haul, are not abrupt, so that the impact is not severe, other than avoiding the severeness of the impact that would otherwise occur.

We have to get down from that 15-story building, from that $15 trillion debt. We do that through a balanced budget amendment, one like Senate Joint Resolution 10, which contains a 5-year delayed implementation clause. That would give us time to work out a phased-in glidepath toward balancing our budget. That is what we need do in order to protect and preserve our economic stability, our jobs market, and our ability within the Federal Government to fund everything from defense to entitlements.

Those who ignore the need for this amendment ignore the fact that our spending continues to escalate. I want to talk about how much we have spent as a country as a percentage of our overall economy, as a percentage of our gross domestic product. Between the early 1790s and the early 1930s, the Federal Government spent, on average, between 2 and 4 percent of gross domestic product every single year with only two notable exceptions, once during the Civil War and the second time during and in the immediate aftermath of World War I. With those two exceptions, Congress's spending was modest, between 2 and 4 percent of GDP.

That all started to change in the early 1930s when we reached the double digits during peacetime for the first time in our history. We have, unfortunately, never retreated from that cycle. Federal spending today, as a percentage of GDP, stands close to 25 percent, meaning that for every dollar that moves through the American economy, a quarter of that goes to Washington, is sucked in by the Federal Government, and cannot move on and help to continue to stimulate the economy.

That pattern of increased Federal spending as a percentage of GDP is expected to increase in the next few years. It is expected, based on the data provided by the Congressional Budget Office, to reach 26.4 percent of GDP within the next 10 years, by 2021. Some say that figure is too optimistic and that it could actually be much higher than that, it could be significantly higher than 30 percent. At a minimum, we know it will be 26.4 percent or more unless we take pretty significant steps to control our spending.

So I find it interesting that many are saying we do not need to make changes, that we can somehow have Congress do its job, that Congress needs to follow the Constitution and do its job and balance its budget.

Let me tell you the problem with that. First of all, there is nothing currently in the Constitution that restricts Congress's power to borrow money. Clause 2 of article I, section 8 of the Constitution gives us power to do that, and we have done it. We have done it again and again and again. We have done it so many times in recent years that we have almost lost track.

Congress first placed a statutory limit on the acquisition of new Federal debt in 1917, which was the Second Liberty Bond Act. Since 1962, Congress has altered the debt limit through 74 separate measures, and has raised it 10 times since 2001, in the last 10 years.

Since 1990, the debt limit has been raised by a total of $10.1 trillion. Nearly half of that increase has occurred in the last 4 years, since late 2007. So this is not a situation in which we are seeing the normal growth of government spending, either in normal numbers, in numbers adjusted for inflation, in numbers measured as a percentage of GDP. By any metric, the amount of Federal spending and the amount of debt acquisition has grown exponentially, giving us this hockey stick-like curve in the acquisition of Federal debt.

We cannot continue this practice. We especially cannot continue it given the fact we know that the natural limit on our ability to receive revenue through the income tax system is a little over 18 percent of GDP. So we have to have something in place that keeps us from spending more than we take in. That cannot possibly by accomplished, in my opinion, without something that ups the ante, something that makes it structurally more difficult on a permanent basis for Congress to engage in deficit spending and to spend more than 18 percent of GDP. That is why there are a few critical features in Senate Joint Resolution 10, the Hatch-Lee balanced budget amendment proposal, that I think any viable balanced budget amendment proposal ought to have. First, it needs to apply to all spending. Second, it needs to cap spending at 18 percent of GDP. It also needs to require a supermajority vote in order to exceed that percentage of GDP spending limit in order to raise taxes or in order to raise the debt limit. Without these kinds of provisions, this kind of redundant protection against the inexorable growth of Federal spending generally, and the inexorable growth of deficit spending in particular, our debt will crush the very programs we purport to be protecting.

Those who plot against this say we cannot limit spending to 18 percent of GDP or else we will hurt program X, Y or Z. While they are making this argument, it is in reckless disregard of the fact that those same programs will be jeopardized if we continue to borrow recklessly, without structural spending restraint or reform on the horizon.

Others have argued we don't need this because somehow it is unenforceable. I am not quite sure what they mean. Perhaps they don't know what a court would do with it. They are forgetting we have other provisions in the Constitution that raise the vote threshold, which is essentially what the Hatch-Lee balanced budget amendment does. In other words, we have other provisions in the Constitution that are followed routinely, without the need for litigation, just based on Members of Congress taking an oath to uphold the Constitution, as we are all required to do pursuant to article VI. Those are complied with every day.

For instance, we all know none of us will dispute the fact that it takes a two-thirds supermajority vote in both Houses of Congress to override a Presidential veto. It takes a two-thirds supermajority vote in both Houses of Congress to propose a constitutional amendment. It takes a two-thirds supermajority vote in the Senate to ratify a treaty. We don't dispute the fact that these vote thresholds exist. We don't have to wait for the courts to intervene for us to enforce them within Congress. We follow them. That is what this would do.

This says that because Congress has the ability to destroy itself, destroy the economy, destroy the very government we have created through reckless, indefinite, perpetual deficit spending, we must protect Congress from itself—perhaps better said, we must protect people from Congress by requiring that Congress approve any amount of money spent in excess of what Congress brings in or in excess of 18 percent of GDP or in excess of the debt limit by a supermajority vote. We have to have that. It will be followed, and it is absolutely necessary.

It is interesting that few, if any, of my colleagues will dispute the fact that Congress should balance its budget. There is perhaps a difference of opinion—maybe even a widespread difference of opinion—as to how best we should try to close this gap, how best we should close the gap between the money Congress brings in each year through the tax system and the money it spends. There is widespread dispute about where cuts need to be made. I think we all agree we need to balance our budget.

That begs the question, if we all agree, as I think we all do, then why can't we agree we need to adopt a permanent structural mechanism that will be embodied in the Constitution that will ensure that actually happens? This proposal remains agnostic as to where cuts will be made. All it says is if we are going to spend more than we take in or more than 18 percent of GDP or raise taxes or the debt limit, we are going to do it by a supermajority vote. That is something the American people support. In fact, 75 percent of the American people support the basic principle that Congress should not, for example, spend more than it takes in each and every year.

That brings me to the question of why it is that we should support S.J. Res. 10, the Hatch-Lee balanced budget amendment, and not another proposal—for example, S.J. Res. 24, which I might refer to alternatively as the ''Trojan horse'' balanced budget amendment or as the ''do nothing'' amendment proposal, which purports to be a solution when, in fact, it is not, for one simple reason: It gives Congress unfettered discretion to exempt itself out of the budget balancing requirement it contains. This would, in effect, I am certain, render this amendment, were it to take effect, virtually a dead letter provision.

We have seen what Congress does when it has the option of exempting itself out of statutory spending caps—in the pay-go rule, the Gramm-Rudman-Hollings Deficit Control Act, and in other statutory provisions such as this. Congress giveth and Congress taketh away. Congress has become a walking, breathing waiver unto itself. When Congress is given the option of saying: I know we are supposed to balance the budget, but we don't feel like it today, it ends up doing that. All Congress would have to do under S.J. Res. 24—the ''do nothing'' amendment proposed—is simply acknowledge that the United States is involved in a military conflict, and by simple majority vote it can exempt itself out of these provisions entirely.

By contrast, the Hatch-Lee balanced budget amendment proposal acknowledges that in a time of war or military conflict, it may be necessary to spend more than we take in. But in the case of an armed military conflict, it requires a three-fifths supermajority vote, and in either a war or another armed military conflict, it specifically provides that in that war or conflict, any overage, any amount spent above and beyond what Congress brings in has to be limited to that required to prosecute that war or that military conflict effort. That is a huge difference. We can't simply give Congress the option of complying with a balanced budget amendment provision only when Congress feels like it. This is a little akin to telling an alcoholic they have to give up drinking, while leaving an open container of whiskey on the table and requiring that person to walk past that bottle or even to carry it around every day. It doesn't work. You have to take it out of the house. You certainly have to take it out of the possession of the recovering alcoholic.

This is the challenge of our time—to figure out how to prevent Congress's chronic abuse of its own borrowing authority from collapsing under its own weight, from bringing about the economic collapse of the United States of America.

We have to have these structural spending reform mechanisms because our government is run by imperfect people. Benjamin Franklin has often been quoted for a line that says: ''He'll cheat without scruple who can without fear.'' When looking at Congress today, we might say Congress will spend more money than it has whenever it possibly can, whenever it has the option of spending more.

As Madison said: ''If men were angels, no government would be necessary. And if angels were to govern men, neither external nor internal controls on government would be necessary.''

We are, as human beings, not angels, and our government isn't run by angels either. This is why we need the structural permanent spending reform mechanism. We cannot afford to accept a substitute, a cheap imitation, a ''Trojan horse'' balanced budget amendment such as S.J. Res. 24, because if we adopt something such as that, we will create the illusion to the American people that we are actually undertaking efforts to control our out-of-control deficit spending program when, in fact, we are doing nothing. Because it is always the case that we are involved in a military conflict somewhere. Congress will always be able to muster a simple majority, saying we cannot be expected to balance our budget because of that.

We have to draw that line in the sand and stand for those who support everything from defense to entitlements. We have to stand for our children and our grandchildren, those who will come after them, those who are not yet old enough to vote, those who have not yet been born and whose parents have yet to meet. Those people are not here to vote against us as we spend their money.

This is a particularly pernicious form of taxation without representation. We fought a war over two centuries ago over that practice, and we won that war. We should not subject our children, their children, and their grandchildren after them to that same practice. This is contrary to liberty, contrary to economic prosperity. We cannot stand for it to occur anymore.

We have two choices. One choice involves supporting, passing, and submitting to the States for ratification of the Hatch-Lee balanced budget amendment proposal, putting in some permanent restraint, at long last, on Congress's self-destructive borrowing capacity.

The other option can take many forms. It can take the option of supporting S.J. Res. 24, which doesn't solve the underlying problem, or it can take the form of doing nothing at all. If we do nothing, we have still made a choice—a devastating choice—a choice that will inure to the detriment of the American people and of the Federal programs that we all rely on, the Federal programs that people rely on to keep them safe, protect them from the ravages of nature, and protect them from the conditions of poverty we seek to avoid in this country. It is, after all, the objective of us all to seek a better, more prosperous, more safe country, but we jeopardize all those interests the longer we allow this practice of perpetual deficit spending to continue.

At the end of the day, we have to face our own constituents. Those who choose not to vote for the Hatch-Lee balanced budget amendment will have to face their constituents and tell them why they were unwilling to stand for a proposition so basic as we should balance our budget.

There is no excuse, based on the fact that we cannot do this overnight, because it has a delayed implementation clause. It will not take effect until 5 years after it has been ratified by the States. In the meantime, we will be able to set in motion a sequence of

events, a series of implementing bills that will allow us to put ourselves on a smooth glidepath toward balancing our budget. We will be able to do that. Those who vote against this cannot look their constituents in the eye and tell them they did everything they could do to get our out-of-control spending habits or our out-of-control deficit spending habits under control.

