Over the next few months it will be up to the President and his party to work with us to deliver the same kind of bipartisan resolution on spending that we have now achieved on taxes, but it needs to happen before the eleventh hour. For that to happen, the President needs to show up this time.

The President claims to want a balanced approach. Now that he has the tax rates he wants, his calls for ''balance'' means he needs to join us in the effort to achieve meaningful spending reform. The President may not want to have this debate, but it is the one he is going to have because the country needs it. Republicans are ready to tackle the spending problem, and we start today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

SENATE RULES CHANGES

S. RES. 4

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I have a resolution for myself, Senator MERKLEY, and Senator HARKIN, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4), to limit certain uses of the filibuster in the Senate to improve the legislative process.

Mr. UDALL of New Mexico. Madam President, I would object.

The PRESIDING OFFICER. The Senator is objecting to further proceeding?

Mr. UDALL of New Mexico. Yes.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rule.

Mr. UDALL of New Mexico. I yield to the Senator from Tennessee for his objection.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Reserving the right to object, the majority and minority leaders are working together to try to find ways to move bills to the floor and get more amendments. I wish to give them time to complete that work. I therefore object.

The PRESIDING OFFICER. Objection is noted.

Mr. UDALL of New Mexico. I thank the Senator from Tennessee. I know he is working diligently and we have some very positive things happening.

Madam President, as we begin the 113th Congress, I have submitted on behalf of myself and Senators MERKLEY and HARKIN a resolution to amend the Standing Rules of the Senate.

Our proposal to reform the rules is simple, it is limited, and it is fair. Again, we are not ending the filibuster. We preserve the rights of the minority. We are only proposing the following:

No. 1, an end to the widespread abuse of silent filibusters. Instead, Senators would be required to go to the floor and actually tell the American people why they oppose a bill or nominee in order to maintain a filibuster;

No. 2, debate on motions to proceed to a bill, or to send a bill to conference, would be limited to two hours; and

No. 3, postcloture debate on a nominee—other than a justice to the Supreme Court—would be limited to 2 hours, rather than the current limit of 30 hours.

These are sensible changes. These are reforms we are willing to live with if we are in the minority. And yet, we are warned that these simple reforms will transform the very character of the Senate. Will leave the minority without a voice. These arguments are covers for continued abuse of the rules.

The reforms are modest. Some would say too modest. But they would discourage the excessive use of filibusters. The minority still has the right to filibuster, but not the right to do so by simply making an announcement and then going out to dinner or, more likely, to a fundraiser.

Let me just say again: Senators MERKLEY, HARKIN, and I are not talking about taking away the rights of the minority. We are not abolishing the right to debate or to filibuster.

But there must be change. The unprecedented use, and abuse, of the filibuster and other procedural rules has prevented the Senate from doing its job. We are no longer ''the world's greatest deliberative body.'' In fact, we barely deliberate at all.

For most of our history the filibuster was used very sparingly. But, in recent years, what was rare has become routine. The exception has become the norm. Everything is filibustered—every procedural step of the way—with paralyzing effect. The Senate was meant to cool the process, not send it into a deep freeze.

Since the Democratic majority came into the upper chamber in 2007, the Senates of the 110th, 111th, and current 112th Congress have witnessed the three highest totals of filibusters ever recorded. A recent report found the current Senate has passed a record-low 2.8 percent of bills introduced. That is a 66 percent decrease from the last Republican majority in 2005–2006, and a 90 percent decrease from the high in 1955–1956.

I have listened with great interest to the arguments against rules reform by the other side. Each day, my Republican colleagues have come to the floor and made very impassioned statements in opposition to amending our rules at the beginning of the new Congress. They say that the rules can only be changed with a two-thirds supermajority, as the current filibuster rule requires. And they have repeatedly said any attempt to amend the rules by a simple majority is ''breaking the rules to change the rules.'' This simply is not true.

The supermajority requirement to change Senate rules is in direct conflict with the U.S. Constitution. Article I Section 5 of the Constitution states that, ''Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.'' When the Framers required a supermajority, they explicitly stated so, as they did for expelling a member. On all other matters, such as determining the Chamber's rules, a majority requirement is clearly implied.

