without a voice in the Senate because the majority rules. That was never intended. That has not been part of our history.

So I think to directly answer the question, you are misinterpreting what this is all about. The net effect of where we are going to end up, if we go in this direction, I guarantee you, in our lifetime we will look back at that moment in history and we will say that changed the operation of the Senate forever.

As I said in my comments, once the bell is rung, it is impossible to unring the bell. We will not have stability in our laws and we will not have stability in our Senate and we will have a minority that is absolutely powerless. I do not believe that is what was intended.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

FOOD STAMPS

Mr. SESSIONS. Mr. President, that was very good debate. I would share the concern of Senator JOHANNS. I remember we backed off this dangerous trend of changing the rules when we fixed the filibuster politically in this political institution. We need to figure out a way to solve this problem. I would say, without any doubt in my own mind, the real reason we have had to filibuster is because the majority leader, to a degree unprecedented in history, is controlling and blocking the ability of the minority party to even have amendments on bills. That goes against the great heritage of the Senate and cannot be accepted. That is why we are having this problem.

I wanted to share a few thoughts this morning about the food stamp program and some of the developments that have been going on. America is a generous and compassionate Nation. We do not want and will not have people hungry in our country. We want to be able to be supportive to people in need.

But every program must meet basic standards of efficiency and productivity and wisdom and management. This program is resisting that. It is the fastest growing major program in the government. In the year 2000 we spent $20 billion on food stamps nationwide. Last year it was $80 billion. It has gone up fourfold in 10 years. That is a dramatic increase. It is increasing every year and virtually every month. The most recent report in September had one of the largest increases in the program's history—another 600,000 added to the rolls, totaling now 47.7 million. One out of every six Americans is receiving food stamps. Oddly, when we attempted to confront our debt and our spending, we had huge reductions for the Defense Department. Some other departments took big cuts. The food stamp program was set aside. President Obama and the Democratic leaders said: We will not even talk about it. No less money, no savings, no review of food stamps. It cannot be changed. It should be left alone.

Well, that is not a good plan. As the ranking member on the Budget Committee, I have begun to look at the program to see how it is we have had such great increases. The agriculture establishment says every single dollar that is spent is needed for hungry people. I offered an amendment that would have reduced spending over 10 years from $800 billion total to $789 billion, reducing spending by $11 billion based on closing a loophole, a categorical eligibility gimmick that should not be there, allowing people to receive benefits who did not qualify for them.

It was said: Oh, you want people to be hungry. It was voted down. I thought it was a very modest, reasonable change. By the way, agriculture spending in our government is different than a lot of people—Mr. President, what is the status of our time?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I have another 6 minutes.

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

Mr. SESSIONS. That is where we are, I think, in terms of spending on the program and the need to examine it and see how it works. The establishment says every dollar is needed, not a dime can be reduced. I certainly agree that no one should be hungry in America. But we must know that the SNAP program, the food stamp program as it is commonly known, is not the only benefit that people have.

Indeed, an average family without income in America today would receive as much as $25,000 in total benefits per year from the government if they did not have an income. They get things such as Temporary Assistance for Needy Families, they get SSI, housing allowance, free health care through Medicaid. They get food stamps and other benefits totaling at least $25,000.

By the way, if you took all of the means-tested welfare-type programs that are in existence in America today, there are over 80. If you divide it up by the number of households who fall below the poverty line in America, it would be $60,000 per household—$30 per hour, on average, for a 40-hour work week. That is how much it would amount to.

The median income in America is less than that. The median income—and they pay taxes on that—is maybe $25 an hour. This would be over $30 an hour based on if we were just to divide up our welfare programs. So to say we should not examine those programs and ask ourselves can we do better is a mistake. The question I would ask is, can we improve it? Can we help more people move from dependence to independence? Is the program functioning as we would like it to function?

I have been asking questions of the Secretary of Agriculture Tom Vilsack. He provided some information that was very troubling to me. I have submitted additional information to him. Now we are not getting any more answers. They have just shut the door. The Secretary basically said: Well, you are a Member of the Senate. You are asking too many questions. I am not giving you any more information. You raise concerns when I give you information. You point out problems. I do not like that. You are not getting any more.

I would note in some of our first inquires in the examination of their program, we found they are on a determined effort to expand the number of people who get on welfare or food stamps even if they do not want to be on food stamps. One of the things that is interesting is they gave a person in western North Carolina, one of the agricultural people, an award for overcoming ''mountain pride.'' Basically what they said was this lady should be given an award because when people in the mountains who are independent and believe they can take care of themselves, thank you—without the Federal Government—she overcame that. They have a brochure telling people what to say when people say, I do not need food stamps, to get them to sign up for food stamps.

I have to say, and I am not happy about it. So now the Secretary has failed to comply with oversight requests from the Senate Budget Committee. Secretary Vilsack has missed the October deadline that we asked him to meet by nearly 2 months. My staff has been provided no update despite repeated requests, and apparently no letter is being drafted from the Department in response to our request. Just stiff you guys.

