

Again, that objection for 51 was reserved for very special, very rare occasions. It might happen once or twice in your career.

I do feel that the conversation we have before us is so important that I thought I would put up this chart. As my colleague can see, this just dramatizes it. It is a picture of Lyndon B. Johnson showing his one filibuster in 6 years, one time that he needed to get a cloture motion to try to shut down debate; otherwise, there was a courtesy that people said what they had to say and then stood aside and took votes. And here we have HARRY REID in his 6 years—it says “387 and counting.” It hit 391 before we completed his sixth year. So there is an enormous difference.

The work we are engaged in right now of trying to find a way to have every voice heard and then to be able to proceed to be accountable and transparent before the public is so important.

As the Senator and I have engaged in this conversation, sometimes we have heard criticism from across the aisle saying: You are trying to silence the voice of the minority. Does the Senator see anything in the proposals that we have been advocating that in any way silences the voice of the minority?

Mr. UDALL of Colorado. In looking at this, I do not see anything in the proposals, and I think we, in working on this together, tried to bring a discipline to it that said we want to preserve the best traditions of the Senate, we want the minority to be heard, we want the minority to have amendments, and we want them included in the process. What we don't want is the tyranny of the minority. And the Founders talked about the tyranny of the minority. They talked about the fact that if you allowed a small minority to govern and block the governing of the majority, that was the tyranny of the minority, and they feared that.

So I think that when we consider this and we talk about the filibuster and our institution today, our Senate, where many times the Republican leader has come to the floor and said that it is going to take 60 votes, everything takes 60 votes, that isn't the way the Founders designed it. The Founders actually had very strong language for what they thought of supermajorities.

Everybody remembers their history. The Founders came off the Articles of Confederation. It was a supermajority. It didn't work. It was broken. So they only put into the Constitution in five places supermajorities—things such as expelling a Member and ratifying a treaty—but otherwise it was simple majorities. And when the history is going to be written, it is hard to tell how this happened. But to have a leader of the Senate stand and say that everything takes 60 votes—the Founders never contemplated that. When they adopted rule XXII in 1917, that wasn't what they were trying to do, and the rule has actually been turned on its head.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I would like to follow up on the last point Senator UDALL of New Mexico made about our Founders.

I have in my hand three of the Federalist Papers, Federalist Papers 22, 75, and 58. These are by Madison and Hamilton, and they explore this issue of the supermajority. It was a very conscious decision that a supermajority was not put into the Constitution for decisions of these Chambers. And the reason why—and they explained it more eloquently—is essentially that if you take the path that the minority thinks is the right path rather than the path the majority thinks is the right path, then over time you make a series of worse decisions. The minority might be right on occasion, but most of the time the viewpoint brought by those representing the greatest number of States in this case or the greatest number of citizens on the House side is the path that makes sense. And they warned about the supermajority as an instrument that would bring paralysis. It is almost as if they could look forward 200 years to this moment and say: Don't do that because you will end up with paralysis.

This is from Federalist Paper No. 22 by Alexander Hamilton. He wrote this in 1787, and he notes in commenting about the issue of a simple majority that “there is commonly a necessity for action. The public business must, in some way or other, go forward. If a pertinacious minority can control the opinion of a majority, respecting the best mode of conducting it, the majority, in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence, tedious delays; continual negotiation and intrigue; contemptible compromises of the public good.”

Let me read that last set of words about what Hamilton said would happen if you had a supermajority requirement in the Senate: “tedious delays; continual negotiation and intrigue; contemptible compromises of the public good.” I think anyone watching the proceedings of the Senate for the last 2 years would say that Hamilton was right on the mark in that regard. And, of course, he was not alone. There was not a single Federalist Paper written arguing that there should be a supermajority in the Senate or the House because of the experience that had been had previous to forming the strategy embodied in the Constitution.

Let's turn to James Madison. In Federalist 58, James Madison said:

It has been said that more than a majority ought to have been required for a quorum . . .

He goes on to discuss it in various views, and he said:

Lastly, it would facilitate and foster the baneful practice of secessions; a practice

which has shown itself even in States where a majority only is required; a practice subversive—

And here is the key language—

a practice subversive of all the principles of order and regular government; a practice which leads more directly to public convulsions, and the ruin of popular governments, than any other which has yet been displayed among us.

He also made the point that we would end up with equitable sacrifices to the general weal—or general good.

So as we turn to our conversations in our respective caucuses and to the dialog here on the floor of the Senate, I ask my colleagues to search your hearts about our responsibility to the citizens of the United States of America to address the big issues facing America, which means that we don't paralyze this body in secret. If my colleagues have points to make, then make them as was done during the periods of great debate on the floor of the Senate: Make them on the floor of the Senate, engage in that debate, and when no more is to be said, when all 100 Senators say: We have had our full input, then let's make a decision.

Madam President, I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

The PRESIDING OFFICER. The Senator from Illinois is recognized.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent the period for morning business be extended until 4 p.m. today and that all provisions under the previous order remain in effect.

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

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

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

DEBT CEILING

Mr. MORAN. Madam President, let me take a moment to welcome you to the Senate. I look forward to working with you and welcome you, coming from the House of Representatives to the Senate.

Over the Christmas holidays most of our Nation was focused on what Congress would do to avoid the so-called

fiscal cliff. What was largely missing from that conversation was how to address the much greater and more damaging problem, our growing national debt.

I am not exactly sure what the definition of fiscal cliff was. I think it had different meanings to different people. We dealt with a portion of the fiscal cliff, a slight delay in sequestration, and the consequences of the so-called Bush tax cuts expiring on December 31, but the serious problem is our national debt. Last year's budget shortfall reached \$1.1 trillion; the fourth straight year of trillion-dollar deficit spending.

This out-of-control government spending has increased our national debt to a record \$16 trillion, which is more than the entire U.S. economy produced in goods and services for the entire year of 2012.

Last week Secretary Geithner let Congress know it will reach its borrowing limit as soon as mid-February. President Obama will request that Congress raise the debt ceiling once again. This is the fifth time that President Obama has requested the debt limit be raised to allow the Federal Government to borrow and spend more money.

What is the point of even having a debt limit if Congress simply extends the Treasury's borrowing capacity each time the limit is reached? While some may say it is irresponsible not to raise the debt limit, our Nation finds itself at a point of such indebtedness that it is equally as irresponsible to extend the debt ceiling without significant reductions in Federal spending.

I voted against an increase to the debt limit 2 years ago and intend to vote against another increase unless we substantially change the way government does business by reducing Federal spending.

In addition to it being alleged that it is irresponsible not to raise the debt ceiling, sometimes it is suggested it is not compassionate to not spend money. Where is the compassion in spending money we don't have that is being borrowed and will have to be repaid by future generations of Americans—our kids and grandkids?

Our country is facing enormous fiscal challenges that, if left unchecked, will have a disastrous impact on the future of our Nation. The simple truth is that government is spending more than it is taking in, and this pattern must not, and in fact cannot, continue.

During the last 2 years alone the government has spent more than \$7.3 trillion and increased the Nation's debt by more than \$3.2 trillion. We didn't get into this situation overnight. It has been years in the making. Our staggering national debt and deficits are the responsibility of many Congresses and Presidents from both political parties who have allowed us to live well beyond our means for far too long. Americans deserve leadership in Washington to confront these fiscal challenges and fight for the future of our

Nation. However, to date, our President and our Congress—this Congress—has failed to provide that leadership.

We learned from the New Year's Eve fiscal cliff negotiations that our work to tackle our debt must begin now. It cannot wait until the eleventh hour when the deadline is near and the consequences are preventable. We have all heard the saying that the definition of insanity is doing the same thing over and over but expecting different results. Why should we expect our fiscal situation to change if we keep doing the same thing: raising the debt limit so we can borrow more money and spend more money?

We know what needs to be done. It will just take the political courage to do it. Rather than wait for another last-minute deal that gets rushed through with little input from the American people, it is time we have an open and honest debate.

I think Americans are ready for leadership that involves tough decisions. The President must come to the table with Congress and put courage and common sense before politics, and that means getting serious about our government's finances.

One of the best ways to rein in spending is to set a budget and live by it. No country, business, or family can operate responsibly without a budget. Crafting a budget is one of the basic responsibilities of Congress, but this Senate has not passed a budget in more than 1,300 days.

When a Kansas family meets the max on their credit card, they don't just call the credit card company and ask them to raise their credit limit so they can keep on spending. No. They cut back on spending and change their budget. Washington needs to do the same.