I urge each of my colleagues to do this for themselves, for the programs they want to save, and for their children and grandchildren. Our prosperity, our success as Americans, our survival as a nation, and the success of our government requires nothing less.

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

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

Mr. KIRK. Mr. President, I rise to talk about the balanced budget amendment. It is obvious America's government is spending, taxing, and borrowing too much. That is why Congress should approve the balanced budget amendment to the Constitution. It was a good idea when Thomas Jefferson supported it, and it is an even better idea today.

America is a great experiment in self-government. Self-government requires self-control. Early thinkers about America's democracy worried about the capacity of the government to borrow in a way that would cripple our freedom.

Children cannot vote, but the Congress of their parents can put our kids into debt. We should fight fiscal child abuse by ending such borrowing that hurts our kids' long-term economic future.

In recent days, we witnessed clear warning signs that the days of big borrowing are ending, not because Congress has changed its free-spending ways but because lenders are increasingly worried that they will never be repaid. This summer, America lost its triple-A credit rating, according to Standard & Poor's. This loss of confidence mirrors a crisis in Europe reflecting a collective judgment that Greece and Ireland and Portugal and Spain and even Italy may not be able to repay the amount of money they have borrowed. As Prime Minister Thatcher reportedly said, ''Eventually governments run out of other people's money.''

In this environment, it is important to show how we are different from Europe. If we approve the balanced budget amendment and cut spending, we will restore confidence in the Federal debt, in America's economy, but most important, in the ideal of self-government.

America owes $15 trillion or about $40,000 for each new American born. For their sake, we need to restrict the ability of the current generation to obligate young Americans to pay their debts.

Should this amendment fail, we will wound the long-term credit of the United States. More deeply, we will hurt the ideal of self-government and self-control that is the foundation of our freedom.

EGYPT

I would like to take this moment to talk about another issue; that is, we as Americans support freedom and democracy and the rights of all peoples. But, as Gaza taught us in 2006, free elections by themselves do not make up a democracy. There are times when people are offered a chance to elect party leaders who offer them only one election to affirm a dictatorship. We can also learn from the year 1938 that the dangers of ignoring developments abroad are huge. Now, in the wake of the Arab Spring, we turn away from that region at our own peril.

On November 28, the first stage of the Egyptian elections began, which will inaugurate a new electoral system forming a bicameral legislature. This first stage determines about 30 percent of the 498 seats for the government's lower chamber, called the People's Assembly.

Before Egyptians arrived at the polls, protesters filled Tahrir Square in Cairo. As a result, over 40 Egyptians were killed. Many are objecting to the military's interference in the electoral process and the decision to force elections well before secular parties had time to build their capacities. According to public polling and sources on the ground, this will likely hand an electoral victory to the Muslim Brotherhood and more radical Islamist elements within the Egyptian society. Although elections will last until March of 2012, the prediction of a Muslim Brotherhood victory is already becoming a reality. Early data shows an alarming trend of Islamist domination of the Egyptian Parliament.

On December 5, the High Electoral Commission announced that leaders of the Freedom and Justice Party, the political arm of the Muslim Brotherhood, had received a plurality of 36 percent of the vote, while the secular Egyptian Bloc had gained less than 12 percent. When we include the runoff elections, which took place last week, it appears that the Muslim Brotherhood has won 73 out of 150 seats or 49 percent of the currently contested outcomes. This is the same party that led a pre-election rally of 5,000 chanting ''one day we shall kill all the Jews'' and ''Tel Aviv, Tel Aviv, Judgment Day is coming.''

While many expected the Brotherhood to do well, there were other surprises. Salafist parties, made up of anti-Western hardliners who follow a particularly radical version of Islam, are also faring particularly well. Surpassing predictions, they received 24 percent of the vote in the first round.

Importantly, these elections also included the so-called liberal districts of Cairo and the Mediterranean port city of Alexandria. The weakness of liberal parties—namely, their inability to reach out to voters effectively with a serious agenda—is now fully exposed. Islamists are taking full advantage of deeply rooted networks that extend from the mosques into Egypt's poor districts. Their grip in the traditionally conservative areas of Alexandria proved particularly tight, and these areas are also home to a majority of the Coptic Christian community.

It is clear that if Islamist parties and candidates continue their currently won gains in other elections, they will capture 60 percent of the national vote in Egypt. This will situate the new Egyptian Parliament around deep ideological differences between Salafis, the Muslim Brotherhood, and liberal groups, making the Brotherhood the power brokers between Egyptian left and right.

What does this all mean? By January, the United States could face an Egypt defined by a hatred of Israel and many of the freedoms we hold dear—a freedom of expression, of women's rights, and the right to practice any religion. This Egypt counts Iran as a friend and poses a threat to the Camp David Peace Accords, which have served as the cornerstone for Egypt's strategic position for 30 years.

Do we expect that an Islamist-led Egypt will prevent weapons from arriving in the hands of Hamas? Will an Islamist-led Egypt help preserve a free South Sudan? Will an Islamist-led Egypt act to protect Coptic Christians who make up about 10 percent of Egypt? Will we see continued violence, as we saw on October 9 in Maspero, which killed 27 civilians and injured hundreds? Will an Islamist-led Egypt do what we expect with more than $1 billion of U.S. foreign assistance? Will they continue to share intelligence and to work against terrorism? These are all questions that may become critical issues for the national security of the United States very shortly.

All of this instantly prevents foreign investment and tourism that would help the Egyptian economy. The IMF has forecasted a little over 1 percent growth for the Egyptian economy next year. They said inflation will top 11 percent, while almost 12 percent of Egyptians will be out of work. Recently, the Egyptian pound traded at its lowest level against the dollar in 7 years.

This time last year the region was on the threshold of exciting change, but today Egypt sits instead on the threshold of a very dangerous path.

The United States—and especially our State Department in particular—should do what it can to keep Egypt attached to peace and good relations with the West. The United States is now on the verge of a historic defeat and reversal of American interests in Egypt. Currently, if there is an Obama administration plan for handling a new Islamist Egypt that rejects peace with

Israel and allies with Iran, I don't know it, and I don't know if anyone does. We must keep our finger on the pulse of this process. Liberal voices in Egypt must work to preserve the democratic goals of the January revolution.

Recently, I had the privilege of meeting some of Egypt's best and brightest young liberal leaders. They would like to build a free Egypt that respects women's rights and religious minorities and the rule of law. I was encouraged in meeting with them but only hope that the coming election is not like a 1930s election in Germany, where people in Egypt are given one choice—to affirm a dictatorship—and then that is the end.

If a radical Islamic government arises in Egypt—one that disavows the Camp David Peace Accords and no longer acts as a stable strategic partner in the Middle East—then we will look back on the recent election in Egypt and its successors in December and January as the turning point for a historic reversal of the United States.

My hope is that the State Department watches this very carefully. My hope is that we have a plan to make sure this critical country stays within the U.S. orbit. But my fear, given the recent elections in Egypt, is that we have already lost quite a bit of ground.

If current trends continue, then by the middle of next year we will have a Muslim Brotherhood government in command of the Suez Canal, in charge of Cairo—the second center of learning in the Arab world—along the border of our Israeli allies, friendly to Hamas, friendly to Iran, and hostile to Europe and the United States. My hope is that over the holidays we will work very hard and diligently with our allies—and especially liberal forces in Egypt—to make sure that reversal doesn't happen.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

DEAD ON ARRIVAL

Mr. REID. Mr. President, the bill just passed by House Republicans tonight is a pointless, partisan exercise. The bill is dead on arrival. It was dead before it got to the Senate. The Senate will not pass it. The sooner we demonstrate that, the sooner we can begin serious discussions on how to keep taxes from going up on middle-class Americans. Democrats were ready to vote tonight to prove that the bill was DOA, dead on arrival. But I spoke to Minority Leader MCCONNELL this evening, and he told me he will need more time. He will not be able to make a decision until tomorrow morning on when to vote on the House-passed bill. I cannot set the vote without his approval at this time.

This is a 180-degree change in his position from just a few hours ago. Just this morning, Senator MCCONNELL said we should ''take up the House bill, pass it right here in the Senate, and send it to the President for signature without theatrics and without delay.'' That is a direct quote. I repeat, he said we should vote on this bill ''without delay.''

He is correct, and I can only wonder what happened in the last 8 hours to change his position so dramatically, so radically. As I said, we already know this bill is dead. We need to begin real negotiations on how to prevent a $1,000 tax hike on American families. The sooner we get this vote, the sooner those negotiations can begin in earnest.

I will speak with Senator MCCONNELL again tomorrow to determine how soon we can hold this vote—an exercise in futility. Work continues toward finalizing an omnibus to fund the government for the rest of the year. In the meantime we should not hold up this middle-class tax cut.

On January 1, every American worker will have less money. In fact, 160 million American workers will have less money to spend on groceries and gas and rent unless Congress acts on their behalf.

T.S. Eliot said it about as good as I could figure a way to say it, when he said: ''Hurry up please, it's time.''

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.

REMEMBERING FRANK ANDERSON

Mr. BROWN of Ohio. Mr. President, I rise to honor a long-time friend and a hero to veterans and to those who believe in justice in Ohio: Frank Anderson, a long-time leader of paralyzed veterans in Ohio, who passed away last week from complications of an infection.

Frank was a friend and a trusted advocate. He always spoke eloquently about issues facing veterans and people living with disabilities.

Confined to a wheelchair as a paraplegic for the overwhelming majority of his adult life, Frank was soft spoken, yet larger than life, with a commanding presence.

As a leader of the Buckeye Chapter of the Paralyzed Veterans Association, he drove himself to veterans events across Ohio.

He spoke out against inequality in disability pay—and the barriers that face disabled veterans, from health care to transit accessibility, to economic opportunity.

He was a strong advocate for the Americans with Disabilities Act. He fought to ensure housing was affordable and accessible for all Americans.

He testified in front of Congress on issues facing veterans in rural areas and would return that night to Cleveland to fight for veterans in cities.

He would always do so the right way—prepared in facts and figures, armed with anecdotes and stories.

Born in Cleveland in 1953, Frank Anderson graduated from East Tech High in 1971.

In 1976, he left Bowling Green State University to enlist in the Ohio Army National Guard's 107th Armored Cavalry Regiment.

In 1981, Frank was paralyzed after an 18-wheeler crashed into an Ohio National Guard convoy he was traveling in. He recovered and rehabbed at what is now the Louis Stokes VA Medical Center in Cleveland, meeting other disabled veterans—hearing their stories, learning from them, all becoming advocates charged with helping veterans.

While taking away his ability to walk for the rest of his life, the experience strengthened his will to serve and to live his life on his terms.

He remained active in wheelchair sports—playing tennis, lifting weights, and throwing a discus and a javelin.

He became a longtime leader for all Americans with disabilities and became a trusted leader in the African-American community.

He embraced life's challenges. He made the world better for all of us—even dressing as Santa for children at the Cleveland Clinic's Children's Hospital.

He traveled the country. He cooked his favorite seafood. He listened to his favorite old rhythm and blues music.

Mr. President, I ask unanimous consent to have printed in the RECORD Frank Anderson's obituary from the Cleveland Plain Dealer and a letter about Frank's life from Bill Lawson, president of the Paralyzed Veterans of America.