Well, last I heard he worked for the American people. So do I. And one of my jobs is to make sure the American people's money is well spent. I am asking him about how he is spending our money, and he does not want to respond.

My letter asked questions about two main issues: First, the USDA's acknowledged relationship with Mexico to place foreign nationals almost immediately on food stamps. One of the questions I asked was simply how the U.S. Department of Agriculture interprets the Federal law.

Well, we make Federal law, we pass laws. I would like to know how they are enforcing them and what standards they are using. Federal law says those likely to be reliant on welfare cannot be admitted to the United States. If they want to come to the United States, and they meet the qualifications, they get to come. But they have to show they are not going to be dependent on the government for their food, aid, and health and everything when they come.

We have lots of people who want to come to America. Most of those people probably can come and sustain themselves. Why would we be admitting

those who can't, who are going to immediately go on the government assistance programs? But this law is effectively not being enforced.

Senators GRASSLEY, HATCH, and ROBERTS are ranking members on key committees, and I sent a letter.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for an additional 3 minutes.

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

Mr. SESSIONS. So another question I asked was concerning the Department's goal to place more people on food stamps. Here is part of the question from the letter: According to USDA, ''only 72 percent of those eligible for SNAP benefits participated,'' adding, ''their communities lose out on the benefits provided by new SNAP dollars flowing into local economies.''

If USDA's enrollment goals were reached, we asked, how many people would be receiving food stamps today? We have gone up dramatically; how many more would be of benefit? I would simply ask that question.

I will ask him again on the Senate floor. How many millions more people would be on the Food Stamp Program if 100 percent of those qualified had enrolled? In 2011 USDA gave a recruitment award, as I mentioned, for overcoming ''mountain pride.'' They produced a pamphlet instructing their recruiters on how to ''overcome the word 'no.' '' The USDA claims the chief obstacle to recruitment is a ''sense the benefits aren't needed.'' That is an obstacle.

USDA asserts that ''everyone wins when eligible people take advantage of benefits to which they are entitled,'' claiming that ''each $5 in new SNAP benefits generates almost twice that amount in economic activity for the community.''

Well, I guess we just ought to do it another fourfold. That would really make America prosperous.

USDA produced a Spanish-language ad in which the main character is pressured into accepting food stamps.

This is what is on the video: The lady said, ''I don't need anyone's help. My husband earns enough to take care of us.'' Her friend mocks her and replies—this is the Department of Agriculture pitch—''When are you going to learn?'' Eventually, she gives in to her friends who are pressuring her and agrees to enroll.

Is this the right approach for America? We need to work, to help people with pride, help people to assume their own independence, to be successful, take care of their own families and move them from dependence to independence. That ought to be the fundamental goal of our system. It was the goal in the reform of 1996 in the welfare reform that worked very well. More people prospered, fewer people are in poverty, and more people are taking care of themselves. It really was a success. We have been drifting back away from that.

What I sense is when you ask questions about it, you are treated as someone who doesn't care about people who are hungry, who do need our help. We want to help. All we are asking is, Can't we do it better? Can't we look back to the principles of independence, individual responsibility, and individual pride that Americans have and nurture that and use that as a way to help reduce dependence in this country? So those are the things I wanted to share.

I would just say this: The Secretary of Agriculture has the responsibility to answer.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I don't want to get in a fight with it, but, if necessary, I will use what ability I have in the Senate to insist that we get responses.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed on S. 3637, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 554, S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I would ask to speak as if in morning business.

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

SENATE RULES CHANGES

Mr. UDALL of New Mexico. Mr. President, there has been much discussion about the need to reform the Senate rules, and I have listened closely to the arguments against these changes by the other side. Today I rise to address some of their concerns. My Republican colleagues have made impassioned statements in opposition to amending our rules at the beginning of the next Congress. They say the rules can only be changed with a two-thirds supermajority. They say any attempt to amend the rules by a simple majority is breaking the rules to change the rules. This simply is not true.

Repeating it every day on the Senate floor doesn't make it true. The supermajority requirement to change Senate rules is in direct conflict with the U.S. Constitution. The Constitution is very specific about when a supermajority is required and just as clearly when it isn't required.

Article I, section 5 of the Constitution States:

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 require a supermajority, they explicitly said so. For example, 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. Sitting up where the Presiding Officer is sitting, three Vice Presidents have sat there. And the meaning of article I, section 5, as it applies to the Senate, this is what they were interpreting. In 1957, Vice President Nixon ruled definitively, and I quote from his ruling:

While 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.

That was Vice President Nixon. 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. The Presiding Officer knew Senator Byrd well. He is from his State of West Virginia. Senator Byrd came to that Rules Committee. I was at that Rules Committee, and I was at the hearing where he appeared—and I have great respect for Senator Byrd. He was one of the great Senate historians. He loved this institution, but we should also consider Senator Byrd's other statements and the steps he took as majority leader to reform this body.

In 1979 it was argued that the rules could only be amended in accordance with the previous Senate 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.

That was Senator Robert Byrd. This Congress is not obliged to be bound by the dead hand of the past.

As Senator Byrd pointed out, the Constitution is clear. There is also a