There have been three rulings by Vice Presidents, sitting as President of the Senate, on the meaning of Article I Section 5 as it applies to the Senate. In 1957, Vice President Nixon ruled definitively: [W]hile the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress. Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

Vice-Presidents Rockefeller and Humphrey made similar rulings at the beginning of later Congresses.

I have heard many of my Republican colleagues quote Senator Robert Byrd's last statement to the Senate Rules Committee. I was at that hearing, and have great respect for Senator Byrd and know that he was one of the great Senate historians and deeply loved this institution. But we should also consider Senator Byrd's other statements, as well as steps he took as Majority Leader to reform this body.

In 1979, when others were arguing that the rules could only be amended in accordance with the previous Senate's rules, Majority Leader Byrd said the following on the floor: There is no higher law, insofar as our Government is concerned, than the Constitution. The Senate rules are subordinate to the Constitution of the United States. The Constitution in Article I, Section 5, says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

In addition to the clear language of the Constitution, there is also a longstanding common law principle, upheld in the Supreme Court, that one legislature cannot bind its successors. For example, if the Senate passed a bill with a requirement that it takes 75 votes to repeal it in the future, that would violate this principle and be unconstitutional. Similarly, the Senate of one Congress cannot adopt procedural rules

that a majority of the Senate in the future cannot amend or repeal.

Many of my Republican colleagues have made the same argument. For example, in 2003 Senator JOHN CORNYN wrote in a law review article: Just as one Congress cannot enact a law that a subsequent Congress could not amend by majority vote, one Senate cannot enact a rule that a subsequent Senate could not amend by majority vote. Such power, after all, would violate the general common law principle that one parliament cannot bind another.

So amending our rules at the beginning of a Congress is not ''breaking the rules to change the rules.'' It is reaffirming that the U.S. Constitution is superior to the Senate rules, and that when there is a conflict between them, we follow the Constitution.

I find some of the rhetoric about amending our rules particularly troubling. We have heard comments that any such reforms, if done by a majority, would ''destroy the Senate.'' Again, I can turn to my Republican colleagues to answer this accusation.

In 2005, the Republican Policy Committee released a memo entitled ''The Constitutional Option: The Senate's Power to Make Procedural Rules by Majority Vote.'' Not only does the memo support all of the same arguments I make today in support of reform by a majority, but it also refutes many of the recent claims about how the Senate will be permanently damaged.

In a section of the memo titled, ''Common Misunderstandings of the Constitutional Option,'' it responds to the misunderstanding that ''the essential character of the Senate will be destroyed if the constitutional option is exercised'' with the following: When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consideration, and careful deliberation of all matters with which it is presented.

What is more important about the Republican memo is the reason they believed a change to the rules by a majority was justified. Back then it was about the filibuster of judicial nominees—and what Republicans saw as a break in longstanding Senate tradition. They claimed they weren't using the constitutional option as a power grab, but as a means of restoring the Senate to its historical norm.

The memo states the following: The Senate is a relatively stable institution, but its norms of conduct have sometimes been violated. In some instances, a minority of Senators has rejected past practices and bipartisan understandings and exploited heretofore ''off limits'' opportunities to obstruct the Senate's business. At other times, a minority of Senators has abused the rules and precedents in a manner that violates Senators' reasonable expectations of proper procedural parameters. These are efforts to change Senate norms and practices, but they do not necessarily have the support of a majority.

Such situations create institutional conundrums: what should be done when a mere minority of Senators changes accepted institutional norms? One option is to acquiesce and allow ''rule by the minority'' so that the minority's norm becomes the Senate's new norm. But another option has been for the majority of Senators to deny the legitimacy of the minority Senators' effort to shift the norms of the entire body. And to do that, it has been necessary for the majority to act independently to restore the previous Senate norms of conduct.

This is exactly where we find ourselves today. Back then, the Republicans argued the constitutional option should be used because 10 of President Bush's judicial nominees were threatened with a filibuster. I believe the departure from Senate tradition we see today is far worse.

