

many of those nominations were confirmed overwhelmingly and sometimes unanimously.

I have been forced to use my right as majority leader to fill what we call the amendment tree more than I would have liked to, but it has been for a simple reason. Rather than offer amendments to improve legislation or compromise for the greater good, as Members of this body have done for generations, the current minority has offered amendments simply to waste time, delay us from proceeding to a bill or for scoring political points. The American people love government, but they don't like too much politics in government.

Finally, these rules are central to the Senate, but they are not sacrosanct. Senate procedures and rules have changed since the Senate was founded at the beginning of this country when necessary and after serious consideration. Those decisions have never been made without great deliberation, and no future change should be made any differently.

The recent abuses we have seen have hurt the Senate and hurt our country. They have hurt our economic recovery, and they hurt middle-class families. They hurt the institutions that lead and shape America because they keep public servants and judges from these posts for no reason other than partisanship. Even Chief Justice Roberts criticized the Senate a few days ago for how few judges we confirmed and how slowly we do even the few we confirm. His criticism and concern are well founded. I hope all my colleagues consider the Chief Justice's warning and what it means for the pursuit of justice.

Here is the bottom line: We may not agree yet on how to fix the problem, but no one can credibly claim problems don't exist. No one who has watched this body operate since the current minority took office can say it functions just fine. That wouldn't be true. It would be dishonest. No one can deny that the filibuster has been used for purely political reasons, reasons far beyond those for which this protection was invented and intended.

I say through the Chair to my distinguished Republican counterpart, my friend, Senator McCONNELL, in the coming days, let's come together to find a solution. That is why we are here. I say to the 16 new Senators, we need to do some things to correct some of the things that have taken place. The Senate must solve problems, not create them. I am going to work to the best of my ability with my friend, the Senator from Kentucky, to work this out, to work out a compromise.

The last time Congress convened without Senator Robert Byrd as a Member, Harry Truman was President of the United States and 42 of our 100 Senators had not even been born. No one knew the Constitution better than Robert Byrd, and no one revered it more. He taught many of us many

things. Among them, he taught me to carry the Constitution with me every day.

I do that, Mr. President. I always have this copy of our founding document in my pocket, signed by Senator Byrd, one of the most fervent defenders of the Constitution. He has given me two of them. The first one wore out, but I have it in my desk in Searchlight. I have such fondness looking at what Senator Byrd wrote in it. As we all know, in his later years he had a benign tremor, and he shook a little bit when he wrote. But he wrote this, and I will always, always remember Senator Byrd, that fervent defender of this Constitution.

He loved the Constitution. This coal miner's son loved the Constitution. Just like everyone in America, whether you are a coal miner's son or an academic's son, we all should love this Constitution, not just because of what is written in it but how those words were written and how it all came together.

Senator Byrd knew our Constitution was created through compromise. At a moment of particular partisan strife, 15 years ago Senator Byrd came to this floor and said the following:

I hope that we will all take a look at ourselves on both sides of this aisle and understand also that we must work together in harmony and with mutual respect for one another. This very charter of government—

Talking about the Constitution—under which we live was created in a spirit of compromise and mutual concession. And it is only in that spirit that a continuance of this charter of government can be prolonged and sustained.

That is what he said.

Our friends in the House have decided to begin their daily business by reading the Constitution. In these first few minutes of the new Senate session, I think we should reflect on Senator Byrd's wise reminder of this Constitution's history. Like the Constitution, the agreement that established two separate and different Houses in the legislative branch was itself a compromise.

Mr. President, it is written to be the Great Compromise that allowed us to have a Constitution. As much as ever before, our two branches need to find common ground if we are going to be productive for the people we serve and serve together.

In that same speech a decade and a half ago, Senator Byrd reminded us that "the welfare of the country is more dear than the mere victory of [a political] party." I think we would do well to heed those words as we debate and decide how to best serve the Nation and its people in this new year.

Senators come and go. Majorities and minorities rotate like a rolling wheel, and records of service are written and rewritten. The only constant in this great democracy is change—a change we never anticipate. Sometimes we do, but most often we do not. Sixteen Senators who were here just a few days ago

have moved on, and 16 new ones now take their seats. Laws that govern this Nation and the rules that govern this body continually evolve carefully and by necessity.

But the most important change we can make in the 112th Congress is to work better and more closely as teammates, not as opponents; as partners, not as partisans; to fulfill our constitutional responsibility to pursue a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Republican leader is recognized.