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

[From the Cleveland Plain Dealer, Dec. 8, 2011]

(By Grant Segall)

EAST CLEVELAND.—Crashing into an Ohio National Guard convoy, an 18-wheeler paralyzed Frank W. Anderson in 1981 and inspired him to become a statewide leader for disabled veterans.

Anderson, 58, died Tuesday, Dec. 6, at the Stokes Cleveland VA Medical Center from complications of an infection.

''He was a guiding light,'' said Ray Saikus, president of the Joint Veterans Commission of Cuyahoga County, whose first vice president was Anderson. ''He was well-versed, respectful and assertive about issues.''

Among many roles, Anderson was government relations director for the Paralyzed Veterans Association's Buckeye Chapter. Buckeye President Carl Harris said, ''He was very effective. He did his homework. We didn't just go in and say, 'Do something

about this and figure it out.' We always had ideas on, 'You could do it this way and that way.'"

Anderson spoke about many problems, from illegal parking in spaces for the handicapped to inequities in disability pay. "There should be a standard rate for all veterans across the U.S.," he told The Plain Dealer in 2008.

Despite paraplegia, he drove himself and wheeled his chair to countless veterans' events. "We do this in remembrance," he said in 1993. "We want our children to be proud of what we did for this country."

Anderson was born in Cleveland and graduated East Tech High in 1971. In 1976, he left Bowling Green State University and enlisted in the Ohio Army National Guard's 107th Armored Cavalry Regiment. He was on active duty in Michigan when paralyzed. He was discharged the next year as a sergeant.

He joined the Paralyzed Veterans' Buckeye board in 1985, then switched to a paid job in 1987 as the group's advocacy director. He was also vice president of the Memorial Day Association of Greater Cleveland and a commissioner of Ohio Rehabilitation Services.

He belonged to the Governor's Council on People with Disabilities, ADA Ohio Network, Maximum Accessible Housing of Ohio, and Greater Cleveland RTA Citizens Advisory Board. As a trustee of the Soldiers and Sailors Monument, he took charge of getting it a wheelchair lift.

Anderson often played Santa at what's now the Cleveland Clinic Children's Hospital. He liked to cook seafood, travel around the country and listen to music, especially old rhythm and blues.

Frank William Anderson, 1953–2011. Survivors: Wife, the former Joe Ann Huff; children, Yolanda Anderson of East Cleveland, Patrice Anderson of Cleveland, Chemenda Wilbourn-Anderson of Cleveland, Tamika Savior-Greer of Cleveland Heights and Franklin Savior of Cleveland; seven grandchildren; a sister and two brothers.

PVA BUCKEYE CHAPTER MOURNS THE LOSS OF FRANK ANDERSON

It is with deep sadness that we inform you of the passing of Frank Anderson, long-time Buckeye Chapter Government Relations Director. We were informed by the Buckeye Chapter that Frank passed away in the early morning hours of December 6, 2011.

Frank was the consummate advocate for people with disabilities known throughout the greater Cleveland area and Ohio as a vigorous and articulate spokesman on behalf of disability rights.

For Frank no effort was too small nor challenge too large if it would benefit the greater disability community and he should be remembered as a leader in the fight to secure passage of the Americans with Disabilities Act. A mentor to his fellow Chapter Government Relations Directors and the 2010 recipient of the Richard Fuller Outstanding Achievement in Government Relations Award, Frank exemplified the active member devoted to the goals of Paralyzed Veterans of America.

Frank leaves behind a community that is better for his efforts. On behalf of all of PVA, we extend our deepest sympathies to his many friends, colleagues, and most specifically, his loving wife Joanne and family.

Once PVA executive offices receive pertinent memorial service information from the Buckeye Chapter, we will forward to you. Thank you for sharing this news with those who may not yet be aware and would appreciate knowing.

Sincerely,

BILL LAWSON,
PVA National President.

HOMER S. TOWNSEND, Jr.,
PVA Executive Director.

Mr. BROWN of Ohio. Mr. President, Frank served as director of government relations for the Paralyzed Veterans Association's Buckeye Chapter in my State.

He served as vice president of the Memorial Day Association of Greater Cleveland, as well as a commissioner of the Ohio Rehabilitation Services.

He belonged to the Governor's Council on People with Disabilities, the ADA Ohio Network, the Maximum Accessible Housing of Ohio, and the Greater Cleveland RTA, the transit system's Citizens Advisory Board.

He was a trustee of the Soldiers and Sailors Memorial in downtown Cleveland, responsible for installing its wheelchair lift.

I will miss Frank. I will miss his friendship, his wit, and his humor. But his State and Nation will miss him more—his strong will and his dedication to public service and the lives he helped to improve.

Frank was an inspiration to anyone in or out of a wheelchair—a tireless advocate whom everyone loved and respected.

On Thursday, December 15—a couple days from now—at Mount Sinai Baptist Church, on Woodland Avenue in Cleveland, Frank's family and friends will gather for his funeral—his going home.

I wish I could be there. I will be here. But I wish I could be there to say goodbye—to join his wife Joe Ann, their children Yolanda, Patrice, Chemenda, Tamika, Franklin and seven grandchildren and Frank's sister and two brothers.

For them, I offer my condolences but also reaffirm a commitment to serving Frank's cause on behalf of all disabled Americans, especially those who are disabled and paralyzed in service to our country.

TRIBUTE TO LEO F. WEDDLE

Mr. MCCONNELL. Mr. President, I stand today to honor an exemplary Kentuckian and patriot, Mr. Leo F. Weddle of Somerset, KY. Mr. Weddle is a veteran of the Korean war; he selflessly served our Nation as a machine-gunner during that conflict.

In 1950, just 3 years after graduating high school, Leo decided to enlist in the Marines, an idea he had already given considerable thought to. Leo was inspired one day by the obvious pride and glamour that was exhibited by a young marine in uniform whom Leo saw from the window of his Greyhound bus as Leo was traveling home to Somerset, KY, from his sister's house in Beaumont, TX. It was at that exact moment, somewhere in a small Arkansas town, that Leo decided to enlist to serve his country.

After his introduction into the Marine Corps, Leo spent the next several months enduring the rigors of boot camp in Parris Island, SC, and combat training at Camp Pendleton in Oceanside, CA. When combat training concluded, Leo and his unit boarded the troopship USS *General William Weigel*. Leo's unit eventually landed in Yokuska, Japan, after 2 weeks at sea.

On June 5, 1951, the day Leo arrived in Korea, he was immediately transported to the front line for combat, where he joined George Company, 3rd Battalion, 1st Marine Division, later nicknamed "Bloody George." Leo's unit was under heavy fire from the moment he arrived. "They had just lost a machine gunner and were asking for a volunteer," he said. "Fools really do rush in where angels fear to tread, and I volunteered for the position. I served as a machine gunner for the duration of my time in Korea."

On September 21, 1951, Leo was wounded by a mortar that killed two officers and six enlisted men. Ironically, to Leo, the shell exploded closer to him than any other person, but the shrapnel propelled from it that hit him only left small pieces of metal in his legs and head. Those farther away were hit with larger pieces of metal that inflicted more severe, even fatal injuries. Six decades later, Leo still has fragments of the mortar in has legs and forehead.

Today at 77 years of age, Leo feels blessed to be able to look back on his wartime experiences as a veteran who has since lead a healthy and successful life. "I recall vividly many images of the horrors of war," Leo says, "but I also remember my fellow Marines, courageous young men with whom I shared the most intense life-and-death experiences most of us would ever face."

Leo was so inspired by these experiences that he wrote a poem while he was still in Korea to help him share the love and appreciation for America he felt half a world away. Leo believes he may never have had the opportunity to truly express these feelings had he not had the opportunity to serve his country in battle as he did.

Mr. President, I would ask that my Senate colleagues join me in thanking Mr. Leo F. Weddle, a valiant Kentucky veteran, for his courage and selflessness in fighting to preserve our country's freedom. Mr. Weddle is an honorable man whose sacrifice and lifelong success serve as an inspiration to the people of our great Commonwealth. The Commonwealth Journal, a Somerset-area publication, recently published an article written by Mr. Weddle recounting his time as a U.S. marine. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Commonwealth Journal, November 11, 2011]

A VETERAN REMEMBERS

(By Leo F. Weddle)

In 1950, three years after my high-school graduation, the Korean War was under way and I had given considerable thought to joining the service. One beautiful autumn day I

was riding a Greyhound bus from my sister's home in Beaumont, Texas, to my hometown of Somerset, KY.

Somewhere along the way, in a small town in Arkansas, I saw from the window a young Marine, resplendent in his dress blue uniform. The glamour of that uniform and the obvious pride of the man wearing it captivated me. At that moment I decided to volunteer for the Marines, and I did so as soon as I arrived in Somerset.

After my introduction into the Marine Corps, I endured weeks of stress and intimidation in boot camp at Parris Island, South Carolina, followed by combat training at Camp Pendleton in Oceanside, California. After completing my training, my unit boarded a troopship, the USS General William Weigel, and after two weeks at sea, we landed in Yokuska, Japan.

On June 5, 1951, I arrived in Korea and became a member of George Company, 3rd Battalion, 1st Marine Division, later nicknamed ''Bloody George.'' The day I arrived, I was transported to the front line and immediately entered combat. My unit was under heavy fire. They had just lost a machine gunner and were asking for a volunteer. Fools really do rush in where angels fear to tread, and I volunteered for the position. I served as a machine gunner for the duration of my time in Korea.

Minutes after I arrived on the line, a mortar shell hit a few feet from me. Luckily, it turned out to be a dud. If it had exploded, I would almost certainly have been killed on my first day of battle. As it was, I was wounded by another mortar a few months later, on September 21, 1951. We were on Hill 751, which came to be known as ''Starvation Hill.''

For three days and three nights, the fighting was so intense that our Korean supply carriers could only bring ammunition. Food was a lower priority in this situation than the much-needed ammo, so we had to make do with what we had until the shelling diminished.

A friend of mine was hit, and I climbed out of my foxhole to help him. While I was out of the foxhole, a mortar shell came in. It killed two officers and wounded six enlisted men. The irony of the situation was that the mortar landed closer to me than to anyone else, but the explosion propelled shrapnel that embedded only small pieces of metal in my legs and head, while dispersing larger pieces to the men who were killed or more seriously wounded.

The mind is a strange and wonderful thing. If I close my eyes, even to this day, I can still see the dirt, debris and shrapnel exploding as clearly as I could at the moment it happened. Fifty-five years later, I still have small fragments of that mortar in my legs and forehead. During the months that I served in Korea, I saw great acts of courage by my fellow Marines as they dealt with the brutality and mayhem of war. I came to realize that heroism often involves reacting to a situation in a way that seems to be most expedient at a given moment.

I recall many images of the horrors of war, of course, but I also remember my fellow Marines, courageous young men with whom I shared the most intense life-and-death experiences most of us would ever face.

While I was still in combat in Korea, I wrote the following poem. My experiences there gave me a love and appreciation for America that I might never have been able to express had I not had the opportunity to serve my country in this way.