Since Democrats became the majority party in the Senate in 2007, we have faced the highest number of opposition filibusters ever recorded. Lyndon Johnson faced one filibuster during his 6 years as Senate Majority Leader. In the same span of time HARRY REID has faced over 385.

So, as the Republicans argued in 2005, ''[a]n exercise of the constitutional option under the current circumstances would be an act of restoration.'' We must return the Senate to a time when every procedural step was not filibustered.

But if my Republican colleagues really believe using the constitutional option would be so harmful to the Senate, there is an alternative. We don't have to reform the rules with only a majority vote. That is up to my colleagues on the other side of the aisle. Each time the filibuster rule has been amended in the past, a bipartisan group of senators was prepared to use the constitutional option. But with the inevitability of a majority vote on the reforms looming, enough Members agreed on a compromise and they passed the changes with two-thirds in favor.

We could do that again this month. I know many of my Republican colleagues agree with me. The Senate is not working. I said 2 years ago that I would push for the same reforms at the beginning of the next Congress—regardless of which party was in the majority.

At the time, many people believed the Democrats would lose their majority. So let me be clear. If Leader MCCONNELL had become the new majority leader today, on the first day of the 113th Congress, I would ask him to work with me on implementing these same reforms.

I will say again. The proposed changes will reform the abuse of the filibuster, not trample the legitimate rights of the minority party. I am willing to live with all of the changes we are proposing, whether I am in the majority or minority.

The other side has suggested that a change in the rules is an affront to the American public. But the real affront would be to allow the abuse of the filibuster to continue.

We have to change the way we do business. We have to govern. It is time for us to pay attention to jobs and the economy and the things that matter to American families. That was the message we were sent in the election, and we would do well to listen to it.

Under the abuse of the current rules, all it takes to filibuster is one senator picking up the phone. Period. It doesn't even require going on the floor to defend it. Just a phone call by one senator. No muss, no fuss, no inconvenience. Except for the American public. Except for a nation that expects and needs a government that works—a government that actually works together and finds common ground.

Some of my colleagues may believe the Senate is working as it should; that everything is fine. Well, Madam President, we do not take that view. It isn't working. It needs to change. The American people, of all political persuasions, are clamoring for a government that actually gets something done. The challenges are too great, the stakes are too high, for a government of gridlock to continue.

S. RES. 5

Mr. UDALL of New Mexico. Madam President, on behalf of Senator HARKIN, I have a resolution which I send to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 5) amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, reserving the right to object, for the reason I just stated, to give the majority and minority leader and other Senators a chance to find ways to help the Senate function fairly and more efficiently, I object.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rule.

The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I would also reiterate again that Senator ALEXANDER, and a number of Senators, including Senator MERKLEY and myself, are all working to make sure this is a better place and that it functions better, and we look forward to having the next couple of weeks to do that.

Madam President, I yield for my good friend, who has been working with me on rules from the first day I arrived here.

I yield for the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

S. RES. 6

Mr. MERKLEY. Madam President, I have a resolution which I send to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 6) to modify extended debate in the Senate to improve the legislative process.

The PRESIDING OFFICER. Is there objection to proceeding to the resolution?

The Senator from Tennessee.

Mr. ALEXANDER. Reserving the right to object, again, the majority and minority leaders are working together with other Senators to try and find ways we can agree upon to assist in the functioning of the Senate. To give them sufficient time to do that, I do object.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rule.

The Senator from Oregon.

Mr. MERKLEY. I thank my colleague from Tennessee for the efforts he is putting forth to find ways to make this body truly engage in dialogue and decisionmaking as the American people expect.

S. RES. 7

Mr. MERKLEY. Madam President, on behalf of Senator LAUTENBERG, I have a resolution which I send to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read the resolution as follows:

A resolution (S. Res. 7) to permit the Senate to avoid unnecessary delay and vote on matters for which floor debate has ceased.

The PRESIDING OFFICER. Is there objection to proceeding to the resolution?

Mr. ALEXANDER. Madam President, for the reasons I have stated with the other requests for unanimous consent, I do object.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rule.