OPENING THE 112TH CONGRESS

Mr. McCONNELL. Mr. President, first, I would like to take a moment to welcome back all of my colleagues and particularly the 13 new Republican Senators whom we officially swore in just a few moments ago.

Americans are looking for creative, principled leaders. I am confident this impressive class of new Republicans will not disappoint.

I would also like to welcome my good friend, the majority leader. At a time when some people think the two parties in Washington cannot even agree on the weather, I will note that Senator REID and I get along just fine. I expect it will stay that way, and I look forward to working with him again throughout this Congress.

The biggest changes today are, of course, happening across the dome, and I would like to welcome the many new Republican Members of Congress who have come to Washington to change the way things are done around here. In this, they will be led by a very talented and determined Ohioan, whom I now have the great honor of referring to as Speaker BOEHNER. I congratulate Speaker BOEHNER and the new Republican majority in the House, and I wish them great success in achieving the kinds of reforms and policies the last election was all about.

Americans want lawmakers to cut Washington spending, tackle the debt, rein in the government, and to help create the right conditions for private sector job growth. They also want us to reform the way laws are made. They are looking to Republicans to provide an alternative to the kind of lawmaking we have seen too much of around here in the past few years—a vision that disregards the views of the public in favor of an elite few, a vision that tells people they can look at legislation after it is passed, that Washington knows best. In short, Americans are looking for an entirely different approach.

The new Republican majority in the House has shown every sign that they have heard the public on all of this, and Senate Republicans join them in their efforts, conscious of the limitations and the opportunities that our minority status and the President's veto pen involve. We will press the majority to do the things the American people clearly want us to do, and we will insist in every possible way that the voices of our constituents are heard, realizing at the same time that the best solutions are forged through consensus not through confrontation.

Fortunately, the Senate was designed as a place where consensus could and would be reached. Look through modern history. The Social Security Act of 1935 was approved by all but six Members of the Senate. The Medicare and Medicaid Acts of 1965 were approved by all but 21. And all but eight Senators voted for the Americans with Disabilities Act 21 years ago this year.

The lesson is clear: Americans believe on issues of this importance, one party should not be allowed to force its will on anyone else. Thanks to the Senate, it rarely has.

That is why a recent proposal to change the Senate's rules by some on the other side is such a bad idea. For 2 years, Americans have been telling us they are tired of being shut out of the legislative process. They want to be heard. The response they are now getting from some on the other side instead is a proposal to change the Senate rules so they can continue to do exactly what they want with fewer Members than before. Instead of changing their behavior in response to the last election, they want to change the rules.

Well, I would suggest this is precisely the kind of approach a supermajority standard is meant to prevent. It exists—it exists—to preserve the Senate's role as the one place where the voices of all of the people will, in the end, be heard. As a result, it has helped ensure that most major agreements enjoy the broad support of the public and the stability that comes with it.

Regrettably, the current majority has too often lost sight of this important truth. Since assuming control of the Senate in 2007, it has sought to erode the traditional rights of the minority, and, by extension, the rights of our constituents. The nonpartisan Congressional Research Service has looked into the way the current majority has run the Senate. Its conclusions are revealing.

Here are just a few: The current majority has denied the minority the right to amend legislation a record 44 times or more often than the last six majorities combined. It has moved to shut down debate the same day measures are considered nearly three times more often, on average, than the previous six majorities. And its unprecedented denial of the rights of the minority to debate and amend on the floor is compounded by its practice of

regularly bypassing Senate committees. All too often the majority has chosen to write bills behind closed doors, depriving Americans of yet another opportunity to have a say in the legislative process. The current majority has set the record here as well, bypassing committees 43 times or double the previous average.

Now, the goal of all of this, of course, is to pass the most partisan legislation possible while at the same time avoiding difficult votes. To listen to the leaders of the Democratic Party over the past several months, they have had some success at it. The President, the former Speaker, and the majority leader have all described the past Congress as the most successful in memory. Yet the most vocal elements of their party remain frustrated. They say the Senate is broken, even though the same people are describing it as the most successful in memory.

Why? Their primary complaints appear to be these: The stimulus passed, but it was not big enough; the health care bill passed, but it did not include the government plan; the Senate extended unemployment benefits and cut payroll taxes but was blocked from raising taxes on small business owners in the process.

In other words, the majority may have been able to achieve most of what it wanted, but because it did not achieve everything it wanted some are not happy. They are not happy that those Americans who have a different view of things actually had a say in how some of the legislation they have passed over the past 2 years turned out.

