

has to be shown that this bill is not going to be the answer. The only way to both fund the government and provide middle-class relief is for Democrats and Republicans to get together, as the Democratic leader has said, almost until he is blue in the face.

Mrs. McCASKILL. With all due respect to my friend and colleague from New York, I thank him for the answers, because I was confused that the Republicans are keeping us from voting on a Republican bill. But it is not the House we need show anything. We have a tendency around here to get focused on the back and forth among ourselves. It is the American people we need to show that we are capable of standing up, casting a vote, seeing whether it passes or fails, and then negotiating and finding a way forward.

I would say to my colleague from New York, if the Republicans in the Senate are not willing to vote on their own legislation, then you have got to scratch your head.

I thank the Senator for the opportunity.

Mr. SCHUMER. Reclaiming my time, I would accept the modification of my argument made by the Senator from Missouri. The point, of course, we both agree on is we ought to vote. We ought to do it to show the world, whether it is the House, Senate, American people, or anybody else. That makes a great deal of sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleague from New York and colleague from Missouri for putting in context where we are today. But let's take one step back and look at what is the issue. The issue is basic: Will the payroll tax cut that currently helps 160 million Americans continue after January 1? That is the underlying question.

After all of the back and forth and politics, we believe it should. The President believes it should. Economists tell us that is the way to help us out of a recession and create more jobs. We have come up with a way to pay for it so it will not add to the deficit. Our proposal: a surtax on the wealthiest Americans, not on the first million dollars in income each year but on their second million dollars in income, a surtax.

We ask across America: Do you think that is fair to ask that sacrifice? Overwhelmingly, not just Democrats, Independents, Republicans, tea party Republicans believe that is fair. But, unfortunately, many on the Republican side are indentured political servants to a Washington lobbyist named Grover Norquist. They have signed an oath that they believe supersedes any other oath, to the Constitution or to the people they represent, that they will never, ever vote for a tax increase for the wealthy—not one penny. Not one penny.

So they wanted to stop the extension of this payroll tax cut for working fam-

ilies. They came up with a bill in the House of Representatives. The bill in the House of Representatives passed last night. It is so bad that the Senate Republicans will not let us bring it to the floor for a vote. They know what is going to happen. We saw it in the last 2 weeks. The Presiding Officer can remember. Senator HELLER of Nevada put up a Republican alternative on the payroll tax cut, and on the first vote, out of 43 Republicans, 20 supported his measure, and out of the Republican leadership team, only Senator MCCONNELL voted for it. Clearly this is not a popular approach, even when it is written by Senate Republicans.

Now the House Republican approach is so unpopular they will not even call it on the floor—so unpopular. If anyone is wondering whether we are going to get home for Christmas, they should have listened to this exchange this morning, when the Republicans refused to even call their own vote.

I agree with the Senator from Missouri. We owe to it the American people to get to the bottom of this, and quickly, to assure them January 1 the payroll cut will continue for working families across America, to assure them that we will maintain unemployment benefits for the 14 million unemployed Americans struggling to find jobs—4 unemployed for every available job. It is basic that we need to do this, and if we are going to get down to it, then I am afraid our Senate Republican colleagues have to accept the reality.

There comes a moment for a vote. This is the moment, the vote on whether we are going forward to make sure that we extend the payroll tax cut for working families in a fair way. That is what is at hand.

BALANCED BUDGET AMENDMENT

Mr. DURBIN. Madam President, in about 30 minutes, we will have a rare chance on the floor of the Senate—it does not happen often. We will have consideration of two efforts to amend the Constitution of the United States. We all take this seriously. Each one of us, before we could exercise our responsibility as Senators, swore to uphold and defend that Constitution. Now we are being asked to amend it.

How often have we amended the Constitution? In the past 220 years since we passed the Bill of Rights, we have amended it 17 times: to abolish slavery, to give women the right to vote, significant historic decisions. What comes before us today are two amendments which, frankly, do not stand the test of whether they meet constitutional standards.

I am going to vote against both. I thank my colleague, Senator UDALL of Colorado, for offering a version. Senator MCCONNELL, Senator HATCH have offered their own. I do not believe either one of them is right for America. Here is what it comes down to. If we pass either of these constitutional amendments, we will be forced to cut

government spending at exactly the wrong moment in time when it comes to our economy. When our economy is in trouble, revenues are down, we step in with stabilizers to try to make sure that we keep families afloat during difficult times and restore our economy to growth. Those stabilizers are threatened and endangered by these balanced budget amendments.

Secondly, the enforcement of these balanced budget amendments will be by our Federal courts. Can you imagine? Can you imagine that the day after we pass a budget, lawsuits spring up across America in the Federal courts challenging whether we have exceeded the constitutional requirement that no more than, say, 18 percent of the gross domestic product be spent, arguments that there has been a miscalculation? How long will that take to resolve in court and what happens to America in the meantime?

Then what remedies do the courts have? The Republicans have made it clear, because of their view, one of the remedies cannot be extending taxes on the wealthiest in America. They never want that to happen. Now they want to enshrine that theory in the Constitution. Turning to our courts for enforcement of spending is, in my mind, a direct violation of the spirit and letter of the law in the Constitution which gives to Congress exclusively the power of the purse. It is a bad idea. It is certainly not one we should support.