Today I am 77 years old and looking back on my own wartime experiences from the vantage point of a healthy and successful life. I hear the stories of today's young Marines who are risking their bodies and lives for the same principles that motivated me and my comrades in Korea so many years ago. For any soldier or Marine who serves his country in time of any war, I believe this poem expresses the love and pride that he feels for his homeland, the United States.

MR. YOU AND MR. ME

What is America? I ask myself,
It is happiness, contentment, success and wealth,
With a touch of hardship, dirt and grime,
Mixed together with work and time,
Is Mr. You or Mr. Me?

America is a sweetheart, modest and dear,
It's high school and college, or a cheerleader's cheer.
It's a bright hello or a sad good-bye,
It's all these things and much more too,
That go into making the Red, White and Blue.

America is football, baseball and track,
Or just a little afternoon snack.
It's a drive in the country, a walk into town,
or just a policeman making his round.
It's a chocolate sundae or a picture show
That forms the pattern of this land we know.

It's Mom and Dad—Sister too,
And a little brother, or me and you.
It's Brooklyn and Jersey, the Dodgers and Phils,
Or a beautiful river with valleys and hills.
But it takes these things and the heavens above
To make our America, the land we love.

It's barefoot boys who skip school for fishing,
And pigtailed girls who tag along, wishing.
It's the old and the young, the brave and the true,
But mostly America is made up of you.
It's what you believe and what you can see
That count in this land of democracy.

The names of Washington, Lincoln and Jones,
The Tom Smiths, Dick Phillips, and Harry Malones
Are parts of America we see every day
As we walk along its crowded highway.
Yes, all of these things we daily see,
Until they are a part of you and me.

America is brown, yellow and white,
With a touch of red, it's quite a sight,
For we are a mixture from many lands
Who believe in liberty and freedom's stands,
And we back up this faith with blood and tears
Shed by patriots throughout the years.

It's soldiers, sailors, pilots, Marines,
Who make up our nation's fighting machines.
It's ''blood and guts'' when the time demands,
For freedom's cause we take our stands.
It's all America, just one big show,
Of the things we do and the things we know.

It's our faith in God to do His will,
Our belief that we have His protection still,
That makes America strong and free,
It's a wonderful place for you and me.
And though many places our feet may roam,
May they safely return us to our home,
America.

TRIBUTE TO TOM BIRCH

Mr. ROCKEFELLER. Mr. President, it is a distinct honor and privilege for me to congratulate Thomas L. Birch, the legislative counsel and founding director, of the National Child Abuse Coalition, for his decades of service to children.

After more than 30 years as head of the coalition, Tom is retiring. Mr. Birch established the National Child Abuse Coalition three decades ago as a way to focus greater attention on the more than 700,000 children who are abused and neglected each year.

From his earliest days, Tom was inspired to make a difference in the lives of some of our most vulnerable children and families. His interest was first peaked as a high school student working at a public housing project in Stamford, CT. He noticed that not all kids had the same opportunity and that not all children had the same start at life. His experiences also demonstrated that with the right kind of support, we could make a difference in these young lives. We could even the playing field.

Tom continued on to college and became an attorney, but when he reached Washington, he brought with him that same passion to make a difference. We all talk about how important children are to this country's future, but Tom felt you had to do more than just say that—he had to act. He began his new job on Capitol Hill working for the chair of what we now call the HELP Committee, under Senator Walter Mondale. In fact, the week Tom Birch started his work for the future Vice President, the Child Abuse Prevention and Treatment Act, or CAPTA, was signed into law. He would continue advocating for children and the prevention of child abuse by working on the staffs of Senator Paul Simon and Congressman John Brademas.

When Tom ended his career as a Capitol Hill staffer he moved on but didn't move away from his main mission in life: to continue to make a difference for the most vulnerable children in the land. He formed a coalition to focus attention on preventing the abuse and neglect of children. In 1981 the National Child Abuse Coalition was created under the leadership of Mr. Birch. His pride and constant inspiration has been to shape the growth of CAPTA, and that, too, would be the mission of the coalition he founded.

Because of Tom Birch's efforts, more than 30 national member organizations, working through the coalition, have been able to coordinate and strengthen their Federal advocacy on behalf of the millions of vulnerable children. Through this time period Tom has contributed to important developments, including the creation of children's trust funds across the States; the establishment of national child abuse data; greater focus on community-based solutions, including the community-based grants to prevent child abuse and neglect; and more recently he and the coalition were an important voice of support for the new home visitation program enacted by Congress in 2010.

Through his leadership the coalition has also served as an advocate in the appropriations process for CAPTA and similar programs such as the Social Services Block Grant, SSBG, and the Promoting Safe and Stable Families

Program, PSSF. When opportunities have arisen he has worked to highlight ways to strengthen programs such as Head Start and childcare to make sure the country took every opportunity to address child neglect and to prevent it.

Others have recognized Mr. Birch's contributions, including the American Psychological Association, which honored him in 2003 with their Award for Distinguished Contribution to Child Advocacy. Later in 2006 Casey Family Programs honored Tom again by giving him their Leadership Award.

I want to join the many others in recognizing Tom Birch. These days we talk a great deal about lobbyists and special interests in Washington, DC, but there are certain groups of people here in Washington you don't hear about. They won't be featured on the evening news or the front page of the newspaper. These are the men and women who patiently and quietly walk these halls to tell the stories of vulnerable children. These people do it not to get rich or to promote the fortunes of the powerful; they work on behalf of our most vulnerable. Tom is one of these people, an unsung hero who has made a true difference for vulnerable children. It has been a job well done for Tom. I hope his retirement is successful and rewarding in every way he wishes it to be, and I thank him very much for all the contributions he has made to the lives of all the most vulnerable children all across this country.

VOTE EXPLANATION

Mr. NELSON of Nebraska. Mr. President, I was mistakenly recorded as a ''no'' on vote No. 227 on December 12, 2011. I would like to state for the record I intended to vote for cloture in relation to the nomination of Mari Carmen Aponte to be Ambassador to the Republic of El Salvador.

TRIBUTE TO ROBERT GRIFFIN III

Mrs. HUTCHISON. Mr. President, in Texas, football and team loyalty is a key part of our identity. Today, I know that Baylor University students, alumni, and fans—known as the Baylor Nation—are bursting with pride over the first Bear to win the Heisman Trophy. Robert Griffin III was named the 2011 Heisman Trophy winner for his incredible accomplishments on the football field. Baylor finished this season ranked No. 15 nationally with a 9 to 3 record which included impressive victories over nationally ranked TCU, Oklahoma, and Texas. While Baylor and Big 12 fans have witnessed Griffin's football prowess, many more American sports fans will have the opportunity to watch him lead the Bears in the Valero Alamo Bowl on December 29, 2011.

But it is not only his football talent that makes Robert such a remarkable young man. RG3, as he is known to his friends and fans, is the consummate student-athlete. An honor roll student at Baylor, he graduated with a degree in political science in only 3 years with a 3.67 GPA. While he was leading the Bears this year on the gridiron, he was studying for his master's degree in communications, and he has indicated that he would like to attend law school as well.

Robert's career at Baylor balances academics and athletics and should serve as a role model for other aspiring young athletes. The discipline to succeed was instilled in him at a very early age by his parents, Robert, Jr., and Jacqueline Griffin, both Army noncommissioned officers, who laid the groundwork for his strong work ethic. A graduate of Copperas Cove High School just outside Ft. Hood, Robert was a three-sport star athlete—he still owns Texas' High School State records for the 110-meter and 300-meter hurdles—and a top student.

Throughout his career at Baylor, Robert set 52 school records in passing, rushing, and total offense. He has thrown for an incredible 10,070 yards, and 77 touchdowns, while rushing for 2,220 yards and 32 touchdowns. During his impressive 2011 Heisman winning season, Robert passed for almost 4,000 yards and 36 touchdowns, while rushing for 655 yards and 7 touchdowns. He also earned the Davey O'Brien Award, presented annually to the best NCAA quarterback.

On Saturday, December 10, 2011, Robert Griffin III was recognized as the greatest college football player of the year. The Heisman Trophy is the most prestigious and coveted award in college sports, and no one is more deserving of this honor than Robert Griffin III.

Congratulations to Robert Griffin III on an incredible season; to his family, who provided the foundation for his abilities; to his teammates and the entire Baylor Nation. This is truly a storybook ending to a tremendous season.

Mr. CORNYN. Mr. President, on December 10, the most prestigious sports fraternity in the country welcomed its newest member, Baylor University's Robert Griffin III, as the 77th winner of the Heisman Memorial Trophy. Griffin is Baylor's first recipient of the Heisman Trophy and the first player from the school to be named a finalist for the award since quarterback Don Trull finished fourth in 1963. The son of two retired U.S. Army sergeants, Griffin led the 15th ranked Baylor Bears to a 9 to 3 record and their second straight bowl appearance. The Big 12 Offensive Player of the Year has energized the football program and helped to end Baylor's 16-year absence from bowl games.

Hailing from Copperas Cove, TX, Griffin put up spectacular numbers, completing 72 percent of his passes for 3,998 yards with 36 touchdown passes. He also led the Nation in passing efficiency with a rating of 192.3, which broke the single-season Football Bowl Series record. On top of his impressive passing statistics, Griffin averaged 4.0 yards per carry for 644 yards and nine touchdowns on the ground. Although Griffin is only a junior, he holds 46 of Baylor's career offensive records including passing yards, passing touchdowns, and rushing touchdowns by a quarterback. While leading Baylor to one of its greatest seasons in history, he helped accomplish other important firsts for the program. After winning a combined 4 games in November during their first 15 seasons in the Big 12, Griffin guided the Bears to a perfect 4 to 0 record in the same month, with 3 of the wins against rivals Oklahoma, Texas, and Texas Tech. The late-season victory over Oklahoma marked the first time in school history that Baylor was able to defeat the mighty Sooners.

Robert Griffin's skills are not limited to the football field. In addition to being an All-American in the 400-meter hurdles, Griffin is also a model student. He completed his undergraduate work in 3 years with a 3.67 GPA, earning a bachelor's degree in political science, and is currently working on a master's degree in communications. Griffin also plans to earn a law degree. I applaud his commitment to excellence in both academics and athletics.

Today, I join with my colleagues, and Robert's friends and family, including his parents, Robert Jr. and Jacqueline Griffin, in celebrating this fine achievement. Robert Griffin joins a special class of Texas athletes who are also Heisman Trophy winners: TCU's Davey O'Brien, SMU's Doak Walker, Texas A&M's John David Crow, the University of Houston's Andre Ware, and the University of Texas's Earl Campbell and Ricky Williams.

ADDITIONAL STATEMENTS

TRIBUTE TO THE LONG FAMILY

• Mr. BOOZMAN. Mr. President, I wish to congratulate the Long family for earning the distinction of 2011's Arkansas Farm Family of the Year.

This honor reflects Heath and Betsy Long's dedication to farming and the importance of agriculture as Arkansas's No. 1 industry. As owners of Long Planting Company, a rice, soybean, and wheat operation of more than 2,200 acres of land, the couple has taken advantage of technology and improved farming efficiency while expanding their farm.

