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Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

PRAYER

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

Let us pray.

Eternal Father, in whom we live and move and have our being, make our Senators aware of Your presence as they look to You for guidance and strength. Lord, refresh them with Your Spirit by energizing their thoughts and reinforcing their judgment. Show them what is noble in our heritage, that they may conserve and strengthen it. Teach them what needs to be changed and give them the courage and wisdom to do it. In all their labors, empower them to yield themselves to Your will, that this legislative body may fulfill Your purposes for our Nation and world.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH 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. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 31, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BEGICH 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. Mr. President, following leader remarks, the Senate will resume consideration of S. Con. Res. 13, the concurrent resolution on the budget. Under an agreement reached last night, 40 hours of the statutory time remains, with the time equally divided between the majority and the Republicans. Under the agreement, when the Senate resumes consideration of the budget resolution, Senator MURRAY will be recognized to speak for up to 15 minutes. Following her remarks, Senator GREGG or his designee will be recognized to offer an amendment. That amendment will be limited to 1 hour of debate equally divided. Then Senator BOXER will be recognized to offer an amendment in relation to the Thune amendment No. 731. Debate on that amendment will also be limited to 1 hour equally divided. Following debate on the Boxer amendment, Senator CONRAD or his designee will be recognized to offer a side-by-side amendment to the Johanns amendment No. 735.

I will say, Mr. President, we have on this side a number of Senators who want to speak on the budget. They want to talk about the merits of the budget. We will try to the best of our ability to work them in between amendments. We recognize anyone can grab the floor anytime they want. Senator CONRAD and Senator GREGG are going to do their best to try to make this an orderly process, and we will cooperate in any way we can to have that be the case.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. Con. Res. 13, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

Pending:

Thune amendment No. 731, to amend the deficit-neutral reserve fund for climate change legislation to require that such legislation does not increase electricity or gasoline prices.

Johanns amendment No. 735, to prohibit the use of reconciliation in the Senate for climate change legislation involving a cap-and-trade system.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, let me start this morning by commending Chairman KENT CONRAD for his leadership of our Budget Committee and especially for the hundreds of hours he and his staff have dedicated to getting this budget done and accommodating both the priorities and concerns of so many of us in this body. Putting together a budget is never an easy process, but I believe our chairman has achieved a good balance that will set

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

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us on a course to both reducing our deficit and investing in the areas that we know will make us stronger in the future—energy, health care, and education.

I know that in addition to his work on this budget, this is a particularly difficult time for the State of North Dakota and the families and businesses there. I want to say to Chairman KENT CONRAD, who will be on the floor shortly, that all of our hearts go out to him and his State as they struggle with these horrific storms that are going through his area.

A budget is a statement of priorities. Ours is very clear: We put the middle class first, and we get our country back on track by investing in our future.

To be clear, we have inherited some very great challenges. We now face the worst economic crisis in generations. Since December 2007, we have lost 4.4 million jobs, including 2.6 million of those in the past 4 months. So before we consider where we are going, it is important to talk a little bit about where we have been.

For weeks now, my friends on the other side of the aisle have been bemoaning deficits and debt with not a moment of consideration for their own record on those issues. Back in 2001, Republicans controlled the full power of our Government. Under the leadership of President Bush and Republicans in Congress, record surpluses created under President Clinton became record deficits. These Republican deficits grew and grew and now today add up to trillions of dollars in new debt that is going to be shouldered by future generations of Americans.

With this perspective, I hope our Republican friends will start acknowledging and owning up to the fact that we now have two choices. Choice 1 is to continue down the Republican deficit path, no investments in our future, a widening gap between the rich and the middle class, and more massive deficits. Choice 2 is represented in the budget before us today: improve the economy by investing in energy, education, and health reform so that we as a country are stronger in the future; cut taxes for our middle class and address the deficit so that our children do not bear the burden of bad decisions today.

After 8 years of the Bush administration's shortsighted budgets and misplaced priorities, we are now working with President Obama to invest in our needs and to chart a new course for America. We are choosing a new path.

The American people deserve an economic plan that works for everyone in this country. Our budget makes responsible choices that will help get this country's economy rolling again. I came to the floor today to talk about a few of those priorities and choices we have made.

We face pressing transportation needs across our country, and maintaining and creating new infrastructure is key to this country's economic strength.

Just a couple of months ago, the American Society of Civil Engineers issued its annual report card on the condition of America's infrastructure, and the results were very dismal. The leading experts on the state of our Nation's infrastructure have reduced the grade point average of our entire system of roads and bridges and mass transit to a D—that is ''D'' as in dog. Our Nation's roads also got a D-minus since a third of our major roads are considered to be in poor and mediocre condition, and more than a third of our urban highways are congested. American families today spend about 4.2 billion hours a year stuck in traffic, and that is costing our economy almost $80 billion in lost productivity each and every year. These roads are in every one of our States. It is time to fix them.

As we are all aware, the available funding balance in the highway trust fund is falling rapidly. Thankfully, in our budget the transportation reserve fund will provide the mechanism that will allow us to reform our transportation financing system and provide the kinds of spending levels in the upcoming Transportation authorization bill that are going to be necessary to maintain our highways and our transit systems. Fixing our transportation is about getting our economy strong, but it is about safety as well. I think all of us remember when that Minnesota bridge went down. We do not want to see that again. It is time to fix our roads and our transportation. This budget takes a major step forward.

Second, education. We all know and we all say that education is the key to our future strength. In this new global economy we exist in, a good education is no longer just a pathway to opportunity; it is a requirement for success. We will not recover and be strong in the long term unless we both create jobs and make sure America's workers have the education and skills to fill those jobs we create. So this budget invests strongly in education and in ensuring that American students do not fall behind as they make their way into this global marketplace.

This budget helps retrain America's workers for careers in high-growth and emerging industries such as health care or renewable energy or energy-efficient construction so that those workers can stay in the middle class. We increase Pell grants and make tax credits for tuition permanent. We want all students to achieve a postsecondary education, whether it is through a registered apprenticeship or through a community college or university, and this budget helps take us in that direction.

As a nation, we have to change the way we think about preparing young people for careers today, starting with making education work better. This current economic crisis has cost us dearly.

Every weekend I go home to Washington State, I hear about another business closing, another family who has lost their job, another senior citizen who does not know how they are going to make it. So we all know that if we make changes and we make smart investments, that is how we are going to move our country forward again and give confidence back to the American people that we are a strong country. Investing in education is one of those smart investments. We do that in this budget.

Our health care system—something we all talk about—is broken. We know it needs real reform. Today, we have a historic opportunity to finally tackle that challenge. These investments we make in health care are not luxuries; they are essential to our future strength. That is why we need to prioritize the health profession's workforce and access to quality health care in our rural areas, and we have to ensure that preventive measures are given priorities so that American families are not left with giant bills for expensive care down the road.

Some critics of this budget argue that now is not the time to tackle health care reform. I believe that is very shortsighted reasoning. There is a direct connection between our Nation's long-term prosperity and developing health care policies that stem the chronic bleeding in business and in our State and national budgets across the country.

Mr. President, there was a recent editorial in the Everett Herald, a hometown newspaper in my State, that made this point, and I want to read it to you. It says:

> Yes, the economy is the most urgent challenge. But our broken health care system and addiction to oil threaten to become our long-term undoing.
>
> They're all intertwined. Failing to find solutions to our long-term problems will likely stunt future economic expansions, creating longer and deeper downturns.

That is not something any one of us wants to see, which brings me to our next investment. As we are all aware, energy issues are some of the most pressing facing our Nation today. Our dependence on foreign oil has left us beholden to other nations as middle-class families have paid the price at the pump. By making renewable energy a priority in this budget, we can reduce our dependence on foreign sources of energy in the future and help create green jobs here at home and leave a cleaner environment for future generations. These are smart investments in this budget.

In an issue near and dear to my heart, I commend both the committee and President Obama for finally making our veterans a priority in this budget process. Our men and women in uniform and their families have served and sacrificed for our Nation. After years of being underfunded and overshadowed, this budget finally does right by them. I again commend Senator CONRAD, the budget chairman, and President Obama for putting this issue forward.

This budget is finally honest with the American people about the cost of war, not just by paying for veterans care but by paying for the wars in Iraq and Afghanistan, on budget, for the first time since they started—over 6 years ago.

I also wish to note that this budget meets our commitment to nuclear waste cleanup in my State and across the country. Workers at Hanford Nuclear Reservation and residents of that community sacrificed many years ago to help our Nation win World War II. Hanford and those other sites are now home to millions of gallons of waste. Our Government needs to live up to its promise to clean them up, and this budget rightfully does that.

Let me talk a minute about agriculture because agricultural production is the largest industry for many States across the country, as it is in my State, with farming and ranching. Protecting our agricultural sector is critical to our economy, to our environment, and to our quality of life. We need to work to keep our rural communities strong and to ensure a bright future for all our farm families. Production agriculture—such as Washington State's wheat farming—is a very volatile business and a workable safety net, such as in the farm bill, is vital to the security of our family farms.

I have long supported the Market Access Program, which provides funds for our producers to promote their products overseas and expanding international markets. These are critical for our agricultural communities today as they try to compete in a global economy. Especially in these difficult economic times, when our foreign competitors are trying to limit our market access with high tariffs, the last thing we should be doing is cutting programs such as the Market Access Program, which will help our growers in a competitive global marketplace. As we work to get our country back on track, I am going to continue to find ways to support one of the staples of our economy and that is our agricultural community.

America has paid dearly for the Bush administration's failure over the last 8 years to invest in our country and to invest in our people. We don't have to tell that to the American people today. They are waking up every single day and seeing rising health care costs, pink slips, a crumbling infrastructure and bills and mortgages they can't afford to pay. We tried it the other way for the last 8 years. Now it is time to invest in America again. It is time to give our middle class a break and it is time for honesty and it is time for bold decisions.

This budget that Senator CONRAD and the Budget Committee have brought to all of us to consider today isn't perfect, of course—no budget is—but what it does do is extremely important. It invests in our future—our future, America's future—and puts this country back on track.

I wish to thank Senator CONRAD, again, and his committee for working so hard to bring this budget forward to us, and I look forward to supporting it when we pass it later this week.

I yield the floor.

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

AUTO BAILOUT PLAN

Mr. MCCONNELL. Mr. President, the significance of the U.S. auto industry as the symbol of American creativity, industriousness, and prosperity is hard to overstate. So is the importance of its continued survival to millions of American workers who design, build or sell our cars here and around the world. This is precisely why many of us have been insisting for years that management and labor take the tough but necessary steps to keep these companies viable not only in a recession but also in good times.

Unfortunately, many of these tough decisions have been put off time and again, and the day of reckoning has come for two of the big three automakers. Yesterday, the administration announced that GM and Chrysler had failed to come up with viable plans for survival, despite tens of billions of dollars in taxpayer bailouts aimed at avoiding this very situation.

The immediate result of this failure on the part of the automakers was the administration's decision to fire GM'S CEO and the promise of even more bailout money if these companies take the same kinds of steps Republicans have been demanding, literally, for years. Last fall, when the recession took hold, Republicans said emergency support was justifiable for entities whose failure threatened to paralyze the Nation's entire economy. Taxpayer support for individual industries was not. Our reasoning was, taxpayers should understand an effort to save an entire credit system—literally the lifeblood of the Main Street economy—but they wouldn't support the Government picking winners and losers based on political or regional calculations.

While no one takes pleasure in the continued struggles of the automakers, those warnings and that principle appear to have been vindicated by recent events. If our proposal had prevailed last fall, these two companies would have been forced to make the serious structural changes that billions of dollars in taxpayer money since then have not been able to produce. Republicans said the expectation of bailouts disincentivizes reform, and it appears we were absolutely right.

In early December, I said a tentative compromise between labor and management didn't go nearly far enough; what was needed was a firm commitment on the part of these companies to reform either in or out of bankruptcy, get their benefit costs under control, make wages competitive with foreign automobile makers immediately, and end the practice of paying workers who don't work. I also said automakers had to rationalize dealer networks in response to the market.

The previous administration took a different view. It said an emergency infusion of taxpayer money would be enough to force these companies and labor leaders to act. The current administration agreed with that assessment, and last month, when the automakers came back again for more money, the current administration complied with an additional $5 billion infusion of taxpayer dollars. The latest infusion appears to have had little or no effect.

Yesterday, we got the verdict: 4 months and $25 billion taxpayer dollars after Republicans called for tough but needed reform, the automakers are no further along than they were in December. As a result, the current administration has decided the bailouts can't go on forever, although they are still putting the cutoff date well into the future. The taxpayer regret for this bailout is that it could have cost a lot less than $25 billion. The answer to this problem was obvious months ago.

Throughout this debate, some have tried to propagate the falsehood that this is a regional issue; certain Senators oppose bailout because domestic automakers don't operate in their States. If that were true, I certainly wouldn't be standing here. Thousands of Kentuckians work at Ford assembly plants in Louisville, thousands more work for domestic suppliers throughout Kentucky, and for more than 30 years, every Corvette in America has rolled off a production line in Bowling Green, KY.

Those of us who oppose unlimited bailouts for struggling automakers don't want these companies to fail. We want them to succeed. If our proposals had been adopted, we believe they would be in a much better position to do so.

Hard-working autoworkers at places such as Ford and GM in Kentucky have suffered because of the past decisions of unions and management. It is not their fault labor and management made the decisions that put them in this mess. It is no coincidence that Ford—the only U.S. automaker that has refused taxpayer bailout money to date—is also the most viable, even after the financing arm of one of its bailed-out competitors used taxpayer funds to provide its customers with better financing deals. Companies that make the tough choices and steer their own ship are better off in the short and the long term.

Everyone wants the domestic automakers to get through the current troubles and to thrive. But it is going to take more than tough talk after the fact or the firing of CEOs. It is encouraging to see the administration is coming around to our point of view. It is a shame the taxpayers had to put up $25 billion to get to this point.

Mr. President, I would like to speak briefly on two of the amendments we will be considering today on the budget. One protects Americans from a new

national energy tax in the form of an increase in electricity and gasoline prices at a time when they can least afford it, and one brings transparency to the budget process.

The first amendment we will consider, sponsored by the junior Senator from South Dakota, says the reserve fund in the budget resolution for climate change cannot be used for legislation that would increase electricity or gasoline prices for American consumers.

An increase in electricity and gas prices would disproportionately affect people at the lower end of the economic ladder, and American families cannot afford a tax increase at a time when many are struggling to make ends meet. Passing this amendment would protect them from the additional burden of the new national energy tax included in the administration's budget.

The second amendment, sponsored by the junior Senator from Nebraska, bars the use of reconciliation when considering climate change legislation, thus assuring an open, bipartisan debate on this job-killing and far-reaching proposal.

Democratic budget writers who support reconciliation know their plans for a new national energy tax are unpopular with both Republicans and Democrats. That is why they are trying to fast-track this legislation down the road and prevent its critics from having their say. The strategy of the reconciliation advocates is clear: Lay the groundwork for a new national energy tax that could cost American households up to $3,100 a year, keep it quiet, then rush it through Congress, leaving transparency and debate in its wake.