I also want to say that this approach is unnecessary. There comes a time—and we have reached it—when we need to have the political will, in a bipartisan fashion, to deal with our country's problems, whether it is the tax cut, extending the government's life into the next fiscal year, or dealing with our long-term deficit. It takes political will, maybe even political courage. It does not take a constitutional amendment.

Let's defeat both of these amendments. Let's show our respect for this Constitution that we have sworn to uphold and defend and not pass something that has not been thought through that may, in fact, harm America rather than help it.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

BALANCED BUDGET AMENDMENT

Mr. GRASSLEY. Madam President, the need for a balanced budget amendment is very great. You know how the national debt now is reaching a point where, if we don't intervene with a constitutional requirement for a balanced

budget, it is going to become unsustainable. Statutes have not controlled deficit spending.

I was an author of one of those statutes—former Senator Harry F. Byrd of Virginia and I as a Member of the House—back in 1979. For 15 years that law was on the books, and never in those 15 years was there a balanced budget amendment. It makes it very clear that laws will not control deficit spending.

I concluded a long time ago, as I voted on previous constitutional amendments requiring a balanced budget that didn't pass, that a constitutional amendment is a must to provide Congress with the necessary discipline. The example right now in Europe of their fiscal and deficit situation is sobering. Nations that allow debt to grow out of control risk default. One of those countries is practically in default. If we don't take effective corrective action, the European future could be ours and sooner than we think.

Each generation of Americans has enjoyed a brighter future than the previous generation. The failure of Congress to tame the deficit and the debt threatens the American dream for our children and grandchildren. The Constitution was designed to secure the blessings of liberty not only for ourselves but also for our children. This makes balancing the budget not just an economic issue but a moral issue as well, and creates a moral obligation to take action. A constitutional amendment is not only a first step in that direction but it will make sure the discipline is binding in future years.

The balanced budget amendment will enforce a lower debt. Members taking an oath to adhere to its provisions guarantees greater fiscal discipline than what we have without that constitutional provision. They will take that oath seriously, just as is the case for the 46 State constitutions that contain requirements their State legislatures balance their budgets. We always say the State legislatures and States are the political laboratories for our system of government. We ought to take the results of those laboratories and put them to use at the Federal level. I am urging my colleagues to vote for the resolution before us, which is S.J. Res. 10.

There have been complaints this resolution would transfer to the courts the power of the purse, but that is a misreading of S.J. Res. 10. The amendment prohibits the courts from raising taxes. The doctrine of standing, the doctrine of ripeness, and the doctrine of political question will prevent courts from deciding cases under the amendment.

This is a lesson we should have learned. I think it was 1997—nearly 15 years ago—when this body failed by one vote—and I am ashamed to tell you it was one Republican not voting for it—to enact such a constitutional requirement. But it didn't pass. If it had

passed, we wouldn't be in the fiscal situation we are in right now. I urge my colleagues to vote for S.J. Res. 10.

I yield the floor.

Mrs. BOXER. Madam President, I oppose the two balanced budget amendments before us. Senator HATCH's proposal would cap spending at 18 percent of gross domestic product, forcing deep cuts to Social Security and other critical programs. Senator UDALL's alternative, while less extreme, is still not a proposal I can support.

I have consistently opposed balanced budget amendment proposals because Congress doesn't need a constitutional amendment to balance the budget. We have done it before.

In the 1990s, during President Clinton's term, we not only balanced the budget, but we created surpluses and 23 million new jobs. We cut wasteful spending, made smart investments, and ensured that everyone, including the wealthiest, paid their fair share.

In 1993, we passed a budget plan without a single Republican vote. By 1998, the budget had come into balance, and as President Clinton was leaving office in 2001, budget analysts were predicting surpluses as far as the eye could see.

Unfortunately, the Bush tax cuts and two wars put on a credit card created huge deficits.

To get our country back on a path to fiscal responsibility, we don't need a balanced budget amendment. That is why the Senate has voted down balanced budget amendments many times—most recently in 1995, 1996, and 1997. Instead, we need the political will to come together and make responsible choices for our country's future.

Many economists believe that balanced budget amendments are bad policy because they limit the ability of the Federal Government to respond during times of economic crisis and recession.

Limiting our ability to make smart, job-creating investments is no way to set a foundation for our country's long-term economic growth.

Finally, while these proposals include exceptions for times of war, there is no exception for natural disasters. A minority of Senators or Representatives could block Federal assistance for any disaster, no matter how severe.

I urge my colleagues to join me in rejecting this balanced budget amendment and recommitting ourselves to our duty as a Congress to promote fiscal responsibility and economic growth.

Mr. CHAMBLISS. Madam President, I rise today in full support of a balanced budget amendment. I am proud to be a cosponsor of S.J. Res. 10, along with all of my fellow Republicans.

Shortly, the Senate will vote on two proposals for balancing the Federal budget. One of those proposals, offered by my colleague from Utah, Senator HATCH, will provide a strong and meaningful change to the way this Congress performs its spending function.

I thank the Senator for his continued hard work on trying to balance the

budget, something he has been working on since 1995. Unfortunately, he, like all of the Members of this body, has seen the recent and disconcerting rise in debt.

It is appalling that we continue to head down a path to destruction and fiscal lunacy. The American people are fed up with this. How do we know that? Recent polls say that only 9 percent of the population believes in the spending path Congress has chosen.

