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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of light and glory, bend Your ears to hear our prayers. Lord, deep inside we long to be a part of something bigger than ourselves. Give our lawmakers the wisdom to discover Your purposes and the courage to obey Your commands. Lord, teach them to promptly make right decisions and to resist the temptation to waste the currency of the faith and trust of the American people. As they follow Your providential leading, may our Senators strive to be instruments of Your glory. Use them, Lord, to do Your will on Earth even as it is done in Heaven. Into each dark and trying hour, send the illumination of Your mercy and grace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 4, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will proceed to executive session to consider the disabilities treaty. The time until noon will be equally divided and controlled between Senators KERRY and LUGAR, the managers of this treaty, or their designees.

At noon there will be a rollcall vote on the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities.

I have a number of requests. We don't do treaties often, and our requests from Senators on both sides of the aisle have suggested, and I think they are right, that because this is a treaty, the votes will take place from our desk today. Everyone should be on notice, they should be here, and we will vote from our desks.

Following the vote, the Senate will recess to allow for the weekly caucus meetings.

Additional votes on the National Defense Authorization Act are expected during today's session.

MEASURE PLACED ON THE CALENDAR—H.R. 6429

Mr. REID. Mr. President, I am told there is a bill, H.R. 6429, due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. The objection is heard.

The bill will be placed in the calendar.

FISCAL CLIFF

Mr. REID. Mr. President, it has been almost 3 weeks since we all met with the President to avert that fiscal cliff we hear so much about. Yesterday, after weeks of delay, and as the days dwindle and taxes are set to go up for millions of families and businesses, Republicans in the House finally showed up at the negotiating table.

Now we know why they have been holding their cards so close to their vests. Their proposal would raise taxes on millions of middle-class families. Their plan is to raise $800 billion in revenue by eliminating popular tax deductions and credits that would reach deep into the pockets of middle-class families. Republicans are so intent on protecting low tax rates for millionaires and billionaires, they are willing to sacrifice middle-class families' economic security to do so.

In the first year, unless we do something, middle-class families; that is, people making less than $250,000 a year, will get an average of $2,200 in additional tax, taxes they will have to pay.

Their proposal that we received yesterday was short on specifics, but we do know from independent analysis that it is impossible to raise enough revenue to make a dent in the deficit

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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without using one of two things: raising tax rates on the top 2 percent or raising taxes on the middle class.

As my friend, the senior Senator from Missouri, said on the Sunday talk shows, the Speaker has to make a decision whether it is more important to keep his job or to do something about the economy that is in such difficult shape in America. He has to make a choice.

The nonpartisan Tax Policy Center called it mathematically impossible to reduce the deficit and give more tax cuts to the rich without harming the middle class. This is the same thing President Clinton talked about so often during the campaign, saying to everyone it is arithmetic.

As usual, given the choice between millionaires and billionaires and the middle class, Republicans again sided with the wealthy of this country. In fact, their plan doesn't just keep rates low for the richest 2 percent, it actually lowers them further. The Democrats' plan would protect 98 percent of families and 97 percent of small businesses from painful tax increases by asking the top 2 percent to pay a little bit more to reduce the deficit.

The Republicans' plan, on the other hand, is more of the same. Not only does it balance the budget on the backs of the middle class, it voids our promise to seniors with steep cuts to Social Security and Medicare, all to pay for even more handouts to the rich.

At least we now know where they stand. Republicans have sought cover by invoking Erskine Bowles' name, but he has disavowed their plan in no uncertain terms. We are glad to finally see Republicans joining in the negotiating process instead of watching from the sidelines.

While their proposal may be serious, it is also a nonstarter. They know any agreement that raises taxes on the middle class in order to protect more unnecessary giveaways to the top 2 percent is doomed from the start. It will not pass.

Democrats would not agree to it. President Obama wouldn't sign such a bill, and the American people would not support it. That is in all the polls that are in at press this morning.

The American people are tired of budget-busting giveaways to the wealthiest few people who have enjoyed growing paychecks and shrinking tax bills for more than a decade. The American people want a balanced deal. Simple math dictates that a balanced deal must include higher taxes on the richest of the rich. Republicans would be wise to keep that in mind as negotiations move forward.

We are willing to compromise, but we also will not consign the middle class to higher tax bills while millionaires and billionaires avoid all the pain.

I have been told the leader of the Democrats in the House will file today a discharge petition asking the Speaker to bring the bill to the floor. All Democratic House Members, as far as I know, every one of them will sign this discharge petition.

We have heard Republicans in the House who are willing to move forward. If every Democrat signs this, we will only need about 25 Republicans to join. The American people should see that picture. With 25 Republican votes—25 Republican votes—middle-class America would be able to rest assured that they will not have a tax increase at the first of the year. Twenty-five Republicans is all it would take.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

LIMITING THE RIGHT TO DEBATE

Mr. MCCONNELL. Mr. President, during the past couple days, we have discussed the plans of the Democratic majority to make the Senate more ''efficient'' and to do it by breaking the rules of the Senate. It is what my Senate colleagues roundly criticized during the Bush administration as ''breaking the rules to change the rules.'' It is something Senate Republicans thought about but wisely chose not to do.

The Senate has two great traditions, two great rights of Members and, by extension, the citizens they represent; the right to amend and the right to debate.

Yesterday and last week I talked about the first of these great Senate rights and how the Democratic majority has sought systematically to marginalize the minority in its exercise of this right.

I noted how the Democratic majority has bypassed committees to an unprecedented extent, how it has blocked members of the minority and members of the majority, too, from offering amendments on the Senate floor before cloture is invoked and how, when that didn't shut out the minority, the majority used a bare majoritarian means to change Senate procedure to bar the minority from offering motions to suspend the rules after cloture was invoked.

This systemic effort to marginalize the minority stands in stark contrast to the trend in the House under the Republican majority. It has allowed the minority in the House more chances to amend legislation on the House floor than existed under previous majorities.

In fact, according to the Wall Street Journal, last year, the House held more votes on amendments on the floor than it did during the 2 previous years combined, when congressional Democrats were in the majority.

When one compares the amendments and the motions voted on in the House this year with those voted on in the Senate, as the nonpartisan Congressional Research Service has done, the difference is truly startling. The House minority has been able to offer 214 such motions and amendments, compared to only 67 for the Senate minority, which is more than three times as many motions and amendments, but the minority in the House has had three times as many votes as the minority in the Senate. In terms of protecting the right of the minority to represent their constituents through amendments on the floor, the House is becoming more like the Senate used to be, and the Senate is becoming more like the House used to be.

But what about the second great right in the Senate, the right to debate? How has the exercise of this right fared under the Democratic majority? The short answer is not so great. The filing of cloture under the Senate rules is the beginning of the process to end debate, and the wielding of this powerful tool is in the hands of the majority leader. If one wants to simply equate the filing of cloture, if one wants to equate the filing of cloture with a filibuster, there is the potential for the majority to generate a lot of filibusters with a quick trigger on the cloture motion.

My friends on the other side of the aisle have painted a picture where cloture filings are needed to overcome an obstinate minority. Cloture is needed, so we are told, because of Members of the minority who refuse to stop delaying.

But does filing cloture on a matter, be it on a bill, an amendment or a conference report, on the very same day the Senate is considering that matter, indicate a minority that is prolonging debate or does it indicate a majority that is eager not to have a debate at all? To me, a habitual effort to file cloture on a matter as soon as the Senate begins to consider the matter indicates the latter.

What do the numbers show about the use of cloture by this Democratic majority? According to CRS, the current Senate majority has filed cloture on a matter—exclusive of motions to proceed to a matter—on the very same day it considered the matter three and a half times more often than the Senate Republicans did when they were in the majority.

According to CRS, Senate Republicans filed same-day cloture on a matter just 30 times in 4 years. The current Democratic majority has done so well over 100 times. Put another way, Senate Democrats are much more apt to try to shut off debate on a matter as soon as the Senate begins considering the matter than were prior majorities including, most recently, Senate Republicans.

The desire of my Democratic colleagues to shut down debate before it begins in these instances has nothing to do with overcoming resistance to the Senate taking up a bill because, as I have just noted, this analysis specifically excludes—excludes—same-day cloture filings on a motion to proceed.

It is not just the right to amend that has taken a hit under the Democratic

majority but the right to debate as well. All Senators and all Americans are disserved when these rights are systematically marginalized.

This is not the ''golden rule'' we were promised when the Senate Democrats assumed the majority in 2007—far from it.

Rather than continuing to diminish the great tradition to the Senate, rather than breaking the rules to change the rules, we need to strengthen those rights and traditions. As Senator Byrd noted, majorities are fleeting. One can wake after the first Tuesday in November and find oneself in the minority.

I say with respect, I hope our Democratic colleagues are mindful of that as we continue this discussion and are prepared not only to live under the rules they would change but to live with a precedent they would establish by making those changes.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, it would be hard to travel to a university campus or to a chamber of commerce meeting or anyplace in the country, travel just to a supermarket and talk to people where they wouldn't all agree that the Senate is dysfunctional, has not worked well. To show how right they are is a statement made yesterday by JOHN MCCAIN.

Now, Mr. President, JOHN MCCAIN and I have had our political differences, but no one—no one—can quibble with the fact that JOHN MCCAIN is an American patriot. He was a Navy aviator shot down in Vietnam, spent years—I think it was 6½ or 7 years—as a prisoner of war, 4½ of those in solitary confinement.

He and I came to the House of Representatives together. I know how the House works. I served there. While I appreciate my friend the Republican leader giving me a minilecture on the House, I don't need one. I served in the House, and I know how the House works. And I know what JOHN MCCAIN said yesterday because I am reading a verbatim transcript from those proceedings, and here is what he said:

> . . . I apologize for what seems to have happened. Much to my dismay, it lends credence to the argument that maybe we ought not to do business the way we are doing here in the Senate.

That is a direct quote from JOHN MCCAIN.

As I said in my opening statement, I served in the House, and the reason I mentioned today in my opening statement about the discharge petition is that when I served there, under the leadership of Speaker O'Neill, Majority Leader Michel, and then Jim Wright and Michel, a Republican, there was no way they would ever consider doing a vote with the majority of the majority. They wanted to get 218 votes. That is what they did on reforming Social Security; that is what they did on virtually everything—get Democrats and Republicans together and get 218 votes.

And that is the challenge I gave to the Speaker today, Speaker BOEHNER. Let the House vote. One Republican House Member suggested that more than half of the Republicans in the House would vote for giving tax security to people making less than $250,000 a year. So I say, let's have Speaker BOEHNER call upon the Republicans in the House to add 25 or so votes to what the Democrats would do, and they would have 218 votes and we could go on to taking care of the fiscal cliff.

Mr. President, my friend protesteth too much. The Senate is broken, it needs to be fixed, and we need to change the rules. We change them all the time. Last year we changed the rules. Why? Because of what they were doing—the Republicans—just to stop and slow down everything. After two cloture votes—and remember that takes a long time, to file two cloture motions, a couple of days and then 30 hours. So after 60 hours, you would think the debate would be all over. Oh no. What they decided to do was to suspend the rules and have more votes. We put up with it for a while—a couple here, a couple there. I think the last time they had 15 or 16 motions to suspend the rules. That was enough. They overruled the Chair. They can't do that anymore.

What the Republicans have done is they have brought the Senate to its knees, and that is unfortunate. We need to be able to have the Senate operate the way it should operate, and we need to make sure people understand how dysfunctional we are and how we need to move forward.

They can say all they want about ''we need more amendments.'' Nobody criticizes having more amendments, but when we spend 9 or 10 days getting on a bill, we have wasted all that time. Nothing happens during that time. We do nothing here in the Senate. Everything comes to a standstill. Yet they complain because they do not have time to offer amendments.

RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business for the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the following treaty, which the clerk will now report.

The legislative clerk read as follows:

> Treaty Document No. 112–7, Convention on the Rights of Persons with Disabilities.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon will be equally divided.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, we are now, as everybody knows, on the Convention on the Rights of Persons with Disabilities. It is my understanding that we have about 48 minutes for each side. I would ask the opponents of the treaty to do what we normally do, which is go back and forth from one side to the other. I notice there is no one here for the other side, so what we will do is use up a component of our time, and then, because they are not here, I think it would be fair not to chew up the time in a quorum call.

So I ask unanimous consent that if the opponents on the other side are not ready to speak or to use their time, that the quorum call be charged against them because I don't think we should give up our time as a result of their simply not being here. So I ask unanimous consent that if there is a quorum and we are not speaking, the time be charged to their side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LUGAR. Reserving the right to object, Mr. President, I believe the chairman has stated a fair position. On the other hand, in terms of our side, the Republican side, I wish to preserve at least the rights of our Members to have the maximum amount of time as possible. So I am inclined to believe the time should be charged equally against both sides.

Mr. KERRY. Mr. President, that is fine. I accept that. What I am trying to do is to use this debate period, important as it is, as effectively as possible on both sides.

I see there is a Member from the other side who is in opposition, so I withdraw my request, and I yield 10 minutes to the Senator from Indiana.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, may I ask what we just decided in terms of time?

Mr. KERRY. Mr. President, I would inform the Senator from Oklahoma that we have agreed to simply proceed, hopefully alternating from side to side. We have about 48 minutes on each side, and I have yielded 10 minutes to the Senator from Indiana.

Mr. INHOFE. I thank the Chair.

The ACTING PRESIDENT pro tempore. Without objection, the quorum calls will be equally divided between the sides.

The Senator from Indiana.

Mr. LUGAR. Mr. President, as we all now know, the Senate will vote today on the Convention on the Rights of Persons with Disabilities. The United States has long been a leader in its treatment of those with disabilities. Becoming a party to the convention would provide an important platform and forum for the United States to continue this leadership.

We received strong expressions of support for the convention from a wide

range of groups who advocate on behalf of the disabled. This includes numerous veterans organizations representing those who have become disabled while serving our country in the Armed Forces.

An important factor in my decision to support the convention has been the testimony received by the Foreign Relations Committee that joining the convention will not require any change—and I emphasize that: will not require any change—in existing U.S. law or policies regarding treatment of the disabled.

In their statements before the Foreign Relations Committee, officials from the executive branch as well as former Attorney General Richard Thornburgh stressed that current U.S. law satisfies all obligations the United States would assume in joining the convention.

In order to underscore the importance of this point, the Foreign Relations Committee specifically addressed it in a declaration in the resolution of advice and consent. The declaration formulated by the Foreign Relations Committee reads as follows:

> The Senate declares that, in view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.

On a related point, the resolution of advice and consent also underscores that the convention will not be self-executing in U.S. law. This means its provisions are not directly enforceable in U.S. courts and do not confer private rights of action enforceable in the United States.

These provisions of the resolution of advice and consent establish important parameters for U.S. accession to the convention. They give effect to the intent of the Senate that joining the convention will not require any changes in U.S. laws and policies with regard to the disabled, either now or in the future, and will not provide a basis for lawsuits in U.S. courts. Such matters will continue to be governed solely by U.S. laws.

It is my hope these provisions in the resolution of advice and consent will provide assurance to Members who may be concerned that joining the convention could somehow confer new rights on disabled persons in particular areas or that the convention can be used to require the United States to change its laws or policies with respect to the disabled. With these provisions, the United States can join the convention as an expression of our leadership on disability rights without ceding any of our ability to decide for ourselves how best to address those issues in our laws.

The United States can play an important leadership role in helping countries around the world identify ways to expand opportunities for the disabled. I urge my colleagues to join me in supporting United States accession to the convention as a means of advancing this goal.

I would point out that many of us have visited with veterans—disabled veterans, as a matter of fact—in the corridors of the Capitol in the last 24 hours. They have expressed without reservation the fact that their lives would be enhanced in the event we were able to pass this treaty, because their treatment in other countries would improve as other countries adopt principles we have found useful as a practical means of helping the disabled.

I believe each one of us ought to be moved by the testimony of our veterans—veterans I have seen here in the corridors who have lost legs during fights on behalf of the United States of America. This is a serious issue and a humanitarian, thoughtful way. And I emphasize again and again, the United States joins with other countries, sharing our experiences of how we can improve treatment of the handicapped, with no possible provision in the treaty—and we have reserved this completely—that there could be any change in our laws.

I thank the Chair and I yield the floor.

Mr. KERRY. Mr. President, I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I want to make sure people understand there are different thoughts on this convention. It seems as though most of the time when the U.N. conventions or treaties come up that I have been opposed to them, and my concern always has been that of sovereignty. I do oppose the United Nations Convention on the Rights of Persons with Disabilities because I think it does infringe upon our sovereignty, establishing an unelected United Nations bureaucratic body called the Committee on the Rights of Persons with Disabilities and a Conference of State Parties. These unelected bureaucratic bodies would implement the treaty and pass so-called recommendations that would be forced upon the United Nations and the United States if the United States is a signatory.

We already have the 1980 act. We all remember that. We went through that a few years ago. I was here at that time. It is considered to be the gold standard for the disabled. We don't need the United Nations bureaucrats changing it in our country in the name of worldwide advocation.

While the Obama administration affirms that no changes to the Federal or State law will be necessary if the CRPD is ratified, the CRPD can be amended. The Senator from Indiana talked about the fact that there are no changes in this. But it can be amended by the bureaucrats and, therefore, require changes to U.S. law.

Further, the ability of the Committee on the Rights of Persons with Disabilities to investigate and recommend changes chips away at the ability of a sovereign nation in governing itself.

I know a lot of people feel that no idea is a good idea unless it comes from an international organization. I kind of fall at the other end of the spectrum. Specifically, the treaty could be used to interfere with the ability of parents with disabled children to decide what action is in the best interest of their children. This would especially affect those parents who homeschool their children.

I have a daughter—the runt of my litter, I say to the president—who is No. 4. Katie homeschools her children. She and I have talked about this, and this is very much a concern in that community, that unelected foreign bureaucrats—not parents—would decide what is in the best interests of the disabled child even in the home. No less than 40 organizations and tens of thousands of parents who advocate children and parental rights have written us, and me, specifically opposing the treaty.

The Home Schooling Legal Defense Fund writes:

> Article 7 of this treaty establishes the ''best interests of the child'' legal standard, which would override the traditional fundamental rights of parents to direct the education and upbringing of their child with special needs.