Heath has devoted his life to farming, spending his childhood on the farm and earning a degree in agriculture from Arkansas State University. As a fourth-generation farmer, his commitment to the agriculture industry has helped his farm as well as other farms within the State, as he serves as the vice president of the Arkansas County Farm Bureau board of directors and a member of the Arkansas and USA rice councils.

The Arkansas Farm Bureau's program honors farm families across the

State for their outstanding work both on their farms and in their communities. This recognition is a reflection of the contribution to agriculture at the community and State level and its implications for improved farm practices and management. The Longs are well deserving of this honor.

I congratulate Heath and Betsy and their daughters, Shelby and Sydney, for their outstanding achievements in agriculture and ask my fellow colleagues to join me in honoring them for this accomplishment. I wish them continued success in their future endeavors and look forward to the contributions they will offer in the future to Arkansas agriculture.●

TRIBUTE TO MIKE RISKA

● Mr. COONS. Mr. President, I would like to take a moment to reflect on the career of the executive director of the Delaware Nature Society, Michael E. Riska. Mike is retiring this year after serving as executive director for 28 wonderful years spent opening the minds and hearts of Delawareans young and old to the splendor of our natural world.

Mike Riska attended West Chester University and earned a bachelor of science with a double major in biology and physical education. He also earned his master's in education in Natural Science from the University of Delaware. He is a certified teacher in biology, general science, health, and physical education.

Truly devoted to educating students in the natural sciences, Mike began his career as a teacher at the Tatnall School in Greenville, DE. He taught science to students in the first through eighth grades and taught eight 5-week upper-school marine ecology courses based on Sanibel Island, FL.

Mike took his love of science and education to the Delaware Nature Society in 1969, where he started as a part-time instructor and youth programs director. He was part of the initiative to transform the H.B. DuPont Farm into a learning environment for students across Delaware. For my first job, as a seventh grader, I was hired by Mike to assist other Delaware youngsters in building the trails that would soon become Ashland Nature Center. Every year thousands of students, including my own children, attend summer camps and class field trips at the Ashland Nature Center, where they learn about nature, ecology, and conservation.

Mike Riska was appointed to executive director of the Delaware Nature Society in 1984, just the third person to serve in this capacity. With Mike at the helm, the Delaware Nature Society earned record donations for furthering its mission of fostering understanding, appreciation, and enjoyment of the natural world through education. The society also worked to preserve ecologically significant areas and advocate stewardship and conservation of natural resources.

Mike has been recognized with several awards, including the Nature Conservancy Lifetime Conservation Achievement Award in 1997, an Exceptional Leadership Award from the Association of Nature Center Administrators' Board of Directors in 1999, and the 1999 President's Award of Association of Nature Center Administrators for dedication and service to the nature center profession. The Association of Nature Center Administrators recognized him as the recipient of its 2002 Leadership Award.

Mike has worked closely with several other Delaware nature conservancy organizations and is admired and respected by his peers. Andrew Manus, director of conservation programs of the Delaware Chapter of the Nature Conservancy, said:

> Let me add my voice of congratulations to others who have benefitted from the years of dedicated service that Mike Riska has brought to conservation in Delaware. The Delaware Nature Society has been well served by his leadership, as has the greater conservation community in Delaware. Mike's thoughtful advocacy for the natural world in Delaware will be his endearing legacy for us all to enjoy.

Roger L. Jones, State director of the Delaware Chapter of the Nature Conservancy, stated:

> Mike Riska's legacy is very simple—he instilled a passion for nature and a boundless commitment for protecting our environment within thousands of people in Delaware.

Lorraine Fleming, 2005 Delaware Audubon Conservation Award recipient, said:

> Natural science and environmental education is Mike Riska's first love. It has been the foundation for his visionary leadership of the Delaware Nature Society over 28 years as executive director and before that as assistant director. Recognition and cultivation of staff and volunteers is Mike's natural strength. While he is always quick to give credit to his staff members and the society's large cadre of volunteers, the overall direction and support for DNS' accomplishments has consistently come from Mike. Mike's legacy is an enduring preeminent Delaware environmental organization that is nationally renowned among nature centers.

Mr. President, today I honor Mike Riska's legacy and accomplishments at the Delaware Nature Society. It is an honor to call him my first boss, a fellow advocate, and my friend.●

KATHERINE BOMKAMP AND WVU

● Mr. ROCKEFELLER. Mr. President. I wish to recognize Katherine Bomkamp, a promising sophomore at West Virginia University, WVU, who invented a new prosthesis that reduces phantom pain for amputees, including many returning veterans. Last month, she was in New York City being honored by Glamour magazine as one of its ''21 Amazing Young Women of 2011,'' to celebrate the 21st anniversary of its Women of the Year awards.

At the age of 16, following frequent visits to Walter Reed Army Medical Center while her father was stationed at the Pentagon with the U.S. Air Force, Katherine conceptualized the ''pain free socket,'' a prosthetic device that combats the phantom limb pain experienced by 80 percent of amputees. After two-and-a-half years of research, Katherine is now at West Virginia University, where the WVU Entrepreneurship Center is helping her obtain a patent for the device and find funding to make it available for injured veterans and other patients. The WVU Entrepreneurship Center is playing an important role in helping Katherine commercialize the ''pain free socket.'' It is a great example of how America's research universities are supporting innovative entrepreneurs, whose ideas are vital to economic growth today.

Ms. Bomkamp didn't just sit on the sidelines and feel sorrow for the afflicted men and women she encountered at Walter Reed. She listened to their stories and learned that many amputees experienced phantom pain, the feeling of pain in an absent limb.

By researching the topic, Katherine found that no medications have been approved for specifically treating phantom pain. Instead, many amputees are prescribed antipsychotics and barbiturates, treatments that can be expensive and highly addictive.

For a 10th-grade science project, Katherine decided to leap into action. She created the ''Pain Free Socket,'' incorporating thermal biofeedback into prosthetics to eliminate phantom pain in amputees. Phantom pain is caused by the brain continuing to send signals and commands to the limb. Bomkamp's device would help force the brain to focus on the heat produced through thermal biofeedback, rather than sending signals to the nonexistent limb.

Katherine Bomkamp deserves our praise and educational enrichment. She was the first WVU student to be inducted into the National Museum of Education's National Gallery for America's Young Inventors. Now that she is one of the ''21 Amazing Young Women of 2011,'' the sky is the limit for what she might achieve.

Success stories such as this one show us that academic and student innovation are alive and well at universities such as WVU, and promise a brighter future for all Americans. It is essential that as we in Congress review our budget priorities, even in the midst of today's financial pressures, we continue—or even expand—our support of higher education and students like Katherine Bomkamp.●

TRIBUTE TO RICHARD L. COTTA

● Mr. THUNE. Mr. President, today I wish to recognize Richard L. Cotta on the occasion of his retirement from California Dairies, Inc., CDI.

Since 2007 Richard has held the title of president and CEO of California Dairies, Inc., CDI. He has spent his entire career in the dairy industry in virtually all aspects of the business.

Richard Cotta's career at CDI began in 1993, when he joined San Joaquin

Valley Dairymen, a dairy processing and marketing cooperative, as its general manager.

In 1999, San Joaquin Valley Dairymen merged with Danish Creamery and California Milk Producers to form CDI. Cotta was named senior vice president of producer affairs and government relations at CDI, a role he held until he was named CEO in 2007. Under his leadership, CDI profits have reached record levels. Today, CDI is California's largest dairy provider and the second largest in the United States.

From 1980 to 1984 Richard was the CEO of United Dairymen of California, a producer trade organization, until it merged to form Western United Dairymen. Then from 1984 to 1993, he served as the CEO of Western United Dairymen, the largest producer trade association in the state.

Previously, Richard worked as a sire analyst for American Breeders Service, a classifier for the Holstein Association of America, and a principle in Genetics, Inc. For several years he was a dairy consultant on feeding, breeding and management systems.

Richard is a graduate, with honors, of California State Polytechnic University, San Luis Obispo, with a degree in dairy husbandry. He also owns and operates Cotta Farms and is a partner in Terra Bella Farms, both almond farming operations.

Richard sits on the following boards: U.C. Davis Deans Advisory Council, California State University Chancellors Ag Advisory Council, Sacred Heart School Foundation, and the Innovation Center for U.S. Dairy. In addition, he sits on the Globalization Operating Committee for the U.S. Dairy Export Council.

At the request of the Secretary of Agriculture, he has participated in world trade missions to open the U.S. dairy market overseas.

Please join me in congratulating Richard Cotta on his notable career and his retirement from California Dairies, Inc.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 2061. An act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries incurred in connection with their employment.

S.J. Res. 22. Joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

The enrolled bills and joint resolution was subsequently signed by the President pro tempore (Mr. INOUYE).

At 1:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2158. An act to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the ''Wayne Grisham Post Office''.

H.R. 2845. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 3220. An act to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the ''Master Sergeant Daniel L. Fedder Post Office''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2158. An act to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the ''Wayne Grisham Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3220. An act to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the ''Master Sergeant Daniel L. Fedder Post Office''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES DISCHARGED

The following joint resolutions were discharged from the Committee on the Judiciary pursuant to the Budget Control Act of 2011:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution relative to requiring a balanced budget.

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1633. An act to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3630. An act to provide incentives for the creation of jobs, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Assistant Secretary of the Senate reported that on today, December 13, 2011, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 22. A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4245. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants'' (RIN3150–AI10) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4246. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Interim Staff Guidance: Emergency Planning for Nuclear Power Plants'' (RIN3150–AI10) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4247. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Criteria for Development of Evacuation Time Estimate Studies'' (RIN3150–AI10) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4248. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revocation of the Significant New Use Rule on a Certain Chemical Substance'' (FRL No. 8892–2) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Environment and Public Works.

EC–4249. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases: Technical Revisions to the Petroleum and Natural Gas Systems Category of the Greenhouse Gas Reporting Rule'' (FRL No. 9501–9) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4250. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways Under the Renewable Fuel Standard Program'' (FRL No. 9502–2) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4251. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; General Conformity Requirements for Federal Agencies Applicable to Federal Actions'' (FRL No. 9504–7) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4252. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Availability of Medicare Data for Performance Measurement'' (RIN0938–AQ17) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Finance.

EC–4253. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to Hong Kong for the manufacture of transformers, inductors, and coils for power supplies in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4254. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''The President's Emergency Plan for AIDS Relief, Fiscal Years 2009–2010 Report on the Global Fund to Fight AIDS, Tuberculosis and Malaria''; to the Committee on Foreign Relations.

EC–4255. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date; Impact on Prevailing Wage Determinations'' (RIN1205–AB61) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4256. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development (USAID), transmitting, pursuant to law, USAID's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4257. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4258. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4259. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report entitled ''Railroad Retirement Board's Performance and Accountability Report for Fiscal Year 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4260. A communication from the Deputy Secretary of the Interior, transmitting, pursuant to law, the Department of the Interior's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4261. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4262. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4263. A joint communication from the Chairman and the Acting General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4264. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4265. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Saugus River, Lynn, MA'' ((RIN1625–AA11) (Docket No. USCG–2011–0857)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4266. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Route 24 Bridge Construction, Tiverton and Portsmouth, RI'' ((RIN1625–AA11) (Docket No. USCG–2011–0868)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4267. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; IJSBA World Finals; Lower Colorado River, Lake Havasu, AZ'' ((RIN1625–AA00) (Docket No. USCG–2011–0838)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4268. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Monte Foundation Fireworks Extravaganza, Aptos, CA'' ((RIN1625–AA00) (Docket No. USCG–2011 0805)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4269. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Mississippi River, Mile Marker 230 to Mile Marker 234, in the vicinity of Baton Rouge, LA'' ((RIN1625–AA00) (Docket No. USCG–2011–0841)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4270. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Waverly Country Club Fireworks Display on the Willamette River, Portland, OR'' ((RIN1625–AA00) (Docket No. USCG–2011–0899)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4271. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; The Florida Orchestra Pops in the Park Fireworks Display, Tampa Bay, St. Petersburg, FL'' ((RIN1625–AA00) (Docket No. USCG–2011–0834)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4272. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Rotary Club of Fort Lauderdale New River Raft Race, New River, Fort Lauderdale, FL'' ((RIN1625–AA00) (Docket No. USCG–2011–0589)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4273. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Mainardi/Kinsey Wedding Fireworks, Lake Erie, Lakewood, OH'' ((RIN1625–AA00) (Docket No. USCG–2011–0848)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4274. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 2011 Head of the South Regatta, Savannah River, Augusta, GA'' ((RIN1625–AA00) (Docket No. USCG–2011–0861)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4275. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Fireworks Displays in Captain of the Port Long Island Sound Zone'' ((RIN1625–AA00) (Docket No. USCG–2011–0870)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4276. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; The Old Club Cannonade, Lake St. Clair, Muscamoot Bay, Harsens Island, MI'' ((RIN1625–AA00) (Docket No. USCG–2011–0907)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4277. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Truman-Hobbs Alternation of the Elgin Joliet and Eastern Railroad Drawbridge, Morris, IL'' ((RIN1625–AA00) (Docket No. USCG–2011–0961)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4278. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Swim Around Charleston, Charleston, SC'' ((RIN1625-AA00)(Docket No.

USCG–2011–0575)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4279. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; M/V Davy Crockett, Columbia River'' ((RIN1625-AA00)(Docket No. USCG–2010–0939)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4280. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Annual Firework Displays within the Captain of the Port, Puget Sound Area of Responsibility'' ((RIN1625-AA00)(Docket No. USCG–2010–0842)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4281. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; 2011 Asia-Pacific Economic Cooperation Conference, Oahu, HI'' (Docket No. USCG–2011–0800) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4282. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Potomac River, Georgetown Channel, Washington, DC'' (Docket No. USCG–2011–0929) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4283. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; Captain of the Port Lake Michigan Zone'' (Docket No. USCG–2011–0489) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4284. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Columbia and Willamette Rivers, Dredge Vessels Patriot and Liberty'' (Docket No. USCG–2011–0939) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4285. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Passaic River, Harrison, NJ'' ((RIN1625-AA09)(Docket No. USCG–2011–0268)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4286. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Bear Creek, Sparrows Point, MD'' ((RIN1625-AA09)(Docket No. USCG–2011–0816)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4287. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Apponagansett River, Dartmouth, MA'' ((RIN1625-AA09)(Docket No. USCG–2011–0335)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4288. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Line of Sail Marine Parade, East River and Brunswick River, Brunswick, GA'' ((RIN1625-AA08)(Docket No. USCG–2011–0830)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4289. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events, Wrightsville Channel; Wrightsville Beach, NC'' ((RIN1625-AA08)(Docket No. USCG–2011–0885)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4290. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Chesapeake Bay Workboat Race; Back River, Messick Point, Poquoson, Virginia'' ((RIN1625-AA08)(Docket No. USCG–2011–0934)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

*Maurice A. Jones, of Virginia, to be Deputy Secretary of Housing and Urban Development.

*Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development.

*Thomas Hoenig, of Missouri, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

*Thomas Hoenig, of Missouri, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself, Mr. BURR, Mr. VITTER, Mr. BOOZMAN, and Mr. MANCHIN):

S. 1981. A bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Mr. FRANKEN):

S. 1982. A bill to amend the Older Americans Act of 1965 to develop and test an expanded and advanced role for direct care workers who provide long-term services and supports to older individuals in efforts to coordinate care and improve the efficiency of service delivery; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. LEAHY, and Mr. DURBIN):

S. 1983. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Ms. COLLINS):

S. 1984. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Mr. CORKER, Mr. ENZI, Mr. KIRK, and Ms. MURKOWSKI):

S. 1985. A bill to allow a bipartisan group of Members of Congress to propose and have an up or down vote on a balanced deficit reduction bill pursuant to this Act, such as proposed by the National Commission on Fiscal Responsibility and Reform report, reducing the deficit by a goal of $4,000,000,000,000 over 10 years; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET:

S. 1986. A bill to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 1987. A bill to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Ohio (for himself, Mr. MORAN, Mr. KERRY, Mrs. FEINSTEIN, Mr. CARDIN, Ms. STABENOW, Mr. LAUTENBERG, Mr. LEVIN, Mr. TESTER, Mr. CASEY, Mr. INOUYE, Mrs. MURRAY, Mr. HARKIN, Mrs. MCCASKILL, Mr. BEGICH, Mr. SANDERS, Ms. MIKULSKI, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. WHITEHOUSE, Mr. MERKLEY, Ms. LANDRIEU, Mr. COONS, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Mrs. BOXER, Mr. REED, Mr. BENNET, Mr. WYDEN, Ms. KLOBUCHAR, Mr. KOHL, Mr. BROWN of Massachusetts, Mr. ROBERTS, Mr. BLUNT, Mr. COCHRAN, Mr. BOOZMAN, Mr. HELLER, Mrs. HUTCHISON, Mr. WICKER, Mr. BURR, and Mr. KIRK):

S. Res. 347. A resolution recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 113

At the request of Mrs. HUTCHISON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 113, a bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Delaware (Mr. CARPER), the Senator from Indiana (Mr. LUGAR), the Senator from Illinois (Mr. KIRK) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 484

At the request of Mr. BENNET, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 484, a bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

S. 645

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 645, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1523

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1523, a bill to prohibit the National Labor Relations Board from ordering any employers to close, relocate, or transfer employment under any circumstance.

S. 1537

At the request of Mr. INOUYE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1537, a bill to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc., the donation of title to The National September 11 Memorial and Museum at the World Trade Center, and for other purposes.

S. 1571

At the request of Mr. ISAKSON, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1571, a bill to amend title I of the Elementary and Secondary Education Act of 1965, and for other purposes.

S. 1610

At the request of Mr. BARRASSO, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

S. 1683

At the request of Mrs. HAGAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1683, a bill to provide the Department of Homeland Security, U.S. Customs and Border Protection, and the Department of the Treasury with authority to more aggressively enforce trade laws relating to textile and apparel articles, and for other purposes.

S. 1749

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1749, a bill to establish and operate a National Center for Campus Public Safety.

S. 1756

At the request of Mrs. HAGAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1756, a bill to extend HUBZone designations by 3 years, and for other purposes.

S. 1765

At the request of Mrs. HAGAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1765, a bill to amend the Public Health Service Act to provide grants to strengthen the healthcare system's response to domestic violence, dating violence, sexual assault, and stalking.

S. 1821

At the request of Mr. COONS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1821, a bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

S. 1876

At the request of Mr. BROWN of Ohio, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1876, a bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Washington (Mrs. MURRAY), the Senator from Iowa (Mr. HARKIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DEMINT), the Senator from South Dakota (Mr. JOHNSON) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1930, a bill to prohibit earmarks.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1963

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1963, a bill to revoke the charters for the Federal National Mortgage Corporation and the Federal Home Loan

Mortgage Corporation upon resolution of their obligations, to create a new Mortgage Finance Agency for the securitization of single family and multifamily mortgages, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Ms. COLLINS):

S. 1984. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, each year more than 6 million children in the United States are reported as victims of child abuse and neglect. Tragically, at least 1,700 of those children lose their lives—most under the age of four. Maltreatment deaths are preventable and it is our duty to fight for those who are too young to defend and speak for themselves.

Currently, the United States does not have a comprehensive strategy for addressing child abuse fatalities. We also lack a national standard for reporting these fatalities, leaving many of these deaths to be largely underreported. That is why today I am introducing the Protect Our Kids Act, which will establish the Commission to Eliminate Child Abuse and Neglect Fatalities.

This commission will be comprised of a variety of professionals with diverse experience and perspectives. They will develop a national strategy for reducing child abuse and neglect fatalities, and provide comprehensive recommendations for all levels of government. They will analyze the effectiveness of existing programs designed to prevent or identify maltreatment deaths and learn more about what works and what doesn't. Child abuse fatalities are not isolated to one part of our country or another.

Once the commission completes their, work they will submit a report with their findings to Congress and the report will be publicly available. The loss of just one child to abuse is one child too many. I would like to thank my colleague, Senator COLLINS, for working with me on this bipartisan bill to protect our Nation's children. A number of organizations have been integral to the development of the legislation and have endorsed it, including the National Coalition to End Child Abuse Deaths whose members include the National Association of Social Workers, NASW, the National Center for the Review and Prevention of Child Deaths, NCRPCD, National Children's Alliance, NCA, Every Child Matters Education Fund, ECMEF, and the National District Attorney's Association, NDAA.

I look forward to our continued progress in developing a more effective approach to improving child welfare and ask all of my colleagues to support this important legislation.

Ms. COLLINS. Mr. President, I rise today to join Senator KERRY in introducing the Protect Our Kids Act, to create a commission with the goal of eliminating child abuse fatalities. The effort to address child abuse transcends ideological and partisan lines. This is not a Democratic or Republican issue. This is an American issue. One that we can't wish away, but that we must face head on and work to eradicate. Earlier this year, Senator KERRY and I introduced a resolution recognizing April as Child Abuse Prevention Month. The Protect Our Kids Act further represents our commitment to put an end to child abuse in the United States.

Child abuse fatalities are preventable; yet, approximately 1,770 children are reported as dying from child abuse each year, and many experts believe the actual number may be significantly higher. This legislation would establish a commission to develop a comprehensive national strategy for reducing child abuse fatalities. The commission will include a variety of professionals with expertise in areas such as child welfare advocacy, child development, pediatrics, medical examining, social work, law enforcement and education.

Through new research, hearings and the use and coordination of existing information, the commission will provide a report with their recommendations. In order to develop a comprehensive strategy, the commission must consider several questions including what is the extent to which incidents of child abuse and neglect fatalities are increasing in number, how to develop a system to track and record incidents, and what models exist for preventing child maltreatment deaths.

Increased understanding of maltreatment deaths can lead to improvement in agency systems and practices to protect children and prevent child abuse and neglect. Therefore, it is imperative that we take action to capitalize on the commission's findings. This legislation requires the commission's report to be submitted to relevant Federal agencies and Congressional committees. All agencies with recommendations that fall under their jurisdiction must then submit their reaction and plans to address such recommendations to Congress within 6 months.