Americans deserve better. They expect a full and open debate, particularly on a piece of legislation as far-reaching as this. The proposal by the junior Senator from Nebraska would ensure that.

Here are two Republican ideas Americans support. I would urge my colleagues to do the same by voting in favor of both the Johanns and the Thune amendments.

I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. 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. GREGG. Mr. President, I understand I now have the right to offer an amendment, but prior to offering the amendment, I wish to make a couple comments.

I have watched this debate develop, and it develops with a certain tempo every year. One of the comments that has been made in the paper by the chairman—and it was also made by the President, interestingly enough—is that if we disagree with the budget as brought forward by the President, we should offer our own budget. Historically, the way this has happened is that the party in the minority has not offered a budget. Traditionally, the party in the minority has offered a series of amendments to try to improve the majority's budget.

That is the tack we have taken this year. That seems like a more logical tack to me because it is a more bipartisan approach. We are simply trying to reach out to the majority and say: Hey, listen. If you accept this amendment and this amendment and this amendment, your product—the budget you have brought forward—is going to be a much better product. For example, if you reduce the amount of spending in your bill because your bill spends too much; if you reduce the amount of taxes in your bill because your bill taxes too much; and if you reduce the amount of borrowing in your bill because your bill definitely borrows too much, then the amendments which we offer to accomplish those three points would significantly improve your bill.

In addition, we are going to offer amendments which address positive policy initiatives. For example, we will offer an amendment to try to improve the energy policy of our Nation by allowing Americans to produce more American energy rather than buy it overseas, and to conserve more American energy—which is the approach we should take. We will allow Americans to produce more American energy by allowing more drilling in an environmentally safe way, by allowing more nuclear plants, by allowing more wind and solar energy, at the same time conserving. We will offer that amendment.

We will offer an amendment to improve the budget by offering a positive policy on health care where every American could be insured but where we do not add another $1 trillion in spending and don't step off on the course of nationalizing our health care system. We will offer amendments which will try to get under control the real threat we have as a nation, from the fiscal policy standpoint, which is the out-year debt, the fact we will be passing on to our children debts which are not sustainable, debts of a trillion dollars a year as far as the eye can see. That is not sustainable. So we will offer policies in that area, relative to trying to have a more balanced approach toward spending around here rather than a profligate approach toward spending.

That is the approach we take to improve this budget by amendment. It is a bipartisan approach. We are not going to set up our budget versus their budget and have a partisan debate. We are going to suggest they change their budget and make it a more positive document and more bipartisan document. Interestingly enough, this is exactly the same approach taken by the chairman when he was in the minority and I happened to be the chairman, and I respected that approach and I did, on occasion, ask where is your budget and he came back with his statements, which were eloquently and brilliantly presented, that said he would do it by amendment. In fact, they were so eloquently and brilliantly stated I brought some of the statements here so other Members can see the eloquence of our chairman on the subject.

March 10, 2006, when I offered a budget and I asked: Where is your budget, Senator? And he said:

> We will offer a series of alternatives by amendment.

Concise. People are concise from North Dakota. Sort of like New Hampshire. That is why we like each other. Then he made another statement when I asked the question where is your budget, Mr. Chairman, and said, on March 14—a more expansive statement:

> Mr. President, the chairman says we have offered no budget.

I did say that.

> The chairman well knows the majority has the responsibility to offer a budget. Our responsibility is to critique that budget.

We have great admiration for the chairman. I listened to his words when I was chairman. We are following that course of action. So I hope that as we move down the road with this discussion that we have no more statements in the newspaper to the effect there is no budget being offered by the Republican side.

On another subject, I heard—and I listened to what the President said on the issue of this auto bailout issue. I have deep reservations about this. I have been a strong supporter of the initiatives that this administration has taken trying to stabilize our financial industry. The financial industry is the core systemic element of our economic well-being as a nation. The availability of credit at a reasonable price, reasonably easy to obtain, is the essence of a strong and vibrant capitalist system. It goes to the core question of Main Street and how you make Main Street work.

If you think of us as a body, a nation as a body, the financial system is the blood system, it is the arteries, it is what moves the blood through the system. So it is critical that we have a viable financial system. I have been very supportive of the administration's initiatives in this area. I have been very supportive of Secretary Geithner's initiatives and I have been very supportive of Secretary Geithner. But this idea that we should step in to underwrite the automobile industry is something with which I have real problems. I had problems when the prior administration did it at the end, in the final days, and I have problems with it now. It is an important industry—no question. But, remember, cars are produced in this country that are not necessarily produced by these two companies, GM and Chrysler. There are also cars produced by Ford, Toyota, Honda, BMW. A

variety of companies have manufacturing facilities in this country, so it is not as though the entire system is threatened relative to employment of the people in the auto industry. It is these specific companies that are having problems and they are important but they are not systemic.

Equally significant is the fact that these companies have had problems for a long time in the production of a product that is competitive. Before we start putting tax dollars into these companies, there has to be a very specific plan that shows they will be viable, that these tax dollars will not be good dollars chasing bad dollars, and that means there has to be a plan, No. 1, to produce products people want to buy; and, No. 2, reduces significantly the debt so the bondholders actually take a fairly significant haircut; and, No. 3, brings their employment contracts in line with the employment contracts of their competitors. None of that has happened so far. It is very hard to justify putting money into this industry in this present climate and under the failure of proposals to come forward to accomplish that.

Something else the President said has raised a question to me. That is, he is saying that the Government is going to insure the warranties of these automobile manufacturers, specifically GM. Because if Chrysler affiliates with Fiat, that would not be necessary, I presume. That is a fairly significant step for the U.S. Government to take, that we are going to insure the warranties on cars. Is that the business of the Government? Is that the purpose of the Government? Does that mean we put a new telephone line in my office in Portsmouth for people who have problems with their transmissions? That they are supposed to call me?

Let's be honest about this. This is probably not a course of action that makes a whole lot of sense, that the Government is going to get into the business of underwriting the warranties of a manufacturer.

I have deep reservations about the course of action here. I do hope before we put any more money into this—in fact, I hope we will not put anymore money into it, but if there is more money going into it, there is at least a clear and defined plan that shows these companies will be viable, which means they have to put on the table a plan that shows they are going to make products we support, that people want to buy, bondholders are taking a fairly significant hit, and their union contract and the legacy contracts are adjusted to be more in line with the competition.

AMENDMENT NO. 739

On the specifics of the amendment which I am offering at this point, I ask the clerk to report my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 739.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the consideration of any budget resolution, or amendment thereto, or conference report thereon, that shows an increase in the public debt, for the period of the current fiscal year through the next 10 years, equal to or greater than the debt accumulated from 1789 to January 20, 2009)

On page 68, after line 4, insert the following:

SEC. _____. LIMITATION ON BUDGET RESOLUTIONS INCREASING THE PUBLIC DEBT.

(a) POINT OF ORDER.—In the Senate, it shall not be in order to consider any budget resolution, or amendment thereto, or conference report thereon, that shows an increase in the public debt, for the period of the current fiscal year through the next 10 years, equal to or greater than the debt accumulated from 1789 to January 20, 2009.

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(f) SUNSET.—This section shall expire on September 30, 2010.

Mr. GREGG. This is a pretty simple amendment. It comes about as a result of one of the elements that I see as the core of the problem with the President's budget, and that is that we, under the budget as proposed by the President, are going to pass on to our children an unsustainable Government and a debt which will essentially put them in a position where their quality of life will be dramatically reduced because of the burden of the debt they have to pay relative to the Federal deficits that have been run up. The President's budget doubles—you have heard this before—doubles the national debt in 5 years, triples it in 10 years. These are massive expansions in debt. It is hard to put these numbers into context, but they represent the fact that every household in America, by the year 2019, will have $130,000 debt on its back added as a result of this Presidency, and $6,000 of interest payments that they will bear as a result of this Presidency.

That means the debt added to their backs and the interest added to their backs probably will exceed their mortgage payments—to pay for the Federal Government. So it doubles it in 5 years, triples it in 10 years. The burden will be extraordinary on our children because they are the ones who will have to pay the cost of this. It will lead to a decrease in the quality of life of our Nation because the burden of paying this will lead to one of two options: Either we inflate the currency, thus reducing the value of the dollar—and inflation is a dangerous thing for society to have happen to it; it makes everybody's work less valuable and it makes the products they produce more expensive—or, alternatively, the tax burden to pay for this will have to go so high on all Americans—this is not just the wealthy; the wealthy already are going to be taxed under this budget—it will go so high on all Americans that their discretionary income which they might use to buy a house, which they might use to send their children to college, which they might use to buy a car, to live a better lifestyle, will be eliminated or significantly reduced, anyway, because they will have to go through the burden of paying taxes to cover the debt that we are running up now. We are, our generation, running it up and we are handing it on to the next generation. It is very wrong for one generation to do this to another generation.

We will be creating under this budget, or the President is proposing to create under his budget, a wall of debt which goes up and up, a wall of debt which will be sitting on top of the American economy and the people of this country. The American people are not going to be able to get over this wall of debt. They will run right into it and the economy is going to run right into it, and it is going to have a devastating impact on us.

Other countries are going to be worried about this. Other countries that buy our debt and support our ability to function as a nation are going to be worried about the size of this debt. In fact, the Premier of China has already said—and he is the largest holder of American debt instruments outside of the United States—has already said that he is concerned about this. If China or other nations start to get concerned and are not willing to buy our debt, then that puts us in a difficult position because if we are going to run up all this debt and we have nobody who can buy the debt, that is when you hit inflation. That is when serious things happen.

We do not have to look too far to see it already happening in other nations. Ireland. Ireland got its debt so out of kilter it just had its credit rating reduced. A whole nation, which is considered to be a pretty vibrant nation and which for a period was considered to be the most vibrant economy in Europe, had its credit rating reduced. That is a huge event for Ireland and it reflects the fear that the Irish economy will not be able to support the deficits and the debt that are being run up.

How large was the Irish debt and deficit that led to this credit rating—credit downgrade? Their deficit was 12.4 percent of GDP. You say that is pretty darn high, no wonder the credit rating agencies said the Irish debt may not be sound or as sound as other nations.

How high is our deficit going to be? Under this budget resolution, this year it is already going to be 12.2 percent. We are closing in. Under the President's budget proposal, it will exceed 13 percent this year if the proposals in his budget are enacted. We are closing in on the Irish situation. We are spending a lot of money we do not have and we are running up a lot of debt we can not afford. In fact, stated another way, if you look at all the debts, all the deficit and all the debt run up on the United States since the beginning of our country—1789, when we began running up debt, that is when George Washington was President—this is a picture of all the Presidents here. If you look at all the debt they ran up on our Nation from George Washington through people such as Buchanan, Polk, Lincoln, of course, Grant, Garfield, Wilson, Harding, Franklin Roosevelt, Truman, right up through George W. Bush—all the debt run up by all these people, all these Presidents throughout all their administrations, the President of the United States, President Obama, is suggesting that he, under his budget, we should double that—double this cumulative debt run up on our country since 1789 in about the first 5 years of his Presidency.

That is incredible. That is an incredible explosion in debt. It gets back to this chart I held up that says we are going to double the debt in 5 years under this Obama proposal—President Obama's proposal—and triple it in 10 years. It is incredible.

I do not think that is affordable. I don't think our Nation can do that. So I have offered the amendment I call the 1789 amendment. We are going to refer to it as the 1789 amendment. Actually it says there will be a point of order against a budget that proposes that the debt of this Nation should be doubled during the period of that budget—that if that debt would double, that a budget which would propose that debt would double the amount of debt run up since 1789 through January 20, 2009—if a budget comes to this floor which doubles the debt of the United States, which has been run up since 1789, through 2009—run up under all the Presidents of the United States prior to President Obama, there would be a point of order against that budget.

Does a point of order mean the budget can't be passed? No. The budget can be passed. It is just going to take 60 people to pass it rather than 51. That seems reasonable, that if you are going to leave our children with a doubling of the debt in 5 years and a tripling of the debt in 10 years, that you ought to be willing to get 60 votes to do that.

The reason for this, of course, is to highlight and make it clear to the American public what we are doing to ourselves. I do not expect to win the point of order very often—especially if my colleagues on the other side of the aisle have 58 votes. But that point should be made so the American people see in a very clear way what is happening to them. That is what this is about—making it very clear to the American people that if the deficits are going to go up in this way, that if a President proposes to run a $1-trillion-a-year deficit for 10 straight years on average—$1 trillion, think about that for a moment, a $1 trillion a year deficit for 10 straight years on average—wow. We used to get concerned around here, and rightly so, whether we were running a deficit in the range of $200 billion.

We are now talking about $1 trillion a year under this President's budget, as the deficit that is proposed. Five to 6 percent of the gross national product will be deficit spending, with the practical implication that it adds to the debt almost $9.3 trillion, tripling the debt, taking the debt as a percentage of GDP up past 80 percent, which is an unsustainable number. It is so unsustainable, in fact, that we wouldn't even be able to get into the European Union if we wanted to because they don't allow countries in that have that amount of debt. Can you imagine that? We are worse off than all the countries in Europe that are part of the European Union because of the level of debt being proposed in this budget.

Nobody wants to use Europe as an example, but that is a pretty significant benchmark. We will be headed toward a situation where the value of our currency is at risk, where our ability to sell debt will be limited or affected, where we have a potential for massive inflation, and where we essentially will pass on to our children a country they cannot afford because the tax burden to support the government will be so overwhelming. We should not do that. I don't think we should do it.

The history of this Nation is that every generation passes to the next generation a better and more prosperous country. The implications of this budget are that we will be unable to pass to the next generation a better and more prosperous country. This amendment, which we call the 1789 amendment, says, if we want to pass a budget that doubles the debt over all the debts that have been run up in this Nation since 1789, we need to get 60 votes rather than 51. We have to get nine more people to agree. That seems a reasonable threshold and, hopefully, a transparent event that will make it clear as to what the budget is doing to the next generation.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the distinguished ranking member for his use of my previous quotes. I am delighted to see my name up there on those wonderful charts.

Mr. GREGG. I was going to put them in lights, but they don't allow that as part of the rules.

Mr. CONRAD. That would be an even nicer touch.

The one thing I would say that was left out was when there was a new administration and a complete change in direction in 2001, I did offer a complete alternative. My colleague is very unhappy with the President's budget. This is their opportunity, if they are as unhappy as they say, to offer an alternative. But they don't have one. They don't have an alternative. They don't have an alternative budget. They don't have an alternative vision. All they want to do is say no. They want to say no to the President's budget. They want to say no to the budget that has come from the Budget Committee. They say no to their even offering an alternative.

When the situation was reversed, a new President in 2001, with a radically different vision, we offered a full alternative. I am proud we did.

When I hear the other side talk about the growth of debt, I have to ask, where were they the last 8 years? Where were they? Where were they when the previous administration doubled the debt of the country? In fact, they more than doubled it. Where were they when the previous administration tripled foreign holdings of U.S. debt?

As this chart shows, it took 224 years and 42 Presidents to run up $1 trillion of U.S. debt held abroad, and the previous President ran that up by more than $2 trillion. He tripled the amount of U.S. debt held abroad. We have become increasingly dependent on the kindness of strangers.

Last year, under their administration, 68 percent of the new debt of this country was financed by foreign entities. Where were they when that was happening?

This President inherits the colossal mess left behind by the previous administration, a debt that had more than doubled, foreign holdings of U.S. debt more than tripled, and the worst economic slowdown since the Great Depression. This President has been in office 3 months. Under the terms of the amendment they are now offering, they act as though he is responsible for debt runup during the previous administration. Please. That has zero credibility. They are saying that debt runup in the last quarter of the last administration is attributed to this administration. They say the budget that this President is inheriting for this year is the responsibility of this President. I don't think so. That is not the way I ever did the calculations.

When their administration was in power, I always held their administration harmless for the first year since they were inheriting the budget of the previous administration and the economics of the previous administration. Now they want to try to stick President Obama with the failures of the last administration and say debt runup in the previous administration is his debt. I don't think so. That is not fair. That is not going to sell.

Here is what happened when they were in charge. We now have China as

the No. 1 financier of U.S. debt. We owe them $740 billion. Japan is not far behind. We owe them $635 billion. Where were they when this debt was being run up? I will tell you where they were. They were in full lockstep support of the previous administration. They voted for every dollar of the debt that was run up.

One place I will agree with them is that it is dangerous to have run up that debt. Unfortunately, with this economic slowdown, we are going to have a lot more debt, a lot more deficits, until we are able to lift out of this and then pivot and get back to a more sustainable course.

China is worried about the U.S. debt. They were worried about it before this administration, they were worried about it in the previous administration, and well they should be. If we look at any analysis of the debt we have from 2001 to 2014, who is responsible for the debt buildup?

This red bar is what the Bush administration will have been responsible for. The green is the recession and interest on inherited debt. The contribution of this budget is the small yellow piece because we have the Titanic of debt coming at us. It is a result of the policies inherited by this administration, the result of the economic collapse inherited by this administration. That is the reason we have the circumstance we face today.

Let me quote Senator GREGG. He was kind enough to quote me. I would like to quote him. This is what he said on March 11. He was quoting me from 2006. I stand by those quotes. This is March 11, Senator GREGG:

> I'm willing to accept this [short-term debt deficit] number and not debate it, because we are in a recession, and it's necessary for the government to step in and be aggressive, and the government is the last source of liquidity. And so you can argue that this number, although horribly large, is something we have to live with.

He was right on March 11—by the way, my daughter's birthday, and the day before my birthday. Usually he gives me a gift on my birthday. No gift this year. I am very hurt by this. I don't know why Senator GREGG absolutely forgot my birthday. He remembers my quotes, but no remembrance of my birthday. That is OK. I still like him very much. He is a very nice person. But the place where he and I absolutely agree is the second 5 years. We have to do a lot more to get the debt under control under the President's budget, even my budget, which dramatically reduces the deficit and debt. The truth is, we have to do more. It is in the country's interest that we do.

Let's talk a minute about what we are accomplishing in the budget before us. We are dramatically reducing the deficit, from $1.7 trillion this year, an all-time record, because of the dramatic economic slowdown. That means less revenue, more expenditure, exploding deficit, and $1.3 trillion of this $1.7 trillion is exclusively the responsibility of the previous President.

A new President walks into a situation. He didn't construct the conditions for this year. That is the previous administration. So $1.3 trillion of this year's deficit reflects the policies of the previous administration. We hold President Obama responsible for $400 billion of the deficit this year because that is the effect of his stimulus package and other legislation that passed.

So, yes, he has a responsibility for some of this deficit this year, but it is about one-fourth of what we will experience this year. Then we are dramatically reducing the deficit by $500 billion for the next year. The next year we bring it down another $300 billion, the next year another $300 billion, and, by 2014, we take it down to $508 billion, a more than two-thirds reduction in the 5 years of this budget as a share of gross domestic product, which is what economists say ought to be the comparison.

Why do they say it? Because if you look at it in dollar terms, that does not take account of inflation. If you do it as a share of gross domestic product, that takes account of inflation. You can see we are even more dramatically reducing the deficit under that metric, from 12.2 percent of gross domestic product today down to less than 3 percent in the fifth year, which economists all say is what we need to do to stabilize the growth of the debt. We need to get to 3 percent of GDP or less. We do that in the fifth year and bring down the deficit as a share of GDP each and every year of the 5 years of the budget.

My colleagues on the other side have offered an amendment that says—and I hope colleagues are listening because we are going to vote on this, and we will be voting pretty soon on this proposal—if the debt is at a certain level, it will require 60 votes to write a budget resolution.

Let's think about that. Let's think of the implications of what they are offering. They say, if the debt is not below a certain level, you cannot write a budget resolution unless you get a supermajority vote. Do we want to do that? I would say to my colleagues, the budget resolution is the vehicle that has all the budget disciplines in it, all the supermajority points of order against spending, and they would jeopardize those very disciplines that can help us hold down deficits and debt.

What sense does that make? I ask my colleagues, does it make any sense at all to be saying we are going to make it harder to write a budget resolution that provides the disciplines to hold down spending, that provides all those supermajority points of order against additional spending? I say to my colleagues, the cure they are offering is worse than the disease. Please, colleagues, let's not go with that idea.

I will tell you, in the committee, they actually offered—which I thought was the most bizarre; and I have been on the Budget Committee 22 years—in the committee they actually offered a proposal to tie our standards on deficits and debt to Europe. So we are going to adopt the European Union model under the amendment they offered in the committee. Could you imagine?

Now the question of what our fiscal policy should be would be tied to France, would be tied to Italy, would be tied to Spain, would be tied to Germany, would be tied to Belgium.

This is America. This is an American budget for the American people. We ought not to be tying ourselves to the French, the Italians. I love the Italians. My wife is Italian. But, my goodness, they are talking about tying our budget standards to the European Union? I do not think so.

I say to my colleagues, this amendment they are offering—well intended, absolutely well intended; I do not question their motivation at all, but I do question very much the specifics of the proposal they have offered.

Mr. President, I would ask to have an update on how much time remains on the budget resolution and what is the time between the sides?

The PRESIDING OFFICER. At the beginning of consideration of the pending amendment, the majority controlled 19 hours 47 minutes, the minority controlled 19 hours 40 minutes.

Mr. CONRAD. And we are at just after 11 o'clock.

What is the order that was entered last night?

The PRESIDING OFFICER. After the consideration of the pending Gregg amendment, Mrs. BOXER of California is to be recognized. She will be offering an amendment. Then, Senator, you will be recognized to offer an amendment or your designee to offer an amendment.

Mr. CONRAD. All right.

Mr. President, I say to Senator SESSIONS, are you seeking time on the Gregg amendment?

Mr. SESSIONS. Yes.

Mr. CONRAD. We still have time remaining.

Mr. President, how much time remains on the Gregg amendment?

The PRESIDING OFFICER. The sponsor has 19 minutes, and the Senator from North Dakota has 14 minutes.

Mr. CONRAD. I ask Senator SESSIONS, how much time would he seek?

Mr. SESSIONS. Mr. President, I ask for 5 minutes.

Mr. CONRAD. Mr. President, I yield 5 minutes off the time of the minority to Senator SESSIONS.

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

Mr. CONRAD. Mr. President, might I say, after Senator SESSIONS has used that time, or whatever additional time he might require, our intention would be to go to Senator BOXER. We cannot lock that in because Senator GREGG is not here, and we have an agreement we do not take advantage of each other in a procedural way. So I would not seek to, in any way, alter the time that remains.

I yield to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I support the Gregg amendment because it at least requires us to focus on the enormity of the wrong we are now committing.

This chart I have in the Chamber—you have seen a lot of charts and a lot of obfuscation and numbers thrown around—this chart is not disputable. These numbers come directly from the Congressional Budget Office's analysis of the Obama 10-year budget. That budget says that today our debt is $5.8 trillion—$5,800 billion since the founding of the Republic. It will double, in 5 years, to $11.8 trillion—$11,800 billion in 5 years. It will, in 5 more years, triple to $17 trillion of debt. We all know that nothing comes from nothing.

We have to pay interest on that debt. CBO has calculated that. We are currently paying $170 billion a year in interest—$170 billion. My home State of Alabama's entire budget is under $10 billion. The federal government spends $40 billion a year on highways. We spend $100 billion on education. We are currently spending $170 billion just on interest on our debt. When this budget gets through, in calculating the interest rate, with some increases—because these debt levels are going to require higher interest to get people to loan us money—it will be $800 billion in interest at the 10th year, which is bigger than the defense budget, bigger than education, bigger than anything else in our account.

I know the chairman has the budget on the floor and has said it is a 5-year budget, but the House has a 10-year budget. Director Orszag, the President's Director of the Office of Management and Budget, has said the Senate's budget is 98 percent of the President's budget. So it is not a fundamental change. It is, essentially, the President's budget. This is what the President's budget does. I would contend it is, essentially, indisputable that this is what he calls for. He made choices. He could have cut spending in some other places, but he increased spending.

I will add this: He does not project these deficits arising from slow economic growth. Under the President's budget, he projects robust growth, good growth. The only negative year is this year. Next year, he projects solid growth. The next year, I think, 4 percent; 3 years in a row of over 4 percent growth, which is very robust. No recession is projected in this 10-year period. So we have good years, fat times, and all the while we are increasing our debt, tripling it.

Senator GREGG is saying, let's at least have a vote that requires 60 votes of the Senate, such as we do on any other important piece of legislation, as to whether we will exceed doubling the debt.

Let me tell you the consequences of this. Last week we had difficulty selling our debt. The Brits' debt auction failed. The British are following our model of huge spending increases and surging debt. That idea is being rejected by Central Europe, Germany, France, the Czech Republic, and others. They reject that. They have refused the mortifying request of our own Secretary of Treasury that they go further into debt, spend more money as part of this wild plan to stimulate the economy with unprecedented debt. They have said no. It is irresponsible. In fact, the EU President said it is the road to hell.

The idea is, we have to pay this. This has a cost to the future. Yes, it gets money into our economy today, and in the short run there has to be some benefit, although Nobel Prize laureate Gary Becker says it is so poorly drafted—this money we are spending—that we are not going to get nearly as much financial stimulus as we should be getting from it.

And you would say: Well, we will soon begin to pay this debt down. The President says he is worried about it. We are going to pay the debt down. But the debt is not going down. The annual deficit, in the last 4 years, surges until CBO scores the 10th-year deficit, in 1 year, at $1.2 trillion. The highest deficit we have ever had prior to this year was $455 billion, and in good economic times, they are projecting a $1.2 trillion deficit. That is the annual deficit, adding to these numbers, as shown on the chart. That is why it triples. They keep going up, up, up.

There is no constraint in spending whatsoever. There is no plan to control the entitlement surge, no plan to control spending.

Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. In fact, the President's budget, this year, proposes to increase domestic discretionary nondefense spending by 11.5 percent. We passed, a few weeks ago, a stimulus plan to spend $800 billion—the largest single appropriations in the history of America; $800 billion—every penny of it going to the debt. Now we are going to have an 11-percent increase this year in discretionary spending on top of that? You know the rule of 7. It states that at 7-percent growth, your money doubles in 10 years. At 11.5-percent growth, our spending would double in 7 years. The entire spending of the discretionary account would double in 7 years if we maintained this incredible, colossal spending path we are on.

I think Senator GREGG is exactly right. Let's at least slow down and let's at least have the 60 votes we would normally have to pass an important piece of legislation if and when—and we certainly are heading to a point where this debt doubles—so at least to go to tripling, we ought to have another vote and slow down and ask ourselves: What in the world are we doing to our children? They are going to be carrying—at this year, as shown on the chart—$800 billion in interest that year. That assumes the interest rate is mainstream. But the truth is, with this much borrowing in these many countries around the world, we could have interest rates higher than that. If the interest rates go up, the $800 billion could become $1 trillion a year easily, and above, if the debt continues to surge.

I support the amendment. I am very worried. The numbers we are talking about on the floor are not a political dustup. This is about the future of America. The financial integrity of our country is at stake. We have never spent like this before, except in World War II when we were in a life-and-death struggle. It is not the right thing to do, and I support the amendment.

I thank the Chair and yield the floor.

Mr. President, 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. CONRAD. 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. CONRAD. Mr. President, it will be our intention, as I am able to reach Senator GREGG, that we yield back the time on the Gregg amendment—I have 13 minutes remaining, he has 11 minutes remaining—and that we go to the Boxer amendment. I ask Senator BOXER, when she is available, to come to the floor.

Let me very briefly respond to Senator SESSIONS. Let me first say that I appreciate his concern about the long-term debt, but I have to go back to the questions I was asking earlier. Where were they? Where were they when the debt was deemed doubled in the previous administration? Where were they? They were right there supporting every policy which led to that explosion of debt and which ultimately led to the sharp economic collapse we are still experiencing. This collapse is responsible for record deficits. What happens when there is a collapse? The revenue evaporates, the expenditures skyrocket, because you have more people unemployed, you have more people who need food stamps, you have more need for a stimulus package to try to give lift to the economy.

So I would just say to my colleagues, I have been concerned about debt for 22 years. I have been concerned about what it would mean to the economic security of America for 22 years. I have led fight after fight after fight on this floor, whether it was Democratic administrations or Republican administrations, to keep deficits and debt down because I believe they threaten the long-term economic security of the country. Never is it more evident than now, when we financed 68 percent of our increased debt last year through foreign entities. Some say that is a sign of strength that they are willing

to loan us all this money. I don't think it is a sign of strength; I think it is a vulnerability. When we are dependent on the Chinese to bankroll us, the Japanese to bankroll us, that gives them an extraordinary influence over us because if they decide to not show up at the bond auction one week, what would we have to do? We would either have to dramatically increase interest rates to attract capital or we would have to radically cut spending or dramatically raise taxes. All of those alternatives would be bad for the economic position of the United States for the long term.

Mr. President, I ask unanimous consent that we preserve the time remaining on the Gregg amendment—whatever time Senator GREGG still has and the time I still have—and that we set that aside and go to the Boxer amendment, and that it be in order to return to the Gregg amendment after we complete the time on the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. With that, we will momentarily go to the Boxer amendment.

I thank the Chair, 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. CONRAD. 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. CONRAD. I ask unanimous consent that the Senate stand in recess today from 12:30 to 2:15, that the time during the recess count against the time on the budget resolution, and that it be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I wish to make clear that we had that agreement between the two sides. Although Senator GREGG is not present on the floor, we had the understanding that this is how we would proceed.

With that, I note that Senator BOXER is here now and prepared to proceed on her amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 749

Mrs. BOXER. Mr. President, I really take to the floor, first of all, under the order to call up an amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 749.

Mrs. BOXER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require that certain legislation relating to clean energy technologies not increase electricity or gasoline prices or increase the overall burden on consumers)

On page 33, line 21, after ''economy,'', insert ''without increasing electricity or gasoline prices or increasing the overall burden on consumers, through the use of revenues and policies provided in such legislation,''.

Mrs. BOXER. Mr. President, this is an amendment I have decided to offer to our colleagues as a supplement to an amendment offered by Senator THUNE.

Senator THUNE makes the point that global warming legislation should not increase electricity prices. It is very interesting because I didn't hear the concern from the other side of the aisle—it also refers to gasoline prices—when gasoline prices hit almost $5 a gallon in our home States. We didn't hear an outcry. There was no global warming legislation. It had nothing to do with it; it had to do with manipulation. We didn't hear any outcry about that.

I think Senator THUNE doesn't go far enough because we believe that revenues from a climate bill, should we pass one—and I certainly hope we will—would be used to offset any kind of an increase in electricity and gasoline prices, and we would have the revenues from a cap-and-trade system to do just that. So I think Senator THUNE's amendment doesn't go far enough. We not only don't want to see an increase in prices, we want to have the revenues coming in through cap-and-trade legislation to make consumers whole.

In his argument for his very narrow legislation, which I will be voting for—I don't have a problem with it—Senator THUNE cited a study by MIT to argue that climate legislation is a tax. In fact, the MIT study actually shows why it is important to capture the overall picture because the MIT study actually points out that the monetary value of allowances under a cap-and-trade program is something that Congress would have the option of using to give a family of four a tax rebate—a tax rebate—that could be as high as $4,500 per year by the middle of the next decade.

So I find it amazing that my Republican friends who oppose taking any action on global warming suddenly have discovered the consumer and they are worried that the consumer would pay high prices when we fight global warming when, in fact, a well-designed program—and I say to the Chair, as he is a proud member of our committee—a well-designed program, as he knows, will give us the ability to refund money to consumers and make sure they are healthy and kept whole.

So this legislation simply says that we will ensure that our legislation relating to clean energy does not increase electricity or gas prices or does not increase the overall burden on consumers, and that is the key. So it is going to be a boon for consumers.

So we will be voting for the Thune legislation and hopefully for the Boxer legislation so that we cover all of our bases and we know that global warming legislation is not going to hurt consumers but actually keep them whole and clean up their environment; it is going to create green jobs and all the rest.

I wish to spend a couple of minutes talking about this budget, and I wish to start off by thanking members of the Budget Committee. Again, my colleague in the chair is a member of the Budget Committee. They worked very hard under the leadership of Senator CONRAD to come up with a product that keeps President Obama's priorities intact, that does more for deficit reduction, and I am very pleased about it.

I wish to say that I am very pleased the American people have not fallen for the same old, same old policies of the Republicans as they try to demolish this new President and they try to destroy his reputation and try to bring him down. We don't have the charts that talk about the same old policies, so if we could get those. There is a series of charts.

I have taken to the floor before to talk about the comments of my Republican friends during the debate on the Clinton budget, and we all know—here is the message. We all know the Republicans repeat the same old politics, the same old policies that got us into this crisis.

I wish to take you back to 1993. The Republicans came to this floor, and they tried to demolish the Clinton budget. Not one of them voted for it. The Democrats had taken over from George Bush's dad. Things were in very bad shape.

This is what the Republicans said about the Clinton budget in 1993:

It is just a mockery. It is just a mockery, said Committee chairman Pete Domenici.

Senator HATCH: Make no mistake. These higher rates will cost jobs.

Phil Gramm said: I believe hundreds of thousands of people are going to lose their jobs as a result of this program—including Bill Clinton, he predicted, would lose his reelection.

Connie Mack: This bill will cost American jobs.

What happened as a result of the Clinton budget? Twenty-three million jobs were created. It was the best record ever in peacetime—the best record ever in peacetime.

Senator Roth of the other side: It will flatten the economy. It is bad policy.

And on and on and on.

Now here we have today—this is years later, more than 10 years later—the same old politics, the same old policies. Just listen to my Republican friends trashing Barack Obama's budget: disaster, disastrous, terrible, deficits as far as the eye can see. That is what they said about the Clinton budget too—deficits forever. Guess what. Guess what. Not only did we have a balanced budget under Bill Clinton by the end of his term, we had a surplus.

So as our Republican friends come to the microphone, I want my colleagues to listen carefully to their words. I am proud of the American people for seeing through this. They understand what got us into this mess. Clearly, what we can see is the same old, same old, same old; the party of nope: Nope, we can't change. Nope, nope. I, frankly, would rather be in the party of hope than the party of nope, and hope is what the American people want.

In this budget, we recover from the Republican deficit. It is true in the short-term we are going to see deficits go up. But as shown to us by Senator CONRAD, who is the biggest deficit hawk in this Senate—I challenge anyone to be more of a deficit hawk—we see we are beginning to turn these deficits back down to sustainable numbers.

We know why the American people support President Obama and the Congress right now—because they saw that George Bush took record surpluses and turned them into record deficits. The national debt increased by 85 percent. The foreign-held debt more than tripled. This is the Republican deficit we are dealing with now, and we don't like it. But we are going to fix it as we did under Bill Clinton. We fixed it then, we will fix it now. The people are smart. When Republicans come to the floor and they fight President Obama, the people in this country—Democrats, Republicans, and Independents alike—are saying give this new President a chance. He inherited this mess.

Let's look at the rest of the deficit that happened with our families. Health insurance premiums have risen, energy prices increased, college costs skyrocketed, and the gap between the wealthy and the middle class widens. That is the part of the deficit this President was left with. We are losing the middle class in this country. That is very clear. It is very clear. All you have to do is look at income levels. That is why when my Republican friends come to the floor to trash the President and the budget, they understand what has happened. It is not a mystery.

This is not a theoretical argument about who is right and who is wrong. We now know what happened in the Clinton years: the best economy in peacetime, 23 million jobs, surpluses, debt on the way down. We know what happened. When George Bush took the keys to the Oval Office, he turned it around into the Republican deficit. We know that happened. The people are smart; they get it. That is why they support this.

Let's look further. I said before when George Bush took the keys to the Oval Office, there was a surplus of $5.6 trillion. That was the projected surplus. They turned it into a deficit of $10.6 trillion. That is what happened under the Republicans. Why should we listen to what they are saying now? They are saying the same old thing. GOP, SOP, same old policies.

Now, what our President is saying is that we are going to have a road to change. That road to change is going to be paved with a few simple things. One is energy independence; two, making college affordable; three, lowering health care costs; four, middle-class tax cuts; five, cutting the deficit in half in the next several years. Let me repeat them. Energy independence, making college affordable, lowering health care costs, middle-class tax cuts, and deficit reduction.

What do my Republican friends stand for? The same old policies, the same old thing—no investment, no imagination, no realization that until we get off of foreign oil, and we lead the way on global warming, and we lead the way on lowering health care costs, we are going to be stuck in the same old place. That is why this budget is so crucial and important, because it is a roadmap of our Nation's priorities.

The President ran on these issues. He is doing what he promised he would do—everything. The American people are saying that we know times are tough, but this President is trying, this Congress is trying. That is better than the status quo. If you read anything about the years of the Great Depression, you realize that what our people wanted then was what our people want now; they want us to try. They want us to shake things up, to invest in our people, and to create the jobs that will come along with these important policies.

There are a lot of middle-class tax cuts in this budget. The President extends the child tax credit, eliminates the marriage penalty, and increases education benefits. These are important for our people. So this budget, all told, makes a lot of sense for our country.

Senator THUNE has offered an amendment in which he says electricity and gas prices should not rise as we pass global warming legislation. We agree with that. We don't think his amendment goes far enough, because what we want to see is global warming legislation that passes that uses the revenues to help consumers, that uses the revenues to invest in new technologies, that uses the revenues to create jobs, to build transportation systems, to make sure our forests continue to act as carbon sinks, taking carbon out of the air.

Mr. President, how much time do I have remaining at this point?

The PRESIDING OFFICER. Fourteen minutes.

Mrs. BOXER. Mr. President, I ask if the Chair will let me know when I have 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. BOXER. Mr. President, I said before that when my Republicans friends come to the floor, the American people should be wary. That is because they trashed the Clinton budget, and they were wrong then. Now they are trashing the Obama budget, and they are going to be wrong again. Even more than that, let's see what they said about the Bush budget—the Bush budget that led us into this mess.

Senator GREGG I have a lot of respect for, but he was wrong on the Bush budget. He said the Bush budget would drive the deficit down and produce a surplus in 2012. It is hard to believe that was the prediction. We had deficits as far as the eye could see under George Bush. The leader of the Republicans on this predicted there would be a surplus under the Bush budget. As a matter of fact, we are in the biggest economic mess since the Great Depression that this new President has to lead us out of. We need to help him. We really need to help him. It is very important that we do.

I thank the Budget Committee for including in the budget a reserve fund that will be able to make global warming legislation a reality. In other words, the committee is saying this may happen and they have set aside a reserve fund. It is important. It sets the stage for legislation. I guess the message I want to give to my colleagues who oppose any legislation—and there are a lot of them—I have bad news for them. Whether they support it or not, action on global warming has already begun. The train has left the station. The Supreme Court—this Supreme Court—voted 5 to 4 that the Clean Air Act actually does cover carbon emissions, greenhouse gas emissions and, therefore, the EPA has the power to say to our businesses: Clean up your act for the good of society.

Frankly, as far as I am concerned, knowing what I know about the consensus of scientists, I think it is urgent that the EPA act. But I also know it would be far better if this Congress acted, because if we acted, we could set up a cap-and-trade system. The EPA cannot do that without legislation. That cap-and-trade system will bring in revenues to help our businesses, help our consumers. I think at the end of the day it will lead us to millions of green jobs, a new economy, and lead us down the path of energy independence.

Let me say to my friends who will oppose the legislation when it comes—and it is coming—here is your choice: You can fight it tooth and nail and stop it any way you want. You can even say never use reconciliation, even though you supported it 17 times in the past. If that is what you want to say, say it. We already have the New England States which have come together and they are doing a cap-and-trade system. The western States have gotten together and they are doing a cap-and-trade system. We have the Midwest involved with Canada doing a cap-and-trade system. We have the EPA having to act because of the Supreme Court. We have the California waiver out there.

So we are acting on global warming. The question is: Will we do it in a way that turns this challenge into an enormous economic opportunity—and, of course, that is what I want to do. That is why so many businesses, and now

more and more labor unions, are supporting the passage of climate change legislation. Look, we know, because our own scientists have told us here at home, there are risks to public health if we don't act: more heat-related deaths, water-borne diseases from degraded water quality, more cases of respiratory disease, including lung disease, from increased smog, and children and the elderly are vulnerable. We know what the future will be like. We would never, ever, take our kids in an automobile and park it in the sunlight next to a supermarket, lock all the windows, and go inside and leave them alone. We would never do that. Well, as legislators, we cannot do that to our constituents.

The fact is we know what is happening. The IPCC, Intergovernmental Panel on Climate Change, warned us that unchecked global warming would lead to reduced snowpack in the western mountains, critically reducing access to water. We are already seeing insect invasions damaging our forests. We know that every State in this great Union will be impacted, and some are already impacted. We know that. In New York, a report predicts that northeastern cities could be hit the hardest as sea levels rise, including flooding of their subway system. We know Florida is another very vulnerable place. A huge population is exposed. New Orleans and Virginia Beach are ranked in the top 20.

It doesn't matter where you are in this country, you are going to be impacted. Your agricultural sector will be impacted, your tourism sector will be impacted, your fishing industries will be impacted.

So here is the deal: Either we pass legislation that turns this challenge into a great opportunity, gives us the resources to get us on the path to energy independence, gives us resources to create millions of green jobs, or we allow the States to do what they want to do, and that is fine. I support that. There will be various States doing their own cap-and-trade system. The whole world will do it. But Members of the Senate will think, oh, if that is what they choose to do, that is their choice. But we will fight global warming, and we already are. It is just that we are not doing it in a way that is beneficial to our working people, our families, and our children.

I have to tell you a story. We had yet another hearing in the Environment Committee on the latest science on global warming. We heard what we expected to hear—the predictions are getting more and more dire. The Republicans invited a witness, and I think the occupant of the chair will remember this. He was a very good witness. But at the end of his remarks he lost his way. This is what he said:

> I don't know why everybody is so worried about high levels of CO_2. We have had levels that have hit a thousand parts per million before, and everything was just fine.

I asked him:

> Sir, you are an expert. When was it?

He said:

> Eighty million years ago.

I said:

> Who lived then?

He said:

> The dinosaurs.

I have to say that is not an answer I am going to give to my grandkids—that in order for them to live in the future, they are going to have to become dinosaurs or they won't make it. This is ridiculous.

The Senate is the last place to get the message. We are going to do everything we can to bring legislation later. I know what the Budget Committee did was a sound decision. They said we are not getting into it, but if the committees do act, we will set aside a reserve fund, so they can make sure there will be an order when they do act.

I am very happy to say that my House colleagues are working on legislation. The prospects are looking very good over there. We will be ready to go. But let me say this: The choice is between a livable world and one that is not livable. If my colleagues cannot understand this, then I am very sorry. But in any case, we are going to fight global warming. We will do it in the right way.

We are going to have an amendment that goes beyond what Senator THUNE has done. I am going to tell my colleagues to support the Thune amendment and the Boxer amendment so that we make sure our consumers are kept whole as we move forward with legislation.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Alabama.

Mr. SESSIONS. Mr. President, I see the chairman.

Mr. CONRAD. Will the Senator yield for just a moment?

Mr. SESSIONS. I will be delighted to.

Mr. CONRAD. If I might inquire of the Parliamentarian, how much time remains on the Boxer amendment?

The PRESIDING OFFICER. The sponsor has 3 minutes 49 seconds. The time has just begun for the opposition.

Mr. CONRAD. Mr. President, I say to Senator SESSIONS, does he wish to use time in opposition to this amendment?

Mr. SESSIONS. Yes.

Mr. CONRAD. We will yield whatever time the Senator might consume in opposition on this amendment.

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

Mr. SESSIONS. Mr. President, as we get into this debate——

Mr. CONRAD. Mr. President, if the Senator will withhold, I can see there is a little consternation. We are yielding off Senator GREGG's time to Senator SESSIONS.

Mr. SESSIONS. And, Mr. President, how much time is left on the Boxer amendment?

The PRESIDING OFFICER. The opposition has 28½ minutes.

Mr. SESSIONS. Mr. President, first, I want to repeat the situation in which we find ourselves. My colleagues are quick to say President Bush spent us into bankruptcy, that he did all this reckless spending and that is the problem we have today. President Bush, in my opinion, did spend too much money and the debt was too high during his 8 years in office.

Last spring, I voted against sending out $160 billion in checks. I didn't think that was a good policy. The Democratic majority here supported that steadfastly, overwhelmingly. Spend, spend, spend is what we have been seeing over there over the years and, in fact, with this big majority they have, and on the budget, Republicans are not able to take the heat, Republicans are not able to say to my colleagues, they have the votes, they can pass whatever budget they want.

