

to fulfill, on a timely basis, its constitutional responsibility to “advise and consent” to nominations, judge-ships and executive branch management positions simply go unfilled.

Now, you may wonder, if this system is so dysfunctional, why did our Founding Fathers ever design the Senate like this? The answer is that they didn’t. The Founders envisioned the Senate and House passing legislation and confirming nominations by a simple majority, reserving supermajority for special purposes such as constitutional amendments and overriding a veto.

Alexander Hamilton, in fact, foresaw the current state of affairs in the Federalist Papers, observing that a supermajority requirement would have the “tendency to embarrass the operations of government,” and would create “tedious delays, continual negotiation and intrigue, [and] contemptible compromises of the public good.”

As a result of the Senate’s silent filibuster, the Senate failed to pass almost all of the appropriations bills in the last Congress. The number of bills the Senate passes has hit new lows, with fewer than 3 percent of bills introduced in the last Senate ever passing.

That is why yesterday, with my partner, Senator TOM UDALL, I introduced a resolution that will enhance debate and limit obstruction.

Core to these reforms is the “talking filibuster.” A Senator can still object but she or he must be continuously on the floor maintaining a debate on the subject. This still allows Senators to block a simple majority vote on a bill of profound consequence, but they have to spend a lot of time and energy to do so.

This reform would have two major consequences. By requiring time and energy to filibuster, it would strip away filibusters on noncontroversial issues that are currently used just to obstruct and delay, allowing the Senate to debate and decide issues. Second, it puts the filibuster on display before the American people, increasing transparency and accountability. If you filibuster, you must make your case before your colleagues and the public, so they know who is obstructing and what your arguments are, and allow the people to judge if you are a hero or a bum.

Senate dysfunction is compromising the Senate’s ability to respond to major issues facing our Nation. I want to thank Leader REID for reserving the right to not adopt the rules of the previous Congress, so we can have this important debate on the rules of this body when we come back from the State work period.

#### HONORING OUR ARMED FORCES

SERGEANT CLINTON K. RUIZ

Mr. UDALL of New Mexico. Mr. President, just a few weeks ago Americans gathered all across the Nation to commemorate Veterans Day. It is a day that we set aside to remember, and express our gratitude to, the men and

women who have served in our Armed Forces. It is a day to honor the heroes among us, and those who, sadly, have left us.

Today I wish to pay tribute to an American hero, Army SGT Clinton K. Ruiz. Sergeant Ruiz died on October 25 while on patrol in Uruzgan Province, Afghanistan, from injuries sustained from small arms fire. He was just 22 years old. He leaves behind a wife, Kira, and a baby son, Caleb.

As we face the tragedy of this brave young soldier’s death, it is important too that we remember his life. Sergeant Ruiz’s journey on this Earth ended far too soon, but his memory among those whose lives he touched, and in a nation’s gratitude, will endure.

Clinton Ruiz was born on March 14, 1990. He graduated from Murrieta Valley High School in Murrieta, CA, and enlisted with the Army in 2009. He was assigned to A Company, 9th Military Information Support Battalion, 8th Military Information Support Group. Sergeant Ruiz was deployed to Afghanistan in September.

In the decade that our military has been fighting in Afghanistan, thousands of our fellow citizens have volunteered to serve. These courageous men and women risk their own safety to protect the safety of others. They leave their homes and their loved ones to defend the freedoms that we hold dear. Over 2,000 of these heroes have paid the ultimate price, for our freedoms, in Afghanistan.

Words cannot lessen the sorrow of the loved ones who grieve for Sergeant Ruiz now. Words cannot fully express the gratitude our Nation owes this valiant soldier. We can only remember, indeed we must never forget, the sacrifice that SGT Clinton Ruiz made in service to our country.

President Kennedy said that “stories of past courage . . . can teach, they can offer hope, they can provide inspiration. But, they cannot supply courage itself. For this, each man must look into his own soul.” Sergeant Clinton Ruiz had such courage. In the face of great danger, at great risk to himself, he went where his country sent him. He was awarded the Bronze Star and the Purple Heart. He kept the promise he had made to serve. Our Nation is forever in his debt.

Sergeant Ruiz loved his family. He loved his country. He made the ultimate sacrifice defending it. To Sergeant Ruiz’s family, I offer my deepest sympathies. We honor Sergeant Ruiz’s courage. We remember his sacrifice. And we mourn your loss.

#### ADDITIONAL STATEMENTS

##### REMEMBERING BEN EISEMAN, MD

• Mr. UDALL of Colorado. Mr. President, today I wish to pay tribute to Dr. Ben Eiseman, a world-renowned surgeon, a true American and a great

friend of mine. Dr. Eiseman was an accomplished man in every sense of the word and is survived by his wife of 67 years, his four children and five grandchildren.

Dr. Eiseman was an incredibly intelligent individual and an avid self-learner. He graduated from Yale University in 1939 and went on to receive his Medical Degree from Harvard University in 1943. Dr. Eiseman possessed extraordinary scientific ingenuity that led him to discover an astonishing number of medical complications and cures.

In addition to these discoveries, Dr. Eiseman also authored and coauthored over 450 scientific papers, was principal editor of seven books on general surgery and was a retired Rear Admiral in the U.S. Navy Reserves—he was very proud of his service to his country. Whenever I mentioned Dr. Eiseman to other surgeons, whether they live in another State or another country, he or she would instantly know his name.

I worked with Dr. Eiseman during my time as Executive Director of the Colorado Outward Bound School. At that time he was chairman of the Board of Trustees, and he was a major influence in my life, an incredible friend, and a wise mentor. One of the reasons Dr. Eiseman and I were so close had much to do with our shared love for the great outdoors. He was one of the few people I knew who had climbed all of the mountains in Colorado over 14,000 feet.

I recall a time almost three decades ago—while I was still with Outward Bound—when Dr. Eiseman accompanied me on a winter climbing trip for advanced climbers. He was always asking us to think through each and every step. In asking the right questions and challenging us along the way, he made me a stronger leader.

One reason we all respected Dr. Eiseman was because we all admired his unassuming ruggedness. On this trip, where it was at least 10 degrees below zero, none of us were surprised as Dr. Eiseman walked around comfortably in his Converse high-tops while the rest of us muddled around, freezing in our high-tech, insulated boots. When it was time to rest for the night, most of the team rolled out their latest and greatest sleeping bags, while Dr. Eiseman pulled out the equivalent of a lawn chair cushion to curl up on for the night. Always the task master, Dr. Eiseman was the first one up in the morning to make sure that everyone, including myself, was thoroughly prepared to take on whatever was in store for us each day. It was just the way he was tough, rugged and focused.

Dr. Eiseman inspired me by the way he commanded respect from all who interacted with him. Sure, he was seen as intimidating by some, but for those who knew him, they were treated to his wonderful sense of humor. He was a dedicated community leader, outdoorsman, and patriot.

I am deeply saddened by the loss of my friend Ben Eiseman, but I know