The Senator from Oregon.

Mr. MERKLEY. Madam President, I look forward to the dialogue among all the Members on how the Senate can reclaim its important role as a deliberative and decisionmaking body.

I want to thank Senator UDALL for having been so involved in this conversation and helping to drive it forward.

TRIBUTES TO DEPARTING SENATORS

HERB KOHL

Mr. SESSIONS. Mr. President, as the year ends, we face the sadness that surrounds the departure of good colleagues. I want to take a minute to express my pleasure in having the opportunity to know and work with Herb Kohl. We have served 16 years together on the Judiciary Committee and in the Senate. He is one of the most accomplished and courteous members of the Senate. His powerful intellect along with his vast private sector experience have given him valuable insight into the issues of our time. We shared a strong belief in the importance of the Littoral Combat Ship and in the end were both pleased to see that program move forward. As a senior member of the Judiciary Committee, Senator Kohl was a faithful member who had a remarkable ability to win the affection and respect of members. He always sought common ground rather than confrontation. It's been a real pleasure for me to get to know and to work with this remarkable, talented and good man. He has given much to the Senate. My best wishes are extended for this next chapter in his life.

TRIBUTE TO STAN LOWE

Mr. BARRASSO. Mr. President, next week in Casper, a member of America's greatest generation will be recognized by the Casper Area Chamber of Commerce for a lifetime of service and leadership. I am honored to tell my colleagues about my friend, R. Stanley Lowe.

In 1943, Stan was in college and had been deferred from the draft because of his studies. But, at age 19, he wanted to do his part to protect our great Nation. He enlisted in the U.S. Merchant Marine. He served on five ships in the Pacific and Atlantic, each voyage lasting several months. Stan became a staff officer, in charge of personnel and payroll. He was also a chaplain and medical officer, called a pharmacist's mate and purser.

Stan served from 1943 to 1946, seeing things that would have a life long impact on him. The Merchant Marine had the highest rate of casualties of any service, dying at a rate of 1 in 26, and Stan was there to help the injured and comfort the dying.

Following his service, he returned to Wyoming to complete his law degree and then practice law in Rawlins. It was there he met the love of his life, Anne ''Pat'' Kirtland Selden Lowe, while they were skiing. She was remarkable, too. Pat was among the first female geologists—and a scholarship in her name continues to support students pursuing degrees in geology at the University of Wyoming.

Wyoming has benefited immensely from Stan's career. He served in the State House of Representatives and was elected to be the county and prosecuting attorney for Carbon County. He spent the majority of his distinguished career as general counsel for True Oil. In 1985, Stan led a delegation of American lawyers on a goodwill tour to China. The legal profession benefited from his wisdom through his service as counsel for the American Judicature Society.

While practicing law, he never forgot about his service and his fellow veterans. Stan was appointed to the Wyoming Veterans' Affairs Commission by Governor Mike Sullivan in 1991 and upon his retirement he was named chair emeritus. In 2003, Stan was awarded the Civilian Meritorious Service Medal. Stan has led the efforts to expand Wyoming's only Veterans Cemetery. His passion for history paved the ground for the Wyoming Veterans Memorial Museum.

Stan served in supportive and leadership roles in multiple veterans' organizations. Stan is a 3 year district commander of the American Legion. He was recently honored with the title of Honorary Past Department Commander, a title only given four other times in the history of the Wyoming American Legion. Stan continues to highlight veterans events and issues through his weekly article in the Casper Journal and attends almost every troop homecoming and veterans event.

Wyoming's veterans have benefitted immensely from Stan Lowe's wisdom and leadership. Stan will turn 90 this year. Wyoming continues to look to Stan as the voice for veterans. My wife, Bobbi, and I are happy to have Stan as our friend, and veterans all over Wyoming are fortunate because Stan chose to serve.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT, 112th CONGRESS

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on January 3, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills and joint resolution:

H.R. 443. An act to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

H.R. 2076. An act to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

H.R. 4212. An act to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

H.R. 4606. An act to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes.

H.R. 6029. An act to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

H.R. 6328. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer