Senators deserve additional notice before voting to change Senate rules, so today I will follow the precedents set in 2005 and again in 2011. We will reserve the right of all Senators to propose changes to the Senate rules, and we will explicitly not acquiesce in the carrying over of all the old rules from the last Congress. It is my intention that the Senate will recess today, rather than adjourn, to continue the same legislative day and allow this important rules discussion to continue later this month.

I am confident that the Republican leader and I can come to an agreement that will allow the Senate to work more efficiently. We are going to talk again today. We just haven't had time, with the other things we have been dealing with, to spend enough time together to do this, but we definitely want to move forward to try to make this place work better. I appreciate his willingness to work on this. I will do my very utmost, as I know he will.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

OPENING OF THE 113TH CONGRESS

Mr. MCCONNELL. Madam President, I would like to welcome everybody back after what we all realized was a somewhat abbreviated recess. In fact, I believe you would have to go back to 1970 to find the last time the Senate was in session and voting between Christmas and New Year's.

In particular, I want to welcome back Senator MARK KIRK. He has made a brilliant recovery since suffering a debilitating stroke almost a year ago. The fact that MARK is here today says a lot about his tenacity, his dedication, and his commitment to the people of Illinois.

I am told that about two-thirds of the patients in the facility where he has been recovering over the past year don't return to work, but true to form MARK opted for an experimental rehabilitation program so grueling, it has been compared to military boot camp. His staff counted 45 steps from the parking lot to the front door of the Senate, and during his treatment he made walking those steps his goal. Today he did it. He did it. So we admire him for his spirit, and we applaud his achievement. It is wonderful to have him back and ready to work.

I would also like to welcome the new Members who take their oaths of office today, particularly the four new Members of the Republican conference: Senator FLAKE of Arizona, Senator FISCHER of Nebraska, Senator CRUZ of Texas, and Senator SCOTT of South Carolina. Congratulations to you all. We welcome the energy and intelligence each of you brings to the challenges we face and especially to the transcendent challenge of our time: a Federal debt so huge, so huge it threatens to permanently alter an economy that has provided generations of Americans the opportunity to fulfill their dreams of a better life.

Four straight years of trillion-dollar deficits and projected spending that no realistic amount of tax revenue could cover have put us at a crossroads. Either we tackle our Nation's spending problem or it is going to tackle us. It is that simple, and there is no better time to do the work we need to do than right now.

The bipartisan agreement we reached earlier this week was imperfect. I am the first to admit it—especially the process. But aside from shielding 99 percent of my constituents and many of yours from the painful effects of a middle-class tax hike—the President seemed all too willing, by the way, to impose that—it gave us something else: It settled the revenue debate for good. The revenue debate is over. President Obama declared the other night that those he calls rich are now paying their ''fair share,'' so it is time to move on.

The President got his revenue, and now it is time to turn squarely to the real problem, which we all know is spending. We all knew that the tax hikes the President campaigned on were never going to solve the problem. Now that he has gotten them, he has a responsibility to put his preoccupation with taxes behind him and to work with us to actually solve the problem at hand. It is time to face up to the fact that our Nation is in grave fiscal danger—grave fiscal danger—and that it has everything to do with spending.

This is a debate the American people want us to have. The President liked to point out on the campaign trail that most Americans supported the idea of taxing the rich. What he conveniently left out is that even more Americans support the idea of cutting spending. One recent survey I saw said that about three-fourths of all Americans say they want to see major spending cuts in Washington. When you look at some of the things Washington has been wasting their dollars on, it is no wonder. I mean, if we can't stop spending taxpayer dollars on robo-squirrels, dancing robot DJs, or hot air balloon rides for Smokey the Bear, then there is no hope at all because if we can't fix the easy stuff, the robo-squirrels and the robot DJs, the things most of us agree on, how are we ever going to get at the hard stuff?

That is why the first step in this debate is for Democrats to get over their fanatical commitment to guarding every single dime the government ever got its hands on. This has to stop. The best time to stop it is now.

There is actually no better time for this debate. In a couple of months the President will ask us to raise the Nation's debt limit. We cannot agree to increase that borrowing limit without agreeing to reforms that lower the avalanche of spending that is creating this debt in the first place. It is not fair to the American people, and it is not fair to our children, whom we are asking to foot the bill. The health of our economy requires it, so now is the time to get serious about spending.

If the past few weeks have taught us anything at all, it means the President needs to show up early this time. The American people will not tolerate the kinds of last-minute crises that we have seen again and again over the last 4 years as a result of this President's chronic inactivity and refusal to lead on the pressing issues of our time. We don't need speeches, we need action, and we need it now. We need courage because the only way we are going to address the spending that is at the root of our Nation's fiscal problems is if the President is willing to bring the members of his party to the table and get them to rise above the partisan voices on the left, who treat every single penny of government spending as sacred.

Hopefully, that kind of cooperation will be forthcoming but, if not, we will have several opportunities in the coming months to force the conversation Washington needs to have. The first such opportunity, as I have said, surrounds the President's upcoming request of us to raise the debt ceiling. After that, there is the continuing resolution. But let me be clear, there is no need for drama—no need for drama—and we don't want any. The President knows as well as I do what needs to be done. He can either engage now to significantly cut government spending or force a crisis later. It is his call.

But for the sake of the country we must have this debate now. So today I call on my friend the majority leader and the rest of my Democratic colleagues to start working with us right now—not 1 hour, 1 day, or 1 week before we hit the debt limit but ahead of time for once so we can pass a bipartisan solution on spending that everyone will have an opportunity to weigh in on in early February. We need a plan that can pass the House and actually begin to get Washington spending under control. If we are serious, we will get one done.

With taxes now off the table, the only way to achieve a balanced plan is to focus on the spending side of the equation, particularly, as the President pointed out, health care entitlement programs because, as I said, taxes simply can't go high enough to keep pace with the amount of money we have projected to spend on them without crushing our economy. The best way to reform these programs is to make them work better. The debt isn't exploding because these programs exist, it is exploding because they are inefficient. They were created in a different era—the era of black-and-white TV. They should be updated for the age of the iPad, and we should want to fix them not just because we want to lower the debt but because we want to strengthen and improve these programs themselves.

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