What I do want to say is that these are some accurate figures about the Bush budget: His worst deficit in 2003 was after 9/11, after he inherited an economic slowdown. The tech bubble had burst. When he took office, the day he took office, the Nasdaq had already collapsed and lost half its value. We were in a recession. Then we were attacked 9 months later, and the money got spent. At one point we ended up with a $412 billion deficit. We thought it was horrible. But in 3 years, that deficit was reduced until fiscal year 2007, when we had a deficit of $161 billion. We worked it down and were heading in the right direction. Then last year he sent out those checks and we had an economic slowdown and both Houses, controlled by the Democrats, voted overwhelmingly to spend another $160 billion to stimulate the economy. It didn't work, and we ended up with a $455 billion deficit.

In the third year of the Democratic majority in the Congress and in the Presidency of Barack Obama and not all of this money can be traced to him, but much of it can—our deficit this year will not be $455 billion. It will not be $800 billion. It will not be $1 trillion. It will not be $1.4 trillion. It will be $1.8 trillion this year. Nothing has ever been seen like this before, ever. Next year, it will be over $1 trillion. In the outyears of the President's 10-year budget, it will be increasing the annual deficit $1 trillion. In fact, in the 10th year of his budget, according to our own Congressional Budget Office, basically hired by the Democratic majority here, they are scoring the deficit that year to be $1.2 trillion, added to the other. That is why this irrefutable chart shows that the debt goes from $5 trillion to $11 trillion, doubling, and then tripling in 10 years. That is not sustainable, as our Budget chairman has said.

Mr. President, I see my colleagues are on the floor. I will be pleased to have a discussion with them about the reconciliation process. Let me just say this: In a time of economic hardship, when families are struggling to pay

their bills and businesses are laying off people in order to survive, the last thing we need are major tax increases. Raising taxes hurts the family budget and kills jobs. Yet the President's budget contains the largest tax increase in American history, $1.5 trillion over the next 10 years.

Again, I note that the deficit is not because we are not increasing taxes. We are increasing taxes. The spending is so great it still triples the debt.

Mr. ENSIGN. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. I will be pleased to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Was the Senator aware that the President's budget proposes a new national energy tax that will be paid by every person who turns on a light switch, heats their home, or puts gasoline in their car?

Mr. SESSIONS. That is correct. Under the President's plan, the average American family will see their energy bills increase up to $3,128 each year. Not over 10 years, but each year. That is how much it will go up.

In a candid moment when he was still a candidate, President Obama admitted:

> Under my plan of a cap-and-trade system, electric rates would necessarily skyrocket.

Mr. THUNE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. SESSIONS. I will be pleased to yield to Senator THUNE from South Dakota.

Mr. THUNE. Mr. President, is the Senator from Alabama aware that the President's Director of the Office of Management and Budget admitted the same thing last year when he was the Director of the Congressional Budget Office? Peter Orszag said:

> Under a cap-and-trade program, firms would not ultimately bear most of the costs . . . but instead would pass them along to their customers in the form of higher prices . . . price increases would be essential to the success of a cap-and-trade program.

Mr. SESSIONS. Not only did he say that, last Wednesday OMB Director Orszag said that jamming a new national energy tax through the Senate with very limited debate and ability to amend under the reconciliation is, and I quote—

> not off the table.

In fact, the House of Representatives is very clear about this plan. Section 202 of the House of Representatives budget resolution states:

> reconciliation in the Senate. (Senate reconciliation instructions to be supplied by the Senate.)

Since the House has a Rules Committee, which allows them to pass bills with minimal debate, this is clearly intended, not to affect their procedures, but to make sure that the conference on the budget adds this provision so it can be jammed through the Senate.

Mr. ENSIGN. Mr. President, will the Senator from Alabama yield for a further question?

Mr. SESSIONS. I will be pleased to yield to Senator ENSIGN from Nevada.

Mr. ENSIGN. Mr. President, is the Senator aware of what one of the authors of the Budget Act, the esteemed Senator from West Virginia, has to say about this? He said:

> Americans have an inalienable right to a careful examination of proposals that dramatically affect their lives. I was one of the authors of the legislation that created the budget reconciliation process in 1974, and I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

Does the Senator agree with this view?

Mr. SESSIONS. Mr. President, I fully agree, I say to Senator ENSIGN, with Senator BYRD's view. Senator BYRD wrote this legislation. He also wrote the book, literally, on Senate rules. He is our conscience of the Senate in terms of the great historic role of the American Senate.

Senator BYRD has also said this:

> Using the reconciliation process to enact major legislation prevents an open debate about critical issues in the full view of the public. Health reform and climate change are issues that, in one way or another, touch every American family. Their resolution carries serious economic and emotional consequences. The misuse of the arcane process of reconciliation . . . to enact substantive policy changes is an undemocratic disservice to our people and to the Senate's institutional role.

Mr. President, I ask unanimous consent that it not be in order in the Senate to consider any conference report or House amendment on the fiscal year 2010 budget resolution which contains reconciliation instructions for the Senate.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, what I am concerned about is, according to MIT, if we did a cap-and-trade system and we did it right, a family of four would get a tax rebate of $4,500. What is happening here is they are trying to make it more difficult for us to get a cap-and-trade system, get the revenues, and return $4,500 per family. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. SESSIONS. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from Alabama does still have the floor.

Mr. SESSIONS. I will be glad to yield for a question. I have another request to offer.

Mr. CONRAD. I am happy to have the Senator proceed.

Mr. SESSIONS. Mr. President, I say to Senator BOXER, we will have more in-depth discussion of the cost of this program, but it is not without cost. The President and the Director of the Office of Management and Budget have admitted clearly there will be costs of very large amounts passed forward to our constituents.

No. 2, and since it is such an incredibly monumental, colossal intervention and tax on the American economy, it certainly needs more debate than the limited hours that would be given under the budget process. That is what we were asking, that it be treated in the normal order of business and not expedited with a simple majority vote and a limited number of hours of debate. That is what the objection is to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Will the Senator yield for a question?

Mr. SESSIONS. I will yield to the Senator, our chairman.

Mr. CONRAD. In the budget resolution that is before us that came out of the committee, the committee on which the Senator serves, are there any reconciliation instructions for any purpose?

Mr. SESSIONS. That is a good question, and I will be pleased to answer our chairman. No, it did not, and I think that was the chairman's preference, his stated preference, and other Democrats on the committee did not want this reconciliation language in the Senate budget. But the language is in the House budget.

Senator HARRY REID, the majority leader, has said it is not off the table, as you know, that this might be included in the final conference package. And as you know, since it is in the House language, Senator REID will appoint the conferees, a majority of the conferees. And if he so says, the language will be in the final package that could come before the Senate, which terrifies people who believe in the great historic role of the Senate. That is what our concern is today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, if I could further inquire of my colleague—and I thank him for his response—has not the Speaker of the House indicated there is no intention of including a reconciliation instruction with respect to climate change in the House provisions?

Mr. SESSIONS. I am not aware of that. Maybe some of my colleagues might have heard that, but my understanding is that our leader says it might be included. In fact, he went so far as to say the revenue that would surge into the Treasury from the cap-and-trade could be used to finance health care. So that is a matter that is important to us.

If the Senator shares my concern, I find it odd that he would object—or Senator BOXER would object to language in this resolution calling on us not to accept it.

Mr. CONRAD. Might I further inquire, Mr. President, of my colleague: Wouldn't it be logical for me to object if my conclusion is that there is not going to be any reconciliation instruction with respect to cap and trade?

We don't have it in the Senate resolution before us. The Speaker of the

House has made clear they are not going to have a reconciliation instruction to be used in the House with respect to climate change legislation. I must say, I understand the concern, but I don't think there is a basis for it. I don't think there is a prospect that there is going to be the use of reconciliation for the purpose of climate change resolution coming back from the conference committee. It is not in the Senate, the Speaker has made clear they do not intend to use it on the House side, so I would just say to my colleagues that I understand the concern, I understand making the point—that is fully legitimate—but I don't think it is a concern that is based on what is going to happen.

There are plans on the House side to use reconciliation for health care and for education. That clearly is part of their resolution. Not part of ours; but part of theirs. So I have to say to my colleagues, I don't think there is a basis for concern that the reconciliation process is going to be used for climate change legislation.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. Mr. President, I have the floor, and I would be pleased to yield for a question from the Senator from New Hampshire.

Mr. GREGG. Mr. President, is it not true that under the rules of reconciliation, an instruction to the House Energy and Commerce committee that is contemplated for purposes of health care, for example, would not prevent that committee's ability to use the reconciliation process for the purposes of climate change legislation because a reconciliation instruction cannot specifically state which matters within its jurisdiction a committee should address to comply with its reconciliation instruction, which is only a dollar number?

Mr. SESSIONS. I think the distinguished ranking member of the Budget Committee is correct. Having read the House language on reconciliation, it appears to me, quite clearly, that if it is accepted in final passage of the bill, after conference, it would give the Senate the power to enact cap-and-trade or health care legislation without the normal processes of the Senate.

Would the ranking member not agree?

Mr. GREGG. Mr. President, I would agree, and I am wondering why we would need reconciliation instructions. I ask the Senator this question: Why would the House need reconciliation instructions? Do they not have a Rules Committee? Would not the only purpose of reconciliation instructions in a House bill be to have a conference report approve a reconciliation instruction, which would tie the hands of the Senate? It certainly wouldn't tie the hands of the House, would it? In tying the hands of the Senate, it would allow Senate committees to reconcile the issue of a cap-and-trade bill and create a carbon tax—or a national sales tax—every time somebody turns on a light switch in America; and there would be no way to limit that once there is a reconciliation instruction in a conference report.

Mr. SESSIONS. I believe the Senator is absolutely correct. In other words, the House can pass anything on a simple majority, and Speaker PELOSI has a pretty good machine over there. They can pass whatever they want to pass. They do not need reconciliation. Why did they put reconciliation in their bill? They put it in there because it could be accepted in the final conference report and give the power to the Senate to use it to deny the historic debate rules of our Senate. Wouldn't that be a logical conclusion?

Mr. GREGG. I think the Senator from Alabama is absolutely right; that could be the only conclusion. Is there any other conclusion that can be reached? I don't believe there is. The only purpose of a reconciliation instruction in a House bill is for the purposes of controlling the floor of the Senate—not the floor of the House—and set up the possibility of passing it in a conference report.

Mr. SESSIONS. I would agree.

Mr. THUNE. Would the Senator from Alabama yield for a further question?

Mr. SESSIONS. I would be pleased to yield to the Senator from South Dakota.

Mr. THUNE. Mr. President, I appreciate very much the observation that was made about the purpose of reconciliation and the Rules Committee in the House. The House very clearly has the power to regulate what comes to the floor and what amendments are made in order. Reconciliation instructions in the House bill are clearly directed at a House-Senate conference and reserving the opportunity—the option—to actually do something with respect to these other issues.

I wish to point out, too—and I wish to ask a question of the Senator from Alabama regarding the conference committee—even though I believe the best intentions of the Senator from North Dakota and I believe he is sincere when he says he doesn't want to use reconciliation to do cap and trade and to do other types of policy through the budget process—there is a statement from the majority leader talking about the novel proposal for redoing the Nation's health care system, suggesting that using $646 billion that would be collected under a controversial Obama proposal to auction off greenhouse gas pollution allowances. The exact quote is: ''That's exactly how much we need for the first phase of health care reform.''

My question to my colleague from Alabama is: If, in fact, you get into a conference setting and you want to do health care reform—which clearly they have indicated they would like to do through reconciliation—it has to be paid for somehow, does it not? It is suggested here, I think from at least the majority leader, that the revenues available through cap and trade might, in fact, be used for that.

Would it not be possible in a conference committee setting—despite the best intentions of the Senator from North Dakota—for the members of that conference to decide to use that reconciliation process to create revenues through a cap-and-trade program that might be used to accomplish the financing of health care reform through that bill?

Mr. SESSIONS. I agree with my colleague, Senator THUNE.

Look, we are all grownups here. We know how the Senate works. We know how things are handled. We offered an amendment to put E-Verify in the stimulus bill in order to check the citizenship of people before they get jobs under the stimulus package. It was in the House bill, but we were not able not to have a vote in the Senate. The majority party knew exactly what they intended to do. When it went to conference, they took out the language, but everybody in the House could say they voted for it.

This is the same kind of situation. The language is now in the House bill, which they do not need. They do not need that language to pass anything in the House. But if it were to be accepted by the Senate, and Senator REID has indicated he might do that, if they accept it in conference, then cap-and-trade or health care reform could be passed without the classical historic debate this Senate is used to having. That is why our conscience of the Senate, Senator ROBERT BYRD, has said this is bad, it should not happen, and it demeans the Senate. He used very clear language.

Mr. REID. Mr. President, would my friend yield for a unanimous consent request?

Mr. SESSIONS. Reserving the right to retain the floor, I yield to the majority leader.

Mr. REID. Mr. President, I ask unanimous consent that at 2:30 p.m. today, the Senate proceed to vote in relation to the following amendments in the order listed; and that no intervening amendments be in order to any of the amendments covered in this agreement; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the following form; that after the first vote in this sequence, the vote time be limited to 10 minutes each; and that all time utilized during the votes count against the time on the budget resolution: Boxer No. 749, Thune No. 731, and Gregg No. 739.

Those are the three amendments.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Mr. President, I extend my appreciation to my friend from Alabama.

Mr. SESSIONS. Mr. President, we know this is a big deal—a very, very, very big deal that we are discussing. If my friend, Senator CONRAD, is correct, and he didn't put it in his committee

report, when we try to make it a clear statement that the Senate would not accept this language if it came out of conference, why would Senator BOXER object? We have seen these maneuvers before.

Without this language, we would be in a position in which the leadership of the Senate could move forward with legislation that would use reconciliation to pass other bills. So I would make another unanimous consent request, Mr. President.

I ask unanimous consent that it not be in order in the Senate to consider any conference report or House amendment on the fiscal year 2010 budget resolution which reconciles any of the following Senate committees: The Committee on Environment and Public Works, the Committee on Finance, and the Committee on Energy.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object. It is hard for me to believe that three or four Senators come to the floor to try to control the agenda of the various committees, which we are very proud to serve on.

I also wish to say that 19 times since 1980 has reconciliation been used, and by far and away more times by the Republicans—namely, 13 times they used it. They never came here and complained. They used it. I have the record.

Mr. President, I ask unanimous consent to have printed in the RECORD the number of times Republicans have used reconciliation.

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

RECONCILIATION MEASURES ENACTED INTO LAW, 1980 TO THE PRESENT

1. OMNIBUS RECONCILIATION ACT OF 1980

P.L. 96–499 (December 5, 1980)

This act, signed into law by President Jimmy Carter, was the first reconciliation bill to pass the House and Senate. It was estimated to reduce the FY 1981 deficit by $8.276 billion, including $4.631 billion in outlay reductions and $3.645 billion in revenue increases.

Major spending changes affected such areas as child nutrition subsidies; interest rates for student loans; ''look back'' COLA benefit provisions for retiring federal employees; highway obligational authority; railroad rehabilitation, airport development, planning, and noise control grants; veterans' burial allowances; disaster loans; Medicare and Medicaid; unemployment compensation; and Social Security.