For the fiscal year ending September 30, 2011, we had in excess of \$1.3 trillion in deficit spending. In November of this year we surpassed \$15 trillion in total debt. This rampant overspending will not end without a drastic change—without taking away the power to overspend.

Not only have the American people told us this, our financial markets have told us this as well. Unbearable debt in the European markets is depressing our domestic financial markets. If left unchecked our own debt will continue to lower economic outlook.

It is reprehensible that an issue of this magnitude and significance is subject to the partisan bickering and gamesmanship that often rears its head in politics.

I encourage my colleagues to give solemn consideration to the proposal before us, as it will turn us immediately away from our overspending.

We have to truly examine issues that are very difficult for a lot of us to deal with, and we have to make some very tough decisions.

Too frequently, we have engaged in political theater instead of earnest efforts to resolve these long-term budget issues. The American people expect and deserve an honest budget debate and an honest budget process. When we pass this legislation and it is ratified by the States, the American people will finally get an honest budget, and they will get it every year.

As many of my colleagues have noted, the idea of preventing a burdensome and crushing debt for future generations is a thing of the past. The time is now. The crisis is now. Congress has been shirking its budget responsibilities for so long that we are now the ones feeling the effects of the debt.

I would like to take a moment to talk about some of the things the Republican proposal accomplishes. The President will continue to submit his yearly budget proposal—a budget proposal that is not only balanced but limits the size of the Federal Government to 18 percent of GDP. By comparison, last year spending was at almost 24 percent of GDP.

Further, this legislation requires a supermajority to surpass the spending caps for things like emergency spending. We will end a longstanding budget gimmick of government spending in the name of emergencies for things that are not truly emergencies.

The rules would be even stricter governing spending of money in times of

war instead of the general exemption we have now. This proposal will also force Congress to fix and save Social Security.

Finally, one of the most important parts of this proposal is that a two-thirds vote of each House is required to increase taxes, helping prevent higher tax rates to pay for balancing the budget.

We can no longer allow the American people to suffer by not providing the economic basis for recovery and growth. The equation is simple: A balanced Federal budget that is free of excessive debt leads to a healthy economy and sustainable job-creation activities.

Mr. LIEBERMAN. Madam President, I rise today to speak about the two balanced budget amendment proposals currently pending before the Senate and to explain why I will vote against both even though I support a balanced budget amendment.

I fervently believe that the most pressing issue our country faces today is the need to gain control over the staggering Federal deficits and long-term debt that threaten our security. In thinking about the budget challenges we faced over the past year, I have often been reminded of something our second President said two centuries ago that remains hauntingly true today: "There are two ways to conquer and enslave a nation," as President Adams put it, "One is by sword and the other is by debt." President Adams' words have been echoed in our time by former Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, who argued earlier this year that the national debt is the greatest long-term threat to our national security.

We can all agree that we must take on the challenge of addressing our deficit and debt. At the same time, as we have seen again and again over the past year, making tough choices is not an easy thing to do. Any responsible deficit reduction proposal will, by definition, be painful and unpopular because raising revenues and cutting benefits and favored Federal programs is painful and unpopular.

I am prepared to vote for a plan similar to that proposed by the Bowles-Simpson Commission, the Gang of 6, or the Rivlin-Domenici group because I believe this approach is responsible and addresses the toughest challenges we face head-on. Also, I would support a clean balanced budget amendment, which would compel Congress to make tough choices to raise revenues as necessary, rein in spending, and balance our budget.

However, the two proposals we are considering today, in my opinion, are problematic and marred by extraneous and ill-advised provisions that should never be part of our Constitution. These votes say so loudly how dysfunctional Congress has become. I want to vote for a balanced budget amendment that says clearly that Federal Govern-

ment spending cannot exceed revenues. Yet I can't vote for either of these amendments because each contains a partisan part that does not belong in our Constitution.

I do not take the idea of amending our Constitution lightly. As we consider these amendments, let's not forget that our Constitution is the supreme law of our land; it reflects America's first principles and highest ideals, guaranteeing the fundamental rights that have been the cornerstone of the freedom and opportunity at the heart of the American experience since our founding.

However, given the dire fiscal situation we face—coupled with the reality that time and again Congress has been unable to break away from its partisan gridlock to make the painful but necessary decisions that must be made to save our Republic—amending the Constitution may be the only way to compel a balanced budget.

I have come to this conclusion first because it is clear that our budget process is clearly broken. The truth is that we in Congress have failed to uphold our foremost constitutional duties: managing our budgeting process. With annual deficits over \$1 trillion and our national debt increasing over \$4 billion each day, this is no time for Congress to flout the very laws we established to keep our country's fiscal health afloat and manage the budget process responsibly.

I am speaking in particular about the framework for our budget process which was first enacted into law in 1921 when Congress established the annual budgeting requirement and later in 1974 when the formal process for establishing a coherent budget was enshrined in law.

The failure to pass a budget resolution for the past 3 years is symptomatic of the deep problems we face with regard to our budget, deficits, and debt. Likewise, statutory attempts such as pay-go have not produced the kinds of results we need. At the same time, as we have seen over the past several months, Republicans and Democrats cannot seem to agree on how to reform entitlements—the biggest driver of our debt and deficits—or reform the Tax Code to ensure that our tax system is fair for most Americans, less deferential to special interests, and able to sustain the financing of our country's priorities over the long term.