Approximately 6 million kids are reported to be abused or neglected each year. We know this can be prevented. This legislation is an important step that Congress and our Nation should take in order to better protect our kids.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 347—RECOGNIZING THE 40TH ANNIVERSARY OF THE NATIONAL CANCER ACT OF 1971 AND THE MORE THAN 12,000,000 SURVIVORS OF CANCER ALIVE TODAY BECAUSE OF THE COMMITMENT OF THE UNITED STATES TO CANCER RESEARCH AND ADVANCES IN CANCER PREVENTION, DETECTION, DIAGNOSIS, AND TREATMENT

Mr. BROWN of Ohio (for himself, Mr. MORAN, Mr. KERRY, Mrs. FEINSTEIN, Mr. CARDIN, Ms. STABENOW, Mr. LAUTENBERG, Mr. LEVIN, Mr. TESTER, Mr. CASEY, Mr. INOUYE, Mrs. MURRAY, Mr. HARKIN, Mrs. MCCASKILL, Mr. BEGICH, Mr. SANDERS, Ms. MIKULSKI, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. WHITEHOUSE, Mr. MERKLEY, Ms. LANDRIEU, Mr. COONS, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Mrs. BOXER, Mr. REED of Rhode Island, Mr. BENNET, Mr. WYDEN, Ms. KLOBUCHAR, Mr. KOHL, Mr. BROWN of Massachusetts, Mr. ROBERTS, Mr. BLUNT, Mr. COCHRAN, Mr. BOOZMAN, Mr. HELLER, Mrs. HUTCHISON, Mr. WICKER, Mr. BURR, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 347

Whereas 40 years ago, with the passage of the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778), the leaders of the United States came together to set the country on a concerted course to conquer cancer through research;

Whereas the passage of the National Cancer Act of 1971 led to the establishment of the National Cancer Program, which significantly expanded the authorities and responsibilities of the National Cancer Institute, a component of the National Institutes of Health;

Whereas the term ''cancer'' refers to more than 200 diseases that collectively represent the leading cause of death for people in the United States under the age of 85, and the second leading cause of death for people in the United States overall;

Whereas cancer touches everyone, either through a direct, personal diagnosis or indirectly through the diagnosis of a family member or friend;

Whereas, in 2011, cancer remains one of the most pressing public health concerns in the United States, with more than 1,500,000 people in the United States expected to be diagnosed with cancer each year;

Whereas the National Institutes of Health estimated the overall cost of cancer to be greater than $260,000,000,000 in 2010 alone;

Whereas approximately 1 out of every 3 women and 1 out of every 2 men will develop cancer in their lifetimes, and more than 570,000 people in the United States will die from cancer this year, which is more than 1 person every minute and nearly 1 out of every 4 deaths;

Whereas the commitment of the United States to cancer research and biomedical science has enabled more than 12,000,000 people in the United States to survive cancer, 15 percent of whom were diagnosed 20 or more years ago, and has resulted in extraordinary progress being made against cancer, including—

(1) an increase in the average 5-year survival rate for all cancers combined to 68 percent for adults and 80 percent for children and adolescents, up from 50 percent and 52 percent, respectively, in 1971;

(2) average 5-year survival rates for breast and prostate cancers exceeding 90 percent;

(3) a decline in mortality due to colorectal cancer and prostate cancer; and

(4) from 1990 to 2007, a decline in the death rate from all cancers combined of 22 percent for men and 14 percent for women, resulting in nearly 900,000 fewer deaths during that period;

Whereas the driving force behind this progress has been support for the National Cancer Institute and its parent agency, the National Institutes of Health, which funds the work of more than 325,000 researchers and research personnel at more than 3,000 universities, medical schools, medical centers, teaching hospitals, small businesses, and research institutions in every State;

Whereas the commitment of the United States to cancer research has yielded substantial returns in both research advances and lives saved, and it is estimated that every 1 percent decline in cancer mortality saves the economy of the United States $500,000,000,000 annually;

Whereas advancements in understanding the causes and mechanisms of cancer and improvements in the detection, diagnosis, treatment, and prevention of cancer have led to cures for many types of cancers and have converted other types of cancers into manageable chronic conditions;

Whereas continued support for clinical trials to evaluate the efficacy and therapeutic benefit of promising treatments for cancer is essential for translating new knowledge and discoveries into tangible benefits for patients, especially because all standard cancer therapies began as clinical trials;

Whereas, despite the significant progress that has been made in treating many cancers, there remain those cancers for which the mortality rate is extraordinarily high, including pancreatic, liver, lung, multiple myeloma, ovarian, esophageal, stomach, and brain cancers, which have a 5-year survival rate of less than 50 percent;

Whereas research advances concerning uncommon cancers, which pose unique treatment challenges, provide an opportunity for understanding the general properties of human cancers and curing uncommon cancers as well as more common cancers;

Whereas crucial developments have been achieved in cancer research that could provide breakthroughs necessary to address the increasing incidence of, and reduce deaths caused by, many forms of cancer;

Whereas research into the effect of certain forms of cancer on different population groups offers a significant opportunity to lessen the burden of the disease, because many population groups across the country suffer disproportionately from certain forms of cancer; and

Whereas a sustained commitment to the research of the National Institutes of Health and the National Cancer Institute is necessary to improve the entire spectrum of patient care, from cancer prevention, early detection, and diagnosis, to treatment and long-term survivorship, and to prevent research advances from being stalled or delayed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778); and

(2) celebrates and reaffirms the commitment embodied in the National Cancer Act of 1971, specifically, that support for cancer research continues to be a national priority to address the scope of this pressing public health concern.

Mr. BROWN of Ohio. Mr. President, I rise to submit a bipartisan resolution recognizing the 40th anniversary of the National Cancer Act of 1971—supported by 33 Democrats and 11 Republicans.

A special thank-you to Massachusetts Senator JOHN KERRY and Kansas Senator JERRY MORAN for their leadership on this issue.

It is unfortunate but likely true that we each know someone who has been affected by cancer. We know a survivor. We remember a victim. We know cancer affects not just the patient but the parents, the family, the friends, and the loved ones.

This year more than 1.5 million Americans are expected to be diagnosed with cancer. One out of every three women, one out of every two men will develop some form of cancer in their lifetimes.

More than half a million Americans die from cancer year after year after year, in any 1 year. More than one person every minute and nearly one out of every four deaths is from cancer.

We also know that behind the statistics there are thousands of people representing thousands of friends, families, and loved ones, with ribbons, donations, and races for the cure.

These are the stories that motivate us to fight harder and to fight with one voice. It is also a story of a nation's commitment to cancer research. There is interest in dealing with environmental causes. There is great interest in dealing with cures and prevention and all that we should as a nation and usually do know what to do.

Forty years ago, Senator Ted Kennedy from Massachusetts, as chairman of the Health Subcommittee, forged a bipartisan consensus and public demand to bolster investments in cancer research.

He held hearings. He worked with leading public health advocates and economists who understood the need for bipartisanship on such an urgent national need. His work, along with Jacob Javits, a Republican Senator from New York, led to the framework of the National Cancer Act.

When it was clear President Nixon would only sign the act into law if Kennedy's name were not on it, Kennedy backed off.

The goal was to put cancer research into a new era of discovery, and that is what the National Cancer Act did. It established a national cancer program, which expanded the authority and the responsibilities of the National Cancer Institute, and its parent agency, the National Institutes of Health. The National Cancer Institute is, by far, the biggest of the two dozen or so National Institutes of Health.

Today, 12 million cancer survivors are alive because of the advances in the way we prevent, detect, diagnose, and treat cancer. Because of the investments by the NCI, the National Cancer Institute, and the National Institutes of Health, critical cancer research is being conducted in hospitals and foundations and communities and in all kinds of centers everywhere and in our universities.

Mr. President, I ask unanimous consent that a list of more than 100 cancer research institutions, physicians, and researchers who have endorsed this resolution be printed in the RECORD.

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

NATIONAL CANCER ACT 40TH ANNIVERSARY RESOLUTION ENDORSEMENTS

American Association for Cancer Research; Dana-Farber Cancer Institute; LiveStrong; Duke Cancer Institute; Massachusetts General Hospital Cancer Center; American Cancer Society Cancer Action Network; Gary D. Hammer, M.D., Ph.D., Millie Schembechler Professor of Adrenal Cancer, University of Michigan, Director—Endocrine Oncology Program, Director—Center for Organogenesis; Pancreatic Cancer Action Network; MD Anderson Cancer Center; Memorial Sloan-Kettering Cancer Center; Susan G. Komen for the Cure Advocacy Alliance; University of Kansas Cancer Center; American College of Gastroenterology; Michael A. Choti M.D., M.B.A., Jacob C. Handelsman Professor of Surgery, Chief, Handelsman Division of Surgical Oncology, Johns Hopkins University; The Ohio State University Comprehensive Cancer Center; Mark O. Thornton, M.D., M.P.H., Ph.D., President, Sarcoma Foundation of America; Tito Fojo, M.D.; U.S. Department of Health and Human Services National Cancer Institute Medical Oncology Clinical Research Unit Center for Clinical Research; Cleveland Clinic Taussig Cancer Institute; Mayo Clinic Cancer Center; Kavita Patel, M.D., M.S., Former Director of Policy for the White House of Public Engagement and Intergovernmental Affairs, Former Deputy Staff Director for the Senate Health, Education, Labor and Pensions Committee under the leadership of the late United States Senator Edward M. Kennedy; Richard J. Gilbertson, M.D., Ph.D., Director, Comprehensive Cancer Center, St. Jude Children's Research Hospital; Norris Cotton Cancer Center at Dartmouth; Siteman Cancer Center at Washington University School of Medicine and Barnes-Jewish Hospital; Penn State Hershey Cancer Institute.

Martin A. Makary, M.D., M.P.H., The Mark Ravitch Chair, General Surgery, Associate Professor of Health Policy, Johns Hopkins University; Stand Up to Cancer (SU2C); Vermont Cancer Center; The University of Pittsburgh Cancer Institute; Andrew Schorr, Founder, Host, and Author, PatientPower.Info; University of Chicago Comprehensive Cancer Center; Boston University/Boston Medical Center Cancer Center; Columbia University Medical Center; Anna Raven, Founder and President, Over Come ACC; UCSF Helen Diller Family Comprehensive Cancer Center; Case Comprehensive Cancer Center; University of North Carolina's Lineberger Comprehensive Cancer Center; Betsey de Parry, Patient, Advocate, & Author; Beverly S. Mitchell, M.D., George E. Becker Professor of Medicine, Director, Stanford Cancer Center; UC Davis Designated Cancer Center; Bruce Shriver, Founder and President, Liddy Shriver Sarcoma Foundation; James P. Wilmot Cancer Center at the University of Rochester Medical Center; Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for

Medical Sciences; UCLA Jonsson Comprehensive Cancer Center; Alan Cupal, Patient, Advocate, and Director, Adrenal Cancer Hope; The National CML (Chronic Myelogenous Leukemia) Society; UC San Diego Moores Cancer Center; The Robert H. Lurie Cancer Center of Northwestern University; Association of American Cancer Institutes; Gregory J. Gagnon, M.D., Medical Director, Cyberknife Frederick Memorial Hospital, Regional Cancer Therapy Center, Radiation Oncology; Chao Family Comprehensive Cancer Center at UC Irvine.