I hope the stories the Senate is going to address a budget are true, and I hope that means the Budget Committee will meet and—in regular order—deal with a budget. I am a member of the Senate Appropriations Committee. I hope we have the opportunity to do appropriations bills which matter and follow that budget.

We must take serious action to address this fiscal cliff—the real one—of \$48 trillion in unfunded obligations. These programs, which represent promises made by the Federal Government to Americans, must be kept. It is not about undoing Social Security or Medicare or Medicaid, it is about making certain they are available, fiscally sound, and that another generation of Americans can receive the benefits.

Another solution, besides the budget, in getting our spending back under control is to consider and adopt many of the bipartisan recommendations put forth by the President's own Deficit Reduction Commission. The cochairs of that Commission have warned that if we fail to take swift and serious action, the United States faces the most predictable economic crisis in history. Yet the President and Senate leadership

has ignored these recommendations and continues to spend borrowed money without regard for the consequences.

The President's solution is to raise revenues to balance the budget, but those tax increases—if he got all he asked for—would only cover our spending for a few weeks. The budget the President proposed during the 4 years he has been President raises taxes. Every budget that the President has proposed in the 4 years he has been in office has raised taxes. One would think maybe that means the deficit is going down. But, unfortunately, the budgets proposed by President Obama would raise taxes, raise spending, and increase debt. To me, that suggests increasing taxes is never the solution that results in less spending and less deficits but just increased taxes and more spending.

History shows us that every time money is raised in Washington, DC, more money is spent by Washington, DC. The revenues we need to balance our books are not increases in taxes but revenues coming from a strong and growing economy. To turn our economy around and put people back to work, Congress and the administration should be implementing policies that encourage job creation; rein in burdensome government regulations; replace our convoluted Tax Code with one that is fair, simple, and certain; open foreign markets to American-manufactured goods and agricultural products; and develop a comprehensive energy policy. We are not immune from the laws of economics which face every Nation.

The Congressional Budget Office estimates that government spending on health care, entitlements, Social Security, and interest on the national debt will consume 100 percent of the total revenues generated by the Federal Government by the year 2025. That means the money the government spends on national defense, transportation, veterans' health care, and other government programs will have to be borrowed and will drive us even further into debt.

The CBO issued a report last June which warned that unless we work to reduce our debt, we will face the increased probability of a sudden fiscal crisis that would cause investors to lose confidence in the government's ability to manage its budget, and the government would thereby lose its ability to borrow at these affordable rates.

I do not want to experience the day when our creditors decide we are no longer creditworthy and America has to suffer the same consequences as the countries that have ignored their debt crisis. We need to look no further than the current situation of many countries in Europe to see what high levels of national debt will do to a country's economic health.

Last week one of the major credit rating agencies, Fitch, warned that

America risks losing its AAA credit rating if Congress and the President fail to agree to a “credible medium-term deficit reduction plan.” Fitch’s warning is yet another reason we need to work together to put our country on a sustainable path for the future. We need to heed this warning and take steps now to prevent another credit downgrade.

The American people expect the President and Members of Congress to confront our Nation’s challenges and not push them off to some future date. They also want their concerns and voices heard. The last-minute deals, the negotiations by a handful of people are very disturbing to me and to many Americans.

Today I am pleased to share a new opportunity which gives Kansans a voice in the debate on how to reduce spending through a new Web site called Fight for our Future. Kansans can access that site from my home page and learn more about the government’s true fiscal condition. Not only can they share their thoughts on why we should cut spending, but they can also vote for a debt reduction proposal they think will be most effective. They will be able to add their name to a message that will be sent to the President and congressional leaders to urge us to put politics aside and work to save our country’s future.

The debate over government spending is often seen as one that is philosophical or simply partisan bickering. All my life I heard Republicans and Democrats argue about spending, deficits, and taxes. They think that is what goes on in Washington, DC. This time it is different. Our failure to act will have dramatic consequences to the daily lives of Americans. This is about whether an American can find a job, afford to make payments on their homes and cars, and whether their kids will have a bright future.

The debt limit crisis we are facing now did not have to be a crisis. We knew the day would come when we would have to deal with the consequences of living beyond our means. Let’s work together to solve this tremendous challenge.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Oklahoma.

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

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

EXTENSION OF MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the period for morning business be extended until 5 p.m. today, and that all provisions of the previous order remain in effect.