The impulse to change the rules is, in some ways, understandable. No one likes to take difficult votes, but that is nothing new. As the majority whip often says: "If you don't like fighting fires, then don't become a fireman." If you don't like casting votes, don't come to the Senate.

Some have also suggested that one's view of the filibuster depends on where one sits. It is true that when I was in the majority, I opposed filibustering judicial nominees. But I opposed doing so when I was in the minority as well. I opposed doing so regardless of who was in the White House. In short, I was against expanding the use of the filibuster into an area in which it traditionally had not been used, period.

One can agree with that view or not, but it is one thing to disagree with expanding the use of the filibuster into nontraditional areas, regardless of who is President and who is in the minority, it is another thing altogether to be in favor of expanding it when one is in the minority, and then turn around and urge its elimination when one is in the majority.

When it comes to preserving the right to extended debate on legislation, Republicans have been entirely consistent. What is being considered is unprecedented. No Senate majority has ever—I am going to say this twice—no Senate majority has ever changed the

rules except by following those rules; that is, with the participation and the agreement of the minority.

I am going to say it one more time. No Senate majority has ever changed the rules except by following those rules; that is, with the participation and the agreement of the minority. But it also promises to frustrate those who would approve it.

First, it is stating the obvious, that anything that passes in the Senate with a narrower majority than 60 is going nowhere—absolutely nowhere—in the newly Republican House. So any short-term gain ends halfway across the dome. Second, a change in the rules aimed at benefitting the Democrats today could just as easily be used to benefit Republicans tomorrow. Do our friends across the aisle want to create a situation where 2 or 4 or 6 years from now they suddenly find themselves completely powerless to prevent Republicans from overturning legislation they themselves have worked so hard to enact, particularly over the last 2 years?

But the larger point is this: The Founders crafted the Senate to be different. They crafted it to be a deliberate, thoughtful place. Changing the rules in the way that has been proposed would unalterably change the Senate itself. It will no longer be the place where the whole country is heard and has the ability to have its say, a place that encourages consensus and broad agreement. In short, it would make this place even less like the place Americans want it to be.

So it is my hope that our friends on the other side will put aside their plans, respect the rules of the Senate and, more importantly, the voice of the people those rules are meant to protect. Then we can get about the business the people sent us here to do.

Today is a day to renew our purpose and our commitment to bipartisanship, not to double down on a partisan approach that has too often marred lawmaking in Washington over the past 2 years. It is a day to look ahead to what we can achieve together, prompted by the urgings of an electorate that has made its views very clear, and united by a love for this institution and this Nation. The problems we face are enormous—once-in-a-generation challenges that will require vision, hard work, and a commitment to work together to reach consensus, and the Senate is the place for that. At its best, it is a workshop where the Nation's most difficult challenges are faced squarely and addressed with civility and goodwill. At a time like our own, when 1 in 10 working Americans is looking for a job and can't find one, when the national debt threatens the American dream itself, when the solvency of the social safety net is threatened, we must come together. We must find a way to forget the petty skirmishes of the past and forge a new, more hopeful path. We must be motivated by a determination to seek solutions, not mere partisan advantage.

Americans are looking for Republicans to address the problems we face, but Republicans cannot solve them alone. The problems are too big, too demanding for one party, and we will never succeed in solving them if we retreat to our corners until another election comes around. If our predecessors had done that, they would have never solved anything at all, and this institution would have lost its relevance a long time ago. But they didn't, and neither can we.

The men who established this place have left us the right tools for the job. It is my hope that in the weeks and months ahead, we will use them to renew the promise that inspired them and that continues to inspire Americans even in difficult times. That promise is the American dream. It is what unites everyone in this Chamber. Preserving it must be our common task.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business and that there be 30 minutes for tributes regarding Senator MIKULSKI's milestone; that upon conclusion of MIKULSKI-related remarks, there be 45 minutes for Senator HARKIN; that upon the conclusion of Senator HARKIN's remarks, the Republican leader or his designee control the next 35 minutes; further, that following that time controlled by the Republican leader, Senators be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

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

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

COMMENDING SENATOR MIKULSKI

Mr. HARKIN. Mr. President, I wish to make some remarks regarding my dear friend and seatmate on the Appropriations Committee and a member of my Health, Education, Labor, and Pensions Committee.