This could result in forcibly transferring a disabled child from the home to government-run schools if these unelected, unaccountable bureaucrats deem it necessary, even if the Senate puts reservations into this treaty.

I ask unanimous consent to have printed in the RECORD two letters, one from the HSLDA and one from the Concerned Women of America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCERNED WOMEN FOR AMERICA
LEGISLATIVE ACTION COMMITTEE,
Washington, DC, July 16, 2012.

THE HONORABLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR, On behalf of Concerned Women for America Legislative Action Committee's (CWALAC) over 500,000 members, I urge you to reject ratification of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD).

CRPD is a feel-good attempt at limiting liberty for the United States abroad and at home. This treaty will hurt parents and caregivers of people with disabilities by subjecting them to UN oversight, regulations, and control. In doing this, a judge or other government official would be able to trump the parent's wishes when it comes to education of their child with disabilities.

While CWALAC is for protecting those with disabilities, Americans should be the ones making laws for America. If improvements are needed to the laws, that already are the leading examples of providing freedom and justice for persons with disabilities, it needs to be done within America's legislature. Like other United Nation treaties, this will open the door for infringing upon our sovereignty by subjecting the United States to foreign, anti-American biases.

Parents know what is in the best interest of their child, not the government or the United Nations.

CWALAC will include a vote against this treaty on our scorecard for the 112th Congress.

Sincerely,

PENNY YOUNG NANCE,
Chief Executive Officer and President.

HSLDA,
ADVOCATES FOR HOMESCHOOLING,
November 20, 2012.

Re Please Oppose the UN CRPD.

HONORABLE SENATOR: We the below-signed leaders from forty national organizations represent millions of Americans. We respectfully urge the United States Senate to reject ratification of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD).

We are troubled that article 7 of this treaty, in establishing the ''best interests of the child'' legal standard, would override the traditional fundamental right of parents to direct the education and upbringing of their child with special needs.

We are troubled that such a reduction in legal protection in cases of children with disabilities will create an atmosphere discriminatory against those children and their families.

We are troubled that New Zealand's Education Act of 1989, which has been held to conform to the CRPD, allows the Secretary of Education to force any child with special needs into government-run schools ''if the Secretary thinks [the student] would be better off.'' This transfers the right to direct a child's education from fit and loving parents to an officer of the State, in contravention of American tradition and the International Declaration of Human Rights. Yet it accords with this treaty.

We are troubled that accession to this treaty, despite assurances to the contrary, will lead to legal action against private individuals, as seen in the 2011 case of Bond v. United States. In this case, a woman was found guilty of violating the Chemical Weapons Convention Implementation Act, a federal law over a matter formerly of state jurisdiction, which was adopted as a direct result of the eponymous treaty.

We are troubled that accession to this treaty would place our nation under the scrutiny and review of an international committee unelected by the American people, thus violating the vital principle of American self-government.

For these and other reasons, we urge you: please vote against any effort to ratify the CRPD.

Sincerely,

Michael P. Farris President, ParentalRights.org; Phyllis Schlafly, Founder and President, Eagle Forum; Dr. Richard Land, President, Ethics & Religious Liberty Commission, Southern Baptist Convention; Morton Blackwell, Chairman, The Weyrich Lunch; Tom McCluslry, Senior Vice President, Family Research Council Action; Tom Minnery, Executive Director, CitizenLink; Penny Young Nance, President and Chief Executive Officer, Concerned Women for America; Matt Staver, Founder and Chairman, Liberty Counsel; Erick Erickson, Editor, RedState.com; Mike Needham, Chief Executive Officer, Heritage Action for America; Austin Ruse, President, Catholic Family and Human Rights Institute (C-FAM); William J. Murray, Chairman, Religious Freedom Coalition; Jim Backlin, Vice President for Legislative Affairs, Christian Coalition of America; Gary A. Marx, Executive Director, Faith and Freedom Coalition; Al Cardenas, Chairman, American Conservative Union; J. Michael Smith, President, Home School Legal Defense Association; Janice Shaw Crouse, Ph.D., Senior Fellow, Beverly LaHaye Institute; Deryl Edwards, President, Liberty Counsel Action; Dr. Jim Garlow, Chairman, Renewing American Leadership Action; Jeff Gayner, Chairman, Americans for Sovereignty.

Mandi Campbell, Legal Director, Liberty Center for Law and Policy; Matt Smith, President, Catholic Advocate; Donna Rice Hughes, President, Enough Is Enough; Barbara Samuells, Co-Founder, 912 Super Senior; C. Preston Noell, III, President, Tradition, Family, Property, Inc.; Richard and Susan Falknor, Publishers, Blue Ridge Forum; Lisa Miller, Founder, Tea Party WDC; Seton Motley, President, Less Government; Colin A. Hanna, President, Let Freedom Ring; David Stevens, MD, MA (Ethics); Chief Executive Officer, Christian Medical Association; Ron Pearson, President, Council for America; Dr. William Greene, Founder and President, RightMarch.com; Maureen Van Den Berg, Legislative Director, American Association of Christian Schools; Emmett McGroarty, Director, Preserve Innocence Initiative; Andy Blom, Executive Director, American Principles in Action; Mark Williamson, Founder and President, Federal Intercessors; Peter J. Thomas, Chairman, The Conservative Caucus; Teresa A. Citro, Chief Executive Officer, Learning Disabilities Worldwide, Inc.; Curt Levey, President, The Committee for Justice; William A. Estrada, Director, Generation Joshua.

Mr. INHOFE. Mr. President, I have been a consistent advocate for human rights around the world and support ensuring that the world is accessible to those with disabilities. However, I do not support the cumbersome regulations and potentially overzealous international organizations with anti-American biases that infringe upon American sovereignty.

If we had not passed what I consider to be the gold standard for the disabled—and I do remember at that time the activity of the Senator from Massachusetts very strongly supporting it. But we have done our job. Other nations maybe haven't, but in our case I think we are looked upon by the outside as doing the responsible thing within our Nation: taking care of our own disabled.

Mr. KERRY. Would the Senator yield for a question?

Mr. INHOFE. I would be glad to respond to a question.

Mr. KERRY. The Senator has raised the specter of somehow there would be a change in this treaty at some point that might affect America. Is the Senator not aware that any change to a treaty, in order to go into effect and have any impact on the United States, would require the advice and consent of the United States Senate?

Mr. INHOFE. Yes, I do understand that.

Mr. KERRY. Without the advice and consent of the Senate, no change could possibly impact the United States.

Mr. INHOFE. But I would also say that the bureaucrats who would be running the program would have points of clarification where it is otherwise vague, and I think that could happen. And the point I am making here is we don't need to do that when we have our own here.

I understand there is a difference of opinion on this, and there are a lot of emotions. I saw in this morning's Roll Call magazine all the people lined up here with the distinguished Senator from Massachusetts. It doesn't say anything in the article, but it certainly attacks the emotions of individuals.

So I am not satisfied they would not interfere or through their clarifications could change the intent. And even if they don't, we have taken care of our problem here.

Mr. KERRY. Mr. President, it is important in this kind of debate as we make a judgment with the Senators that we base our judgment on facts and on the reality. The Senator has suggested he is opposed to this treaty because an outside group could impose its will on the United States of America. What he has just acknowledged is they can't do that because it would require the advice and consent of the Senate.

But, secondly, is the Senator aware that Senator RISCH asked the Justice Department whether the Court interpreted the effect of a nonself-executing declaration—which is in this treaty? And the response is, the Court said: The United States ratified the international covenant on civil and political rights on the express understanding that it was not self-executing. And so it did not create obligations enforceable in the Federal courts.

So the Supreme Court of the United States has held that the very standard being applied in this treaty, that it is not self-executing, means nobody has access to any court. There is no enforceable right against anybody in America created in this treaty.

Mr. INHOFE. To answer the Senator, I am not aware of the specific Risch request and what kind of response it drew.

I would only say this: It is important to understand that while the distinguished Senator from Massachusetts and I differ on most of these treaties—we had the same disagreement on the Law of the Sea treaty. The question is, in my opinion, our sovereignty. I believe this infringes upon our sovereignty.

With that, I yield the floor.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, let me thank Senator KERRY, Senator MCCAIN, Senator LUGAR, and so many others who have brought this matter to the floor.

It was 22 years ago when an historic event took place on the floor of this Senate which changed the United States of America. It was 22 years ago when we passed the Americans with Disabilities Act, and we said a disability should not disqualify you or

limit you in terms of your opportunity as an American.

Some people thought: This is obvious, everyone knows. But what was also obvious was there was discrimination taking place all across this great land. We removed that barrier to discrimination. And in passing the Americans with Disabilities Act, we stepped forward as a Nation.

Was there fear and concern? Of course. I can recall going to Green County in rural Illinois and walking in Carrollton into City Hall, and they said: Does this mean we have to build a new restroom for the disabled? The answer was, Yes, and curb cuts, and other changes that seem so superficial to many but mean literally whether a disabled person can be part of America.

What we did 22 years ago, though, wasn't novel. Because if you look at the course of American history, I think we have distinguished ourselves and successive generations by expanding the reach of freedom and opportunity. Think about how many times we have done that.

If you go back to the earliest days of this great Nation when older white men sat together and decided who would rule America, they weren't thinking about those of color; they weren't thinking about women; they weren't thinking about the disabled; they sure weren't thinking about those who weren't property owners. No. It was a pretty elite group that would form our democracy. And then successive generations of Americans decided that if democracy meant anything, if America meant anything, we needed to expand that reach of opportunity each generation.

The bloodiest experience of course was in the Civil War, when 600,000 Americans were killed in the course of a war that went on for years and could have divided us once and for all as a Nation. But it didn't. With the leadership of Abraham Lincoln and the inspiration of so many others and the blood, sweat, tears, and lives of the victims, we saved this Republic. We ended slavery. We created an opportunity, which still took us years and years to become a reality—a reality we are still working for today.

So now comes this treaty to the floor, and this treaty says to the world: What we did 22 years ago as a Nation is something we are proud to stand behind. It is basically an ideal that we have created an America that we want to export to the world. As we reflect on this debate—and you have heard some of those who oppose it—it is interesting the approach they are taking. They are fearful of change. They are fearful of what the expansion of opportunity for the disabled might mean to America.

Senator KERRY has made the point very clearly: This convention, this treaty, will not require the United States to change any law. And if any changes are to be made in the future, they will be made with the workings of Congress and the President. This treaty, this convention, will not force that change.

We meet all of the standards that are established in this convention when it comes to disabilities, and President George Herbert Walker Bush, a Republican, when he negotiated and crafted this treaty, said as much. Of course there are those who still question it. But, remember, every time we have opened this door of opportunity in America, every time we have expanded this definition of democracy to include another group that was being at least partially if not fully excluded, there have always been voices of concern and worry.

There have been voices of those who have said maybe we are not ready for that much change. They would say: Oh, I am not opposed to people of color, but if you force every hotel and restaurant across America in interstate commerce to open their doors, that may be going to far. We have always heard those voices and, after listening patiently, we have ignored them and moved forward with the new definition of freedom in this country, a new definition of opportunity, and that is what this does.

As we come together on the floor of the Senate, as we gather to discuss this historic treaty and what it means to us and our future, there is a reception taking place across the street. It is a reception for people with disabilities, and they are honoring one of our own: a man who served this country and this Senate in an exceptional way. His name is Bob Dole, of Russell, KS, who served in World War II, was severely disabled, came home uncertain of his future but dedicated his life to public service.

I don't know how many weeks or months or years are left in Bob Dole's life, but he has made the passage of this convention on disabilities his life's work of the moment. We owe it to Bob Dole and to all of the disabled veterans like him who stand with locked arms, begging us to pass this convention—we owe it to the disabled people across America and around the world to stand once again for the rights of the disabled and for expanding opportunity, not just in America but across the world.

People say we are an exceptional nation. There is a little bit of egotism in that statement, but I believe it is factual that America is an exceptional nation when it steps forward in the belief that freedom and liberty and opportunity should be for everyone within our country and around the world.

Today is our chance. Let no argument over some minor political issue stop us from focusing on the reality that what we are doing is historic, not just for America but for the world. We owe it not just to Bob Dole, we owe it to the disabled veterans and the disabled community to stand and say to the world: Join us, join us in expanding the reach of opportunity to those who have been left behind.

I yield the floor.

Mr. KERRY. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to speak in opposition to the ratification of the United Nations Convention on the Rights of Persons with Disabilities. I understand it is a sensitive topic, one about which many of my constituents on both sides of the issue have strong feelings.

Certainly most of us, if not all of us, have a family member or friend with a disability, and all of us live in a society that includes the disabled as highly valued members of our communities.

I have heard from advocacy groups consisting of people who hope and believe that this treaty will protect disabled Americans as they travel abroad and as they go about their lives. But I have also heard from parents of disabled children who are concerned that this treaty, in adherence to the ''best interests of the child'' standard in article 7, will threaten their rights as a parent to determine the best education, treatment, and care for their disabled children. Proponents of this treaty will dismiss those concerns as myth, but I simply cannot support a treaty that threatens the right of parents to raise their children with the constant looming threat of State interference.

If this vote and this treaty were in fact about protecting the rights of Americans with disabilities, then I might have a different position and the debate today would take on a very different tone. But this treaty is ultimately not about protecting the rights of Americans with disabilities because this treaty simply has no enforcement mechanism to protect those rights, the rights of disabled Americans, including veterans, who might travel to countries such as China or Russia or Mali or any other country that might choose to adopt this treaty.

If the Senate desires to protect the rights of disabled Americans who travel abroad, then this Senate would do better to encourage other nations to model their own reforms, their own internal legal structures after the Americans with Disabilities Act which, 20 years after its passage, still sends a message that disabled Americans will always have fair access to housing, employment, and education in this Nation.

I have mentioned a few things the treaty does not do. Now I would like to mention a few things the treaty does do that causes me some concern. First, article 34 establishes a committee, a committee on the rights of persons with disabilities. This committee will establish its own rules of procedure, and parties to the treaty are required to submit reports to the committee every 4 years.

In general, U.N. human rights treaty committees have made demands of state parties that fall well outside of

the legal, social, economic, and cultural traditions and norms of state parties. Sometimes their recommendations also fall far afield from the stated topics of concern within the individual treaties. For example, the U.N. Convention on the Elimination of Discrimination Against Women, or CEDAW, as it is sometimes known, included a recommendation that China decriminalize prostitution.

The U.N. Committee on Racial Discrimination went to great lengths to scold the United States on its detention policy at Guantanamo Bay. These recommendations often fall well beyond or are even in direct conflict with the treaty's goals.

Article 7 of this treaty provides a ''best interests of the child'' standard stating:

> In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

We all want to support the best interests of the child, every child. But I and many of my constituents, including those who homeschool their children or send their children to private or religious schools, have doubts that a foreign, U.N. body, a committee operating out of Geneva, Switzerland, should decide what is in the interests of the child at home with his or her parents in Utah or in any other State in our great Union.

Article 4 of this treaty obligates the United States to recognize economic, social, and cultural entitlements as rights under domestic U.S. law. The Senate, in my opinion, has not adequately investigated how this standard will affect domestic U.S. Federal and State law. We have had one hearing on this issue that included both proponents and opponents of the treaty but did not substantively address my concerns about this standard, about this significant addition to what would become the law of the land of the United States of America.

For these and other reasons I must oppose the U.N. Convention on the Rights of Persons with Disabilities, and I encourage my colleagues to do the same.

Mr. KERRY. Will the Senator yield for a question?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I listened carefully to the Senator, and I understand there are colleagues on the other side of the aisle who have concerns about the United Nations, and I respect that. We have had these fights before, but I am having difficulty finding where the threat that the Senator has described gains any reality.

Specifically, with respect to children, the Senator mentioned the question of a committee being created, and sometimes committees make recommendations outside of the purview of something. That may be true. But when have words, I ask the Senator—when have words or suggestions that have no power, that cannot be implemented, that have no access to the courts, that have no effect on the law of the United States and cannot change the law of the United States—when has that ever threatened anybody in our country?

Mr. LEE. Whatever the United States ratifies——

Mr. KERRY. Does the Senator agree that there is no power to change our law?

Mr. LEE. No. I do not agree with that.

Mr. KERRY. Can the Senator show where it is specifically when the Supreme Court has held this is not self-executing, there is no access to American courts; when it is clear by the statements of the treaty itself there is no law of the United States that is changed? When Attorney General Thornburgh, who helped to negotiate this treaty on behalf of President George Bush, says there is no change in law, what is it that the Senator suddenly has that suggests otherwise that has any basis in fact?

Mr. LEE. First of all, whenever we ratify a treaty it becomes the law of the land under article VI of the U.S. Constitution. Secondly, whenever a body of law, whether embodied in U.N. convention or otherwise, becomes part of the corpus of customary international law, that often makes its way into U.S. judicial opinions. Is it direct? No. Does it directly undo any statute? No. But that doesn't mean it has no effect. If it had no effect we would not be here debating it today. It is the type of effect we worry about.

The Senator and I see things differently as far as what type of effect it might have. But that is not to say it has no effect. We should not be ratifying a treaty that we think might offset U.S. law as it exists now. We believe this could have that impact. Exactly where that is going to come up, I cannot prove to the Senator where that is going to happen. But it does have some impact, and when we ratify a treaty we make it the law of the land.

Mr. KERRY. Mr. President, I ask the Senator further, I know he is a good student of law, practitioner of law. I believe he understands that a treaty does not become customary international law just because the United States or another country ratifies it. The Senator is aware of that, I assume?

Mr. LEE. Yes, of course. It doesn't become the law of the land just because it is in the treaty. But it often does. Its entry into customary international law can become facilitated by the U.S. ratification of it.

Mr. KERRY. Again, the Senator has acknowledged that it does not become customary law; as a consequence, it has to somehow change. Within this—the Senator will agree that because the treaty adopts, in the body of the treaty, the statement that this is not self-executing and the Supreme Court has held that a nonexecuting treaty—let me just reference the specific case—Sosa v. Alvarez-Machain, 542 U.S. 692, a 2004 case—the Supreme Court said it is dispositive. Nonself-executing declaration is dispositive. The Court noted that the United States ratified a prior thing then—and said, ''it does not create obligations enforceable in Federal courts.''