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

CLIMATE CHANGE

Mr. INHOFE. Mr. President, yesterday President Obama made a beautiful speech. I think everyone agrees that he is a very persuasive speaker. Although I didn’t agree with anything he said, it was said beautifully.

I want to read one part of his speech because I don’t want to get it wrong. He said:

We will respond to the threat of climate change, knowing that the failure to do so would betray our children and future generations . . . The path towards sustainable energy sources will be long and sometimes difficult. But America cannot resist this transition. We must lead it. We cannot cede to other nations the technology that will power new jobs and new industries. We must claim its promise. That’s how we will maintain our economic vitality and our national treasure.

That is a direct quote which came out of the President’s speech, and it has a lot of little subliminal things in there that people did not pick up on, but I did.

One is—and they talked about that—we must show the leadership. That is because of all the things they try to do to damage the economy, to destroy the economy, in terms of the cap-and-trade agenda. And all of that are things that other countries are just waiting for us to do. It is not that we are going to provide the leadership, and all of a sudden China is going to say: Hey, they are doing it, so maybe we ought to do it. China, instead, is sitting back hoping that will happen in this country, so they can have all the jobs that are chased away from our manufacturing base.

There are a few sentences the President dedicated to global warming, and the rest of his speech could be labeled as a liberal laundry list. And I think everyone was expecting that.

I was not surprised that the President decided to do this. All during the campaign and during the weeks since the election, the President’s extreme environmental base has been very vocal with their frustrations.

A lot of them go back and say: At one time, Mr. President, you had the White House and you had the House and you had the Senate, and yet you did not even try to get this stuff done. They are talking about, of course, the cap-and-trade system. In fact, there is one good reason he did not get it done, and that is because the votes just are not there.

They want the President to immediately regulate hydraulic fracturing, officially reject the permit for the Keystone pipeline, advance the regulatory powers of the EPA to cut CO₂ emissions, use all of his political capital to push a legislative fix to climate change, and to kill America’s oil and gas industry.

That is what was expected of him. And now, since he does not have to run for reelection, you are going to get a

lot more than you did before. So that should make them happy. But it is a lot more rhetoric and not a lot more action.

Studies done during the most recent debate—and that would have been the Waxman-Markey bill; that was the cap-and-trade bill just a couple years ago that they had; I think that might have been the last one we had—the estimates—this is interesting—going all the way back to the Kyoto treaty, they said, the cost, if you try to do cap and trade, is going to be between \$300 billion and \$400 billion a year. Well, that is between \$300 billion and \$400 billion a year.

I do something in my State of Oklahoma, and I suggest that the Presiding Officer may do this in his State of West Virginia. Every year I get the figures on how many families there are in my State of Oklahoma who file a Federal tax return and actually pay Federal taxes. Then I do the math. The way it works out, if you are talking about \$400 billion a year—and I have not had one person argue with that figure that I have been using for over 10 years now—but if you do the math, that means for each person in my State of Oklahoma, it would cost them about \$3,000 a year to do it. The interesting part of this is, you do not really accomplish anything by doing it.

This same agenda at the EPA, under authority he is claiming is under the Clean Water Act, has to be something we are going to talk about. And I do not have any hesitation in doing that.

Bills such as the Waxman-Markey bill—and I believe Senator BOXER and several others have had bills—the cost of that being of some \$400 billion a year, would affect industries and emitters of CO₂ that emit 25,000 tons of CO₂ or more a year—25,000 tons. That would truly be just the big emitters. However, the effort of this administration—since they cannot get it passed through legislation—is to do it through regulation under the Clean Air Act.

The Clean Air Act is specific. And the Clean Air Act goes after anyone who emits at least 250 tons of CO₂. So stop and think about that because it is very difficult to try to evaluate it and determine just how much it would cost. The regulations they have would force these facilities to receive—anyone who is regulated under this—EPA construction permits, rehabilitation permits, monitoring devices, and install unnecessary and costly technology to reduce CO₂ emissions without any corresponding benefits. This would give the EPA a hand in everything.

The cost of this is so great that it cannot be calculated. Stop and think about this. If the Waxman-Markey bill—or any of the other pieces of legislation that were called cap-and-trade regulations—were passed, that would regulate only those 25,000 tons or more of emissions. However, the Clean Air Act is 250 tons. So 25,000 tons would be \$400 billion a year. How much would it be for just 250 tons? That means every