

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

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

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

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

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

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

Let's be clear about what we are talking about in terms of the Keystone XL Pipeline. What we are talking about is a 1,700-mile oil pipeline from Canada to the gulf coast that would carry tar sands oil. Tar sands oil is not like regular oil. It requires an energy-intensive process to get it out of the

ground, extract it, and, in fact, to refine it. That means it emits approximately 82 percent more carbon emissions when produced compared to regular oil, according to the EPA.

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

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

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

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

In Vermont, we are probably doing as well as any other State in that area, but we can and will do a lot better. Tens of thousands of homes in our State can be weatherized. When we do

that, we not only cut greenhouse gas emissions, we not only reduce the need to import foreign oil, we also create jobs. We create jobs for those people who are producing the insulation, the new doors, the windows, and the new roofing that makes homes and buildings more energy efficient.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

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

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

The legislative clerk read as follows:

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

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

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

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

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

AMENDMENT NO. 1459

To amend the title so as to read:

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

AMENDMENT NO. 1460

To amend the title so as to read:

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

RECESS

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

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

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

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

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

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

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

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

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

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

The Hatch-McConnell proposal is different in kind than any other amendment to our Constitution. It is not con-

sistent with the design of our founding document or the stance taken by our Founding Fathers.

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

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

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

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

Two weeks ago, the Judiciary Committee's Subcommittee on the Con-

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

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

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