So there is no obligation created. The Senator then said: Why would we do this? Because we are the gold standard, and every other country is encouraged—encouraged; we cannot require them, but they are encouraged—to raise their standard to U.S. standards.

Why would the Senator resist? I know the Senator and many of his colleagues argue we want other countries to be more like America. This is a treaty that, in fact, embraces that notion that they must be more like America. Why would the Senator not embrace that?

Mr. LEE. If my distinguished colleague and friend, the senior Senator from Massachusetts is correct, that this would have no impact on our law, if in fact it does nothing, then why would we make it part of the U.S. law? Why would we make it part of the law by ratifying it and making it the law of the land under article VI of the Constitution?

Mr. KERRY. I would say to the Senator, for a number of reasons: That allows the United States to sit at the table and actually advocate on behalf of our veterans, disabled veterans, who travel abroad.

Mr. LEE. What table is it at which we have no seat because we have not ratified this treaty? What is it that we cannot do by having the most aggressive laws, the most robust laws protecting Americans with disabilities that we somehow achieve simply because we ratify this? If, in fact, that does nothing more than embrace that set of laws that we have actually passed, and if, in fact, as my friend says, this does nothing, then why do we ratify it?

Mr. KERRY. No, let me make clear to the Senator, I have not said it does nothing. I have said it does not require a change in American law. I have said that it does not obligate the United States to a new set of standards or anything different from what we do today. I have said it does not allow anybody access to the Federal courts. That is different from saying it doesn't do anything. If it didn't do anything, I would not be here either. Nor would George Bush have signed this. Nor would George Herbert Walker Bush have begun the negotiations.

This is not a Democrat-inspired treaty. This is a universally accepted set of principles about how we would like to see people in the rest of the world treat people with disabilities.

There is more to be said about that, and there is more to be said. I want my colleagues to speak about why we are here.

Let me recognize, if I can, the Senator from Arizona?—no, I will hold off on that, if I may.

Let me recognize the Senator from New Mexico for 5 minutes.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New Mexico is recognized.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I thank Senator KERRY for the recognition. I appreciate it. I have been an earlier supporter of the ratification of this important treaty. I am pleased to have worked with Senators DURBIN, MCCAIN, HARKIN, COONS, and BARRASSO. In particular, I want to thank the chairman and ranking member on the Foreign Relations Committee. I thank all of these fine Senators for their bipartisan work on this bill.

We still have work to do to improve our treatment and acceptance of disabled persons. But through the Americans with Disabilities Act, the United States has been at the forefront of protecting the dignity of people with disabilities. This treaty will help expand American values and leadership throughout the world. It is a vital step forward in respecting the rights of the disabled.

As a member of the Foreign Relations Committee, I am aware of the challenges many countries face. These challenges include supporting their disabled citizens. Our Nation has set the standard for improving access to buildings, technology, and other areas for the disabled. Without the United States accepting its leadership role, it is possible that different standards could be adopted internationally. As for one example, this would place disabled travelers at a disadvantage. They would be forced to deal with different standards while traveling overseas.

In many countries there has been insignificant investment in infrastructure to improve access for the disabled, and in many cases there is a misunderstanding about what rights disabled persons should be afforded. Ratifying this treaty will help the United States clarify to the world that people with disabilities have dignity and that they are capable of living full and meaningful lives.

For instance, article 6 of the Convention on the Rights of Persons with Disabilities addresses the issue of women with disabilities. The article provides that:

> State Parties shall take all appropriate measures to ensure the full development, advancement, and empowerment of women for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Many countries are falling short in protecting the rights of women. It is tragic that so many women are subject to human rights abuses in a number of countries. Secretary of State Clinton has made empowering women an important part of our diplomatic priorities, and I support her efforts.

Fortunately for the United States, we do not need to implement additional legislation in order to be in full compliance with the convention. Laws such as the Civil Rights Act, Title IX, the Family and Medical Leave Act strengthen the U.S. position in the convention, and our leadership could lead to other countries adopting similar protections for disabled women.

Most importantly, I am reminded of the veterans who have returned from the wars in Iraq and Afghanistan. These brave veterans have served in all the places we have asked them to go. They have advanced the interests and ideals of the United States. We owe them a debt for their service. Many of them have returned with severe wounds, some requiring a lifetime of care.

I wish to read a statement from one of the veterans who appeared in front of the Foreign Relations Committee. John Lancaster is a disabled attorney and marine veteran. This is what he said:

> In 1968, I arrived in Vietnam during the Tet Offensive, assigned to the 1st Battalion, 27th Marines as an Infantry Platoon Commander. Five months later, I was shot and injured in a firefight. After months of rehabilitation, I arrived back home in Western New York a disabled veteran. Although my friends and family welcomed me home, society did not receive me quite as well. While there was certainly tension around the politics of the Vietnam war, it was the inaccessibility of my environment that made me feel the least welcome. I returned to a country not ready to receive me as a man who now used a wheelchair.

That was the reality that an honored soldier had to overcome until the United States improved its laws to protect the disabled, and it is still a reality in many places overseas, places where our veterans and other disabled citizens will likely travel in the future for either business or pleasure. We must ratify this treaty because protecting the rights of the disabled is the right thing to do in the United States of America, and it is the right thing to do throughout the world.

Again, I thank Senator KERRY and Senator LUGAR for their hard work on this treaty. We look forward to our colleagues voting for it in a short hour from now.

I yield the floor.

Mr. KERRY. How much time remains?

The PRESIDING OFFICER. Twenty-seven minutes still remains.

Mr. KERRY. How much on the opponent's side?

The PRESIDING OFFICER. About the same.

Mr. KERRY. Mr. President, I yield 4 minutes to the Senator from Delaware, Mr. COONS.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I also thank Senator KERRY for his chairmanship on the Foreign Relations Committee and his leadership on this very important issue. I thank Senator LUGAR as well. Both Senators, in combination, led strongly on this important issue.

Let me briefly add 2 minutes to the chorus on this floor today. First, as to the Senators who have spoken pointedly about their fears and their concerns about home schooling. I listened to their arguments while I was the Presiding Officer. Senator INHOFE of Oklahoma spoke passionately about his youngest daughter who homeschools her kids and about their fears that somehow this convention would hand the power to an unelected group of bureaucrats to direct the schooling of children in Oklahoma.

I heard Senator LEE of Utah add a question to that negative chorus. He said, I have justifiable doubts that a U.N. committee in Geneva can judge the best interests of children in Utah.

I agree. This convention does nothing to empower an international convention of bureaucrats to direct the schooling of children in Delaware, West Virginia, Indiana, or in Massachusetts.

I am, frankly, upset that they have succeeded in scaring the parents who homeschool their children all over this country. My own office has gotten dozens of calls and letters demanding that I vote against this convention. As a matter of international law and as a matter of U.S. law, this convention does nothing to change the home schooling of children in America; rather, it does something positive.

The Americans with Disabilities Act, which was led so brilliantly in its ratification by Senator TOM HARKIN and Senator Robert Dole, who was a central architect in the passage in this Chamber, stands as a great accomplishment in this country in our steady progress toward freedom and inclusion. This convention, ratified by this Senate, would allow our voice to be heard in an international forum all over the world. A billion citizens of this world live with disabilities every day, and our voice deserves to be heard.

When we open the Senate every day, we say the Pledge of Allegiance. At the end of it, we hold up to the world our standards: Liberty and justice for all. In this country, the Americans with Disabilities Act says we have accomplished real progress toward liberty for the disabled and justice for all. By ratifying this convention, our voice would be heard on these vital issues all over the world. It is a voice that deserves to be heard. I urge my colleagues to ratify the convention.

With that, I yield the floor.

Mr. KERRY. Mr. President, how much time do we have?

The PRESIDING OFFICER. Almost 24 minutes.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first I thank Senator KERRY, Senator LUGAR, and Senator MCCAIN for their great leadership and their dogged persistence in making sure we can get this treaty through the committee and to the floor. It has been inspirational to

watch them work together in a bipartisan fashion to bring us to this point. I hope we don't lose that in terms of the vote.

I just came over from the Dirksen building where we had a wonderful ceremony honoring former Senator Bob Dole. Some time ago I went back and I read Senator Dole's maiden speech on the Senate floor, dated April 14, 1969.

Mr. President, I commend these remarks to my colleagues.

Senator Dole spoke of the future of people with disabilities in America and what we need to do to change our society. That was in 1969. It was 21 years later when we passed the Americans with Disabilities Act. The country has changed so much for the better because of that.

We are sitting here now with a convention by the U.N. which basically says to the rest of the world: You have to do what America did. In establishing this convention, the U.N. was informed by the Americans with Disabilities Act, and a lot of it is based upon what we did here.

As the committee showed, not one of our laws or anything has to be changed. Not one. We are the best in the world at this. Yet what this convention gives us is a seat at the table. When other countries have signed on to the treaty, it gives us a seat at the table to be able to work with other countries and to help them upgrade their laws so that people with disabilities have more opportunities in other countries. Why would we deny ourselves a seat at the table when we have been a leader in this effort for so long?

I listened to the speeches by both Senator INHOFE from Oklahoma and Senator LEE from Utah. These are unfounded fears. I repeat, there is nothing in there that is going to allow anyone from the United Nations to take a child away from a family or tell a family they cannot homeschool a kid or anything such as that. There is nothing in there. These are totally unfounded fears. We should not be driven by unfounded fears. We should be driven by what we know of our experience, what we have done, what the wording of the convention is, and the fact that none of our laws has to be changed because of it.

The Senator from Utah made the point that we all know people with disabilities. We have family members or friends, and we value them. We truly do value people with disabilities in our society. Well, if we truly value them, why don't we listen to them?

There are over 300 disability rights groups that support this. Not one said they won't support it. So if we value them, why don't we listen to them? Do we want to keep patronizing people with disabilities and say, you are all right, but we won't listen to you because we know what is best for you? We don't know what is best for people with disabilities. We know who knows what is best for people with disabilities: It is people with disabilities. They all said this is important.

There are 300 disability organizations that asked us to support this ratification. I think we should listen to them and get their advice. Think about what the disabilities community here in America could do with that seat at the table and how we can work with other countries to help them upgrade their laws. I have a hard time understanding why people would be driven by unfounded fears to vote against this with all of the evidence from 22 years of the Americans with Disabilities Act, including the hearings held by Senator KERRY and Senator LUGAR which brought out all the information and pointed out that not one of our laws has to be changed at all. In the face of all of that evidence, someone will vote on the basis of an unfounded fear.

I remember when we passed the Americans with Disabilities Act in 1990. It took a long time. There were a lot of fears out there. There were fears of: Oh, my gosh, we are going to have to do this and that. Buses have to have lifts on them, and we have to build those curb cuts. What, kids with disabilities get to go to school?

They were unfounded fears. We became a stronger and better society because of it. This treaty will make us a better world in which to live for all people and not just those who have disabilities.

I urge all of my colleagues, don't give in to unfounded fears. Take the good advice of Senator Bob Dole, President Bush, former Congressman Steve Bartlett, JOHN MCCAIN, JOHN KERRY, and DICK LUGAR, people who have been in the trenches on this, and take the advice of the disability community here and abroad. If you will do that, we will win a resounding victory today.

Thank you, Mr. President.

Mr. DEMINT. Mr. President, I rise today to speak about the United Nations Convention on the Rights of Persons with Disabilities.

As a member of the Foreign Relations Committee, I have participated in the hearings and debates on this treaty, and I understand the aspirations of the groups who support it. But I have serious concerns about reaching those goals through a legally binding United Nations treaty.

Other U.N. organizations have failed to achieve their stated purposes and actively work against the interests of the United States.

Not even a week ago, the United Nations General Assembly voted overwhelmingly to upgrade the Palestinian Authority to ''non-member observer state'' over the objections of the United States and Israel. This is a breach of the Oslo accords and will hurt the Middle East peace process. Secretary Clinton called it ''unfortunate and counterproductive.''

The U.N. Human Rights Council includes notable human rights violators such as Cuba, China, and Russia. These countries have made little progress improving the rights of their citizens, and nearly 40 percent of the council's country-specific human-rights condemnations are against Israel.

More worrisome, convention committees—such as the Committee on the Elimination of Racial Discrimination and the Convention on the Elimination of All forms of Discrimination Against Women—have a track record of overstepping their authority and advocating positions contrary to American laws and values.

In the past, these committees have supported giving voting rights to felons, the decriminalization of prostitution, gender quotas, and increased access to abortion.

Overly broad language included in this treaty would likely allow the U.N. to meddle in many of our domestic matters. International bureaucrats working with the U.N. should not be able to influence how the United States creates and implements laws for the disabled, especially when members come from countries with lower human rights standards than our own.

The purpose of any treaty should be to advance specific security or economic interests that make us a stronger and safer nation. This treaty does neither.

Last week on the floor, Leader REID argued that we must ratify this treaty to ''take the high ground'' on these issues with the rest of the world. But the United States does not have to join a U.N. convention or any other organization to give ourselves legitimacy and moral authority in the world.

For decades, the United States has been the global leader and champion for persons with disabilities. We must continue to work hard to improve the lives of disabled citizens in our country. Encouraging respect for disabled persons is important and the goals of this convention are admirable.

This convention will do nothing to improve the rights of Americans in the United States. We have little evidence to suggest that joining this convention and its committee will ensure that other countries improve their protection of disabled people. Of the 126 member countries, this convention's committee has only issued recommendations to a handful.

Portions of this convention also concern reproductive health, the rights of families, and the use of the treaty in our courts.

Attempts were made in the committee to clarify some of these sections and protect American sovereignty, but those attempts were defeated.

These issues should be addressed by individual U.S. States and local governments, not an international bureaucracy where Americans have no elected representation.

We should never cede the authority of these matters to an international organization. President Washington's warning in his farewell address bears repeating here. He said:

> The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little

political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

His words serve as a compelling argument against this treaty today.

We should be wary of international alliances and only work within them when they will strengthen America or make her safer.

I encourage my colleagues to reject this treaty and address this important issue in a format that does not endanger the sovereignty of the United States.

Mr. GRASSLEY. Mr. President, the U.N. Convention on the Rights of Persons with Disabilities has the admirable goal of advancing the interests and rights of the disabled across the world. However, I have great concerns about acceding to this convention. I am also disappointed that the Senate will dedicate just 2 hours of debate to consider this convention, without the ability for any Senators to offer or consider worthy amendments.

U.S. leadership in advancing and safeguarding the rights of the disabled is unmatched. The United States is the leader on disability issues. It's for this reason that the convention is modeled on the disability rights laws of the United States. However, I have serious doubts that simply joining the convention will lead to greater U.S. influence in promoting disability rights abroad. The ability of the United States to lead on this issue is not and should not be dependent upon joining this convention. We can lead on disability rights abroad because we lead on disability rights at home.

Joining this convention will have no impact on the disability rights of Americans in this country. Americans with disabilities are already afforded the rights contained with the treaty. Many Federal and State laws protect the rights of the disabled, including the Americans with Disabilities Act. Even proponents of the convention acknowledge that it will not enhance the rights of individuals with disabilities in America.

We have made great strides in disability policy in America. Laws which I authored, such as the Family Opportunity Act and Money Follows the Person, not only gave the disabled health care coverage but gave them real self-determination in that health care coverage. In the future, I will continue to work to protect coverage of the disabled during difficult budgetary times and work to find solutions for the disabled that allow for coordination of support services across all an individual's needs. While I respect the concerns and goals of supporters of this treaty, we should not let this take the place of focusing on problems and solutions here in America.

However, becoming a party to the convention would subject the United States to the eighteen-member Committee on the Rights of Persons with Disabilities. This committee is created to monitor the implementation of the convention and provide conclusions and recommendations with regard to State Party's treaty reports. I have serious concerns about the infringement upon U.S. sovereignty by a committee tasked with providing criticisms and recommendations for the United States on our disability laws.

Further, the convention raises additional concerns by unnecessarily including references in the area of ''sexual and reproductive health'' and the ''best interests of the child.'' These provisions call into question the purpose of the convention regarding abortion rights and the fundamental rights of parents to determine how best to raise their children.

It is for these reasons, along with the decision of the majority leader to shut out the rights of Senators by prohibiting the consideration of any amendments, that I oppose this convention.

Mr. RUBIO. Mr. President, my late grandfather was one of the most influential people in my life. Until his death when I was 13, ''Papá'' was a mentor who spent countless hours on our front porch with me discussing history, politics and baseball. As a Cuban immigrant, he knew how special America is, and it is one lesson from him that I will never forget.

Papá was also my hero for the way he lived his life. Stricken by polio as a boy, he would be disabled for the rest of his life. He would often walk miles to work at a cigar factory to provide for his family. Because of his disability, walking was difficult for him and he would often return home at night with his clothes dirty from repeatedly falling to the ground. But he kept getting up, and lived a life that I admire and will never forget. Because of him, I knew from a very early age the inherent dignity and beauty evident in every disabled human being on earth, whether they were born with their disability or developed it in the course of their lives.

The landmark Americans With Disabilities Act, enshrined into law many fundamental rights to help disabled people live life. As Americans, it should make us all proud because it is one reason the United States has set the gold standard in the world for disability rights. It has demonstrated to everyone else one more dimension of our exceptional people, ensuring that our disabled brothers and sisters have better opportunities to rise above their physical limitations to stake their claim on the American Dream.

As the Senate considers the Convention on the Rights of Persons with Disabilities today, it is important to note that a failure to approve it would in no way diminish what we have accomplished in America on disability rights, just as its passage would not improve the laws affecting Americans with disabilities. Furthermore, nothing on this treaty compels other nations to raise their standards or in any way improve the care they afford to persons with disabilities. Therefore, I stand in opposition of its ratification today.

The treaty's supporters have argued that its passage will elevate disability rights abroad, to the benefit of disabled people not fortunate enough to live under laws like ours and also to disabled Americans when they travel. However, the United States already promotes disabled rights and better laws abroad through the State Department and our foreign embassies. The Americans With Disabilities Act, and subsequent improvements to it, should be the law upon which other countries base their own laws protecting their disabled people and aiming to make their lives better.

