

serve in their administration. In the vast majority of instances, the individuals nominated by the President are not controversial, but many have faced delays before assuming their positions. These delays mean critical decision-makers are not in place. And, the delays make it harder to find qualified people—many great nominees simply cannot wait around for months as the stress and uncertainty affects their families and careers. We need to do better in the 112th Congress. According to the Congressional Research Service, the Senate has a constitutional duty to exercise “advice and consent” on more than 1,215 executive branch nominees. That is a large number. Is my friend from Kentucky aware of that the Senate confirms more than 1,215 executive branch nominees?

Mr. MCCONNELL. I am aware that the number of presidential appointees has grown substantially. According to the bipartisan Commission on Public Service report from 2003, President Kennedy took office in 1960 with only 286 positions to fill by Presidential appointment. Many of those required Senate confirmation. About 40 years later, President George W. Bush faced a total of 3,361 Presidential appointment slots to fill. I am sure the current President faced a similar number of appointments.

Mr. REID. I remember the Public Service Commission well and its Chairman Paul Volcker. We may need a new working group in the Senate to examine the confirmation process and ways to improve, streamline, and in some cases perhaps eliminate the confirmation process for lower level nominees. I would like to propose a new working group on executive nominations headed by Chairman SCHUMER and Ranking Member ALEXANDER of the Rules Committee. We will develop the details of this effort in the coming weeks, but I think a Senate level working group is a good place to start. And I would also recommend that Senators SCHUMER and ALEXANDER work on this effort in conjunction with Senators LIEBERMAN and COLLINS. The Homeland Security and Government Affairs Committee has held hearings on the confirmation process in the past, and Senators LIEBERMAN and COLLINS have been engaged in this issue for some time. They can bring a valuable perspective here.

Mr. MCCONNELL. I agree the Senate should establish a working group to examine this issue. Surely, Senators LIEBERMAN and COLLINS have bipartisan respect and should be a part of any such group on executive nominations. Senators ALEXANDER and SCHUMER are good choices to spearhead this effort. I look forward to working with the majority leader and my colleagues in the coming weeks as we finalize this proposal.

the introduction of bills and joint resolutions in the 112th Congress be Tuesday, January 25, 2011.

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

ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. REID. I have a concurrent resolution at the desk. I ask the clerk to report the same.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 1) providing for a conditional recess or adjournment of the Senate and adjournment of the House of Representatives.

The PRESIDENT pro tempore. The concurrent resolution is considered and agreed to.

The concurrent resolution (S. Con. Res. 1) was agreed to, as follows:

S. CON. RES. 1

Resolved, by the Senate of the United States (the House of Representatives concurring), That (a) when the Senate adjourns or recesses on any day from Wednesday, January 5, 2011, through Monday, January 10, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned or recessed until 10 a.m. on Tuesday, January 25, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, which ever occurs first; and

(b) when the House adjourns on the legislative day of Wednesday, January 12, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, January 18, 2011, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on any legislative day from Wednesday, January 26, 2011, through Friday, January 28, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 8, 2011, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate, or his designee, after consultation with the Minority Leader of the Senate, or his designee, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

Mr. REID. Mr. President, I move to reconsider that vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE PROCEDURE

Mr. REID. Mr. President, happy new year to you. And happy new year to all my colleagues, those returning to the Senate and those taking office today for the first time.

I am honored, humbled, and will forever be grateful that the people of Nevada have entrusted me with another term as a Senator. I will continue working hard to create jobs for the people of my State and our country and get our country back on track. I am also grateful for the continued support and confidence of my caucus, which has given me the honor of serving as its leader. Neither title—Senator nor majority leader—is a responsibility I take lightly or for granted.

They say you can never step in the same river twice; new water flows in replacing the old and continually renewing the river. The Senate is the same. This body never stops changing. Every 2 years—occasionally more frequently—new Senators take their seats in this Chamber. They join the Senate family in this ever-evolving team of 100 tasked with moving the country forward. Our fundamental responsibilities and traditions anchor us in that river. Our respect and reverence for the people we serve and this institution never wavers or changes.

According to academics, pundits, and Congress watchers, the 111th Congress was the most productive in American history. But many challenges and opportunities still lie ahead for this new Congress that starts today. We have to do even more to help middle-class families, to create jobs, to hasten our energy independence, to improve our children’s education, and to fix our broken immigration system. We also have to make sure the Senate can operate in a way that allows the people’s elected legislators to legislate.

We will soon debate some reforms to Senate procedure, reforms proposed not for the sake of change itself or for partisan gain but because the current system has been abused and abused gratuitously. The filibuster in particular has been abused and in truly unprecedented fashion. There are strong passions on both sides of this debate on this issue. There are nearly as many opinions about what to do about these abuses as there are Senators. But let’s start the conversation with some facts.

There were about as many filibusters in the last two Congresses as there were in the first six and a half decades the cloture rules existed. There were nearly as many filibusters in just the last 2 years as there were in the 1920s, 1930s, 1940s, 1950s, 1960s, and half of the 1970s, all combined. In the entire 19th century, the Senate saw fewer than 12 filibusters. Now we see that many in a single month. Many of these recent filibusters were terribly unproductive. Many of them prevented us from even holding debate on a bill, let alone an up-or-down vote. After we wasted hour after hour, day after day, sometimes weeks, many of those bills passed and

FIRST DAY FOR INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

Mr. REID. Mr. President, I ask unanimous consent that the first day for

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 law-making 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.