It is regrettable that it has come to this, but it seems that perhaps the only way to get Congress to balance the budget is to make it a constitutional requirement.

Unfortunately, both proposals before us today are marred by extraneous and, in my view, ill-advised and unnecessary provisions. The Republican version, for example, would require that total outlays for any fiscal year not exceed 18 percent of GDP and a two-thirds majority vote in both Chambers would be required to override this requirement. I believe it is unwise to impose, as part

of our Constitution, an arbitrary spending cap that would handicap future Congresses without regard to the unknown economic realities that future generations of Americans may face. Unless we can see into the future, we should not be in the business of predicting what level of spending will be appropriate 25 or 50 years from now.

Furthermore, the Republican proposal prohibits any bill that increases Federal taxes from becoming law unless it is approved by a two-thirds majority of both Chambers. This provision essentially gives extraordinary constitutional protection to potentially egregious tax loopholes and revenue-draining tax expenditures—the same parts of the Tax Code we have been trying to reform.

Likewise, the Democratic balanced budget amendment is not without its own faults. A provision prohibiting Congress from passing any bill that provides a tax cut to millionaires during a year that we run a deficit is not a statement that needs to be part of our Constitution. Moreover, the Democratic alternative exempts Social Security, which would essentially prevent Congress from reforming the program, which I believe it essential to ensure its solvency for generations to come.

On the whole, both the Republican and Democratic balanced budget amendments are short-sided for different reasons. Instead of focusing on the single task of providing a balanced budget requirement, ideological arguments abound in both proposals, making it virtually impossible to support either one.

As a result, I will not support either proposal. Instead, I encourage my colleagues from both parties to support a clean version of a balanced budget amendment that is worthy of inclusion in our Constitution.

If we work together to see beyond the fog of partisanship, it will become clear that there is not much disagreement about the basic and deeply troubling facts of our current fiscal crisis. For this reason, first and foremost, I hope Congress will step up and act on a specific and comprehensive proposal to reduce the deficit. In the end, process reforms will not allow us to escape the hard decisions we must face.

Mr. RUBIO. Madam President, Washington politicians do not live by the same rules that virtually all families and small businesses play by. It is your responsibility to balance your budget, spend no more than what is in your bank account, and have a plan to manage common expenses such as student, home, and car loans.

But in Washington, money is routinely borrowed from Peter to pay Paul, or in America's case, money is borrowed from China and others to pay for more government than we could ever afford. As a result, politicians have dug us into a hole of \$15 trillion in debt, with no end in sight. Now more than ever, we need a balanced budget amendment to the U.S. Constitution.

In Florida's State government, we worked under a balanced budget amendment, and every year we worked tirelessly, had contentious debates, and made very tough choices to pass a balanced budget year after year. That responsibility and accountability is not unique to Florida, as practically every other State also works under a balanced budget amendment. We need to bring this same kind of fiscal restraint to Washington. And unless we enshrine strong balanced budget principles in our Constitution, Washington politicians will never stop. That is why it is critically important that the Senate approve a strong balanced budget amendment.

The national debt is now over \$15 trillion. When I was sworn into office about a year ago, the debt was just over \$14 trillion. That means that in just 1 year, Congress has allowed our debt to increase by more than \$1 trillion. Virtually nothing could stop it from happening, despite the fact that 2011 has given us a startling glimpse into our future as European nations face their day of reckoning for decades of reckless spending.

This year's debt ceiling debate gave us an opportunity to get serious about controlling our debt and reform the way Washington spends money. But not enough people have been willing to come to grips with the reality that decades of reckless spending by both parties is leading us to a diminished future.

As the Senate debates a balanced budget amendment this week, it is important to note that not all balanced budget amendment proposals are created equal. The version that I have joined all 47 of my Senate Republican colleagues in supporting, S.J. Res. 10, includes three elements I believe are key to truly handcuffing out-of-control politicians: a two-thirds supermajority to raise taxes, a three-fifths supermajority to increase the debt limit, and a cap on all Federal spending at 18 percent of gross domestic product. The proposal put forth by Senator MARK UDALL, S.J. Res. 24, contains no cap on spending, no taxpayer protections, and no strict mechanisms to ensure that the amendment is actually followed. Unfortunately, if ratified, this proposal would simply be another ineffective, disingenuous Washington move that would make it easier to raise taxes and still allow for more spending.

The idea of not spending more money than we have is common sense for working families and small businesses. We need to bring that common sense to Washington, and we need a strong balanced budget amendment that is truly worthy of being added to our Constitution. The Senate must seize the moment by passing a real balanced budget amendment.

Ms. MIKULSKI. Mr. President, I rise to oppose the balanced budget amendment proposals before us today. I support a balanced budget. But I cannot support these proposals.

All year, we have been discussing and debating how to have a more frugal government. But while we are trying to be frugal, how can we also meet our responsibilities to national defense and maintain our social contract? To achieve that we have to put politics and partisanship aside, and work together to find the sensible center. And the balanced budget amendment does not allow for that.

I am for cuts. But our approach must be balanced like a three legged stool with responsible discretionary and military spending cuts; revenue; and reform that strengthens Medicare and Medicaid. The balanced budget amendment does not allow for that.