Claire Verschraegen, M.D., Director, Hematology Oncology Unit, Director, FAHC Cancer Service Line, Director, Vermont Cancer Center; Society of Gynecologic Oncology; University of Colorado Cancer Center; National Brain Tumor Society; National Patient Advocate Foundation; Women Against Prostate Cancer; Intercultural Cancer Council Caucus; Dario Altieri, M.D., Director, Cancer Center, The Wistar Institute Cancer Center; American College of Surgeons Commission on Cancer; CureSearch for Children's Cancer; Fight Colorectal Cancer; Huntsman Cancer Institute at the University of Utah; Oncology Nursing Society; Bill Bell, President, Spencer Bell Legacy Project; National Coalition for Cancer Survivorship; Prevent Cancer Foundation; National Comprehensive Cancer Network; The Leukemia and Lymphoma Society; Ovarian Cancer National Alliance; One Voice Against Cancer Coalition; Deadly Cancer Coalition; Asian and Pacific Islander American Health Forum; Howard Ozer, M.D. PhD., Director, University of Illinois Cancer Center; Cancer Clinics of Excellence; The Adenoid Cystic Carcinoma Research Foundation; The International Myeloma Foundation; Manish Agrawal, M.D., Associates in Oncology/Hematology; Chordoma Foundation; Research!America; Frederick Memorial Hospital Regional Cancer Therapy Center; Prevent Cancer Foundation; National Coalition for Cancer Research; Melanoma Research Alliance; National Association of Chronic Disease Directors; The Lymphoma Research Foundation; American Society of Pediatric Hematology and Oncology; International Cancer Advocacy Network.

Fred Hutchinson Cancer Research Center; Oregon Health and Science University's Knight Cancer Institute; Robert Mannel, M.D., Director, Peggy and Charles Stephenson Cancer Center, University of Oklahoma; The University of Virginia Medical Center; Herbert Irving Comprehensive Cancer Center; City of Hope National Medical Center; Oncology Nursing Society; American Institute for Cancer Research; University of Puerto Rico Comprehensive Cancer Center; Roswell Park Cancer Institute; Moffitt Cancer Center; American Society of Clinical Oncology; Lymphoma Foundation of America; University of Wisconsin Carbone Cancer Center; New York University Cancer Institute; Barbara Ann Karmanos Cancer Institute; Sanford-Burnham Medical Research Institute; Holden Comprehensive Cancer Center; Prostate Cancer Foundation.

Mr. BROWN of Ohio. It includes scientists and physicians working together on cancer research everywhere from the James in Columbus, to Case and UH and the clinic in Cleveland.

Ohio's universities and medical schools, teaching hospitals, Cincinnati Children's Research, small businesses, and other research institutions help bring cutting-edge cancer research to urban cities and small towns alike.

For the last 40 years, our Nation's commitment to cancer research has seen a tremendous return on investment in the millions of lives and the billions of dollars saved.

We have increased survival rates. We have advanced understanding of the diseases and the tools needed to cure them. We have better understood the connection between environmental factors and public health and diseases. We have realized the importance of prevention. We also know challenges remain—from finding more treatments to learning more and carrying out prevention better than we have, from dealing with environmental factors that we know cause large numbers of cancers and reducing costs for patients, to reducing disease burdens for different population groups.

Today's bipartisan cancer resolution on the 40th anniversary of the National Cancer Act reaffirms a commitment to address this national priority, to make sure cancer is a thing of the past.

Senator Kennedy said in those days, 40 years ago, when his legislation began to move forward:

> There are few better investments in our future than the investment we make in health research.

Mr. MORAN. Mr. President, earlier today, I submitted a resolution with my colleagues from Ohio and Massachusetts, Senators BROWN and KERRY, to recognize the 40th anniversary of the signing of the National Cancer Act of 1971 and to reaffirm our Nation's strong, bipartisan commitment to cancer research and the more than 12 million cancer survivors alive today because of that research.

This commitment to cancer research is supported by 40 Senators from both sides of the aisle who cosponsored this resolution. Additionally, this resolution is endorsed by more than 105 cancer institutes and hospitals, medical schools, and patient groups, including the University of Kansas Cancer Center.

Forty years ago this month, President Nixon signed the National Cancer Act into law. The creation of this law marked a turning point in our Nation's efforts to prevent and cure cancer and set in motion a coordinated and focused approach to cancer research.

The return on our commitment to cancer research is measured in lives saved, a better quality of life for cancer survivors, and an enormous economic benefit to our country and world.

Since the National Cancer Act became law in 1971, the 5-year survival rate for all cancers combined has risen consistently—this rate is now at 68 percent for adults and 80 percent for children and adolescents, up from 50 percent and 52 percent, respectively, in 1971.

It is estimated that every one percent decline in cancer mortality saves the U.S. economy $500 billion annually.

Our country has made significant progress in combating this devastating disease, but more work remains. This year, more than 1.5 million Americans are expected to be diagnosed with cancer. Of those individuals, many will face a very serious, life-changing diagnosis.

Today, I am proud to help submit a resolution that reaffirms our sustained, strong commitment to cancer research that will help improve the entire spectrum of care for patients, from prevention to early detection and diagnosis, to treatment and long-term survivorship, and most importantly—cures.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1459. Mr. UDALL, of Colorado proposed an amendment to the joint resolution S.J. Res. 24, proposing a balanced budget amendment to the Constitution of the United States.

SA 1460. Mr. HATCH proposed an amendment to the joint resolution S.J. Res. 10, proposing a balanced budget amendment to the Constitution of the United States.

SA 1461. Mr. REID (for Mr. DURBIN) proposed an amendment to the bill H.R. 2867, to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

TEXT OF AMENDMENTS

SA 1459. Mr. UDALL of Colorado proposed an amendment to the joint resolution S.J. Res. 24, proposing a balanced budget amendment to the Constitution of the United States; as follows:

To amend the title so as to read:

''Joint resolution proposing a balanced budget amendment to the Constitution of the United States''

SA 1460. Mr. HATCH proposed an amendment to the joint resolution S.J. Res. 10, proposing a balanced budget amendment to the Constitution of the United States; as follows:

To amend the title so as to read:

''Joint resolution proposing a balanced budget amendment to the Constitution of the United States''

SA 1461. Mr. REID (for Mr. DURBIN) proposed an amendment to the bill H.R. 2867, to reauthorize the International Religious Freedom Act of 1998, and for other purposes; as follows:

Beginning on page 2, strike line 6 and all that follows through ''(3)'' on page 4, line 18, and insert the following:

(a) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.''; and

(2)

On page 5, line 3, strike ''(c)'' and insert ''(b)''.

On page 5, strike lines 9 through 19 and insert the following:

(c) APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: ''Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.''.

On page 5, strike line 21 and insert the following:

(a) IN GENERAL.—Section 204 of the International Religious Freedom

On page 6, between lines 16 and 17, insert the following:

(b) PENDING CLAIMS.—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

On page 6, line 21, strike ''and 2013'' and insert ''through 2014''.

On page 7, line 9, strike ''2013'' and insert ''2014''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 13, 2011, at 10 a.m. in room SH–216 of the Hart Senate Office Building.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 13, 2011, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Breaking the Silence on Child Abuse: Protection, Prevention, Intervention, and Deterrence'' on December 13, 2011, at 10:15 a.m., in room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 13, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 13, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on December 13, 2011, at 2:30 p.m., to conduct a hearing entitled ''Helping Homeowners Harmed by Foreclosures: Ensuring Accountability and Transparency in Foreclosure Reviews.''

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

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 13, 2011, at 10 a.m. in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled, ''Our Nation's Water Infrastructure: Challenges and Opportunities.''

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

PIPELINE SAFETY, REGULATORY CERTAINTY, AND JOB CREATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.R. 2845.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2845) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate and any statements be printed in the RECORD.

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

The bill (H.R. 2845) was ordered to a third reading, was read the third time, and passed.

REAUTHORIZING THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

Mr. REID. I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of H.R. 2867.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2867) to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that a Durbin amendment which is at the desk be agreed to and the bill, as amended, be read a third time.

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

The amendment (No. 1461) was agreed to, as follows:

(Purpose: To limit appointments to the United States Commission on International Religious Freedom to 2 2-year terms, to authorize employees of the Commission who have filed a discrimination complaint under section 717 of the Civil Rights Act of 1964 to complete such proceedings, and to clarify that travel by members of the United States Commission on International Religious Freedom is subject to the Federal Travel Regulation and the Department of State Standardized Regulations)

Beginning on page 2, strike line 6 and all that follows through ''(3)'' on page 4, line 18, and insert the following:

(a) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.''; and

(2)

On page 5, line 3, strike ''(c)'' and insert ''(b)''.

On page 5, strike lines 9 through 19 and insert the following:

(c) APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: ''Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures,

reimbursement payments, and expense reporting and documentation requirements.''.

On page 5, strike line 21 and insert the following:

(a) IN GENERAL.—Section 204 of the International Religious Freedom

On page 6, between lines 16 and 17, insert the following:

(b) PENDING CLAIMS.—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

On page 6, line 21, strike ''and 2013'' and insert ''through 2014''.

On page 7, line 9, strike ''2013'' and insert ''2014''.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2867), as amended, was passed, as follows:

H.R. 2867

Resolved, That the bill from the House of Representatives (H.R. 2867) entitled ''An Act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.'', do pass with the following

Amendments:

(1)Beginning on page 2, strike line 6 and all that follows through ''(3)'' on page 4, line 18, and insert the following:

(a) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.''; and

(2)

(2)On page 5, line 3, strike ''(c)'' and insert ''(b)''.

(3)On page 5, strike lines 9 through 19 and insert the following:

(c) APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: ''Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.''.

(4)On page 5, strike line 21 and insert the following:

(a) IN GENERAL.—Section 204 of the International Religious Freedom

(5)On page 6, between lines 16 and 17, insert the following:

(b) PENDING CLAIMS.—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

(6)On page 6, line 21, strike ''and 2013'' and insert ''through 2014''.

(7)On page 7, line 9, strike ''2013'' and insert ''2014''.

Mr. REID. I ask unanimous consent the motion to reconsider be laid on the table.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The majority leader is recognized.

ORDER OF PROCEDURE—H.R. 3630

Mr. REID. I ask unanimous consent that not withstanding the lack of receipt from the House with respect to H.R. 3630, it be in order for the bill to be considered read for the first time and placed on the legislative calendar under the heading ''Bills and Joint Resolutions Read the First Time.''

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, DECEMBER 14, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, December 14, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of S.J. Res. 10 and S.J. Res. 24, under the previous order.

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

PROGRAM

Mr. REID. There will be two rollcall votes at approximately 10:45 a.m. tomorrow on the balanced budget amendment resolution. We also hope to consider the DOD authorization conference report as well as the House Republican payroll tax bill tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:34 p.m., adjourned until Wednesday, December 14, 2011, at 9:30 a.m.