I believe America's example should lead the way on achieving stronger universal disability rights than the United Nations, the governing body entrusted to oversee this treaty's implementation. The American example of millions of disabled Americans living their dreams is a stronger force to compel other countries to do the same than a United Nations body populated by such chronic human rights abusers as China and Russia, nations that fail to respect the fundamental rights of everyone, much less their disabled.

When this treaty was originally negotiated, a bipartisan consensus existed that this treaty would not address abortion. This is an appropriate position when you consider that, too often, unborn children in the United States and across the world are aborted because their disabilities have been detected while in the womb. When the Senate Foreign Relations Committee debated this issue in July, I offered an amendment to make clear this Convention does not create, endorse or promote abortion rights as reproductive health. I made clear its intent was not to change U.S. domestic laws on this matter. All my proposed change did was state very clearly that, at the end of the day, this Convention on the Rights of Persons with Disabilities is about protecting persons with disabilities, regardless of their stage in life. Because this important change was not adopted and for all the reasons I have outlined here, I cannot support Senate ratification of this treaty.

Mr. LEAHY. Mr. President. The Senate today is considering the ratification of an important treaty that will further strengthen the United States' longstanding role as a beacon of human rights around the world. I support ratification of the United Nations Convention on the Rights of Persons with Disabilities, CRPD, and hope that this treaty, which enjoys bipartisan support, will be approved by the Senate today.

I have long been a strong supporter of the Americans with Disabilities Act, ADA, which has served to protect the rights of disabled U.S. citizens for more than 2 decades. The CRPD is a natural extension of many of the core principles guided by the Americans with Disabilities Act. I believe that any person living with a disability, regardless

of where they were born or where they reside, should be protected from discrimination and unfair treatment.

President Obama signed the Convention on the Rights of Persons with Disabilities in 2009, and earlier this year, he submitted the treaty to the Senate for ratification. The Senate Foreign Relations Committee reported the CRPD to the full Senate in July, and it is right that the Senate is taking action on this important treaty before this Congress adjourns. Current U.S. law already provides a number of protections called for under the CRPD. The Foreign Relations Committee included in its reported treaty reservations, understandings, and a declaration which will allow the United States to be in full compliance with the treaty, without making changes to existing U.S. law.

Like President Obama, I believe this convention serves a number of American interests, including encouraging protection of U.S. citizens and servicemembers with disabilities who live or travel abroad, and assisting U.S. businesses by ensuring that their international counterparts are required to comply with similar laws.

Around the world, 125 nations have signed the Convention on the Rights of Persons with Disabilities, and are parties to this treaty. Its ratification is supported by both Democrats and Republicans, and by well over 300 religious organizations, health care centers, advocates for people with disabilities, and veterans' organizations. Disability Rights Vermont and the Vermont Center for Independent Living are among those organizations supporting ratification. I hope all Senators will support this important treaty. It sends the right message to the rest of the world that the United States cares about the dignity of all people.

Mr. INOUYE. Mr. President, today the United States Senate is considering a resolution to provide its advice and consent with respect to the Convention on the Rights of Persons with Disabilities, CRPD. At its heart, the Convention is a non-discrimination treaty, which requires that persons with disabilities have the same general rights as those without disabilities.

I am grateful for the opportunities this Nation provided me as a young man who returned from World War II as an amputee. Those opportunities included a college and law degree, eventually serving the Territory and State of Hawaii. I was fortunate my injury did not hinder my dream to work for, and serve the people of Hawaii. Throughout my years in the Senate, I joined with my colleagues to advance non-discrimination initiatives that protect all Americans. In 1989, I was proud to join with my good friend Senator HARKIN as an original cosponsor of the Americans with Disabilities Act, ADA, in the Senate, and vote for its passage in 1990. The ADA, established in law, our Nation's dedication to ensure those born with disabilities, or those who suffer life changing disabilities, are individuals with dignity. Furthermore, that those individuals enjoy the same rights and opportunities all Americans are guaranteed under the Constitution. Unfortunately, this is not necessarily the case around the world.

The ADA and its goals served as the model for the treaty resolution before us today. This Convention will help move countries toward protecting the rights of disabled individuals. Practically, it will allow the U.S. to engage other countries in the international arena to work toward the standards and accessibility here in the United States, which will benefit disabled Americans who work, live, and travel the world. We are fortunate U.S. law meets or exceeds the obligations of the CRPD, and that no implementing legislation is required. Our country stands up to protect the rights of the most vulnerable in our society. We cannot comprehend the mistreatment or simply the disregard of the lives of those with disabilities. Ratifying this treaty will reaffirm our country's leadership and commitment to the basic human rights of disabled men, women, and children. I am pleased to join my colleagues in support of the ratification of the CRPD.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I renew my request now. We have had about four successive Democrats speak. There is nobody here from the other side. I do not think it is fair to have our time docked as a result. So I suggest the absence of a quorum and ask unanimous consent that the time be charged to the opponents.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I ask that I be notified after 7 minutes.

Mr. President, when the Senate gives its advice and consent to a treaty, it becomes the ''supreme law of the land'' on par with Federal statutes. This is Article VI, Clause 2 of the U.S. Constitution. It is in our Constitution. That is why we must take great care in ratifying treaties and doing so only if it advances U.S. interests at home or abroad.

The overwhelming majority of constituent comments my office has received have been in opposition to the convention—approximately 1,000 letters in opposition; 40 letters or so in support.

Moreover, I, along with 36 other Senators, joined a letter to the Senate leadership requesting that no treaties be brought to the floor during the lameduck session.

A treaty is a powerful document, equal to or above statutory law. Historically, treaties are to regulate the relationship between sovereign nations. They do things like settle border disputes and create trade relations between those two nations. While treaties on occasion have blurred the line between international relations, the line, the principle still remains fundamentally intact.

This Nation has never ratified a treaty of which the entire focus is to empower an international agency—here, the United Nations, an organization that truly is proving to be dysfunctional and often hostile to the most legitimate interests of the United States—to monitor the internal policies of the United States. This is particularly curious in that the United States has the world's best record on disability issues.

Se we are told, let's ratify the treaty because we already meet, at least today, all the requirements of the treaty. This will set an example. In truth, we have already set an example. We lead the world.

This treaty, however, has misdirected the focus of the United States and the world community away from nations who do little or nothing for the disabled and to direct blame first on this Nation.

Of course, the United States has a most magnificent system of law. It is the foundation of our liberty, our prosperity, and our happiness. Thus, if we were to ratify this treaty, we can be sure that international hypocrites will soon demand that the United States do this or that. All the while, their countries will have been in full violation of virtually every provision of the treaty. Many other mischievous actions will certainly arise to bedevil our country, and we will have hypocritical meddlers complicating our internal disability efforts, as well as our internal social and health policies. I do not think this is necessary.

Now, I agree that the United States and the world can do more to advance the cause of the disabled. I truly do. I recently visited the very fine Alabama School for the Deaf and Blind. I personally saw how inexpensive computers can transform the daily lives of the disabled. Deaf and blind can move from being disconnected to connected, from unemployed to highly productive. It was such a moving and positive experience to see what can be done today with the technology this world has.

When one visits our magnificent military hospital at Walter Reed National Military Medical Center, one can see the devices that are used there on a regular basis to make the lives of those who have been injured better. The whole world will benefit if more of this technology is made available.

The right way to advance assistance for the disabled worldwide is to be active internationally, to be on the front

lines promoting these good techniques and policies, and to use more of our existing foreign aid for this purpose rather than wasting it, as we too often do, on corrupt governments that take it and do little for their people. I believe the State Department should strengthen its outreach in this important area. I have even drafted a law that would require them to establish such a department within their agency. As we spend billions yearly on aid, surely we can be more effective in ensuring that the equipment, devices and treatments that are life transfiguring are given more emphasis by our government.

We ought to raise the level of priority we give to the disabled.

Yes, I acknowledge that such expenditures are not purely a part of our Nation's national security policy, but America has always responded to the call to be a force for good in the world.

I just left a meeting 15 minutes ago with United Methodists from the North Alabama Conference who have a project to fight AIDS, HIV, and malaria in Africa. This is part of the American heritage, and we do this every day, and it should be done.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. SESSIONS. I thank the Presiding Officer.

This is our heritage, a heritage that has proven to be a blessing to the world. We do not want to walk away from that.

Another part of our heritage is the rule of law—that clear and strong understanding of the unique quality of national sovereignty. We are honest people. We are productive people. We are lawful people. We know that we will be able to be more prosperous and thus able to help others if we protect our economy from reckless, dangerous spending and the authority of our legal system from erosion. Thus, I conclude this treaty is unnecessary and, in fact, dangerous for our Nation.

So let's do more for the disabled worldwide. I will be supportive of that. But let's do it without enmeshing our Nation into another binding international organization that will cause more grief than benefit.

I will conclude with one more thing.

I am coming to the view that we as a nation need to be more legally aware of the dangers of signing agreements with foreign nations that regulate internal affairs, even if we are not giving away direct powers over the United States. I do not see that is necessary. I think that is a bad step. I am opposed to that. I think that in the long run, we will have difficulties.

I thank the Presiding Officer, yield the floor, and reserve the remainder of our time for my colleagues who I know want to speak on this matter.

Mr. KERRY. Mr. President, I yield the Senator from Arizona 7 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I come to the floor with a bit of a heavy heart today because I think the Senate may not act to approve the Convention on the Rights of Persons with Disabilities. I would say the issue is not going away. I think there are too many Americans and too many veterans organizations and too many people who are committed to this cause, that over time we may have every chance and every opportunity to succeed.

I remind my colleagues that virtually every major veterans organization in America supports the treaty, people who represent those men and women who have fought and particularly try to assist those with disabilities that are the result of combat. They are AMVETS; the Air Force Sergeants Association; Air Force Women Officers Associated; the American GI Forum; the Association of the United States Navy; the Blinded Veterans Association; Disabled American Veterans; Iraq and Afghanistan Veterans of America; Jewish War Veterans; the Military Officers Association of America; the National Association of Black Veterans; the National Guard Association of the United States; the National Military Family Association; Paralyzed Veterans of America; the American Legion; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of the United Spinal Association; Vietnam Veterans of America; and the Wounded Warrior Project.

Mr. President, I ask unanimous consent that the statement of all these veterans organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS SUPPORT THE CONVENTION AS THE RIGHTS OF PERSONS WITH DISABILITIES

Vote YES for the CRPD in 2012! In a letter of support for the disability treaty, 21 veterans service organizations highlight why the CRPD is important to them:

The CRPD is important to veterans and servicemembers with disabilities because it embodies the principles of the Americans with Disabilities Act (ADA). Like the ADA, the CRPD supports equal treatment and nondiscrimination in access to rehabilitation, employment and educational opportunities. We support the principles of the ADA because it promotes empowerment of our nation's veterans and servicemembers with disabilities by providing the opportunity to achieve independent living and inclusion into all aspects of society.

As organizations that represent veterans and servicemembers and their families, we believe that the CRPD would remove barriers and allow American servicemembers and veterans with disabilities to work, serve, study, and live abroad. In part, barriers will be diminished due to changing attitudes around the world regarding people with disabilities. As a result of the changes occurring through the CRPD, servicemembers and veterans with disabilities will be able to continue leading active lives within the global community.

VSOs that Support U.S. Ratification of the CRPD: AMVETS; Air Force Sergeants Association; Air Force Women Officers Associated; American GI Forum; Association of the United States Navy; Blinded Veterans Association; Disabled American Veterans; Iraq and Afghanistan Veterans of America; Jewish War Veterans; Military Officers Association of America; National Association for Black Veterans; National Guard Association of the United States; National Military Family Association; Paralyzed Veterans of America; The American Legion; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of United Spinal Association; Vietnam Veterans of America; Wounded Warrior Project.

Mr. MCCAIN. Mr. President, I commend to my colleagues a very moving letter to the U.S. Senate from a very famous man, a Chinese dissident who was blinded, who recently was able to leave China, which was printed in the RECORD yesterday.

I will not quote from his whole letter. He says:

This treaty is making this idea real in significant ways around the world. Today there are over 1 billion people with disabilities, and 80 percent of them live in developing countries. Disability rights is an issue that the world cannot afford to overlook. When the United States enacted the Americans with Disabilities Act over 20 years ago, the idea of true equality for people with disabilities became a reality. Many nations have followed in America's footsteps and are now coming together under shared principles of equality, respect and dignity for people with disabilities as entailed in the treaty.

The United States, which was instrumental in negotiating this treaty, can continue to advance both its principles and issues of practical accessibility for its citizens and all people around the world and, by ratifying the treaty, so take its rightful place of leadership in the arena of human rights.

That is what this is all about—American leadership, American leadership in the world. I don't know how many millions of people around the world are deprived of the same rights that Bob Dole and TOM HARKIN and so many others made possible, but do I know this is an expression of American leadership throughout the world—I think an obligation America should embrace.

I would like to read a statement by our distinguished former colleague and leader, Bob Dole. More than a dear friend, Bob remains an authentic hero to millions of his countrymen, someone whose personal example of wartime sacrifice was equaled—if such a thing is possible—by his service in this body. He is respected wherever people value political courage and civility.

Bob Dole returned from World War II, one of the countless wounded warriors whose defense of our liberty curtailed his own. Gravely injured, disabled for life, he developed a unique personal understanding of his fellow Americans excluded from the mainstream. In the years that followed, Bob fought to ensure not only that no American would be relegated to the back of the bus but also, in the case of the disabled, that no one would be prevented from boarding the bus.

Bob Dole has been our leader on the issue of disabilities from the moment he stepped foot into the Chamber. To Bob, it is unthinkable that Americans

could not get over a curb or enter a school building or even watch a debate in this Chamber if they were in a wheelchair.

On April 14, 1969, the same date he was injured in the hills of Italy 24 years earlier, he made his maiden speech on the topic of Americans with disabilities. In every legislative initiative since then, Bob Dole has been a leader on behalf of people with disabilities, bills such as the Rehabilitation Act of 1973; the Individuals with Disabilities Education Act, IDEA; the Developmental Disabilities Act, and the Americans with Disabilities Act. He was responsible for including people with disabilities in the Telecommunications Act of 1996 and for ensuring that people with disabilities are part of the State Department's annual report on human rights around the world.

After leaving this Chamber, Bob Dole prompted the Congress to pass the Ticket to Work and Work Incentives Improvement Act of 1999—breakthrough legislation on health care and employment for people with disabilities.

This past year he has been instrumental in working with the administration and Congress to ensure bipartisan support for the Convention on the Rights of Persons with Disabilities to reflect American leadership and values and safeguarding the rights of every individual in the world.

I ask unanimous consent for an additional 3 minutes to be added on to the time of the vote.

The PRESIDING OFFICER (Mr. TESTER.) Without objection, it is so ordered.

Mr. MCCAIN. I ask unanimous consent to have Bob Dole's statement printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR ROBERT J. DOLE, DECEMBER 4, 2012, STATEMENT ON THE SENATE VOTE ON THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

I'd like to thank my former colleagues, members of the Administration, and many friends whose efforts have brought about the Convention on the Rights of Persons with Disabilities. In their diversity they reflect America itself—I'm thinking of people including our former colleagues Tony Coehlo, former Attorney General Dick Thornburgh, and former White House Counsel C. Boyden Gray—key leaders on the landmark and bipartisan 1990 Americans with Disabilities Act. They have taken great pains to ensure that this treaty is in the best interest of our Nation, and reflective of the values that we all believe transcend any party label. I especially thank President George H.W. Bush for his indispensable leadership and support.

The approaching vote on the Convention on the Rights of Persons with Disabilities is a proud moment for the Senate, the latest chapter of an untold story including the Americans that say: no first class democracy can tolerate second class citizens.

In recent years, we have recognized that people with disabilities are integral to our society, that we cannot afford to waste their talents, nor can we proclaim our beloved America demonstrably—the home of the brave, the land of the free—as we overlook the abilities that trump any disabilities. As the ranks of the disabled and their families swell, so does popular support for measures to ensure equality of access and opportunity. One way or another disability issues touch nearly every family in America.

Eight years ago, in dedicating the National World War II Memorial on the Mall, I tried to put into words what makes America worth fighting for—if need be, dying for. I spoke of the American promise, imperfectly realized and too long delayed for some of our fellow citizens—but a promise of individual opportunity and universal justice for which we all aspire. ''This is the golden thread that runs throughout the tapestry of our nationhood,'' I said, ''the dignity of every life, the possibility of every mind, the divinity of every soul.'' In ratifying the CRPD, we can affirm these goals for Americans with disabilities. We can join with our allies in entrusting the blessings of freedom to millions outside our borders. I urge your support of this important treaty and I thank you for your consideration.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise today in opposition to the ratification of the U.N. Convention on the Rights of Persons with Disabilities or the CRPD. The United States has a long and proud tradition of protecting human rights, especially those of the disabled. I do not believe we need to ratify an international convention to demonstrate our firm commitment in this area.

CRPD ratification would do nothing to improve the lives of the disabled in the United States, and if other countries are looking for good examples of how to improve their laws, they could do no better than to refer to U.S. laws. Just as with many treaties before this one, the CRPD would offer cover to regimes that have no intention of actually helping their citizens, while needlessly tying the hands of countries such as the United States that have actually made great strides in this area.

I take China as just one example. According to Human Rights Watch, Chinese citizens even suspected of having a mental disability can be arbitrarily committed to institutions because Chinese law offers almost no protections against involuntary civil commitment. Moreover, Beijing is now considering a draft mental health disability law that would ''permit the indefinite involuntary detention, forced medication, and forced labor of persons suspected of having a mental disability.'' Obviously, this is in direct contravention to both the spirit and the letter of the CRPD even though Beijing has ratified it—I repeat: even though Beijing has already ratified the treaty. So while this convention has no mechanism to force countries such as China to actually respect their disabled citizens, what it does do is allow their leaders to falsely present themselves as forward-leaning on disabled rights just as they continue to run roughshod over such protections at home.

Supporters of this convention claim that ratifying it would allow our country to assume the moral high ground when it comes to addressing other countries' gaps in disabilities rights. I would argue just the opposite. As I just mentioned, becoming a party to this convention would actually put us in the company of nations that are nowhere near the high ground on this issue, moral or otherwise.