Before we adopt a balanced budget amendment, we should know exactly what it is that we are doing. We need to know just how these programs are going to be affected. What cuts are going to be taken. How deep. What programs. And most importantly what the consequences will be to the health, safety, and security of the American people.

How would a balanced budget amendment affect seniors? It attacks economic security for senior citizens through cuts to Social Security and Medicare. It breaks the social contract.

Under the Republican plan, it cuts spending to 1965 levels before Medicare existed and when the average Social Security benefit was about \$1,200 a year. That was 46 years ago, when making \$8,000 a year was considered a fantastic salary. Would you want to go back and make \$8,000 a year? I do not think so. I do not think we want to go back to that. Do we really want to go back to not having Medicare? Sure we need to reform and refresh Medicare, but do we want to end Medicare? I don't think so.

How would a balanced budget amendment affect our ability to respond to natural disasters, when the 24-hour news coverage is over and people return to their regularly scheduled programs? States that are hit by disasters are just beginning the recovery process and depend on their Federal partners. Times of disaster are not for making choices between one State or another. Government must be there. We are all in this together. Just one snowstorm, wildfire, or devastating flood away from our own crisis. But the balanced budget amendment would force these terrible choices.

What about funding for America's veterans in order to be able to meet their acute care, provide primary care connected to service-connected disabilities, and long-term care for those who bear the permanent wounds of war? What about funding for disability pensions for veterans? The balanced budget amendment makes funding for American's veterans with service-connected disabilities vulnerable to mandatory budget cuts.

How will a balanced budget amendment affect the next generation? It denies educational opportunity to young

people and an opportunity structure to working families. The balanced budget amendment puts funding for Head Start, Pell Grants, and funding that helps schools comply with Title IX funding for job training on the chopping block. I believe we must keep the doors of opportunity open, not slam them shut.

How will a balanced budget amendment affect our Federal workers and everyone who depends on their work? The State of Maryland is home to some of the flagship agencies of the Federal Government and 130,000 hardworking Federal employees live in Maryland. Agents at the Federal Bureau of Investigation work to protect our safety. Employees at the Social Security Administration provide actuarial information on how to keep it solvent and make sure the checks are out there on time. At NASA's Goddard Space Flight Center, they are scanning the universe for the secrets to life here on Earth. The mandatory budget cuts of the balanced budget amendment will require arbitrary cuts to the Federal workforce without certainty that the agencies will be capable of doing their job. These kinds of cuts are dangerous and harmful to the public.

The Founders did not include a provision requiring a balanced budget at all times. They did not include a provision limiting the size of government to an arbitrary percent of the size of our economy. Instead, in our Constitution, the Founders said that Congress would have the power to borrow on the credit of the United States and the responsibility to provide for the general welfare of the country.

Providing for the general welfare of the country means keeping the promise of our social contract to our seniors and our veterans. It means keeping the ladder of opportunity available to the next generation. And it means responding to natural disasters and maintaining a safe and secure homeland.

Make no mistake. We must balance the budget. But we must do it based on principles that preserve economic security for senior citizens, that provide opportunity for young people, and that ensure opportunity for working families.

I cannot and will not support any legislation that abandons these principles. Therefore, I will vote against this legislation.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, in a short while, we will vote on two balanced budget amendments to the Constitution, at least one of which will be a true balanced budget amendment. One of those amendments, S.J. Res. 10, the amendment supported by every Senate Republican, addresses the fundamental crisis of our time; that is, the crisis of exploding debt caused by excessive spending. The other amendment does not address that crisis and, therefore, cannot put this country back on a sound fiscal footing.

The votes we cast today will tell the American people whether we honestly acknowledge the fiscal crisis posed by our \$15 trillion national debt and whether we are serious about prescribing an effective cure.

Exploding budget deficits and skyrocketing national debt are symptoms of an addiction to overspending. A real solution must address the real cause of this crisis, not just its symptoms. Congress will not kick its overspending addiction alone but only if required to do so by the Constitution itself.

One of the amendments before us today, S.J. Res. 24, simply cannot be a solution because it does not address the overspending that causes this crisis. This amendment, offered by my colleague from Colorado, Senator UDALL, on behalf of the Democrats, purports to require balanced budgets but, for purely political reasons, explicitly exempts significant portions of the very government spending that will most aggressively drive our future debt.

The Democratic alternative sets no overall limit on government spending, allowing Congress to continue spending with impunity. The Democratic alternative does nothing to restrict the propensity of Congress and the President to raise taxes on families and businesses as a way of compensating for their failure to reduce spending and in order to fuel more spending in the future.

In fact, as my friend Senator KYL pointed out yesterday, the Democratic alternative actually makes it harder to cut taxes. To top it off, the Democrats' amendment not only sets no limits on Congress raising taxes, but it appears to allow judges to raise taxes to balance the budget.

In other words, the Democratic alternative allows Congress to continue doing exactly what has caused this crisis in the first place. It allows Members of Congress committed to a tax-and-spend philosophy to continue sending taxpayer dollars to special interests at the expense of the general fiscal health of this country. The so-called solution that continues to enable out-of-control spending is no solution at all.

Maintenance of this tax-and-spend status quo is the priority of those who support the Democratic alternative. Just listen to their criticism of my amendment, S.J. Res. 10, the one supported by all Republican Senators—every one of us. The Democrats criticize my amendment's requirement that Congress balance its books as too stringent. They criticize it for not allowing more stimulus spending, my gosh, and they criticize it for not allowing easy tax increases.

