

be a supermajority. They put that into the Constitution. They laid out that if we are going to override a veto by the President, it should take a supermajority to do that, and they put it into the Constitution. They said, if we are going to amend the Constitution itself, we should take a supermajority. They put that in the Constitution. They didn't put a supermajority for legislating in. Oh, they thought about it. They talked about it. They wrestled with it. They kept coming back to the belief that the heart of the Democratic process is the path the majority chooses as the right path is the path that should prevail, not the path chosen by the minority.

So there were commentaries on this in various of the Federalist Papers. Here we have Alexander Hamilton on supermajority rule. He said supermajority rule in Congress would lead to "tedious delays; continual negotiations and intrigue; contemptible compromises of the public good." That is what Hamilton thought. That overlays pretty well with a lot of what we see on the floor of the Senate today.

How about Madison. Madison had commentary on this. He said, "The fundamental principle of free government would be reversed" if this Chamber did legislation by supermajority. Why did he say that? Because it would mean the path chosen by the few would prevail over the path chosen by the majority.

There is a lot of nostalgia when people think back to a time when the filibuster was an instrument of principle. Many Americans think about this. They think about the movie where Jimmy Stewart portrays Jefferson Smith, a newcomer to the Senate, and he comes to the well of the Senate and he fights for the principle of avoiding the corrupt practices regarding a boys camp. He didn't have to take the floor and demand a supermajority vote for blocking the simple majority, but he was determined to both make his case before the American people as well as his colleagues and certainly eat up as much time as he could physically, which was another strategy of the standing, talking filibuster, so the public would have a chance to respond.

Many folks say that is just a romantic Hollywood thing. But the charts I have shown my colleagues show the filibuster was used only rarely. It was viewed as an exceptional instrument of fighting for a personal principle when you were willing, when you had the courage to stand before your colleagues and make a stand. It was that way when I came here in the early 1970s. I came as an intern in 1976. In the previous year, there had been a big fight over the filibuster because of the early abuses we saw on those charts in the early years of the 1970s. The attitude changed. The filibuster started to become used as an instrument for partisan politics rather than personal principle.

So they had a debate in 1975, and they said we are going to change it

from 67 to 60. That is where they ended up. It started with this body affirming multiple times that its intent was to use simple majority to change the rules as envisioned under the Constitution. It is also the way it was envisioned under the rules of the Senate: A simple majority could change the rules, until 1970. There are a lot of observations by ordinary Americans that the Senate is broken, and we should listen to ordinary Americans who expect us to be a legislative body that can deliberate and decide.

This is a cartoon that came out recently by Tom Tolls of the Washington Post showing a Senator at the podium and the Senator says: I will tell you all the reasons we shouldn't reform the filibuster. No. 1, it will restrict my ability to frivolously stymie everything. No. 2—and he thinks for a while and he can't think of any other reason we shouldn't reform the filibuster, so he asks the staff: How long do I have to keep talking? The little commentary down here: You can read your recipes for paralysis.

The filibuster has become a recipe for paralysis. It is up to us 2 days from today, when we start a new session of Congress, to take responsibility for modifying the rules of the Senate because we have a responsibility to the American people to address the big issues facing our Nation and we can't do that when this Chamber is paralyzed.

I thank the Presiding Officer for the time to address this issue. I look forward to the debate we are going to have 2 days from today.

I see our majority leader has come to the floor, and I thank him for all the dialogs over the last 2 years on this topic. The majority leader may not have seen the chart I put up to start with, but it is his picture.

Mr. REID. I saw it.

Mr. MERKLEY. He has been suffering, if you will, through these nearly 400 filibusters in the 6 years he has been majority leader, while so many issues in America go unaddressed; each one of these filibusters procedurally taking up as much as a week of the Senate's time, even if we can get to vote to shut it down.

We must change the way we do our business in this Chamber to honor our responsibility under the Constitution to legislate in order to address the big issues facing Americans.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I did watch the presentation of my friend and I appreciate his tenacity and his thoroughness.

TRIBUTE TO TONY HANAGAN AND KEIRA HARRIS

Mr. MCCONNELL. Mr. President, Tony Hanagan and Keira Harris are two former pages who returned to the

Senate, graciously volunteering to sacrifice some of their Christmas vacation to help here on the Senate floor this past weekend. Tony and Keira have worked tirelessly to complete work typically performed by 14 pages. We appreciate their help during the Senate's recent late nights. We thank them for their great effort and impeccable service to the Senate.

