

Mr. DORGAN. Would the chairman of the committee yield? Is it not the case that most of the amendments, perhaps 90 percent of the amendments we have voted on today, would have no real policy implications?

Mr. CONRAD. That is probably a pretty fair estimate. The Budget Committee does not have the authority to tell committees of jurisdiction the specifics of legislative outcomes. These are message amendments, and the truth is, we all do it. We do it on both sides. But I have to say to my colleagues, it has run amok this year. For some reason this year we have hundreds of amendments out there, and people are just stuck. Even when they could get a voice vote and it pass, they still want votes. We have had votes that were nine in opposition. But that is a Senator's right.

Mr. DORGAN. If the Senator would yield further for a question, might it not be advisable, given the fact that most amendments have no policy implications at all, if they are made to the Budget Act, just to accept all amendments en bloc by UC and discard all of those without merit once you get to conference?

Mr. CONRAD. The problem is, that would take unanimous consent. It is very clear we cannot get unanimous consent.

Is Senator COBURN in the Chamber? I ask unanimous consent that we set aside for a moment the Stabenow and Bond amendments for the purpose of going to the Coburn amendment because I am told that Senator COBURN would be willing to take a voice vote; is that correct?

Mr. COBURN. I would take it by unanimous consent.

Mr. CONRAD. Even better. I ask unanimous consent that the Coburn amendment, No. 894, be adopted.

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

The amendment (No. 894) was agreed to, as follows:

(Purpose: To provide a deficit-neutral reserve fund to set performance standards to identify failing Government programs)

On page 49, between lines 3 and 4, insert the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR SETTING PERFORMANCE STANDARDS TO IDENTIFY FAILING GOVERNMENT PROGRAMS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would develop performance measures for each program receiving Federal assistance under their jurisdiction, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

AMENDMENT NO. 879

Mr. CONRAD. I thank our colleague. That takes us back to Stabenow amendment No. 879.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Michigan [Ms. STABENOW], for herself, Mr. BROWN, Mrs. BOXER, and Mrs. SHAHEEN, proposes an amendment numbered 879.

The amendment is as follows: (Purpose: To modify the authorization for climate change legislation)

On page 33, line 20, strike "or help" and insert "create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply to increase the energy security of the United States, protect consumers (including policies that address regional differences), provide incentives for cost-savings achieved through energy efficiencies, provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere, and help".

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Ms. STABENOW. We have had a number of votes that indicated what we should not do as it relates to a climate change policy. This is about what we should do. I believe, just as with any piece of legislation, if it is done right, it can be very positive.

I believe it can be about creating jobs and revitalizing the economy. I would like to thank Senators BROWN, BOXER, and SHAHEEN for supporting this amendment which lays out a framework for a balanced climate change policy to create jobs and a clean technology economy, strengthening manufacturing competitiveness, diversifying domestic clean energy supplies, protecting consumers, including policies that address regional differences, provide incentives for cost savings achieved through energy efficiencies, and allowing voluntary opportunities for agriculture and forestry to participate in this process of lowering greenhouse gases.

I ask for support from my colleagues.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. Would the Senator take a voice vote?

Ms. STABENOW. My question, I guess, through the Chair would be, is Senator BOND also willing to take a voice vote on his amendment?

Mr. BOND. Madam President, my amendment shoots with real bullets. It provides a Budget Act point of order for any climate change legislation that brings in more revenue than that set forth in the budget resolution.

So it does—if that will be accepted by voice vote, it is creating a new Budget Act point of order. We would like a vote. But it does have real teeth.

Mr. CONRAD. I would just say to the Senator, we would be willing to take yours on a voice vote, Senator STABENOW's on a voice vote, then go to the Bennett for a vote. And we could take a break because people have not had a break.

We have voted on this over and over and over. I do not think the record could be more clear.

Mr. BENNETT. Madam President, assuming a voice vote means approval, I am willing to take a voice vote.

Mr. CONRAD. That is in a separate category. We will have a vote on yours.

Mr. GREGG. We will vote on both. Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 879.