The people of Utah, and most Americans for that matter, would respond that these are the very restrictions Congress needs. They would say these restrictions are long overdue and would be positive additions to our Constitution. It is no wonder the advocates of the wornout philosophy of tax and

spend view the provisions of S.J. Res. 10, our constitutional amendment, as a threat.

They are a threat. Our amendment's provisions are a threat to those whose only plan is to sit on their hands while our debt continues to skyrocket. The strong balanced budget amendment offered by the Republicans directly addresses the real cause of our budget crisis and offers equally direct solutions. It requires supermajorities. That doesn't mean we can't do things. It just says we have to have supermajorities to raise taxes. It means it requires wide bipartisan agreement for deficit or excess spending, as well as for raising either taxes or the debt limit.

I would note a supermajority to raise the debt limit was in the balanced budget amendment that passed the Senate back in 1982. I know because I was the one pushing it. It passed the Senate.

Our amendment limits both spending and the tax increases that fuel more spending. This is more than a balanced budget amendment. It is a fiscal discipline amendment or a constitutional amendment for limited government.

Much of the Western world now faces a debt crisis. The eurozone is nearly reaching the point of no return. The United States is closing in on that same point of no return with our total debt already equal to 100 percent of our entire economy—of our GDP. The national debt now amounts to about \$48,000 for every man, woman, and child in America. Interest payments alone on this debt are now greater than spending on most other Federal programs and would be even higher if interest rates were not at historic lows. Annual budget deficits are larger than the entire national debt when I introduced my first balanced budget amendment.

Let me say that again. Annual budget deficits—just the deficit this year and last year, just standing alone; this year's budget deficit and the annual budget deficits of this President—are larger than the entire national debt when I introduced the first balanced budget amendment in 1979 and 10 times higher than when the Senate last voted on a balanced budget amendment in 1997.

More than two centuries ago, America's Founders warned of the dangers of debt. Thomas Jefferson, the forbearer of the Democratic Party, said public debt is the greatest of dangers to be feared. He would be aghast at what Democrats are trying to sell. Alexander Hamilton said there ought to be perpetual, anxious, and unceasing efforts to reduce debt as fast as possible. John Adams said the experience of other countries that accumulate debt should prevent us from doing so ourselves. He might as well have been speaking about Europe today. He would be appalled at what we are doing around here.

Watching the failure of Congress and the President to get spending and debt

under control, these Founding Fathers must be turning over in their graves, and I believe we continue to reject their wisdom at our peril.

Despite all the evidence, opponents continue to claim Congress will make the tough fiscal choices by itself; that Congress does not need any help. After so many years of failure, that amounts to fiddling while our fiscal house is burning to the ground. That is the argument they make. Closing their eyes, shutting their ears, and repeating the mantra that Congress does not need a constitutional amendment is exactly what got us to the edge of the cliff we are standing on today and which we are about to go over, if we don't put some restraints on around here.

If spending were a drug, Congress would be a very pathetic addict. An addict ignores evidence and denies he has a problem. An addict claims over and over that he can stop his addictive behavior any time. But similar to a real addict, Congress cannot kick the habit on its own. Congress needs some help. The Constitution is the way to get that help, and the Founding Fathers would have loved this amendment.

Think of S.J. Res. 10 as a constitutional intervention. It will require not only that the Federal budget be balanced but that it be balanced in the right way. When we vote on these amendments, Senators will demonstrate where they stand on the great crisis of our time. Voting against any balanced budget amendment simply endorses the status quo. It ignores the evidence and pretends everything is fine, even as we head for the cliff. This is the only amendment that deserves the title of a balanced budget constitutional amendment.

Voting for the Democrats' alternative—S.J. Res. 24—also endorses the status quo because it barely touches the symptom—budget deficits and debt—while ignoring the cause—government spending. Without covering all government spending and without setting real limits on spending and taxes, the Democrats' alternative does little more than put a bandaid on the problem. It isn't even a good bandaid that holds.

The only proposal before us that effectively responds to our budget crisis is S.J. Res. 10. It is the only proposal that addresses the real cause of the unbalanced budgets that are dragging us into fiscal quicksand.

This crisis threatens national security, economic prosperity, and maybe, most important of all, individual liberty. Congress will not solve this crisis by itself. S.J. Res. 10 is the only solution that addresses not only the symptoms of our fiscal crisis but the cause as well. These are the facts. These are simply the facts, and I encourage my colleagues to support S.J. Res. 10.

I heard the distinguished majority whip talking earlier, and just for a minute I think he was asking: Why do this. You know you can't win. We don't know we can't win. But even if we

can't, some fights are worth fighting, especially when our national security, economic prosperity, and individual liberty are at stake. That is what we are living with right now.

The American people need to know where we stand, whether we will ever do anything real or do something real about our addiction to overspending. That is the bankruptcy of our country right now—the addiction to overspending. Our amendment ends that addiction. It provides 5 years to get there, so it is a reasonable provision. But it does force us to get there.

The Democratic amendment doesn't even attack the real problem. It is there for political purposes. It is there so Democrats can say: We voted for a balanced budget amendment, even though it, basically, has little to do with balancing the budget.