Moreover, we already have the most comprehensive disability rights laws and protections in the world, period. In fact, the U.S. record of disabilities rights-related laws stretches back more than four decades, unequivocally demonstrating our commitment and leadership in this area. That is why many nations look to us for guidance in developing their own disability laws and discrimination protections. We do not need a treaty to provide that guidance, obviously.

For example, the European Union is looking to current U.S. law as a model for its own accessibility initiatives. In January of 2011, European Commission Vice President Viviane Reding discussed proposals for what is designated a ''European Accessibility Act,'' citing progress made in the United States under the provisions of the Americans with Disabilities Act of 1990,'' which I was proud to support. Reding believes ''that the EU should learn from this positive experience and go ahead in Europe too.''

The convention's supporters also erroneously contend that U.S. ratification would result in tangible benefits for Americans with disabilities who choose to live, travel, or work abroad. They assert that it would allow the United States to have greater influence over disability rights in such areas as employment or accessibility among other states that are party to CRPD. I think this is far from certain.

To be sure, Americans with disabilities face serious challenges when they travel abroad precisely because those nations' laws are not as supportive as are those here in the United States—the matter I spoke of a moment ago. But it is the example we have set through our legislation, not ratification of this convention, that could improve their access, for example, to technology, as our Telecommunications Act of 1996 does, or accommodations that would be available, as the American Fair Housing Act does, for example. Only individual member states can draft and implement and enforce the type of wide-ranging laws that are necessary to actually protect the rights of persons with disabilities—laws, I might add, that are already in place here in the United States of America.

We know all too well from experience with other treaties that states such as China routinely flout their treaty obligations. I believe it boils down to this: Countries look to the United States for leadership in this area not because we are party to an international treaty but because we have actually demonstrated our commitment through tangible and sustained action. Our

commitment to the rights of the disabled does not end with the passage of laws or the enforcement of regulations; rather, it is an ongoing commitment through civil society and a myriad of civic groups, NGOs, and religious organizations, many of which work abroad to help improve the lives of persons with disabilities. It also extends to individuals, including entrepreneurial Americans who continuously seek to develop new cutting-edge technologies to improve the lives of anyone who might benefit from such tools.

I am not naive regarding the challenges we face in ensuring that persons with disabilities around the world can benefit from the kind of education, employment, and housing access Americans with disabilities already enjoy here in the United States. I firmly believe the United States must continue to pursue this disability diplomacy on both a bilateral and multilateral basis where it is appropriate. But it is not at all clear to me that it is necessary to ratify this convention to achieve our goal of promoting disability rights and protecting the disabled from discrimination.

At the end of the day, I believe the proponents argue two contradictory positions: first, that it is really important that the United States ratify the convention so that nations will have to respect the rights of disabled persons. The second argument they make is that the United States need not be concerned about obligations under the treaty because it is not enforceable, it really has no effect on us.

Well, both things cannot be true. Either it is a problem or it is not effective. In either event, it is not an argument for ratification of the treaty. So while I respect the goals and the aspirations of the proponents, they do not justify committing the United States to another international obligation. As a result, I will oppose the resolution of ratification.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the time allegation?

The PRESIDING OFFICER. The Senator from Massachusetts has 10 minutes, and the time in opposition has 8 minutes.

Mr. KERRY. Mr. President, the Senator from Arizona—it is my understanding that there is no other speaker on the Senator's side. I would simply ask if we could have an additional 5 minutes on this side, if the Senator would not object, and that would bring us to the vote at noon.

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

Mr. KERRY. Mr. President, let me just say to the Senator from Arizona before he leaves, the Senator and I have engaged on these issues for some years now, and we have disagreed respectfully and in a friendly way.

I would say to him, very respectfully, that there is no contradiction in the position of the proponents of this bill. While I understand what he said about China, the fact is that because China has signed up—and Russia and other countries—if we were a party to this and at the table discussing it, we would have greater leverage in order to be able to advance the rights of persons in China and elsewhere.

Now, don't take that from me, I would say to the Senator from Arizona. Guongcheng Chen is the blind activist for civil rights in China who has sought refuge in America for a brief period of time. His family has suffered in China, and he has written a letter to us. He says:

> Dear Senators,
>
> I am writing you to personally ask for your support for the Convention on the Rights of Persons with Disabilities. As you know, my work on civil rights began with trying to ensure that people with disabilities in my home country of China were afforded the same rights as everyone else. The CRPD is making this idea real in significant ways around the world today.

He goes on to say:

> I am hopeful that you will support ratification and allow others to benefit from these triumphs.

And he is referring to the Americans with Disabilities Act and the other things we have done.

I ask unanimous consent that this document of organizations supporting the treaty be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COALITION FOR UNITED STATES RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

President Herbert Walker Bush; The Honorable Bob Dole; The Honorable Tony Coelho;; The Honorable Dick Thornburgh; The Honorable Steve Bartlett; Ambassador Boyden Gray; Mayer-Brown LLP: Carolyn Osolinik & Tim Keeler; Ted Kennedy Jr.; Howard Berman; John Wodatch; Dan Brezinski; Ray Kelley; Tom Zampiri; Access Living of Metropolitan Chicago: Marca Bristo; Alston & Bird LLP: Jennifer Butler; Bob Kettlewell; Consortium for Citizens with Disabilities; Disability Rights Education and Defense Fund; Glover Park Group; Eva Szeli Robert Dinerstein Hadar Harris Janet Lord Arlene Kantor Michael Stein; National Council on Disability; National Council on Independent Living; National Disability Leadership Alliance; United Spinal Association and 21 Veteran organizations; United States Chamber of Commerce; United States International Council on Disabilities: David Morrissey, Esme Grant, Susie Richard, Ellis Ballard, and Andrea Shettle.

Ability Chicago; Access Alaska Inc.; Access Living; Access, Inc.; ACCSES; Actionplay; ADAPT Delaware; Air Force Sergeants Association; Air Force Women Officers Associated; Alliance Center for Independence; American Academy of Child and Adolescent Psychiatry; Advocating 4 Kids LLC; American Academy of Pediatrics; American Association for Geriatric Psychiatry; American Association on Health and Disability; American Association on Intellectual and Developmental Disabilities; American Association of People with Disabilities; American Association for Psychosocial Rehabilitation; American Civil Liberties Union; American Council of the Blind.

American Counseling Association; American Dance Therapy Association; Anti-Defamation League; American Diabetes Association; American Foundation for the Blind; American Foundation for Suicide Prevention; American GI Forum; American Group Psychotherapy Association; American Mental Health Counselors Association; American Music Therapy Association; American Network of Community Options and Resources; American Speech-Language-Hearing Association; American Therapeutic Recreation Association; amfAR, the Foundation for AIDS Research; AMVETS; APSE; ARC Gateway, Inc.; Arc Northland; Arc of Lucas county; Arizona Bridge to Independent Living (ABIL).

Association for Assistive Technology Act Programs; Association of Jewish Family & Children's Agencies; Association of Programs for Rural Independent Living; Association of United States Navy; Association of University Centers on Disabilities (AUCD); Association on Higher Education & Disability; Attention Deficit Disorder Association; Auditory Sciences; Autism National Committee; Autistic Self Advocacy Network; Autism Speaks; Bay Area People First; Bay Cove Human Services, Inc.; Bazelon Center for Mental Health Law; Bender Consulting Services, Inc.; Best Buddies International, Inc.; BlazeSports America; Blinded Veterans Association; BlueLaw International; Boston Center for Independent Living.

Brain Injury Association of America; Bridge II Sports; Bridgewell; Burton Blatt Institute at Syracuse University; California Association of the Deaf—Riverside Chapter; CA State Council on Developmental Disabilities, Area Board 5; California Foundation for Independent Living Centers; California State Council on Developmental Disabilities; Californians for Disability Rights, Inc.; CBM; Center for Disability Rights; Center for Independent Living of South Florida, Inc.; Center for Leadership in Disability; Center on Disability and Community Inclusion; Challenged Conquistadors, Inc.; Check and Connect Program—Central Lakes College; Citizens for Patient Safety; Community Access Project Somerville; Community Access Unlimited; Community Alliance for the Ethical Treatment of Youth.

Community Resources for Independent Living; Conference of Educational Administrators of Schools and Programs for the Deaf Council of Parent Attorneys and Advocates; Consortium for Citizens with Disabilities; Consumer Advisory Committee; Council for Exceptional Children; Council of State Administrators of Vocational Rehabilitation; CUNY Coalition for Students with Disabilities; Daniel Jordan Fiddle Foundation; DAWN Center for Independent Living; Deaf and Hard of Hearing Alliance; Deaf Education And Families Project; Delaware Developmental Disabilities Council; Delaware Family Voices; Depression and Bipolar Support Alliance; Developmental Disabilities Institute, Wayne State University; Disabled American Veterans; Disability Connection/West Michigan; Disability Help Center; Disability Law Center; disABILITY LINK.

Disability Partners; disABILITY Resource Center; Disability Rights Coalition; Disability Rights Education and Defense Fund; Disability Rights Fund; Disability Rights International; Disability Rights Legal Center; disAbility Solutions for Independent Living; Disabled In Action of Metropolitan NYC; Disabled Rights Action Committee; Disabled Sports USA; Division for Early Childhood of the Council for Exceptional Children; Down Syndrome Association of Snohomish County; Down Syndrome Association of West Michigan; Dream Ahead the Empowerment Initiative; Dynamic Independence; East Texas Center for Independent Living; Easter Seals; ED101 Inc.; Equal Rights for Persons with Disabilities International, Inc.

Employment & Community Options; Epilepsy Foundation; Family Voices; Fearless Nation PTSD Support; Federal Employees with Disabilities (FEDs); FESTAC-USA (Festival of African Arts and Culture); FHI n360; Fiesta Christian foundation Inc.; 504 Democratic Club; Foundations For Change, PC; Four Freedoms Forum; Fox River Industries; FREED Center for Independent Living; Friedman Place; G3ict; Gallaudet University; GlobalPartnersUnited; Goodwill Industries International; Greater Haverhill Newburyport; Handicap International; HEAL; Hearing Loss Association of America.

Hearing Loss Association of Los Angeles; Hesperian Health Guides; Higher Education Consortium for Special Education; Human Rights Watch; IDEA Infant Toddler Coordinators Association; Independent Living, Inc.; Independent Living Center of the Hudson Valley, Inc.; Independent Living Center of the North Shore & Cape Ann, Inc; Institute for Community Inclusion: U. MA Boston; Institute for Human Centered Design; Institute on Human Development and Disability; Institute on Disability and Public Policy (IDPP); Inter-American Institute on Disability; International Ventilator Users Network; Iowa Statewide Independent Living Council (SILC); Iraq and Afghanistan Veterans of America; Jewish War Veterans; Johnson County Board of Services; Joint National Association of Persons with Disabilities; Just Advocacy of Mississippi.

KEY Consumer Organization, Inc.; KIDZCARE School; L.E.A.N. On Us; Lakeshore Foundation; Lakeside Curative Systems, Inc.; LINC; Little People of America; Living Independence For Everyone (LIFE) of Mississippi; Long Island Center for Independent Living, Inc. (LICIL); Loudon ENDependence; Mainstay Solutions LLC; Maryland Disability Law Center; Massachusetts Down Syndrome Congress; Massachusetts Families Organizing for Change; Medical Whistleblower Advocacy Network; Medicol Inc.; Mental Health Action; Mental Health America; MI Developmental Disabilities Council; Military Officers Association of America.

MindFreedom International; Mobility International USA; Montana Independent Living Project; Multiethnic Advocates for Cultural Competence, Inc.; National Alliance on Mental Illness; National Association for Children's Behavioral Health; National Association for Black Veterans; National Association of Councils on Developmental Disabilities; National Association of County Behavioral Health and Developmental Disability Directors; National Association of Law Students with Disabilities (NALSWD); National Association of School Psychologists; National Association of Social Workers; National Association of State Directors of Developmental Disabilities Services; National Association of State Directors of Special Education; National Association of State Head Injury Administrators; National Association of State Mental Health Program Directors; National Association of States United for Aging and Disabilities; National Association of the Deaf; National Black Deaf Advocates, Inc.; National Center for Environmental Health Strategies.

National Center for Learning Disabilities; National Coalition for Mental Health Recovery; National Council on Independent Living; National Council for Community Behavioral Healthcare; National Disability Rights Network; National Down Syndrome Congress; National Down Syndrome Society; National Dysautonomia Research Foundation; National Federation of the Blind; National Federation of Families for Children's Mental Health; National Guard Association of the United States; National Health Law Program; National Military Family Association; National Minority AIDS Council; National MS Society—Ohio Chapters National MS Society, Pacific South Coast Chapter; National Multiple Sclerosis Society; National Multiple Sclerosis Society, National Capital Chapter; National Rehabilitation Association; New York State Independent Living Council; Next Step; NHMH—No Health without Mental Health.

Noble County ARC, Inc.; Northeast Arc; Not Dead Yet; Ohio Association of County Boards; Serving People with Developmental Disabilities; Ohio Statewide Independent Living Council; Ohio Valley Goodwill Industries; Oklahoma Association of Centers for Independent Living; Optimal Beginnings, LC; Osteogenesis Imperfecta Foundation; PA Mental Health Consumers' Association; Paralyzed Veterans of America; Parent to Parent of NYS; Parent to Parent USA; Peer Assistance Services, Inc.; Peppermint Ridge; Perkins; PhilnthropyNow; Pineda Foundation for Youth; Polio Servivors Association; PPI; Purity Care Investments; PXE International.

Raising Special Kids; REACH Resource Centers On Independent Living; Recovery Empowerment Network; Rehabilitation International; RESNA Rolling Start Inc., Rose F. Kennedy University Center for Excellence in Developmental Disabilities; Sandhills Post-Polio Health Group; Schizophrenia and Related Disorders; Alliance of America; School Social Work Association of America; Self Advocacy Council of Northern Illinois; Sindh Disabled Development Society; SoCal ASPE; Social Assistance and Rehabilitation; for the Physically Vulnerable; (SARPV); Socio Economic Development; Alliance (SEDA); Southeast Alaska Independent Living; SPEAK Consulting LLC; Special Needs Advocacy Network; Special Olympics; Spina Bifida Association.

Statewide Independent Living Council; TASH Team of Advocates for Special Kids; (TASK); Teacher Education Division of the Council for Exceptional Children; Tennessee Disability Coalition; Tri-State Downs Syndrome Society; The Ability Center of Greater Toledo; The American Legion; The Arc-Jefferson, Clear Creek & Gilpin Counties; The Arc Arapahoe & Douglas; The Arc California; The Arc Cedar Valley; The Arc Michigan; The Arc Noble County Foundation; The Arc of Bristol County; The Arc of Colorado; The Arc of Dickinson; The Arc of Fort Bend County; The Arc of Greater Pittsburgh; The Arc of Illinois; The Arc of Iowa.

The Arc of Massachusetts; The Arc of Northern Virginia; The Arc of Opportunity in North Central Massachusetts; The Arc of the U.S.; The Arc of Virginia; The Arc of Toombs County; The Arc Western Wayne; The California Institute for Mental Health; The Center of Rights of Parents with Disabilities; The Jewish Federations of North America; The Joseph P. Kennedy, Jr. Foundation; The National Council on Independent Living; The National Center of the Blind Illinois; The Starkloff Disability Institute; Three Rivers Center for Independent Living; Topeka Independent Living; Resource Center; Touchpoint Group, LLC; Tourette Syndrome Association; Treatment Communities of America; Tri count4y ILC.

Tri-County Association of the Deaf, Inc., Twin Ports Post Polio Network; United Cerebral Palsy; United Spinal Association; U.S. Business Leadership Network; United States International Council on Disabilities; Utah Assistive Technology Foundation; Vermont Center for Independent Living; Vermont Family Network; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of United Spinal Association; Vietnam Veterans of American; Voices of the Heart Inc; Whirlwind Wheelchair International; Womens Refugee Commission; WORK, Inc., World Institute on Disability; Wounded Warrior Project; Wyoming Institute for Disabilities.

Mr. KERRY. Over 328 veterans and disability organizations, all of our veterans organizations, who deal with people with disabilities and challenges support this treaty and believe it will make a difference.

So when the Senator says: I don't believe it will make a difference, every working member of the disabilities community disagrees with the Senator.

I would just say to him respectfully that the facts are clear. He said this ties our hands. It doesn't tie our hands. Senator LEE came to the floor earlier, and he agreed this doesn't require any change of U.S. law.

So I would say to my friend, there is no tying of the hands. We understand the fears people have, but I think it is important to try to decide this on the basis of fact.

I yield to the Senator on his time.

The PRESIDING OFFICER. As per the previous request, without objection, it is so ordered.

Mr. KYL. First of all, I want to say to my colleague from Massachusetts that I very much have enjoyed the conversations we have had, and perhaps more so when we have been in disagreement because I think we have brought out a number of important points on a variety of issues. So I always appreciate his views. Secondly, since the Senator has specifically referred to the points I have made, let me just respond in one way.

I don't gainsay the argument that people who have a deep belief in trying to pursue a particular human right or other goal believe that getting together in the international community and talking about these things is a useful exercise. It is hard to argue in the abstract with that proposition, so I can understand the letters that would be written.

The hard reality is, however, that there are nation states such as China that do like to sign up to these organizations and gain the reputation for doing good things while, in fact, not doing things, as I pointed out. So to some extent it can serve the opposite goal of giving cover to countries that really have no intention of acting in good faith or in good ways that we have demonstrated as the United States, and that is one of the problems here.

I do acknowledge, and I will not use any more of the Senator's time, but when one of two things is true, either it is fairly meaningless or it is really meaningful. I don't think that we can make both arguments as arguments in support of our signing up to the treaty.

Mr. KERRY. Well, we obviously differ on that.

Let me emphasize the importance of the 328 groups, and I have submitted that for the RECORD.

We are going to vote in a few minutes, and we are going to vote on a treaty that I regret to say some people

are making controversial when, in fact, it really isn't controversial.

What this treaty says is very simple: It just says that people can't discriminate against the disabled. It says other countries have to do what we did 22 years ago when we set the example for the world and passed the Americans with Disabilities Act.