The clerk will call the roll. The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—73

Akaka	Gillibrand	Nelson (FL)
Baucus	Graham	Nelson (NE)
Bayh	Grassley	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Hutchison	Risch
Bond	Inouye	Roberts
Boxer	Johanns	Rockefeller
Brown	Johnson	Sanders
Brownback	Kaufman	Schumer
Burr	Kerry	Shaheen
Burriss	Klobuchar	Snowe
Byrd	Kohl	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Thune
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Crapo	Martinez	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—25

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bunning	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Inhofe	Vitter
Cochran	Isakson	Wicker
Corker	Kyl	
Cornyn	Landriou	

NOT VOTING—1

Kennedy

The amendment (No. 879) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

RECESS

Mr. REID. Mr. President, I have conferred with the Republican leader. I have conferred with the two managers of the bill.

I ask unanimous consent that the Senate stand in recess until 6 o'clock this evening.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object, if we could have the attention of the Members so we can explain what we are trying to do. I say to Senator BOND, yours will be the first vote when we come back. I say to colleagues, we need to take a break to try to put together a managers' package and determine the final amendments that require a vote. That will take a little bit of time to best organize so we do not waste everyone's time. In addition, some people have not had a break who have not eaten. They have not had any breaks since 11 o'clock this morning, especially the staff. We wish to emphasize we need to take this 45-minute break.

Members who have multiple amendments, at least with respect to our side, are going to have a much better chance getting some amendment accepted if they are a little reasonable on their other amendments; in other words, prioritize, please. Let's try to work down. Some people have six amendments remaining. We need to try to prioritize. During this period, if people who have remaining amendments can come to us and tell us what are their priorities; we can't do them all.

I thank the Chair and yield the floor. We will resume at 6 o'clock.

The PRESIDING OFFICER. Without objection, the Senate stands in recess until 6 o'clock.

Thereupon, the Senate, at 5:19 p.m., recessed until 6:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

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

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

#### AMENDMENT NO. 926

Mr. BOND. Mr. President, I call up amendment No. 926 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 926.

Mr. BOND. Mr. President, 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 protect workers from significant job loss by providing a point of order against climate change or similar legislation that raises Federal revenues to such an extent that it causes significant job loss in manufacturing- or coal-dependent U.S. regions such as the Midwest, Great Plains or South)

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

#### SEC. \_\_\_\_ . POINT OF ORDER AGAINST LEGISLATION THAT CAUSES SIGNIFICANT JOB LOSS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and (2) would cause significant job loss in manufacturing- or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

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

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

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, this amendment provides a new point of order to prevent climate change legislation from raising more revenue than in the resolution, killing jobs in the coal and manufacturing-dependent regions of the United States, such as the Midwest, the Great Plains, and the South.

There is no question climate change legislation will raise trillions of dollars in Federal revenue through its Government auction of carbon allowances.

President Obama said "electricity rates would necessarily skyrocket."

This new energy tax will kill jobs in energy-intensive sectors such as manufacturing, auto assembly, steel, cement, plastics, glass, and fertilizer.

Experts predicted last year's Lieberman-Warner cap-and-trade bill would have killed 3 million to 4 million jobs. The Northeast and west coast will avoid the full impacts because they rely on lower carbon natural gas to generate electricity. However, climate legislation will hit hard the coal and manufacturing-dependent Midwest, Great Plains, and South.

I ask my colleagues to protect our workers by supporting this amendment.

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

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, on behalf of the Senator from Michigan, Ms.

STABENOW, who had the time in opposition, I wish to indicate that what the Senator is talking about is not part of the chairman's mark. The chairman's mark provides an energy initiatives reserve fund. It is entirely up to the committees of jurisdiction what legislation they write to reduce our dependence on foreign energy, to deal with global climate change. This resolution makes absolutely no determination about what those committees will report. The effect of this amendment, to me, is a nullity because it is creating a budget point of order against something that does not exist in the chairman's mark.

I ask my colleagues to oppose this amendment, on behalf of Senator STABENOW.

Mr. BOND. Will the Senator yield?

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

The question is on agreeing to the amendment.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 142 Leg.]

#### YEAS—54

Alexander	Dorgan	Martinez
Barrasso	Ensign	McCain
Baucus	Enzi	McConnell
Bayh	Feingold	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Pryor
Brownback	Gregg	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Specter
Collins	Kohl	Tester
Corker	Kyl	Thune
Cornyn	Landrieu	Vitter
Crapo	Lincoln	Voivovich
DeMint	Lugar	Wicker

#### NAYS—44

Akaka	Gillibrand	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

#### NOT VOTING—1

Kennedy

The amendment (No. 926) was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.