I was enamored with the talk of the Democrat budget chairman yesterday, Senator CONRAD from North Dakota. He went through all the problems we have and how deep they are and how problematic they are and what an addiction it is and all of that. Then he said we can do it by just doing what is right under the Constitution and forcing ourselves to do what is right and just balance the budget without a balanced budget amendment.

He couldn't have made a better case for the balanced budget amendment because I have been here for 35 years, and I can say there hasn't been a real effort except during the mid-1990s to do that. That was when the first Republican House of Representatives and Senate in over 40 years took place. It was when they did have a President, Bill Clinton, who recognized that the time had come to do something about spending.

I have to give him credit for that in contrast to our current President who just demands more taxes and more spending all the time. There isn't anything or any person he wouldn't tax if he could get away with it except those unable to pay any taxes at all, and nobody wants to tax them.

The fact is, I think the distinguished Budget Committee chairman made a tremendous case for our amendment. I can say we have been going on way too long.

Back in 1997, we came within one vote of passing this amendment. That was twice now. Remember, in 1992 we actually passed an amendment, but Tip O'Neill and the Democrats killed it in the House at that time. But in 1997 we came within one vote. I actually had the votes as I walked to the floor, and then one of our weak-kneed Republicans who was threatened by the unions, who had been high up on the endorsement list, who wanted to be seen every time we had a press conference on this issue, buckled and voted the other way and we lost. Had we won that amendment in 1997, we wouldn't be in this colossal mess we are in today. Frankly, I, for one, hope we can get out of that mess, and the only way we are going to is through a

constitutional amendment that does what this amendment we are presenting actually calls for.

I just do not believe our friends on the other side are ever going to quit taxing and spending, and I have 35 years to prove it—except when the first Republican Congress in over 40 years came into being, and they had a President who worked with them, a Democratic President, by the way. I wish we had a Democratic President here who would work with us. He would go down in history as one of the most popular Presidents in history if he would do so. But, no, he wants to tax and he wants to spend. Frankly, I am fed up with it, and I think a lot of people are fed up with it. The people out in the hinterlands are all fed up with it, and they realize we need to put some restraints on Congress it has to live up to.

That doesn't mean we can't get a supermajority to raise taxes or we can't get a supermajority to raise the debt limit or we can't get a supermajority to an undeclared war—to give a good reason why our friends on the other side might want to support this. But it does mean there will be restraints that will work and will keep this country secure and free.

I reserve the remainder of our time. I ask that any time be divided equally, and 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. HATCH. 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. HATCH. Madam President, I ask unanimous consent to reserve the remainder of our time but to permit the distinguished Senator from Colorado to utilize his 5 minutes at this time.

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

The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I rise this morning to speak in favor of the legislation that I have authored to amend the Constitution to require that Congress, on behalf of the American people, balance the Federal budget.

Yesterday I spoke about the merits of a balanced budget amendment, and I appreciate the debate that has occurred on the Senate floor which was in the best traditions of the Senate. I particularly have enjoyed hearing Senator HATCH's point of view. I think we have some disagreements about how we implement a balanced budget amendment, but we both agree that we need to put the Federal Government's finances in balance. Perhaps if we both fall short today on these important votes, we can go back and work together in the best tradition of Senator HATCH and Senator Simon. Senator Simon, on our side, was a strong pro-

ponent in the 1990s of a balanced budget amendment. Senator HATCH referenced those efforts then.

Let me quickly summarize my arguments for why we need a balanced budget amendment. I start out thinking about Coloradans and the common sense they apply to their everyday finances, and there is a big dose of Colorado common sense in my proposal. It is aimed at finding common ground that both parties and a big majority of Americans can support, and it starts with a constitutional requirement to balance the budget. That is the heart of the issue. It is something on which many of us agree. But my proposal also asks us to avoid the mistakes of the last decade that have resulted in debt that is not only significant but it is exploding.

For example, it would prevent deficit-busting tax breaks for Americans who earn \$1 million or more a year. Why should we continue to give additional tax breaks to the wealthiest among us during times when we are in these tough deficit situations?

I would also create a Social Security lock box to keep Congress from raiding the trust fund to hide the true size of our annual deficits. We have been using the Social Security fund as a slush fund to remedy our budgeting problems. That would end.

In sum, the proposal I brought forward is straightforward, it is simple, and upholds the principle: We should pay for our government in a responsible manner.

I think, looking at the Presiding Officer, in your home State most Americans agree to that, most New Yorkers do. Most Coloradans certainly do.

I also want to be clear, there are some important differences between my approach and my dear friend Senator HATCH's approach. We will vote on his proposal today as well.

Senator HATCH's proposal—this is in my estimation—goes far beyond balancing our books, and it is a balanced budget amendment only in part. That is because it includes some unrealistic limitations on our government that could prevent us from securing the retirement of hard-working Americans, undermine our national defense, and send the United States back to a time before Social Security, Medicare, and a host of other important programs were put in place to protect our middle class, the true heart of our country.

Even worse, it locks in some special interest tax breaks that do nothing to grow our economy or create jobs. It, in effect, would turn the Constitution into a document that protects every special tax break that has been successfully lobbied over the years. That is not what our constituents, hard-working Americans, expect from a balanced budget amendment.