Major revenue changes affected such areas as mortgage subsidy bonds; payment of estimated corporate taxes; capital gains on foreign real estate investments; payroll taxes paid by employers; telephone excise taxes; and the alcohol import duty.

[1980 Congressional Quarterly Almanac, pp. 124–130]

2. OMNIBUS BUDGET RECONCILIATION ACT OF 1981

P.L. 97–35 (August 13, 1981)

President Ronald Reagan used this act, along with a non-reconciliation bill, the Economic Recovery Tax Act of 1981 (P.L. 97–34), to advance much of his agenda in his first year in office. OBRA of 1981 was estimated to reduce the deficit by $130.6 billion over three years, covering FY1982–FY1984.

Major spending changes affected such areas as health program block grants; Medicaid; television and radio licenses; Food Stamps; dairy price supports; energy assistance; Conrail; education program block grants; Impact Aid and the Title I compensatory education program for disadvantaged children; student loans; and the Social Security minimum benefit.

[1981 Congressional Quarterly Almanac, pp. 256–266]

3. TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

P.L. 97–248 (September 3, 1982)

This act, one of two reconciliation measures signed by President Reagan in 1982, was estimated to increase revenues by $98.3 billion and reduce outlays by $17.5 billion over three years, covering FY1983–FY1985.

Major spending changes affected such areas as Medicare, Medicaid, aid to families with dependent children (AFDC), child support enforcement (CSE), supplemental security income (SSI), unemployment compensation, and interest payments on U.S. savings bonds.

Major revenue changes affected such areas as the alternative minimum tax, medical and casualty deductions, pension contribution deductions, federal employee payment of the FICA tax for Medicare coverage, accelerated depreciation and investment tax credits, corporate tax payments, foreign oil and gas income, corporate tax preferences, construction deductions, insurance tax breaks, ''safe-harbor leasing,'' corporate mergers, withholding on interest and dividends, aviation excise taxes, unemployment insurance, telephone and cigarette excise taxes, and industrial development bonds.

[1982 Congressional Quarterly Almanac, pp. 29–39 and 199–204]

4. OMNIBUS BUDGET RECONCILIATION ACT OF 1982

P.L. 97–253 (September 8, 1982)

This act, the second of two reconciliation measures signed by President Reagan in 1982, was estimated to reduce outlays by $13.3 billion over three years, covering FY1983–FY1985.

Major spending changes affected such areas as payments to farmers, dairy price supports, Food Stamps, inflation adjustments for federal retirees, lump-sum premiums for FHA housing insurance, user fees on Veterans Administration-backed home loans, veterans' compensation and benefits, and reduction in the membership of the Federal. Communications Commission and the Interstate Commerce Commission.

[1982 Congressional Quarterly Almanac, pp. 199–204]

5. OMNIBUS BUDGET RECONCILIATION ACT OF 1983

P.L. 98–270 (April 18, 1984)

Initial consideration of this act occurred in 1983, but final action did not occur until 1984. It was estimated to reduce the deficit by $8.2 billion over four years, covering FY1984–FY1987.

Major spending changes affected such areas as limitation and delay of federal civilian employee pay raises, delay of federal civilian and military retirement and disability COLAs, delay of veterans' compensation COLAs, and disaster loans for farmers.

[1983 Congressional Quarterly Almanac, pp. 231–239, and 1984 Congressional Quarterly Almanac, p. 160]

6. CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985

P.L. 99–272 (April 7, 1986)

Initial consideration of this act occurred in 1985, but final action did not occur until 1986. The act was estimated to reduce the deficit by $18.2 billion over three years, covering FY1986–FY1988.

Major spending changes affected such areas as student loans, highway spending, veterans' medical care, Medicare, Medicaid, and trade adjustment assistance.

Major revenue changes affected such areas as the cigarette tax, excise taxes supporting the Black Lung Trust Fund, unemployment tax exemptions, taxation of railroad retirement benefits, airline employee income subject to taxation, and the deduction of research expenses of multinational firms.

[1986 Congressional Quarterly Almanac, p. 521 and pp. 555–559]

7. OMNIBUS BUDGET RECONCILIATION ACT OF 1986

P.L. 99–509 (October 21, 1986)

The act was a three-year reconciliation measure, covering FY1987–FY1989. An estimated $11.7 billion in deficit reduction contributed to the avoidance of a sequester (i.e., across-the-board spending cuts in non-exempt programs to eliminate a violation of the applicable deficit target under the Gramm-Rudman-Hollings Act) for FY 1987.

Major spending changes affected such areas as Medicare, Medicaid, agricultural income support payments, loan asset sales, federal employee retirement programs, federal subsidy for reduced-rate postage, federal financing for fishing vessels or facilities, retirement age limits, and elimination of the trigger for Social Security COLAs.

Major revenue changes affected such areas as the tax treatment of the sale of the federal share of Conrail, commercial merchandise import fee, increased penalty for untimely payment of withheld taxes, denial of certain foreign tax credits, and the oil-spill liability trust fund.

[1986 Congressional Quarterly Almanac, pp. 559–576]

8. OMNIBUS BUDGET RECONCILIATION ACT OF 1987

P.L. 100–203 (December 22, 1987)

The act, a three-year reconciliation measure, covering FY1988–FY1990, was the final reconciliation measure signed by President Reagan. Together with an omnibus appropriations act (P.L. 100–202), the reconciliation act implemented the $76 billion in deficit reduction over FY1988 and FY1989 called for in a budget summit agreement reached after a sharp decline in the stock market in October.

Major spending changes affected such areas as Medicare, Medicaid, agricultural target prices, farm income support payments, deferral of lump-sum retirement payments to federal employees, Postal Service payments into retirement and health benefit funds, the Guaranteed Student Loan program, Nuclear Regulatory Committee license fees, and National Park user fees.

Major revenue changes affected such areas as home mortgage interest deduction, deduction of mutual fund expenses, ''completed contract'' method of accounting, repeal of installment-sales accounting, ''master-limited'' partnerships, and accelerated payments of corporate estimated taxes.

[1987 Congressional Quarterly Almanac, pp. 615–627]

9. OMNIBUS BUDGET RECONCILIATION ACT OF 1989

P.L. 101–239 (December 19, 1989)

The act, signed into law by President George H.W. Bush, reflected one-year reconciliation directives in the Senate (for FY1990) and two-year directives in the House (for FY1990 and FY1991). It was estimated to contain $14.7 billion in deficit reduction, which represented about half of the deficit reduction envisioned in a budget summit agreement reached earlier in the year (the remaining savings were expected to occur largely in annual appropriations acts).

Major spending changes affected such areas as Medicare, Medicaid, veterans' housing

loans, agricultural deficiency payments and dairy price supports, the Supplemental Loans for Students (SLS) program, Federal Communications Commission and Nuclear Regulatory Commission fees, vaccine injury compensation amendments, and the Maternal and Child Health Block Grant program.

Major revenue changes affected such areas as the exclusion for employer-provided education assistance, targeted-jobs tax credit, mortgage revenue bonds, self-employed health insurance, low-income housing credit, treatment of junk bonds, and research and experimentation credits.

[1989 Congressional Quarterly Almanac, pp. 92–113]

10. OMNIBUS BUDGET RECONCILIATION ACT OF 1990

P.L. 101–508 (November 5, 1990)

This five-year reconciliation act, covering FY1991–FY1995, implemented a large portion of the deficit reduction required by an agreement reached during a lengthy budget summit held at Andrews Air Force Base. According to the Senate Budget Committee, the act was estimated to reduce the deficit by $482 billion over 5 years, including $158 billion in revenue increases and $324 billion in spending cuts and debt service savings.

Major spending changes affected such areas as Medicare, Medicaid, agricultural loans, acreage reduction, deposit insurance premiums, mortgage insurance premiums, collection of delinquent student loans, OSHA penalties, aid to families with dependent children (AFDC), child support enforcement (CSE), supplemental security income (SST), unemployment compensation, child welfare and foster care, Social Security, abandoned mines, Environmental Protection Agency, federal employee retirement and health benefits, veterans' compensation and disability payments, airport ticket fees, customs user fees, and tonnage duties.

Major revenue changes affected such areas as individual income tax rates, the alternative minimum tax, limitation on itemized deductions, excise taxes on alcoholic beverages and tobacco products, motor fuel excise taxes, and Superfund tax extension.

The public debt limit was increased from $3.123 trillion to $4.145 trillion.

[1990 Congressional Quarterly Almanac, pp. 138–173]

11. OMNIBUS BUDGET RECONCILIATION ACT OF 1993

P.L. 103–66 (August 10, 1993)

This five-year reconciliation act, covering FY1994–FY1998, was signed by President Bill Clinton in the first year of his Administration. According to the Senate Budget Committee, the act reduced the deficit by $496 billion over five years, including $241 billion in revenue increases and $255 billion in spending cuts and debt service savings.

Major spending changes affected such areas as Medicare, Medicaid, Food Stamps, auction of the radio spectrum, student loan programs, veterans' benefits, agricultural price supports, crop insurance, liabilities of the Postal Service, and Nuclear Regulatory Commission fees.

Major revenue changes affected such areas as a fuels tax increase, maximum individual income tax rates, maximum corporate income tax rate, small business tax incentives, empowerment zones, and unemployment insurance surtax.

The public debt limit was increased from $4.145 trillion to $4.9 trillion.

[1993 Congressional Quarterly Almanac, pp. 107–139]

12. PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

P.L. 104–193 (August 22, 1996)

This six-year reconciliation act, covering FY1997–FY2002, was estimated to reduce the deficit by $54.6 billion over that period.

Major spending changes affected such areas as temporary assistance for needy families (TANF), work requirements, supplemental security income (SSI), child support enforcement (CSE), restrictions on benefits for illegal aliens, Child Care and Development Block Grant, child nutrition, Food Stamps, teenage pregnancies, and abstinence education.

[1996 Congressional Quarterly Almanac, pp. 6–3 through 6–24]

13. BALANCED BUDGET ACT OF 1997

P.L. 105–33 (August 5, 1997)

This five-year reconciliation act, covering FY1998–FY2002, was one of two reconciliation acts signed by President Clinton in 1997 and largely contained spending provisions. According to the Senate Budget Committee, the two acts together reduced the deficit by $118 billion over five years, including spending cuts and debt service savings of $198 billion and $80 billion in revenue reductions.

Major spending changes affected such areas as Medicare, Medicaid, children's health initiative, electromagnetic spectrum auction, Food Stamps, temporary assistance to needy families (TANF), supplemental security income (SSI), increased contributions to the Civil Service Retirement System, subsidized housing, and veterans' housing.

The public debt limit was increased from $5.5 trillion to $5.95 trillion.

[1997 Congressional Quarterly Almanac, pp. 2–27 through 2–30 and pp. 2–47 through 2–61]

14. TAXPAYER RELIEF ACT OF 1997

P.L. 105–34 (August 5, 1997)

The second of the two reconciliation measures enacted in 1997, this five-year reconciliation act, covering FY1998–FY2002, largely included revenue provisions.

Major revenue changes affected such areas as a child tax credit, education tax incentives (including the HOPE tax credit, the lifetime learning credit, and education savings accounts), home office deductions, capital gains tax cut, the ''Roth IRA,'' gift and estate tax exemptions, corporate alternative minimum tax repeal, renewal of the work opportunity tax credit, and the airline ticket tax.

[1997 Congressional Quarterly Almanac, pp. 2–27 through 2–46]

15. ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

P.L. 107–16 (June 7, 2001)

This 11–year reconciliation act, covering FY2001–2011, advanced President George W. Bush's tax-cut agenda during the first year of his Administration. According to the Senate Budget Committee, revenue reductions, together with outlay increases for refundable tax credits, reduced the projected surplus by $1.349 trillion over FY2001–FY2011. The tax cuts were scheduled to sunset in ten years in order to comply with the Senate's ''Byrd rule'' against extraneous matter in reconciliation legislation (Section 313 of the Congressional Budget Act of 1974).

Major revenue changes affected such areas as individual income tax rates, the ''marriage penalty,'' child tax credit, estate and gift taxes, individual retirement accounts and pensions, charitable contributions, education incentives, health insurance tax credit, flexible spending accounts, research and experimentation tax credit, and adoption tax credit and employer adoption assistance programs.

[CRS Report RL30973, 2001 Tax Cut: Description, Analysis, and Background, by David L. Brumbaugh, Bob Lyke, Jane G. Gravelle, Louis Alan Talley, and Steven Maguire]

16. JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

P.L. 108–27 (May 28, 2003)

This 11–year reconciliation act, covering FY2003–2013, was estimated to reduce revenues by $349.667 billion over that period.

Major revenue changes affected such areas as the acceleration of certain previously-enacted tax reductions (including expansion of the child tax credit and the 10% bracket), increased bonus depreciation and section 179 expensing, taxes on dividends and capital gains, the Temporary State Fiscal Relief Fund, and special estimated tax rules for certain corporate estimated tax payments.

[Joint Committee on Taxation, Estimated Budget Effects of the Conference Agreement for H.R. 2, The ''Jobs and Growth Tax Relief Reconciliation Act of 2003,'' JCX–55–03, May 22, 2003]

17. DEFICIT REDUCTION ACT OF 2005

P.L. 109–171 (February 8, 2006)

This five-year reconciliation act, covering FY2006–FY2010, was one of two reconciliation acts signed by President George W. Bush in 2006 (initial consideration of both measures occurred in 2005). This act, the spending reconciliation bill, was estimated to reduce the deficit over the five-year period by $38.810 billion.

Major spending changes affected such areas as Medicare, Medicaid, State Children's Health Insurance Program (SCHIP), student loan interest rates and lenders' yields, electromagnetic spectrum auction, digital television conversion, grants for interoperable radios for first responders, low-income home energy assistance program (LIHEAP), Federal Deposit Insurance Corporation premium collections, agricultural conservation programs, Katrina health care relief, and Pension Benefit Guarantee Corporation (PBGC) premiums.

[CRS Report RL33132, Budget Reconciliation Legislation in 2005–2006 Under the FY2006 Budget Resolution, by Robert Keith]

18. TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005

P.L. 109–222 (May 17, 2006)

This act, the second of two reconciliation bills enacted in 2006, was the revenue reconciliation bill. It was estimated to increase the deficit over the five-year period covering FY2006–FY2010 by $69.960 billion.

Major revenue changes affected such areas as tax rates on dividends and capital gains, the alternative minimum tax for individuals, delay in payment date for corporate estimated taxes, controlled foreign corporations, FSC/ETI binding contract relief, elimination of the income limitations on Roth IRA conversions, and withholding on government payments for property and services.

[CRS Report RL33132, Budget Reconciliation Legislation in 2005–2006 Under the FY2006 Budget Resolution, by Robert Keith]

19. COLLEGE COST REDUCTION AND ACCESS ACT OF 2007

P.L. 110–84 (September 27, 2007)

This six-year reconciliation act, covering FY2007–FY2012, was estimated to reduce the deficit over that period by $752 million.

Major spending changes affected provisions relating to lenders and borrowers involved with the Federal Family Education Loan program and the William D. Ford Direct Loan program.