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 3454. An act to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 3630. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office".

S. 3662. An act to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminister, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building".

S. 3677. An act to make a technical correction to the Flood Disaster Protection Act of 1973.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6612. An act to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

H.R. 6649. An act to provide for the transfer of naval vessels to certain foreign recipients.

The message further announced that the House agree to the amendment of the Senate to the bill (H.R. 6364) to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 147. Concurrent resolution waiving the requirement that measures enrolled during the remainder of the One Hundred Twelfth Congress be printed on parchment.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6612. An act to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 459. To require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, January 1, 2013, she had presented to the President of the United States the following enrolled bills:

S. 3202. An act to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

S. 3666. An act to amend the Animal Welfare Act to modify the definition of "exhibitor".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 870, 871, 878, 879, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 932, 933, 934, 935, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, with the following exceptions: Colonel Stephen Rader, Colonel Randall A. Shear, Jr., and Colonel Erik C. Peterson; and all nominations placed on the Secretary's desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

FEDERAL MARITIME COMMISSION

William P. Doyle, of Pennsylvania, to be a Federal Maritime Commissioner for the term expiring June 30, 2013.

DEPARTMENT OF TRANSPORTATION

Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration for the term of five years.

OVERSEAS PRIVATE INVESTMENT CORPORATION

James M. Demers, of New Hampshire, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2014.

Naomi A. Walker, of the District of Columbia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2012.

STATE JUSTICE INSTITUTE

Jonathan Lippman, of New York, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

Jonathan Lippman, of New York, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2015.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Maria Rosario Jackson, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2016.

NATIONAL INSTITUTE OF BUILDING SCIENCES

Joseph Byrne Donovan, of Virginia, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2013.

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

Bruce R. Sievers, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2018.

DEPARTMENT OF JUSTICE

Angela Tammy Dickinson, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Colonel Stephen J. Linsenmeyer, Jr.

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Calvin H. Elam

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Mark E. Bartman

Brig. Gen. Stanley J. Osserman, Jr.

Brig. Gen. Thomas A. Thomas, Jr.

Brig. Gen. Eric G. Weller

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Colonel Glen M. Baker

Colonel Jeffrey D. Buckley

Colonel Anthony J. Carrelli

Colonel Timothy J. Cathcart

Colonel Andrew J. Donnelly

Colonel Harold S. Eggensperger

Colonel James O. Eifert

Colonel Bryan P. Fox

Colonel Ricky D. Gibney

Colonel Christopher A. Hegarty

Colonel John P. Hronek, II

Colonel Paul Hutchinson

Colonel Kevin J. Keehn

Colonel Christopher J. Knapp

Colonel Michael E. Manning

Colonel Clayton W. Moushon

Colonel Michael A. Nolan

Colonel Michael L. Ogle

Colonel Ronald E. Paul

Colonel Samuel H. Ramsay, III

Colonel William B. Richy

Colonel Adalberto Rivera

Colonel Sami D. Said

Colonel Anthony E. Schiavi

Colonel John D. Slocum

Colonel Ronald W. Solberg

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Kenneth E. Floyd

AFRICAN DEVELOPMENT FOUNDATION

Edward W. Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2017.

Iqbal Paroo, of Florida, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2017.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

T. Charles Cooper, of Maryland, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF JUSTICE

Patrick J. Wilkerson, of Oklahoma, to be United States Marshal for the Eastern District of Oklahoma for the term of four years.

Louise W. Kelton, of Tennessee, to be United States Marshal for the Middle District of Tennessee for the term of four years.

MILLENNIUM CHALLENGE CORPORATION

Lorne W. Craner, of Virginia, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of two years.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Lori J. Robinson

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gregory A. Biscone

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Lisa A. Naftzger-Kang

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General William B. Binger

Brigadier General Keith D. Kries

Brigadier General Maryanne Miller

Brigadier General Jane C. Rohr

Brigadier General Patricia A. Rose

Brigadier General Jocelyn M. Seng

Brigadier General Sheila Zuehlke

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brigadier General Paul L. Ayers

Brigadier General Jim C. Chow

Brigadier General Gregory L. Ferguson

Brigadier General Anthony P. German

Brigadier General Rickie B. Mattson

Brigadier General John E. McCoy

Brigadier General John E. Murphy

Brigadier General Brian G. Neal

The following named officers for appointment in the Reserve of the Air Force to the