In four simple words, this treaty says to other countries that don't respect the rights of the disabled: Be more like us. That is what we are asking people to do. It doesn't require any changes to American law, zero. This has no tying of the hands of America. There isn't one law in the United States that would be negatively affected. But it will push, it will leverage, it will require other countries by their commitment to be held accountable to the standard that we have set and take our gold standard and extend it to the rest of the world.

There are three reasons I have heard that we can't do this. When I hear them, I am reminded of what I learned when I was a prosecutor, which was quite a few years ago now. I learned: If the facts are against you, then argue the law. If the law is against you, then argue the facts. If both are against you, just make it up.

Well, that is exactly what is happening here. Neither the law nor the facts support any argument that has been made on the other side of this treaty. Accordingly, we are facing an entirely fictitious set of arguments—on abortion, on homeschooling, on lameduck sessions. All of their arguments have been contradicted by the facts in the law, and let me document that.

This treaty is based on the Americans with Disabilities Act. We passed that 20 years ago.

The father of the act is sitting here, the Senator from Iowa. In all those 20 years, has any child been separated from a parent because of the ADA? No. Has homeschooling been hurt? No. In fact it has grown and is flourishing across the Nation.

How is it possible a treaty, that according to our Supreme Court offers no recourse, no change in American law, no access to American courts, how is it possible that such a treaty could threaten anybody in our country? The answer is simple: It doesn't and it can't.

Well, let's go through the arguments one by one. First, they say it would undermine our sovereignty. I have heard several people suggest that, the laws governing the disabled. Well, that is wrong. Senator LEE just admitted it doesn't affect any law in the United States. All it does is create a committee on the rights of persons with disabilities.

What can this committee do? All it can do is review reports and make a suggestion. Are we scared, in the United States of America, of someone making a suggestion to us about how we might do something? It has no recourse in the court, no legal standing.

The Foreign Relations Committee even included language in the resolution of advice and consent to make it crystal clear. What are we afraid of? That the committee would give us this advice?

The second misconception is that this will allow the Federal Government, acting under U.N. instructions, to determine what is best for children with disabilities. Again, that is just flat wrong. The treaty does not give the Federal Government or any State government any new powers with respect to children with disabilities. It doesn't change the balance of power between Federal and State government. It doesn't require any change to existing State or Federal law.

The Justice Department, former Republican Attorney General Dick Thornburgh, testified before the Foreign Relations Committee that any assertion to the contrary is incorrect. Our committee even included language in the resolution of advice and consent to absolutely crystallize those limitations.

Finally, there are those who argue that a lameduck session is an inappropriate time for Senators to consider this treaty. Well, my colleagues, please, since the 1970s alone, the Senate has approved treaties during lameduck sessions a total of 19 times. There is nothing special or different about a lameduck. It is a session of the Congress. Just as we are going to consider important fiscal matters, we should consider other important matters.

Our constituents expect us to do our jobs. There is no difference between a lameduck, a dead duck, or a regular duck. We ought to be here doing our jobs.

More than any of the straw men, though, that we would have to deal with in this debate, there is, in fact, something much bigger at stake. This treaty and this vote will say a great deal about who we are in the Senate and who we are as a country.

In the nearly 30 years I have been here, I think this is the first time I have seen a former majority leader of the Senate come to the Senate floor for a vote. It is certainly the first time that I have seen it happen when he had every right to be at home at age 89 taking care of his health, but that is not Bob Dole.

Almost 70 years ago, when he came home to Kansas from the battlefields of Italy in a full body cast, people said that Bob would never have to work another day in his life. That is what they said; he was a hero; he had made his contribution. But Bob Dole worked every single day to stand, to walk, and to use his arms again. He made himself get out of that bed, and he made himself a public servant and a U.S. Senator and the Republican nominee for President in 1996. But his greatest pride was passing the Americans with Disabilities Act.

Bob Dole, why is he here? He is not here because he is here to advocate for the United Nations, and certainly this man who served his country is not here because he doesn't want to defend the sovereignty of the United States of America. He is here because he wants to know that other countries will come to treat the disabled the way we do.

He is here because he wants to know that when a disabled American veteran, our wounded warriors, travel overseas, they are treated with the same dignity and respect they receive at home. That is why an 89-year-old veteran, 1 week removed from Bethesda Naval Hospital, comes back to the Senate on an early December day. Because it matters.

What we do in the Senate matters not just to us but to people all across the globe, and maybe some people here need to be reminded of that. This is not about politics, this is not about ideology, this is about people.

This treaty helps thousands of vets, men and women, who paid the price of devotion to our country with their limbs—with their limbs—and they struggle every day to get up, button their shirts, get out of the house. Some of them struggle to be able to share in life as all of us are able to share in it.

I met one of them yesterday, Army Afghan vet Dan Berschinski, a double amputee as a result of the war in Afghanistan. He has fought back, and he has recovered enough to create a small business. Here is what he said, this West Point grad of 2007:

> I'm proud to be able to walk using prosthetic legs. Yet obstacles that might seem inconsequential to the fully able-bodied, like sidewalk curbs and stairs, take on a whole new meaning for veterans like me who struggle to walk, or use a wheelchair. Very fortunately for me, the United States leads the world in accessibility and equality of opportunity for the disabled. Unfortunately, the advantages granted here at home—that allow people like me to live fulfilling, independent lives—don't exist in much of the rest of the world.
>
> Eight months after being wounded in combat, and while still a patient at Walter Reed Army Medical Center, I joined—

And I am speaking for him—

> a few friends in a trip to South Africa to watch the World Cup.
>
> There I found myself in a different country, with no legs, a brand-new wheelchair and a lot of apprehension. While I should have been enjoying this once-in-a-lifetime trip, I was constantly worried about my ability to get around. Would the restaurant have an accessible bathroom or would I have to go without it? Would my wheelchair be able to fit in the hotel doorway or would I need to be carried into the lobby? Those are the kinds of questions we take for granted here in America, but, unfortunately, the accessibility measures we enjoy here simply aren't present in many other countries.

That is why Bob Dole and CPT Dan Berschinski want us to approve this treaty. I have heard nothing from the other side that outweighs the reality of that consideration for not just veterans but all persons with disabilities.

What is at stake here is big. The outcome here will not, despite the fear, change one election here in the Senate. It is not going to decide one of the primaries that I fear are distorting the

politics of our country. But you know what, it will decide whether some people live or die in another country, where there is no accountability and only United States values and standards are the difference to the prospects of someone with a disability.

In some countries children are disposed of—killed—because they have a disability. Our treaty can actually help prevent that. In some countries children do not get to go to school and certainly have no prospects of a future simply because they are born with a disability. This treaty will help offer hope where there is none. The United States could actually sit at the table and make the difference for people with disabilities because we are willing to push our values and hold other nations accountable to meet our standards—the gold standard of the Americans with Disabilities Act.

Mr. President, I have heard some of my Republican colleagues talk many times about making the rest of the world more like America. I hate to think that now, when we have an opportunity to do that, they will retreat from that core conviction and oppose a treaty modeled on the United States' example which has no recourse in American courts and no effect on American law.

This treaty isn't about American behavior, except to the degree that it influences other countries to be more like us. This treaty is about the behavior of other countries and their willingness to raise their treatment of people with disabilities to our level. It is that simple. This treaty isn't about changing America, it is a treaty to change the world to be more like America.

So why join, I have heard my colleagues ask several times. If it doesn't have recourse in the law, why join? I will tell you why: Because we can sit at the table and affect the lives of our citizens by pushing other countries upwards; because we gain credibility and accelerate change through our advocacy by being part of a process; because it is good for American businesses, which can sell products and services as other nations raise their standards and need our expertise to meet their goals. That is why, incidentally, the United States Chamber of Commerce supports this treaty as do a huge number of businesses.

Why support it? Because George H. W. Bush started this process and President George W. Bush signed the treaty to participate in it. And because, in the end, this treaty and our participation in it—and this is the most important—can improve the quality of life for people with disabilities. To join it is to keep faith with the men and women who have suffered grievous disability in defense of our Nation, and we owe them nothing less. This treaty is not about changing America, it is about America changing the world.

But a vote here is a test of this institution. This vote is a test of whether the Senate, which passed the Civil Rights Act and the Voting Rights Act and the Americans with Disabilities Act, is still capable of voting to change things, not to mention sending a message that could change the world.

I ask my colleagues to do for the world what they have done for America, walk down the aisle here for millions everywhere who cannot walk and make a statement; raise your voice and vote for millions who are voiceless in their own lands; stand for those who cannot stand for themselves. This is not about the United Nations, this is about common humanity. This vote is to test to see whether the Senate will stand for those who cannot see or hear and whether Senators can hear the truth and see the facts.

Please don't let Captain Berschinski down. Don't let Senator Bob Dole down. Most importantly, don't let the Senate and the country down. Approve this treaty.

The PRESIDING OFFICER. The question is on agreeing to the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 219 Ex.]

YEAS—61

Akaka	Gillibrand	Murray
Ayotte	Hagan	Nelson (NE)
Barrasso	Harkin	Nelson (FL)
Baucus	Inouye	Pryor
Begich	Johnson (SD)	Reed
Bennet	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Blumenthal	Kohl	Sanders
Boxer	Landrieu	Schumer
Brown (MA)	Lautenberg	Shaheen
Brown (OH)	Leahy	Snowe
Cantwell	Levin	Stabenow
Cardin	Lieberman	Tester
Carper	Lugar	Udall (CO)
Casey	Manchin	Udall (NM)
Collins	McCain	Warner
Conrad	McCaskill	Webb
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NAYS—38

Alexander	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Coats	Hutchison	Rubio
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Kyl	Vitter
DeMint	Lee	Wicker
Enzi	McConnell	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38. Two-thirds of the Senators present not having voted in the affirmative, the resolution of ratification is not agreed to.

The majority leader.

Mr. REID. Mr. President, we hope shortly after the caucuses are ended today that we will have a vote on final passage of the Defense authorization bill. The managers have a few more amendments they are going to try to clear, but I think very quickly after the caucus we will have a vote. ''Very quickly'' around here is kind of a relative term, but we hope to do it as soon as we can.

Mr. LEE. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Michigan.

THE FISCAL CLIFF

Ms. STABENOW. Mr. President, I rise to bring attention to a critically important piece of legislation the Senate has passed and the House needs to pass immediately. It passed the Senate with bipartisan support. There are those on both sides of the aisle in the House of Representatives who support passing it. I am here to urge, in the strongest terms possible, that the Speaker bring up this bill before the House and get it passed.

Many people, because of my speaking in the past, may think I am referring to the farm bill, which I also believe we need to have the House take up and pass because of our bipartisan work. But I actually am referring to the fact that we have only 27 days until we go over the fiscal cliff. For middle-class families what this means is 27 days before their taxes go up on average $2,200.

What we are talking about is the fact that we passed a bill. We did not just pass a bill, we passed a bill in July. July 25 of this year the Senate passed a bill to extend tax cuts on all income up to $250,000. That is for anyone. It is now sitting in the House and everybody agrees middle-class families should not get a tax increase. Yet they have not taken it up. This needs to be taken up and passed before the end of the year so we can make sure middle-class families do not get caught in what we are talking about, which is the fiscal cliff.

For a family on a budget, $2,200 more in taxes means a lot of things. It means a lot of things as families are trying to figure out how to pay for Christmas this year. It is not an accident that we

are seeing layaway becoming very popular again as families are trying to figure out how to make sure their children have the Christmas they want to give them, yet juggle their cash flow situation in trying to figure out how to pay for it and pay the bills. That $2,200 will make a huge difference to millions of families. It is the difference between just paying the regular bills—utility bills, the mortgage, the rent, the car payment.

There is absolutely no reason families should find themselves in this situation right now when they are worried about this, absolutely none. As I said before, we passed a bill on July 25—not August, not September, not October, July 25—to get this issue off the table. We know there are broader issues on which we have to come together. There has to be a balanced approach, we know that, on long-term deficit reduction. But we said in the Senate, on a bipartisan basis, we do not want middle-class families caught in the middle of that. We do not want them being held hostage in order to get an additional tax break for multimillionaires.

It has been 132 days since the House Republican leadership got that bill. For 132 days they have been refusing to take it up. I commend the Democratic leader in the House, NANCY PELOSI, for now bringing forward a discharge petition to bring that directly to the floor. I think it is widely believed—I certainly believe—that there are enough votes on the floor of the House to pass this, to make sure middle-class families do not see an additional $2,200 coming out of their paychecks starting in January.

For 132 days families have been waiting for their own economic certainty. Yet it still has not been taken up in the House. Christmas is 3 weeks from today. This is the worst possible time to create uncertainty for families across America. We also know this is about hurting the economy. It is a drag on consumer spending not to continue the tax cuts—consumer spending which makes up about 70 percent of the economy. So there is a direct relationship between what happens in growing the economy and what happens for middle-class families. Now we have 27 days for the House to get this done. There are 27 days to stop holding middle-class families hostage while we work out a larger agreement on what needs to be done on deficit reduction. All we need to do is to pass the Senate bill.

Let me repeat. By extending this particular bill, every American will get a tax cut on their first 250,000 in income. The good news is that involves tax cuts for 98 percent of American families; 98 percent of American families will be protected from seeing any kind of a tax increase—and 97 percent of small businesses, by the way. So if someone has $1 over $250,000, they would not be protected from a tax increase. They would get the first $250,000 in tax cuts, but they would not get additional bonus tax cuts on top of that. This makes sure 98 percent of the American people do not see their taxes go up, and those who benefited the most by the tax cuts in the last decade will be able to step up and be part of the solution on deficit reduction, which the vast majority of people in this country agree is fair.

People in Michigan are worried about what is going to happen. They come to me in the grocery store. I received many e-mails and calls to my office and meetings, on Facebook and Twitter. People in Michigan understand that $2,200 more coming out of their pockets next year can be devastating.

Terri from Lansing told me she unexpectedly lost her job when her company went out of business and had to struggle in foreclosure, similar to many people, and used her Roth IRA to get by. ''I am part of the baby boomer generation and now I live paycheck to paycheck, just barely surviving.''

Two thousand dollars makes a huge difference.

Zelda from Washington writes that $2,200 is our groceries for 4 months; 4 months of groceries for Zelda's family. That is what we are talking about if the Senate bill does not get passed by the House.

Carol from Michigan writes:

> I am a retired grandmother getting a State pension and Social Security. I also have three teenage grandchildren living with me.

That is not a new story for many people—''three teenage grandchildren living with me.''

> Any increase in anything might break me.

Thomas from Grand Rapids writes:

> I will most likely have to find a job to make ends meet. So much for being retired.

Again, so many families, so many individuals find themselves in this situation. They think they have planned for their retirement and now cannot count on what they thought would be there. They watch this and the fact that we have a choice to make sure tax cuts continue for 98 percent of the American families, middle-class families, that everybody gets a tax cut up to $250,000 a year. Yet the House Republicans will not even bring it up for a vote because they want extra tax cuts for multimillionaires? They look at that and they say: What, are you crazy? This makes absolutely no sense.

President Obama ran on a plan to end the tax breaks for millionaires; basically, that plan that passed the Senate, by the way, on a bipartisan vote. He ran on a plan that would say those savings would then be applied to deficit reduction. We know that is so critical.

We saw what people thought about that. He was reelected by a wide margin. The American people want us to come together, to work together in a bipartisan way to reduce the deficit, and they support the approach that starts by making sure middle-class families are not once again asked to pay for the full burden of what needs to be done. They support an effort that says extend tax cuts for middle-class families and ask those at the very top who have gotten extra tax cuts to forgo those and chip in to be part of the larger deficit reduction solution.

Unfortunately, yesterday Speaker BOEHNER ignored this when he offered a Republican counterproposal to the President's proposal that would essentially raise taxes on middle-class families and cut Medicare for our senior citizens. As Senator REID said yesterday, ''It flunks the test of balance.''

To get the kind of revenue to reduce the deficit that is needed, that we all agree has to be done, their plan does some radical things. Their idea of revenue is to continue the tax cuts for any income above $250,000 for multimillionaires and, instead, to get rid of tax deductions used by middle-class families. So middle-class families might not have a mortgage deduction on their home that millions of people rely on; the student loan deduction for middle-class families that is allowing college to be more affordable; the charitable giving deduction that middle-class families rely on when they donate to churches and other nonprofits; the marriage penalty; the child credit; the mortgage tax relief deduction I offered to make sure if someone has to do a short sale at the bank, they do not pay extra taxes.

That is important for everyone to understand; that we—and I am speaking now as a Senate majority—are not going to balance the budget on the backs of middle-class families. We are not going to balance the budget, reduce the deficit by asking middle-class families who had the biggest hit of anybody with everything that has happened in the recession—and I certainly can speak for Michigan on this—we are not going to put the burden on middle-class families one more time. That is not what this is about.

On election day 60 percent of voters said they wanted to end the extra tax breaks for people making over $250,000—for income over $250,500. Yet the House Republican leadership wants to welcome middle-class families into the new year by having their taxes go up on average $2,200. As Zelda from Michigan said, that is 4 months of groceries. No way. There is no way I am going to support letting that happen.

Thankfully, we do have Republican colleagues who join us wanting to get this passed. We did in the Senate and those speaking out in the House and I commend them. Congressman TOM COLE from Oklahoma stated the obvious last week—and I encourage and congratulate him for speaking out. He said Republicans should immediately extend the tax cuts for families making under $250,000 a year. That is what he said. I agree with that. His Oklahoma constituents praised him. His constituents praised him. Unfortunately, his leadership dismissed him. The Washington Post reported that 70 percent of the calls to Congressman COLE's Washington, DC, office are positive and that 90 percent of his calls back home in Oklahoma—90 percent—have supported his position.

Congressman COLE knows he should be listening to his constituents, and he is. If we all listened to the people we represent and if the House leadership listens to the people of this country and those they represent, they will pass the bill we sent to them in July.

If taxes go up for middle-class families on January 1, people are going to know who is responsible for letting that happen. I urge House Republican leadership to take up S. 3412, the Middle-Class Tax Cut Act, pass it now, so the overwhelming number of families in this country have certainty going into this important holiday season and into the new year, so they can enjoy the season without knowing that their taxes are going to be going up on January 1. As of today we have 27 days before the vast majority of people in America—98 percent—see tax increases occur. It makes no sense, there is no reason for it to happen, and we have already passed a bill. If the House passes a bill, that is step one. Step one very clearly says we are all together on supporting the middle class continuing their tax cuts. We know there is more to do. We are fully prepared to do that. But step one is to make sure the middle class is not held hostage while the debate goes on about what should happen for the wealthiest few in this country.