[CRS Report RL34077, Student Loans, Student Aid, and FY2008 Budget Reconciliation, by Adam Stoll, David P. Smole, and Charmaine Mercer]

Mrs. BOXER. I object to the Senator's unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, that clearly states where we are headed.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. I yield to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I would ask the Senator from Alabama this: The Senator from California has correctly stated that reconciliation has been used often in this body before. It was used by President Clinton, since I have been here. It was used by President Bush. I voted for most of the different reconciliation bills. But is it not true that reconciliation, when it has been used before—even though used for significant events—has always been used for already existing policy; whether it is changing the rates of taxes, whether it is changing the way the welfare system was adjusted relative to who was covered or whether it was changing the way we deal with student loans?

It was always used on existing policy that had been pretty well aired on the floor of the Senate. It has never been used for the purpose of creating, ab initio, a brand new major tax, which would essentially tax every American every time they turn on their light switch—a national sales tax—which would introduce industrial policy and which would affect virtually every American as to their jobs—sending many of them overseas—and as to the ability to be competitive. Has it ever been used for such a broad, extensive public policy event of creating massive new taxes that don't exist today—a national sales tax—and massive new industrial policy?

It would mean that policy and those taxes would come across this floor without amendment, with 20 hours of debate, and an up-or-down vote. Has it ever been used in that context in the Senate?

Mr. SESSIONS. No. In fact, few pieces of legislation this Senate has ever considered will have as much broad-based complexity and impact on our economy as a cap-and-trade system, period. That is why Senator BYRD, the conscience of the rules of the Senate, said:

> Using the reconciliation process to enact major legislation prevents an open debate about the critical issues in full view of the public. Health reform and climate change are issues that in one way or another touch every American family. Their resolution carries serious economic and emotional consequences. The misuse of the arcane process of reconciliation . . . to enact substantive policy change is an undemocratic disservice to our people and to the Senate's institutional role.

That is what Senator BYRD, the Democratic Senator who wrote the reconciliation bill and who has written a book on the rules of the Senate, has stated.

Mr. President, I have one more unanimous consent request. I ask unanimous consent that it shall not be in order to consider any reconciliation bill in the Senate that raises energy prices.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the problem with this—and I could support it if it were made clearer—is it doesn't take into account that we could have some very important new programs that actually result in consumers getting rebate checks. So you may have an increase temporarily, before we get free of foreign oil, in an energy cost that is totally offset by a refund and a rebate. So this would hamper the committees from doing what MIT says we should do, which is, when we do tackle this issue of energy independence, make sure we have the revenues to rebate funds back to the American people.

I do not want to block the possibility of that so I am going to object in a moment. But I have to respond to Senator GREGG. This is the first time I saw the Reagan revolution be so downplayed by my Republican friends. ''Oh, nothing new was done by reconciliation.''

It was the Reagan revolution. It was Bill Clinton changing welfare as we know it. I have it all here. So let's not say now, oh, the 13 times the Republicans supported reconciliation it wasn't anything major; it was little minor things.

The record is replete with what reconciliation did. Why are they so afraid of reconciliation? They embraced it time after time. Don't be so fearful of the rules of the Senate. Reconciliation is a rule allowed by the Senate. Let's not say we could never do it again, never look at it again. It doesn't make any sense.

I am going to object to this because I think in the end it could cost consumers more.

The PRESIDING OFFICER. Objection is heard. The time of the opposition has expired.

Mr. SESSIONS. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The time in opposition has expired.

Mr. CONRAD. The time on both sides has expired.

The PRESIDING OFFICER. Two minutes is remaining under Senator BOXER's time on Senator BOXER's amendment.

The Senator from North Dakota is recognized.

Mr. CONRAD. I must say when the assertion is made reconciliation has not been used for significant things in the past, that is not so. Welfare reform——

Mr. GREGG. Will the Senator yield on that point?

Mr. CONRAD. No, I am going to complete my thought and then I will be happy to yield. Welfare reform was not a significant policy change? Absolutely it was. That was during the Clinton administration.

The tax changes that were made during the Bush administration were made under reconciliation. That to me was an absolute, total abuse of reconciliation. Reconciliation was designed for deficit reduction. The place where I would agree with the Senator is, I don't believe reconciliation was ever intended to write major substantive legislation. But to suggest that has not been done in the past is not so.

Our Republican friends were leading the way in abusing what reconciliation is about. That is a fact. To suggest it has not been used for major changes is not so.

I want to say something else. I have said repeatedly, publicly and privately, that I do not think reconciliation is the appropriate way to do climate change legislation or to do health care reform or other major substantive legislation if it is not deficit reduction. That is the position I have taken.

The fact is, in this resolution before us, there is no use of reconciliation for any purpose. I want the public to be very clear. In this resolution there is no reconciliation instruction for any purpose.

In the House, the Speaker has made very clear reconciliation would not be used for climate change legislation.

Is it technically possible in conference that there could be an instruction that would allow cap-and-trade revenue? Yes, it is. It is possible. But let me say again, there is no reconciliation instruction in the Senate budget resolution. I have argued against it for the purposes that have been talked about and I have argued against it publicly and privately.

On the House side, with respect to climate change, the Speaker has said reconciliation would not be used for climate change legislation. I take the Speaker at her word. In the conference committee I will say to my colleagues: I will strongly resist—strongly resist—any attempt to report out of the conference committee a reconciliation instruction for the purpose of climate change legislation. I don't know how I could be more clear on that point.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first I appreciate the Senator arguing for our case, which is that we should not use reconciliation in the Senate for the purposes of pursuing a vehicle such as a massive new sales tax on all Americans on their electric bills, and specifically whenever they turn on their light switch they are going to get hit with this tax. I would point out as an aside, he may have misrepresented what I said. I didn't say we hadn't used it for significant things; we have used it for significant things. But we have never used it for creating, ab initio, a national sales tax or any tax, for that matter, ab initio, and that is where the rubber meets the road.

I do believe strongly, listening to the Senator, that he has basically admitted a conference report could carry in it reconciliation instructions which

would allow for reconciliation to be used to create a new national sales tax on everybody's electric bill. So it seems perfectly reasonable that what the Senator from Alabama has requested should be agreed to here. Because he essentially is asking for what the Senator from North Dakota has suggested he supports, which is that reconciliation will not be used that way after the Senator from North Dakota has said the reconciliation may be able to be used that way.

There is no reason for the House of Representatives to put reconciliation in their bill. It is a touch cynical for the other side to represent that, because the bill before us today doesn't have reconciliation in it, that reconciliation is not being considered as a vehicle before this body because the only reason the House of Representatives has put reconciliation in their vehicle—because they don't need it, they have a Rules Committee—is because they can bring it out of conference and stick it to the Senate and put it into the Senate procedure here.

It means, on a purely procedural event, that the House of Representatives is actually going to be controlling the floor of the Senate. How outrageous is that? But independent of that there is a procedural point—which affronts me as a Senator and I think would affront the tradition and history of the Senate—there is the more substantive issue that reconciliation should never be used to create a brand new national sales tax. And that, of course, is what the Senator from North Dakota has said is true, it should not be used in that way.

So why do they object to the fairly benign request here of the Senator from Alabama, which is to ask unanimous consent that we not use reconciliation on the floor of the Senate for the purposes of creating a national sales tax, or what is euphemistically called a carbon tax? I don't understand the opposition myself. It seems very strange. Under the bill——

Mr. SESSIONS. Will the Senator yield?

Mr. GREGG. I yield for a question.

Mr. SESSIONS. The unanimous consent request would be in harmony with the budget resolution that came out of committee and in harmony with Senator CONRAD's expressed personal views, would it not?

Mr. GREGG. It seems as though the Senator from Alabama is expressing through his unanimous consent request the exact thought process of the chairman of the committee as stated here on the floor.

Mr. President, I know Senator THUNE wishes to speak off the bill. I see the assistant leader is here. I wish to sort of line up time so everybody gets time before we go into adjournment.

Mr. DURBIN. Six minutes.

Mr. THUNE. If I might ask the Chair how much time do we have before we break?

Mr. GREGG. We can go until you finish.

The PRESIDING OFFICER. The Senate is scheduled to recess at 12:30.

Mr. GREGG. I ask unanimous consent to change that. How much time does the Senator need?

Mr. THUNE. If I could have 5 minutes?

Mr. GREGG. I ask unanimous consent the Senate continue to debate this issue under the bill until 12:40, and that the 10 minutes from 12:30 to 12:40 be allocated to the Senator from South Dakota and the Senator from Oklahoma, and the time from now until 12:30 be for the Senator from Michigan.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, do I not control the floor?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GREGG. I yield my time off the bill to the Senator.

Mr. CONRAD. There was a unanimous consent. Mr. President, parliamentary inquiry: There was a unanimous consent request that was objected to.

Mr. GREGG. I have the right, do I not?

Mr. CONRAD. In terms of division of time. Look, we can sort this out.

Mr. GREGG. Let's sort it out. That is a better approach.

Mr. CONRAD. Let's do it amicably so we sort it out. I ask unanimous consent that the time from 12:35 to 12:40—no—12:25 to 12:30 be for Senator DURBIN. Then we come back to this side. How much time did Senator THUNE ask for?

Mr. THUNE. I say to the Senator from North Dakota that the Senator from California has offered a side-by-side amendment to the amendment I laid down yesterday. She spoke to that this morning. I wish to at least make some remarks with regard to my amendment. So 5 or 10 minutes would be what I would need to do that.

Mr. CONRAD. Would it be acceptable to the Senator to go from 12:30 to 12:35 or 12:36?

Mr. THUNE. That would be fine.

Mr. CONRAD. And then would Senator BOXER like to have time?

Mrs. BOXER. About 3 minutes, if I could.

Mr. CONRAD. From 12:36 to 12:39. Then to come back to Senator INHOFE? Would the Senator like time?

Mr. INHOFE. I would like the same time my chairman has. I am ranking member on the committee and I have some specific thoughts.

Mr. CONRAD. We could go from 12:39 to 12:42 with Senator INHOFE. Would that be acceptable? I ask unanimous consent: Senator DURBIN from 12:25 to 12:30; Senator THUNE from 12:30 to 12:36; Senator BOXER 12:36 to 12:39; Senator INHOFE from 12:39 to 12:42.

Mr. DURBIN. Mr. President, reserving the right to object, your wonderful construction here has eaten into the 5 minutes. I think there is 3 minutes left.

Mr. CONRAD. Five minutes——

Mr. GREGG. Give 5 minutes to everybody in sequence until they finish.

Mr. CONRAD. Five minutes for each Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I may be expressing a minority point of view, but I want to express it on the floor of the Senate. I happen to disagree with both sides on this. Do you think climate change is a problem? Do you think global warming is changing the planet we live on? Do you think there is a chance when our kids, 20 or 30 years from now, take a look at it, they are going to say: Where were you, Senator, in 2009, when you had a chance to do something about it, when you had a chance to try to take control of the mess that is being created in this environment? What happened to you that day, Senator?

Some Senators will be able to say: Oh, I was embroiled in a procedural fight on the floor of the Senate where we used words such as reconciliation and conference instructions, and at the end of the day we did nothing. Nothing—the same thing that has been done over and over again when we tackled big issues on the floor of the Senate. We find a way to twist ourselves in knots, we throw up scare tactics of sales taxes that are going to be unmanageable, and guess what. Another year under our belt, we will come back and see you next year, we will have another debate. In the meantime all of these Senators will be going to schoolchildren and people around America saying: We have to do something about global warming. We have to do something about climate change. I wish the Senate had the will. That is what this talk was all about.

These Republican Senators came to the floor, objecting to using a procedure that would bring us to a debate on global warming. They don't want to talk about it because there are a lot of people who will have to come up to the counter and be honest about whether we have a problem not just in this Nation but in this world. They don't want to face it honestly. They want to ignore it, and they want to scare the living blazes out of the people across America about the possibilities: We could have a national sales tax here and a tax here and a tax there. That is how you inject fear into the debate. That is what it is all about.

I think it is sad. Were we elected to do this, to find another excuse for another year to go by with doing nothing for my grandson, for kids across America and around the world, that this Nation will do nothing? Last November 4 we had an election and a big change in this town, and a majority of the American people said they are tired of a

Congress that does nothing. They want us to tackle health care. They want us to tackle energy issues. They want us to face global warming. They want us to create schools for the 21st century.

There is always an excuse: Maybe we can get to it later in the year, maybe next year, maybe after the next election.

That is what this was all about. It is whether we are going to honestly address this issue. The budget resolution before the Senate doesn't take us to that debate. That has been pretty clearly stated. But we could get to that debate, if the House says they want us to, through what is called reconciliation. But we saw these Republican Senators, many of whom think they are green and environmentally sensitive, stand up and try to put every blockade in the road to stop us from debating and passing legislation to deal with climate change and global warming. Shame on the Senate. Shame on the Senate for finding some reason, some excuse not to tackle this tough issue.

Will it be easy? Will it be popular? No way. It is going to be hard. But isn't that why we were elected, on both sides of the aisle, to face these hard and difficult issues? Somebody may lose an election over it, but isn't that what the democratic process is all about?

Republican Senators who got up, one after another, objecting to considering global warming as an issue under reconciliation, know that lessens the chances that any bill is going to be passed. They know this issue will be kicked down the road for the next year, for the next Congress, for the next generation. Can America afford to wait? Can this world afford to wait? Can't we see the ominous elements coming at us under the circumstances, the change in climate, the change in global warming that is bringing to this planet?

We know the reality. Unfortunately, we are going to ignore it today. But we better face it. We better face it, if we want to face our children.

I yield the floor.

The PRESIDING OFFICER (Mr. INOUYE.) The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that when we return at 2:15, after Senators who have the right to speak have completed their statements, the time between 2:15 and 2:30 be divided between the Senator from South Dakota and the Senator from California.

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

The Senator from South Dakota.

AMENDMENT NO. 731

Mr. THUNE. Mr. President, I would like to speak to an amendment I laid down yesterday on which there has been a side-by-side amendment offered by the Senator from California. In response to the comments of my colleague from Illinois, there aren't any Republicans who aren't prepared to debate the issue of climate change or energy policy. We just think it ought to be debated in regular order; that when the Senate does take on big consequential items such as this, it ought to be handled in the normal routine, in the way the Senate deals with big consequential issues such as the issue of climate change because it would have a profound impact on the American economy and on American households and families.

There isn't any resistance on this side to that. All we are saying is, it should not be used as a part of the budget process where you expedite this and sort of circumvent the normal rules and procedures of the Senate that would apply to big pieces of legislation. We want to debate that.

Frankly, there are lots of Republicans who are happy to have the debate on climate change, on cap and trade, but also want to make a part of the debate the cost. It is very easy to talk about throwing out different solutions to this issue or talking about the general issue of climate change, but when you start reducing the argument on cap and trade, it has profound economic consequences on the American economy. That is a part of the debate.

If we look at the question of whether climate change is occurring, if one answers that yes, and if human activity is contributing to it, and one answers that yes, we still have to get to the question, if those two points are true: What do we do about it and at what cost? We think that ought to be part of the debate.