I join with the entire Senate family in saluting my good friend, the distinguished senior Senator from Maryland, on becoming the longest serving woman in the history of the Senate. This is truly a remarkable milestone.

I note that Cal Ripken, the former star of Senator MIKULSKI's hometown

Baltimore Orioles, became known as the "Iron Man" for going 16 consecutive years without missing a game. Now perhaps Senator MIKULSKI has earned the title of "Iron Woman" for going 24 consecutive years in this body without ever deviating from her role as a fierce advocate for Marylanders and for working people across our country.

I hasten to add that the measure of a Senator is not how many years he or she serves in the body but what he or she accomplishes during those years. That is where Senator MIKULSKI has truly distinguished herself over the last quarter of a century.

I especially salute her activism and leadership on the Committee on Health, Education, Labor and Pensions, formerly chaired, of course, by Senator Kennedy and which I am now privileged to chair. She has been a leading champion of Pell grants and for expanding access to higher education for students of modest means. Of course, as has been stated, she has been the Senate's leading voice on women's health issues, fighting to ensure women are included in clinical trials and medical research at the National Institutes of Health, and securing access to breast and cervical cancer screenings for women without health insurance.

Senator MIKULSKI took the lead in writing the sections of the new health reform law that focus on improving the quality of care. At every turn in the drafting of that historic legislation, she fought to ensure that the unique health needs of women were fully recognized and accommodated.

As chair of the Subcommittee on Retirement and Aging, Senator MIKULSKI has been an outspoken advocate for seniors, focusing especially on combating elder abuse and neglect. I know she is especially proud of authoring the Spousal Anti-Impoverishment Act, which keeps seniors from going bankrupt while paying for a spouse's nursing home care. I might also add, no one has been a more fierce supporter and defender of the right for people to have an attorney through the legal aid system in America. She has fought very hard to make sure we strengthened the National Legal Services Corporation and to make sure it receives adequate funding so people who have no money aren't barred from the courthouse door.

We admire the work of BARBARA MIKULSKI not as a female Senator per se but as one of 100 Senators. On this day we also recognize that she was the first woman elected to the Senate whose husband or father did not serve in high office. We salute her as the proud dean among Senate women who has gone to extraordinary lengths for so many years to mentor and guide newly elected women Senators of both parties.

I join my colleagues in congratulating Senator MIKULSKI as our longest serving female Senator and wishing her many more years of accomplishment and service in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to add my voice to those of my colleagues as we commemorate an extraordinary milestone for a remarkable woman. Today, Senator BARBARA MIKULSKI becomes the longest serving woman Senator.

For anyone who has had the privilege of working with or for Senator MIKULSKI, this milestone comes as no surprise. She is a devoted public servant and a dogged advocate for her constituents. She has spent the vast majority of her life in public service as a social worker, as a member of the Baltimore City Council, then as a Member of the House of Representatives, and finally as a Senator. With each step, her constituency got larger and she worked even harder to fight for the people of Maryland.

Senator MIKULSKI is no stranger to celebrating firsts or milestones. She was the first Democratic woman to be elected to the Senate in her own right without succeeding a spouse or a father. She was also the first woman to serve on the Senate Appropriations Committee.

It is also worth reflecting on how far we have come in the 24 years since Senator MIKULSKI was first elected. She was one of only two women in the Senate in 1987. In the next Senate, as in the last Senate, we are now up to 17 female Senators, meaning that they can no longer call us "Sweet 16."

As the dean of women Senators, Senator MIKULSKI has always been ready to help women who are thinking about running for the Senate and then help newly arrived women Senators when they get here. Her wise counsel is absolutely invaluable. Senator MIKULSKI has always reached across the aisle to bring women Senators together. As she puts it: "Women in the Senate understand issues not just on the macro level, but on the macaroni and cheese level."

Two years ago around this time, I went to the Senate floor with several of my women colleagues to speak about the importance of passing the Lilly Ledbetter Fair Pay Act. Senator MIKULSKI had championed the bill for years. I remember Senator MIKULSKI bringing us all together and I will always remember her words. She would say:

To the women of America: Suit up, square your shoulders, put your lipstick on. We're ready for a revolution.

Senator MIKULSKI has always been a master of words and quips. She did it again, and we passed that bill.

On that issue, as on so many others, the cause that Senator MIKULSKI championed was victorious due in large part to her tremendous work ethic and her devoted advocacy.

Senator MIKULSKI, today we salute you for suiting up and squaring your shoulders for 24 years and counting, and we look forward to so many more.