I suggest the absence of a quorum.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Resumed.

The PRESIDING OFFICER. The clerk will report the pending business.

A bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Kyl modified amendment No. 3123, to require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WEBB. Mr. President, we are about to wrap up the Defense bill. This is the sixth Defense bill I have had the privilege of working on as a member of the Armed Services Committee. It is also the final Defense bill I will be working on as a Member of the U.S. Senate. I want to take this opportunity to say what an honor and privilege it has been to serve as a member of that committee and express my thanks to Chairman LEVIN.

As someone who began his time on Capitol Hill as a full-committee counsel on the House side many years ago and then spent 5 years in the Pentagon—often working over here on the Hill—and now after 6 years in the Senate, I can say that Senator LEVIN is a five-star committee chairman. He is what one always hopes for when he or she serves on a committee in the U.S. Congress. It has been a true honor.

This committee is an example of how committee work should be undertaken in the U.S. Congress. People like to say this is the 51st consecutive year we have, hopefully, been able to pass a Defense authorization bill. I would suggest to my colleagues that perhaps that example should be used more broadly in this body. I think it would make for good governance if it did.

I want to also express my appreciation to Senator MCCAIN, the Senator from Arizona. I have known him as a colleague and friend for more than 30 years. He comes from a family that has a long tradition of military service to our country that continues even until today. Senator MCCAIN and I have had occasional disagreements on the conduct of foreign policy, but I think it has been very rare that we have seen differently as to our views of how the Department of Defense should undertake its responsibilities.

As the subcommittee chair of the personnel subcommittee, I want to express my appreciation to my staff, Gary Leeling, Jon Clark, Brie Fahrer, and Jennifer Knowles. They have always been accessible and extremely professional. It has been a great privilege to work with them.

I also want to take a special moment of privilege here to recognize Gordon Peterson, who has been my military assistant throughout my time in the U.S. Senate. Gordon Peterson and I graduated from the Naval Academy in the same year. He was a very fine and respected athlete at the Naval Academy. He went on to become a helicopter pilot in combat in Vietnam. He gave our country 30 years of distinguished service as a naval officer. He was later the editor in chief of Seapower magazine, and was a special assistant to the Commandant of the Coast Guard. He has been unflagging in his attention to detail in everything we have worked on in the last 6 years.

We were talking a few days ago about whether either of us would have thought that during the days of our plebe summers so many years ago we would be sitting on the floor of the U.S. Senate as stewards of the well-being of our country and of the people who served it. I give a special thanks to Gordon Peterson as he moves on to other challenges in his life.

Again, it has been my privilege to serve on this committee.

With that, I yield the floor and suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I wanted to come down and talk about an amendment I am working on to the Defense authorization bill. Last week Senator CORKER and I filed amendment No. 3049, which would create an open burn pit registry in the Defense Authorization Act.

Our veterans and Active-Duty members suffering from exposure to burn pits should not have to wait any longer. The Senate Veterans' Affairs Committee agrees and has passed the legislation after holding hearings. However, I understand there is currently opposition to passing this amendment via a managers' package.

I would note that we have already passed two amendments dealing with veterans yesterday, both the Pryor amendment No. 3291 dealing with veterans employment and training and the Reed of Rhode Island amendment No. 3165 dealing with housing assistance for veterans. Both of these were outstanding amendments and help maintain the trust we have made to our veterans and our current servicemembers whom we have an obligation to care for when they have completed their service.

In both Afghanistan and Iraq, open-air burn pits were widely used at forward operating bases. Disposing of trash and other debris was a major challenge. I believe, like the rest of my colleagues, that if we are forever in debt to our veterans for their service, we must be asking this question: How did these burn pits impact the health of our returning heroes? This amendment is a step toward finding the answers we owe them. It is supported by numerous groups, including Burnpits 360, Veterans of Foreign Wars, the Association of the U.S. Navy, Retired Enlisted Association, the Uniformed Services Disabled Retirees, and the National Military Family Association.

I am hopeful that we can pass this amendment No. 3049 through a unanimous consent agreement, but I respectfully request a vote at this time if no such agreement can be made.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. I just wanted to spend a few minutes talking about Reed amendment No. 3255 and to point out to my colleagues I know this amendment will pass, but I believe we ought to be on record as voting to add $1.7 billion in additional funds that our kids are going to pay for.

This is paid for, but it is smoke and mirrors. We have used a trick in how we do this. Ultimately, what is going to happen is here is another bill that will require funding from the health account at the Pentagon, which is in operations and maintenance, which means we will not have $1.7 billion for naval exercises, for flight training, for tank training, for range training. In other words, out of this account is where it comes to all the preparedness.

I must give President Obama credit. He has recommended what the committee recommended doing for the last 2½ years. Now we have an amendment that takes where the committee went to, actually, a small copay, increasing copay on pharmacy benefits for retirees, and reverses that and forces our veterans to have to use mail order. I am OK with mail order. I know we save a lot of money with that, but the CBO says as soon as we stop this one year, the mandate is going to go back the other way and the cost is going to be this amount of money. They have met the literal requirements of pay-go, but they haven't met the functional requirements. Here we have another amendment that we will take out of the operations and maintenance account, and that is important. But the most important issue in this debate is we continue to want to have benefits for our retired military that are growing faster than the rate of inflation—certainly faster than—and not have them help pay for the increase in the benefits.

We have $16.4 trillion worth of debt this morning. We have $88 trillion worth of unfunded liabilities, and now we are at this juncture where we are having a discussion between the Speaker of the House and the President on how we get over the fiscal cliff and start to solve some of these problems. We have an amendment put up because there is a very powerful force, all the service organizations and everything else, that said don't do this.

Everybody in our country, if we are to get out of the problem, is going to have to pay a small sacrifice. This is not a large amount of money, unless you are absolutely destitute, in terms of the copays. The President has recommended we do that, the committee recommended it and we are reversing it and using the gimmick so there can't be a budget point of order on it.

There will be a time in the not-too-distant future when the decisions to control our future will be out of our hands in terms of the economics and the debt. Delaying that now, because we do not want to yield against the popular criticism, will cause us to pay a further great price. The very people who are going to be asked to contribute as part of fixing our country are going to be paying a greater price.

I just received a book from our colleague, the Senator from Rhode Island, SHELDON WHITEHOUSE. I received it today, and I have already finished half of it. It has a wonderful introduction. I would recommend to all my colleagues—I know they will get one—to read it. It is a collection of thoughts and sayings. If we read what Daniel Webster said, we read what Benjamin Franklin said, and we read what Winston Churchill has said about bowing to the public pressure rather than doing the best right thing, we will not regret it.

This is a popular amendment. It is going to pass. The service organizations want us to do it, but it is not the right thing to do. We have to begin, as we negotiate, to increase revenues from the very wealthy in this country, declining expenses at the Defense Department; everybody has to share, everybody in America. If they don't share now, they will share much more painfully in the future.

I don't have anything else to say on this other than I will vote against it, not because I want veterans to have to have a copay but because I want our country to get out of the hole we are in. Part of the sharing of that is a copay on retail pharmacy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Arizona.

Mr. MCCAIN. As we are wrapping up, I would like to tell the Senator from Oklahoma he is correct.

Former Secretary of Defense Gates, probably the most respected Secretary of Defense we have had in many years, said, ''Health care costs are,'' in his words, ''eating us alive.''

None of us, I don't know a single Member of this body, no matter where they are, who doesn't want to make sure our veterans are cared for, the widows, the orphans, the veterans, as Abraham Lincoln described them. We are going to have to find ways to bring these costs under control and still, at the same time, provide our veterans with the benefits they have earned.

I know of no one who joined the military because of TRICARE—I hear from all the retirees and all that—they joined the military because of TRICARE. I have not yet met a single 18-year-old, including my own son, who joined the Marine Corps who said: Gee, I want to join the Marine Corps because of TRICARE. No, they joined the military because they want to serve their country.

They understand our obligation to them is not to hand them a bankrupt Defense Department, that all the costs are in things such as TRICARE and retirement benefits and other personnel costs so we can't provide them with what they need to fight.

I understand the positions of the veterans groups in this country. I respect them, I love them, and I appreciate them. But we are going to have to get serious about entitlements for the military just as we are going to have to get serious about entitlements for nonmilitary.

I admit our veterans are in a special category. No group of Americans has been willing to serve and sacrifice as our veterans have, although there are certainly other Americans who sacrifice and serve in many other ways.

I say to my friend from Oklahoma, I look forward, perhaps next year—I hope the Reed amendment will not be proposed at this time. We need to sit down with the chairman, and we will have to have some hearings to find out what these future costs of health care will be. For example, I believe it has gone now from 11 percent—health care costs have gone from 11 percent now to 13 percent of the entire defense budget, and it will continue higher. We can't keep doing that.

We adopted an amendment by Senator GILLIBRAND on autism services. The way it is written will require an increase of $1.7 billion over the next 10 years and no way to pay for it. I appreciate the dedication of the Senator from New York, but her answer was: We would like to work with you on that.

We have to do more than work on it. We have to solve it. All I can say is while we are waiting, I hope we understand that here it is. The DOD health care costs represent nearly 11 percent of the total budget request for DOD, and it will continue to rise to more than 13 percent. Then it will go even higher and higher and higher.

There was an editorial in the Washington Post today that says, ''Time to Rein in TRICARE.'' It says, in part:

> . . . the administration plans cuts, including shrinking the Army and the Marine Corps. This is risky, given the potential threats the United States faces.

Unfortunately, Congress is compounding the problem by protecting expensive items that inflate personnel costs without any corresponding payoff in defense readiness.''

So I would urge my colleagues to pay attention to the editorial in the Washington Post, ''Time To Rein In Tricare,'' because I think it is important for us to understand.

Let me quote from the article:

> Tricare's costs have surged in recent years from $19 billion in fiscal year 2001 to $52.8 billion in fiscal 2011.

I repeat: In 2001 TRICARE costs were $19 billion. In 2011 it was $52.8 billion.

> Much of the growth was driven by Congresses' 2001 decision to add what is essentially a free Medigap plan for retirees over 65. But the main issue is the ultra-low fees and deductibles—which give retirees still of

working age little incentive to economize or choose employer plans. President Obama's budget plan would save $12.8 billion over five years by gradually increasing working-age retirees' annual enrollment fees, with lower-income retirees paying the least, and then adjusting them according to national health spending growth thereafter.

We would not be doing any of that with this bill. We would not be doing any of that. But I would argue this is not the time now, as we finish with this bill, to add another additional cost that we have not found ways to pay for, which consumes a larger and larger part of the defense budget.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, in a moment I am going to note the absence of a quorum unless there is someone who wishes to speak.

I want to try to work through this pending issue. I think it is the last issue we need to work through in some way before there will be a unanimous consent request that is propounded. If we can figure out the best way to handle this, and then offer a unanimous consent request, we will be able to reach the end of the bill this very day.

So I suggest the absence of a quorum.

Oh, I withhold that.

Mr. McCAIN. I would just ask my friend—I understand we have a managers' package—is it his preference we have the managers' package done at the same time as the UC; do that together?

Mr. LEVIN. It is.

Mr. McCAIN. Hopefully, we will do that shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 2927, 3019, 3062, 3113, 3175, 3241, 3242, 3277, 3285, 3226, AND 3117

Mr. LEVIN. Mr. President, I call up a list of 11 amendments which have been cleared by myself and Senator McCAIN: Kyl amendment No. 2927, as modified by the changes at the desk; Akaka amendment No. 3019; Toomey amendment No. 3062; Brown of Ohio amendment No. 3113, as modified by the changes at the desk; Rubio amendment No. 3175, as modified by the changes at the desk; Carper amendment No. 3241; Carper amendment No. 3242; Thune amendment No. 3277, as modified by the changes at the desk; Moran amendment No. 3285, as modified by the changes at the desk; Bennet amendment No. 3226, as modified by the changes at the desk; and Hatch amendment No. 3117, as modified by the changes at the desk.

Mr. McCAIN. These amendments have all been cleared on this side.

Mr. LEVIN. I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2927, AS MODIFIED

At the end of title XXXI, add the following:

Subtitle D—Other Matters

SEC. 3141. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE STRUCTURE OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION AND ITS RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) ESTABLISHMENT.—There is established a congressional advisory panel (in this section referred to as the ''advisory panel'') to assess the feasibility and advisability of, and make recommendations with respect to, revising the governance structure of the National Nuclear Security Administration (in this section referred to as the ''Administration'') to permit the Administration to operate more effectively.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The advisory panel shall be composed of 12 members appointed as follows:

(A) Three by the speaker of the Committee on Armed Services of the House of Representatives.

(B) Three by the minority leader of the House of Representatives.

(C) Three by the majority leader of the Senate.

(D) Three by the minority leader of the Committee on Armed Services of the Senate.

(2) CHAIRMAN; VICE CHAIRMAN.—

(A) CHAIRMAN.—The speaker of the House of Representatives and the majority leader of the Senate shall jointly designate one member of the advisory panel to serve as chairman of the advisory panel.

(B) VICE CHAIRMAN.—The minority leader of the House of Representatives and the minority leader of the Senate shall jointly designate one member of the advisory panel to serve as vice chairman of the advisory panel.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the advisory panel shall be appointed for a term of one year and may be reappointed for an additional period lasting until the termination of the advisory panel, in accordance with subsection (f). Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

(c) COOPERATION FROM FEDERAL AGENCIES.—

(1) COOPERATION.—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information necessary for the advisory panel to carry out its duties under this section.

(2) ACCESS TO INFORMATION.—Members of the advisory panel shall have access to all information, including classified information, necessary to carry out the duties of the advisory panel under this section. The security clearance process shall be expedited for members and staff of the advisory panel to the extent necessary to permit the advisory panel to carry out its duties under this section.

(3) LIAISON.—The Secretary of Defense, the Secretary of State, and the Secretary of Energy shall each designate at least one officer or employee of the Department of Defense, Department of State and the Department of Energy, respectively, to serve as a liaison officer between the department and the advisory panel.

(d) REPORT REQUIRED.—Not later than 120 days after the date that each of the members of the advisory panel has been appointed, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the feasibility and advisability of revising the governance structure of the Administration to permit the Administration to operate more effectively, to be followed by a final report prior to the termination of the advisory panel in accordance with subsection (f). The report shall include the following:

(1) Recommendations with respect to the following:

(A) The organization and structure of the Administration, including the roles, responsibilities, and authorities of the Administration and mechanisms for holding the Administration accountable.

(B) The allocation of roles and responsibilities with respect to the safety and security of the nuclear weapons complex.

(C) The relationship of the Administration to the National Security Council, the Nuclear Weapons Council, the Department of Energy, the Department of Defense, as well as the national security laboratories, and other Federal agencies, as appropriate.

(D) The role of the Administration in the interagency process for planning, programming, and budgeting with respect to the nuclear weapons complex.

(E) Legislative changes necessary for revising the governance structure of the Administration.

(F) The appropriate structure for oversight of the Administration by congressional committees.

(G) The length of the term of the Administrator for Nuclear Security.

(H) The authority of the Administrator to appoint senior members of the Administrator's staff.

(I) Whether the nonproliferation activities of the Administration on the day before the date of the enactment of this Act should remain with the Administration or be transferred to another agency.

(J) Infrastructure, rules, and standards that will better protect the safety and health of nuclear workers, while also permitting those workers the appropriate freedom to efficiently and safely carry out their mission.

(K) Legislative or regulatory changes required to improve contracting best practices in order to reduce the cost of programs without eroding mission requirements.

(L) Whether the administration should operate more independently of the Department of Energy while reporting to the President, through the Secretary of Energy.

(2) An assessment of how revisions to the governance structure of the Administration will lead to a more mission-focused management structure capable of keeping programs on schedule and within cost estimates.

(3) An assessment of the disadvantages and benefits of each organizational structure for the Administration considered by the advisory panel.

(4) An assessment of how the national security laboratories can expand basic science in support of ancillary national security missions in a manner that mutually reinforces the stockpile stewardship mission of the Administration and encourages the retention of top performers.

(5) An assessment of how to better retain and recruit personnel, including recommendations for creating an improved professional culture that emphasizes the scientific, engineering, and national security objectives of the United States.

(6) Any other information or recommendations relating to revising the governance structure of the Administration that the advisory panel considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2013 and made available to the Department of Defense pursuant to this Act, not more than $1,000,000 shall be made available to the advisory panel to carry out this section.

(f) SUNSET.—The advisory panel established by subsection (a) of this section shall be terminated on the date that is 365 days after the date that each of the twelve members of the advisory panel has first been appointed.

AMENDMENT NO. 3019

(Purpose: To amend the Small Business Jobs Act of 2010 with respect to the State Trade and Export Promotion Grant Program)

At the end of subtitle H of title X, add the following:

SEC. 1084. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after ''Guam,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

AMENDMENT NO. 3062

(Purpose: To require the Government Accountability Office to include in its annual report to Congress a list of the most common grounds for sustaining protests relating to bids for contracts)

At the end of subtitle E of title VIII, add the following:

SEC. 888. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

AMENDMENT NO. 3113, AS MODIFIED

At the end of subtitle E of title VIII, add the following:

SEC. 888. SMALL BUSINESS HUBZONES.

(a) DEFINITION.—In this section, the term ''covered base closure area'' means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) TREATMENT AS HUBZONE.—

(1) IN GENERAL.—Subject to paragraph (2), a covered base closure area shall be treated as a hubzone the purposes of the Small Business Act (15 U.S.C. 631 et seq.) During the 5-year period beginning on the date of enactment of this Act.

(2) LIMITATION.—The total period of time that a covered base closure area is treated as a hubzone for purposes of the Small Business Act (15 U.S.C. 631 et seq) pursuant to this section and section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) may not exceed 5 years.

AMENDMENT NO. 3175, AS MODIFIED

At the end of subtitle E of title III, add the following:

SEC. 344. SENSE OF THE CONGRESS ON NAVY FLEET REQUIREMENTS.