The Senator from California has offered a side-by-side amendment to mine. I assume she concedes the point that it would increase electricity and gasoline prices. She adds to that the language ''or increasing the overall burden on consumers through the use of revenues and policies provided in such legislation,'' suggesting there would be some offsets that families who are affected by higher energy costs would benefit from.

If there are going to be additional revenues, they are coming from somewhere. This isn't an imaginary world. This stuff just doesn't appear. We are talking about real costs, real revenues.

I want to point out what the President himself said over a year ago about his cap-and-trade plan:

> Under my plan of a cap and trade system, electricity rates would necessarily skyrocket.

We cannot assume for a minute that there are not going to be enormous costs associated with the proposal of the Senator from California and the cap-and-trade proposal she put forward in the last Congress, of which the President was a cosponsor.

She referred earlier to MIT. Researchers there scored it at $366 billion a year or a cost of $3,128 to the average household. This has an economic cost. It has an impact on our broader economy, an impact specifically on American families and households and American small businesses.

I used data yesterday I had received from utility companies in my State about how this would affect their cost of doing business with regard to residential customers, small business customers, and large industrial users. We would see costs go up as much as 65 percent in some cases.

They used a typical school district. It would on an annual basis double their cost for electricity. These things have costs. That needs to be part of the debate because the American people deserve to know these things have costs.

We need to have a debate about climate change, but we ought to do it in a way that is in regular order, that allows committees to do their work and that contemplates what the costs and consequences of these policies are going to entail for the average person.

This is an amendment provided to give something for the Senator from California and Members on the other side to vote for. The fact is, a cap-and-trade policy will increase electricity and gasoline prices. Nobody disputes that. The question is how much. I happen to believe—as do many others—that the President understates it in his budget, $646 billion in revenue. There are those who believe it would be two or three times that amount. The President himself has said:

> Under my plan of a cap and trade system, electricity rates would necessarily skyrocket.

His OMB Director, Peter Orszag, has said this would all be passed on to consumers. Utility companies will not bear the cost. Corporate America will not. It will be passed on to customers in places such as South Dakota where a higher energy cost is the thing they can least afford these days when we have a bad economy to start with.

I hope when Senators come to vote on these amendments, they will bear in mind these votes have consequences. If they vote against my amendment, they are essentially saying that we are open to, and OK with, a reserve fund created under the budget, a climate change reserve fund that would lead to a lot higher electricity and gasoline prices. All my amendment says is, those gas and electricity prices cannot go up under a cap-and-trade proposal that might be adopted by the Congress and might be included in some reconciliation instruction that comes from a conference committee with the House.

Mr. INHOFE. Parliamentary inquiry.

The PRESIDING OFFICER. State your inquiry.

Mr. INHOFE. There was some confusion with the last unanimous consent request. I know I get 3 minutes. I ask the Chair, is that correct, and when will that happen?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am so pleased to have these 5 minutes to correct the record. First, Senator GREGG takes the floor and says he opposes a national sales tax; that is what cap and

trade is. I defy Senator GREGG to show me where there is a national sales tax.

This is what is so interesting. A cap-and-trade system was invented in America to fight acid rain. It has been one of the most successful programs. For acid rain, we used the cap-and-trade system, and it has worked. By the way, it has worked in the State of Senator GREGG.

The other thing I want to put in the record is, Senator GREGG made a statement to my committee in January 2007. He said:

I believe Congress must take action to limit the emissions of greenhouse gases from a variety of sources. The overwhelming scientific data and other evidence about climate change cannot be ignored. It is for this reason I have been a strong advocate for mandatory limits on greenhouse gases.

I ask unanimous consent that this statement be printed in the RECORD.

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

FULL COMMITTEE: ''SENATORS' PERSPECTIVES ON GLOBAL WARMING''

(By Senator Judd Gregg (submitted written testimony, Jan. 30, 2007))

Climate change is one of the most serious environmental problems facing our planet. It touches nearly everything we do. Our climate is inextricably linked to our economy and heritage of our nation. Climate change affects where we live, where our food is grown, the severity and frequency of storms and disease, and many of our industries, including tourism, forestry, and agriculture. In New Hampshire, folks are already concerned with its impact on skiing, forestry, maple production, tourism, and outdoor recreation. In fact, the state was the first in the nation to pass a law in 2002 requiring carbon dioxide emissions reductions from power plants. Today, approximately 50 towns in New Hampshire are poised to vote in March on a resolution seeking the establishment of a national greenhouse gas reduction program and additional research into sustainable energy technologies.

States alone can not solve this problem. I believe Congress must take action to limit the emissions of greenhouse gases from a variety of sources. The overwhelming scientific data and other evidence about climate change cannot be ignored. It is for this reason that I have been a strong advocate for mandatory limits on greenhouse gases, and I will continue working with my Senate colleagues on legislation.

For the last four years, I have worked with Senators Carper and Alexander and others, on legislation which would reduce carbon dioxide and other emissions from power plants. The Clean Air Planning Act, which I have cosponsored, would address our nation's critical air pollution problems in a way that curbs greenhouse gas emissions, enhances air quality, protects human health, and facilitates a growing economy. This legislation reduces the four primary emissions from power plants: sulfur dioxide (a contributing factor in lung and heart disease) by 80 percent; nitrogen oxide (associated with acid rain and regional haze) by 69 percent; mercury emissions (associated with fish contamination and birth defects) by 80 percent; and carbon dioxide emissions (linked to climate change) by establishing mandatory caps. This bill would protect the quality of air we breathe and the climate we live in, while simultaneously stimulating the economy and protecting human health. I hope to reintroduce this bill with my colleagues in the coming weeks.

However, power plants are just part of the solution. That is why I have supported economy-wide, market-based approaches, such as the Climate Stewardship Act's ''cap and trade'' system, as reasonable ways to rein in carbon dioxide without undue harm to the U.S. economy. I also believe we need to reexamine the issue of vehicle emissions, a substantial contributor to the global carbon budget, and consider increasing the corporate average fuel economy standards for motor vehicles.

I appreciate the Committee's attention to this issue and I look forward to working with my colleagues on both sides of the aisle to draft climate change legislation which protects our environment and stimulates our economy.

Mrs. BOXER. Now he is here trying to do everything he can to block us from taking action to reduce greenhouse gas emissions.

Then we have Senator THUNE arguing that we are going to see taxpayers take a huge hit, consumers take a huge hit, if we pass global warming legislation. Where was Senator THUNE when gasoline prices in my State reached almost $5 a gallon? That wasn't because there was cap and trade. We had no cap and trade. What happened? We saw gas prices go from $1.50 to $5. We saw the biggest increase in history under George Bush as President on gas prices.

Was it about cap and trade? Obviously not. We had no cap and trade. It was speculation in the market. Where was my friend Senator THUNE with all kinds of amendments? He wasn't here. Where was my friend Senator THUNE and my friends on the Republican side when Enron was speculating and price fixing and saying they didn't care if old ladies went broke? Nowhere. That had nothing to do with cap and trade.

I am going to list some of the corporations that support a cap-and-trade system: Alcoa, BP America, Caterpillar, Chrysler, Conoco, Deere, Dow, Duke Energy, DuPont, Ford Motors, General Electric, Johnson & Johnson, PepisoCo, and so on. Even Shell Oil understands if we want to have a future, we better stand up and be counted.

Here is the point: My colleagues are doing everything they can to narrow our options on how we deal with climate change. As chairman of the Environment Committee, I want all the options at my fingertips. If colleagues don't want to do it, I understand it because, guess what. Game over. We are already fighting back. EPA is getting ready because the Supreme Court told them they had to make sure greenhouse gas emissions were reduced under the Clean Air Act. They were sued. The Bush administration said: No, greenhouse gases aren't covered under the Clean Air Act. Wrong. So the EPA is off and running. They have to be or they will be sued again. They are already working to see that greenhouse gas emissions are reduced.

Are States? A majority of States are involved. A lot of States have their own cap-and-trade system. The Northeast corridor, the west coast, they are working with Canada, Europe, and everybody else.

If my Republican friends want to put their head in the sand and have the Senate be the only place in the world that isn't taking action on global warming, be my guest. The train has left the station. The EPA is doing its work. California and 19 other States are working to get a waiver so they can cut back on greenhouse gases in terms of motor vehicles. In New England, they have their own cap-and-trade system. The Midwest is working with Canada.

If my friends want to stand around and listen to the minority witness who said: Don't worry about it. There were times in history when carbon was 1,000 parts per million, and everything was fine. But when we pressed him, he admitted the only life on Earth then was dinosaurs. I knew the people who are against this were looking backward, but I didn't realize they were going back that many years when only dinosaurs roamed the Earth.

I will fight hard to keep all our options on the table. We are fighting back, and we will eventually be victorious because mankind is depending on us.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I appreciate the fact that I will have 5 minutes. However, I have to say, after listening to my counterpart, the chairman of the Environment and Public Works Committee, I have rewritten my speech.

First of all, let me make a couple comments about her comments. When gasoline was $5 a gallon, or approaching that, out in California, there was a reason for that, a reasonable justification at that time. It is that old thing most of us who are in earshot right now learned years ago; it is called supply and demand. Our problem is, the Democrats have restricted our ability to exploit our own natural resources. We have a moratorium on offshore drilling to make it more and more difficult. So as they restrict our ability to produce oil and gas, obviously, it is a supply and demand thing, and the demand is going to go up and the price is going to go up. It is a very simple principle.

I think it is also interesting to talk a little bit about the cap-and-trade thing. We keep hearing that for acid rain, cap and trade worked. For acid rain, there were two differences. First of all, there was a technology that was workable at that time. We had a technology that said: We know how we can restrict it. Of course, there is no technology in terms of greenhouse gases in using cap and trade. The second thing is, in the acid rain situation, there were about approximately, at most, 1,000 sources. Here, there are literally millions of sources. So there is no way we can actually get involved in this and understand just how many sources there are out there. It would be life-

changing for virtually everyone in our country.

The third thing, when the Senator from California was talking about the national sales tax, that it is not a national sales tax, we hang around Washington so long that we lose sight of the fact that if you are a poor person out there and you are spending half of your expendable income on driving your car and heating your home, and all of a sudden they double the cost of that, that is a tax increase; when you increase the cost of energy in America, it is not only an increase in a tax, but it is also regressive because those who have the least income are going to be spending a greater amount of their income on the purchase of energy.

The Senator from Illinois talked about global warming and all this and about the science. I will not get into the science thing because even though the science is mixed on this, even though there are quite a number of scientists who say there is not that relationship, that anthropogenic gases, CO_2, methane, are not the major cause of global warming—or if global warming really exists—explain that to the people in Oklahoma. We had the largest snowstorm in the history of March 3 days ago. But nonetheless, we will go ahead and say: Well, for the sake of the debate on global warming, we could concede the science, even though the science is not there. The reason we can do that is we want people not to be distracted from the economics of this thing, what it really costs. This is one of the problems I have now.

The administration has talked about all the expenditures that are going on. We talked about the $700 billion bailout. We talked about the $787 billion stimulus plan. One thing about that is those are one-shot deals. The problem with this is, once you impose this cap-and-trade tax on the American people, this is every year. This is something that is not going to be just one time. I can remember arguing against the $700 billion bailout. I said: If you take the number of families who file a tax return and do your math, it comes to $5,000 a family. That is huge. But at least it is only once. This would be, as the Senator from South Dakota said, $3,000 a family every year. That is what we are talking about now.

When the administration came out and said it was $646 billion, that is probably understated about 1 to 4. The amount of money we know it is going to be in terms of all the studying that has taken place is around $6.7 trillion between now and 2050—$6.7 trillion. We had the other two bills up—when we had the McCain-Lieberman bill, that range was somewhere around $300 billion a year. When we had the Lieberman-Warner bill, that was a little bit more. When we had the Sanders-Boxer bill, that was about $366 billion a year. So the price tag goes up and up.

If we were to allow this to happen, this would be the largest single tax increase in the history of America. We cannot let that happen without going through the procedures, the normal procedures the Senate has provided.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

RECESS

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

Thereupon, the Senate, at 12:50 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—Continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 731

Mrs. BOXER. What is the order right now?

The PRESIDING OFFICER. The time until 2:30 is equally divided.

Mrs. BOXER. I am happy to yield to my friend if he would like to, and then I will close the debate.

Mr. THUNE. How much time do we have equally divided right now?

Mrs. BOXER. Six minutes.

The PRESIDING OFFICER. Three minutes 30 seconds.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, we are going to have a vote in just a few minutes on an amendment I offered yesterday, and now there is a side-by-side offered by the Senator from California which tries to modify my amendment in a way that gives folks who want to be able to vote for something, something to vote for when, in fact, my amendment is the one that is very simple and straightforward. That is, if we have a reserve fund created for climate change, the revenues coming into that fund obviously are going to be significant: $646 billion, if the President's budget is accurate, and much more than that by many other analyses that have been done. It simply says that cannot be used to increase electricity rates or gasoline taxes on the American consumer.

So what I would hope that my colleagues will bear in mind when we vote is that any cap-and-trade system that is put in place is going to have a significant increase in energy costs in this country. You can call it what you want—a lightbulb tax, a national energy tax—but it is pretty clear that is going to be the case. The President, a year ago, even made the same argument: ''Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.'' That is a direct quote.

All of the studies that have been done have suggested that this could cost anywhere from, as CBO said, $50 billion a year to $300 billion a year; MIT said $366 billion a year. An enormous amount of money is going to come into the Federal Treasury by any form of cap-and-trade bill that is passed here in the Congress. It just depends on how rigid or how restrictive the caps are as to what that cost is going to be, and there are several other bills that are out there.

What I wish to point out, however, is that the Senator from California—her bill, S. 309 from the last session of Congress, actually designates seven different funds that the revenue would go into. What her amendment would say is that a lot of these revenues would go back in the form of some assistance to consumers in this country, but, in fact, if you look at her legislation, there are seven different funds that it goes into. Essentially, what her bill would do is take all of these revenues that are going to come into the Federal Treasury and distribute them through Government agencies to all of these different areas, including the climate change worker training fund; the adaptation fund, whatever that is; the climate change and national security fund; the Bureau of Land Management emergency firefighting fund; the Forest Service emergency firefighting fund; and the Climate Security Act management fund. Those are six of the funds that are listed in her bill as uses of revenues that would be derived from a cap-and-trade and national energy tax that would be imposed upon the American consumers. Again, I point out that MIT, in their analysis of her bill, said it would cost the average household in this country an additional $3,128 annually in energy costs.

The President himself has said: ''Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.'' Nobody disputes the fact that rates are going to go up. What we are saying is that shouldn't happen; we can't do that, particularly now at a time when the American economy is struggling and most Americans are having to tighten their belts already. To impose a huge national energy sales tax on American consumers would be very ill-timed.

Frankly, I don't believe for a minute that any of the revenues that come in as a result of the imposition of that national energy tax are going to be used to refund the American consumers. There is a $400 and $800 tax credit the President has put in place, but that is a fraction—a fraction—of the amount of the revenue that is going to come in.

So I hope my colleagues will support my amendment and vote against the side-by-side that is being offered by my