On the other hand, my approach is straightforward. It requires us to pay for what we spend. It creates flexibility depending on the economic conditions that we face and the year in which we

find ourselves. But it wouldn't lead to the erosion of seniors' retirement security or it wouldn't lock in special interest tax breaks.

So I say to all of my colleagues, it is time to put aside our political differences, check our ultimatums at the door, and let's work across the aisle and challenge ourselves to put our country first through balancing the budget.

Our debt is \$15 trillion and it is growing. The bipartisan cochairmen of President Obama's commission on the debt have called our debt a cancer, and the former Chairman of the Joint Chiefs of Staff, Admiral Mullen, has said it is the single biggest threat to our national security. It is clear it is time to act. We have run out of time to act.

So, as I close, I just want to say the American people have demanded we get our fiscal house in order. As usual, they are a few steps ahead of us, and it is now time for us in the Congress to catch up. So I am asking my colleagues of both parties and both Chambers to support my proposal. This is the right approach. It will enhance our economic security. It will ensure that we keep faith with our children. We shouldn't pass off this unsustainable debt to our children.

Madam President, I urge my colleagues to support this important proposal. I yield the floor, and 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. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. How much time do I have?

The ACTING PRESIDENT pro tempore. There remains 45 seconds.

Mr. HATCH. I ask unanimous consent that I be able to complete these remarks. It might take a few seconds beyond.

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

Mr. HATCH. Madam President, critics suggest a vote for our balanced budget amendment is a waste of the Chamber's time. That is pure bunk.

The same folks who say we should not be voting on the Republicans' balanced budget amendment have also offered up their own amendment to show their constituents that they too want to balance the budget.

I can tell you now that it is the Democratic alternative that misses the point, for a number of reasons. One, it doesn't address the true crisis. We have a crisis of spending. We are \$15 trillion in debt, and the Democratic alternative does nothing to address it.

No. 2, it carves out massive portions of government spending from their def-

inition of Federal outlays. No. 3, even its balance requirements, the most basic feature of any balanced budget amendment, are easily overridden. No. 4, there is no cap on Federal spending. And, No. 5, there is no supermajority requirement for tax increases.

Put it all together and this is what you get with the Democratic balanced budget amendment. You get a constitutional amendment that is going to force Congress to raise taxes on families and businesses to pay for out-of-control government spending. The Democratic alternative should be rejected. It might look good from a distance but up close it does not even begin to address our Nation's fiscal crisis.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

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

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the en bloc consideration of S.J. Res. 10 and S.J. Res. 24, which the clerk will report.

The legislative clerk read as follows:

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

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

The ACTING PRESIDENT pro tempore. Under the previous order, there is 5 minutes of debate equally divided prior to votes on passage of the measures.

The Republican leader is recognized.

Mr. MCCONNELL. Madam President, yesterday and today my Republican colleagues here in the Senate have been coming to the floor one after another to deliver a simple, urgent message, one that I hear every time I am home in Kentucky: Washington simply must change course. The spending spree must end. We must put our Nation's fiscal house in order before it is too late.

This is not a partisan message. Everyone recognizes that both parties played a role in getting us to this point. But let's be clear, Republicans are the only ones in Congress right now who are attempting to do something meaningful about fiscal restraint. The only way we will actually achieve it is by acting together on serious legisla-

tion such as the balanced budget amendment Republicans are voting on today—not through thinly veiled cover votes such as the one Democrats plan to hold alongside this morning.

For nearly 3 years now, Republicans have stood up to the fiscal recklessness of this administration and pleaded with the President and Democrats in Congress to stop the spending spree—stop it—and work with us on a serious plan to put our Nation's fiscal house in order.

For nearly 3 years we have met nothing but resistance. I even read this week that some Democrats in Congress actually view our insistence on fiscal responsibility as a good political issue for them. They say Americans have moved on, that they do not want to hear about fiscal restraint anymore. Apparently these Democrats are content to let this crisis continue to build and build until it pops up in the polls again.

What Republicans have been saying this week is that we do not have that luxury. We cannot wait for a European-style calamity to happen right here to finally do something about our fiscal problems, nor should we want to. After all, we were not elected to get re-elected. We were elected to recognize the Nation's problems and to face up to them with foresight and with courage.

That is why Republicans have kept up our call for a serious and effective balanced budget amendment. We have seen all the statistics—that Congress now borrows more than 40 cents for every dollar it spends; that interest payments on the debt alone will soon crowd out spending on things such as education and defense; that annual deficits under this President routinely double and triple the previous record.

We know where it has gotten us. Under this President, the national debt has rocketed from \$10.1 trillion all the way up to 15.1 trillion, more than a 40-percent increase in the national debt under this President in a record time of less than 3 years, a run of fiscal mismanagement only matched in its recklessness by total unwillingness to correct it.

The President's most recent budget was so irresponsible that not a single Member of the Senate voted for it, not one. The President's budget was voted down unanimously here in the Senate.

What about the first ever downgrade of U.S. debt, did that prompt action? Not in this White House. It prompted a round of "shoot the messenger" instead. This President's entire approach to our Nation's fiscal problems has been to sit back and blame somebody else, even as he continues to make all of these problems worse.

There was a time when President Obama claimed to believe in the importance of paying our debts. As a Senator he stood on this very floor and chastised his predecessor for even asking the Congress to raise the Nation's debt limit. He called it a failure of leadership. Yet earlier this year, as President