It is the sense of Congress that—

(1) the Secretary of the Navy, in supporting the operational requirements of the combatant commands, should maintain the operational capability of and perform the necessary maintenance in each cruiser and dock landing ship belonging to the Navy;

(2) for retirements of ships owned by the navy prior to their projected end of service life, the Chief of Naval Operations must explain to the Congressional defense committees how the retention of each ship would degrade the overall readiness of the fleet and endanger United States National Security and the objectives of the combatant commanders; and

(3) revitalizing the Navy's 30-year shipbuilding plan should be a national priority, and a commensurate amount of increased funding should be provided to the Navy in the Future Years Defense Program to help close the gap between requirements and the current size of the fleet.

AMENDMENT NO. 3241

(Purpose: To repeal or modify certain mandates of the Government Accountability Office)

At the end, insert the following:

Subtitle ____—GAO Mandates Revision Act

SEC. __01. SHORT TITLE.

This subtitle may be cited as the ''GAO Mandates Revision Act of 2012''.

SEC. __02. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking ''annual audits of the transactions of the Commission'' and inserting ''periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date,''.

(b) JUDICIAL SURVIVORS' ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking ''subsection (x)'' and inserting ''subsection (w)''.

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking ''of each year'' and inserting '', 2013, and every 3 years thereafter,''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''at a frequency of not less than once per year—'' and inserting ''not later than December 31, 2013, and every 3 years thereafter—''.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans' Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking '', and annually thereafter during the period when the demonstration project is conducted,''.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION'S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking ''of paragraph (2) of this subsection'' and inserting ''of section 3515 of title 31'';

(2) in paragraph (1), by striking ''(1)''; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking ''annual audits of the Senate Preservation Fund'' and inserting ''periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date,''.

AMENDMENT NO. 3242

(Purpose: To intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending)

(The amendment is printed in the RECORD of Thursday, November 29, 2012, under ''Text of Amendments.'')

AMENDMENT NO. 3277, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS REGARDING SPECTRUM.

It is the sense of Congress that—

(1) the Nation's mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing $195,500,000,000 to the United States gross domestic product and driving $33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the growing demand for spectrum, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the long-term solution must include reallocation and sharing of Federal Government spectrum for private sector use;

(5) recognizing the important uses of spectrum by the Federal Government, including for national and homeland security, law enforcement and other critical federal uses, existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and sharing arrangements and, with respect to spectrum vacated by the Department of Defense, certification under section 1062 of P.L. 106–65 by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical

characteristics to restore essential military capability;

(6) given the need to determine equitable outcomes for the Nation in relation to spectrum use that balances the private sector's demand for spectrum with national security and other critical federal missions, all interested parties should be encouraged to continue the collaborative efforts between industry and government stakeholders that have been launched by the National Telecommunications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangements and plans for 110 megahertz of federal spectrum in the 1695–1710 MHz and the 1755–1850 MHz bands.

AMENDMENT NO. 3285, AS MODIFIED

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1064. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE SPENDING FOR CONFERENCES AND CONVENTIONS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of Department of Defense spending for conferences and conventions. The report shall include, at a minimum, an assessment of the following:

(1) The extent to which Department spending for conferences and conventions has been wasteful or excessive.

(2) The actions the Department has taken to control spending for conferences and conventions, and the efficacy of those actions.

(3) Any fees incurred for the cancellation of conferences or conventions and an evaluation of the impact of cancelling conferences and conventions.

AMENDMENT NO. 3226, AS MODIFIED

At the end of subtitle F of title V of division A, add the following:

SEC. 561. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(2) MEMORANDUM OF AGREEMENT.—The Secretary of Defense and the Secretary of Education shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(A) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in section 2301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(3)), as added by subsection (b)(2)).

(B) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in section 2303(a) of such Act to become participants in the Program to meet the requirements necessary to become a teacher in an eligible school.

(C) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(D) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(E) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in section 2301(4) of such Act, as added by subsection (b)(2)).

(b) DEFINITIONS.—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section 5210.

''(3) ELIGIBLE SCHOOL.—The term 'eligible school' means—

''(A) a public school, including a charter school, at which—

''(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

''(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

''(B) a Bureau-funded school as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

''(4) HIGH-NEED SCHOOL.—Except for purposes of section 2304(d), the term 'high-need school' means—

''(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

''(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

''(C) a school that is in a local educational agency that is eligible under section 6211(b).''.

(c) PROGRAM AUTHORIZATION.—Section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)) is amended by striking subsections (b) through (e) and inserting the following:

''(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the 'Troops-to-Teachers Program') to assist eligible members of the Armed Forces described in section 2303(a) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers to meet the requirements necessary to become a teacher in an eligible school.

(d) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking ''6 or more years'' and inserting ''4 or more years''.

(e) PARTICIPATION AGREEMENT.—

(1) AMENDMENT.—Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

''(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and to receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

''(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher to meet the requirements necessary to become a teacher in an eligible school; and

''(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.''; and

(B) by striking subsection (f) and inserting the following:

''(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:

''(1) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing or to meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

''(2) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

''(3) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.''.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

AMENDMENT NO. 3117, AS MODIFIED

At the end of subtitle C of title III, add the following:

SEC. 322. RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.

The Secretary of the Air Force, in managing system program management responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, shall comply with the Department of Defense instructions regarding assignment of program responsibility.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Madam President, I ask unanimous consent that the only additional first-degree amendment remaining in order to the bill be the following: McCain amendment No. 3262, on Syria, as modified with changes that are at the desk; that there be 20 minutes equally divided in the usual form on the amendment; that any remaining time prior to 4:30 p.m. be equally divided between the chairman and ranking member for general debate on the bill; that at 4:30 p.m., all postcloture time be considered expired; that the Senate proceed to votes in relation to the McCain amendment, as modified; that no amendments be in order to the amendment prior to the vote; that

upon disposition of the McCain amendment, the Senate agree to the pending Kyl amendment, which is a Kyl-Kerry amendment, No. 3123, as modified; that upon disposition of the Kyl amendment, the Senate proceed to a vote on passage of S. 3254, as amended; that upon passage of S. 3254, the Armed Services Committee be discharged from further consideration of H.R. 4310 and the Senate proceed to its consideration; that all after the enacting clause be stricken and the text of S. 3254, as amended and passed by the Senate, be inserted in lieu thereof; that H.R. 4310, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate, with the Armed Services Committee appointed as conferees; that no points of order be considered waived by virtue of this agreement, all with no intervening action or debate; and finally that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Madam President, I thank all of our colleagues.

Madam President, I ask unanimous consent that I be added as a cosponsor of the McCain amendment and that Senator COONS also be added as a cosponsor of the McCain amendment.

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

The Senator from Arizona.

AMENDMENT NO. 3262, AS MODIFIED

Mr. MCCAIN. Madam President, I call up amendment No. 3262, as modified.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] roposes an amendment numbered 3262, as modified.

The amendment is as follows:

AMENDMENT NO. 3262, AS MODIFIED

At the end of subtitle C of title XII, add the following:

SEC. 1233. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) NATURE OF MILITARY ACTIVITIES.—

(1) PRINCIPAL PURPOSE.—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) ADDITIONAL GOALS.—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) NO AUTHORIZATION FOR USE OF MILITARY FORCE.—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

(f) The report required in subsection (a) shall be delivered in classified form.

Mr. MCCAIN. Madam President, I believe the Senator from Kentucky is here to speak on the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, the amendment before us requires that the President submit a plan for a no-fly zone for Syria. I want to compliment the authors for including in this amendment a clause that says nothing in this amendment shall be construed as a declaration of war or an authorization for the use of force. I think it is very important in our Nation today that we are not saying we are starting, beginning, or getting involved in a new war.

However, I do think this amendment is ill-advised for two reasons. No. 1, I don't think I know with certainty whether the Syrian rebels will be freedom-loving, tolerant, constitution-toting believers in a republican form of government or whether they will institute an Islamic republic that will have no tolerance for Christians and no tolerance for people of any other faith.

It still remains to be seen whether a secular government will be established in Libya, Tunisia, or Egypt. There is the question of whether al-Qaida is more or less of a threat in Libya today since the rebels have won the civil war. I don't think we know for certain what a rebel government in Syria will do with the 1 million Christians who live in Syria.

Since the Iraq war, hundreds of thousands of Christians have fled Iraq and gone to Syria. Even after the war, apparently Syria was seen as more of a tolerant nation than Iraq. Will a rebel Islamic government in Syria tolerate or persecute Christians? Will a rebel Islamic government institute the death penalty for blasphemy, for conversion, or for apostasy? Will they have a true democracy, a secular government, or will they have a Syrian rebel government that is less tolerant than what they currently have? In many ways the Arab spring has become the Arab winter.

In Egypt we have a leader from the Muslim Brotherhood who recited amen when a radical cleric stood up and said: Death to Israel. As a radical cleric said: Death to Israel and anyone who supports them, this Muslim Brotherhood leader of Egypt that came out of the Arab spring is nodding his head in assent and seemed to be chanting amen.

Will they seek peace with Israel or war? Will the Syrian rebels seek a secular government or one ruled by Shari'a? I think there are many unknowns we need to be asking ourselves before we involve ourselves in a civil war.

Secondly, I think it is a bad idea to discuss contingency plans for war. While I am in favor of the Senate retaining our prerogative to declare war, I believe that the details of the execution of war are in the purview of the Executive. In other words, we do have the power to begin or to not begin a war. That is the power the Constitution gave us, but I don't think the Constitution intended to have 535 generals. I don't think it intended to have us explicitly talking about every contingency plan for every possible war in every corner of the globe.

Our Defense Department, no doubt, has contingency plans for a ballistic missile attack on the United States, a conventional land invasion, naval or air encounters throughout the world, but we don't necessarily openly discuss them or encourage them. I don't think it is best to openly discuss these plans for defending against an attack and especially not for involving ourselves in a civil war.

Our Nation and our soldiers are weary of war. Our Nation yearns for leaders who will strive to keep us out of war. Our Nation yearns for leaders who are reluctant to begin a new war or get involved in a new war. I hope my colleagues today will not encourage a rush to war by publicly clamoring for a plan to become involved in Syria's civil war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise today to speak in favor of amendment No. 3262, which I am honored to cosponsor with Senators MCCAIN and LEVIN. I thank the Senators for their disciplined, diligent, and very strong leadership of this year's NDAA process. This is an authorization bill that has been taken up and considered by the Senate for 52 years, and despite a lot of challenges and a lot of difficulties we had getting to bills, getting past objections, getting to reasonable processes and amendments, these two fine Senators have led admirably in a very difficult environment.

This amendment does what I think we need to do next, to put before the Senate in an appropriate classified setting useful information about the possibilities before us and before our allies in a very difficult and very complex region that is, as Senator PAUL has noted, currently undergoing dramatic conflict.

Let me speak to a few points that persuaded me to join Senator MCCAIN and Senator LEVIN in cosponsoring this amendment.

First, despite the comments from my colleague from Kentucky, these plans will be delivered to the Senate in classified form. They will not be accessible to the general public, and they will not be broadcast to our opponents or those who might seek to learn about America's plans. They will only be delivered in classified form.

Second, and I think most important, it is explicit in this amendment that nothing in this section shall be construed as a declaration of war or an authorization for the use of force. Senator PAUL's repeated concerns that we are rushing headlong into an overengagement in a civil war that is best left to the people of Syria is reflected clearly and in plain language in that provision within this amendment.

Earlier today we took up and voted on the Convention on the Rights of Persons with Disabilities. I spoke to this issue as well. Despite the plain language of that convention that would prevent it from having any of the noxious impacts it would have on families in the United States, despite the plain language of that convention and the various restrictions and reservations that were added to it, it would have no impact on homeschooling and no impact on reproductive rights in the United States. It would have no impact on any of the variety of things that were cast about on the floor of the Senate today. So, too, here we should not allow—despite this plain language—Senators to mislead our colleagues into thinking that somehow secretly embedded within this is an authorization for the use of force.

So what is this? This is asking that the United States, in consultation between the Department of Defense and this Senate, make reasonable assessments of what our path forward in dealing with the tragic situation in Syria might be. This amendment is clear that it will not consider ground troops being deployed onto Syrian territory. It will only look at a means that might be used by the United States or our allies to stop Assad's reckless, relentless criminal use of airpower to murder his own civilians and his own citizens.

I have been heartbroken as I have read account after account of jets and helicopters being used to stray from red lines, being used to bomb hospitals and schools, and of the thousands of innocents who have died.

The Syrian civil war is a very complex conflict. Senator PAUL asked what I really think is the central question. He said: How can we be confident that the opposition will be tolerant, inclusive, peaceful, and that it will not prosecute or persecute Christians; that they will be an ally to Israel and not impose the sorts of threats and difficulties he cited from Libya, Egypt, and other countries? That is exactly the core question at issue for us going forward: Should the United States stand on the sidelines as Bashar al-Assad massacres tens of thousands more of his civilians or should we consider what ways we can be involved through providing humanitarian assistance?

Should we support our regional allies, Turkey and Jordan, through multilateral engagement, supporting Turkey's request to NATO for defensive material? Should we better learn and understand what the opposition on the ground is inclined to do and set clear standards for how, if they demonstrate they are reliable partners in pursuing peace and if they commit themselves to the elements of the national coalition and the Free Syrian Army and to being exactly what Senator PAUL would hope—tolerant, inclusive, prodemocracy—why would we stand on the sidelines of history and allow Islamic extremists to instead write the future of the Syrian people?

For these and many reasons I am grateful for the opportunity to join with Senators MCCAIN and LEVIN in cosponsoring this amendment.

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senator from Connecticut be allowed 4 minutes, the Senator from Michigan be allowed 3 minutes, and I be allowed 2 minutes before the vote.

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

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I am honored to rise to support this amendment and just to make a few points. The first is to assure all of our colleagues that this is just an amendment that asks the Pentagon to conduct a study. It is nothing more than that. I want to particularly say that to reassure anyone who is concerned that somehow this is an authorization for the use of military force. Look at the wording. That is just not the case.

All we are debating and voting on is whether the Pentagon should be asked to do a study of the possibility of how we might stop Bashar al-Assad's air force from committing acts of murder against his own people. In my way of thinking, to tell the truth, it is two things: One, this amendment is simply a way of saying that we in the Senate are concerned and care about the slaughter that is going on in Syria and agitated that the United States and the rest of the world is not doing more to come to the assistance of those who are fighting for their freedom and lives in Syria.

I want to point out that there are a lot of options for the Pentagon to study. One is a traditional no-fly zone. We know a lot of people in the Pentagon are concerned that to carry out a traditional no-fly zone with our aircraft, we need to spend a lot of time and energy and assume risks to knock out the Syrian air defenses. Well enough.

But there are other ways to achieve the goal of keeping Assad's aircraft from destroying Syria's people. One is to use Patriot antimissile batteries to keep Syrian planes—placed in Turkey and Jordan—out of the air. The second, of course, that I can think of is to fire precision guided missiles from offshore to hit the Syrian Air Force on the ground so it cannot take off.

All of those should be considered as part of this study, as the most obvious, which is to make sure that the freedom fighters on the ground have their own antiaircraft weapons to fire from the ground at Assad's aircraft so they can protect their own lives.

The truth is, in supporting this amendment, I come to say that I continue to be troubled, deeply, by why the United States and so much of the rest of the civilized world is standing by and letting this happen. To me—and I speak only personally, and I do so with respect—getting involved in this on behalf of the opposition in Syria has been now for 18 months as close to a no-brainer as America ever has the opportunity to get involved in in foreign policy.

I say that because from the beginning we knew which side was fighting for freedom and which side was against it. And America is supposed to be on the side of the freedom fighters. Secondly, this has developed into a humanitarian disaster: 40,000 people killed. And, third, we have not just humanitarian interests here and values interests, we have strategic interests because Assad's government is the No. 1 friend of our No. 1 enemy in the world, which is the Islamic Republic of Iran. If he goes down, Iran and its radical regime suffers a body blow. If we continue to stand back, we run the risk of terrible sectarian conflict in Syria, which runs the risk of spreading beyond, between Sunni and Shia, also between secular and religious modernizers and people who do not want to modernize.

We have every good reason to come to the aid of these people in need, and I do not see an argument for not at

least studying how we might better do that.

I thank my colleagues. I am proud to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I wonder if I might be able to proceed for 1 minute before we begin the votes.

Mr. MCCAIN. Madam President, I ask unanimous consent that 1 minute be added and that the Senator from Mississippi be recognized for that 1 minute.

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

The Senator from Mississippi.

Mr. WICKER. Madam President, I thank my colleagues for allowing me to breeze in here at the last moment.

I would like to speak today about a Department of Defense policy that has an impact on American jobs and is in urgent need of greater transparency. Until recently, this policy picked industry winners and losers. We must ensure that the Federal Government's adopted standards for green buildings are consensus-based, fair, and established by sound science.

Before last year's Defense authorization bill was signed into law, the Department of Defense exclusively recognized or showed preference for a single green building rating system.

The U.S. Green Building Council's Leadership in Energy and Environmental Design—or LEED—became DOD's adopted benchmark for green building.

This raised concerns, primarily because LEED standards are not developed in a transparent manner and do not allow meaningful input from all affected stakeholders.

For example, for some reason LEED standards are unreasonably biased against American timber.

Obtaining the highest LEED certifications often requires green buildings to exclude domestic wood. Instead, the use of bamboo, often shipped from overseas, is favored over more cost-efficient local timber.

The next version of LEED threatens to eliminate the use of other approved materials and proven products that are currently used to achieve true energy savings.

It makes sense to anticipate that a blanket adoption of LEED by the Department of Defense would have a significant impact on American industry.

To put the scope of DOD's green building policies into perspective: DOD has more than 500,000 facilities, covering more than 2 billion square feet. If we combined all of the nearly 5,000 Wal-Mart buildings in America, it would make up about a third of DOD's real estate.

That is why I fought for language—included in the 2012 Defense authorization conference report—requiring DOD to conduct a cost-benefit analysis of various green building rating systems.

Last year's Defense authorization conference report prohibited the use of funds to implement LEED standards.

This year, the Armed Services Committee accepted language I offered to extend the prohibition of funds for LEED until 6 months after the cost-benefit study is reported to Congress.

I look forward to the findings of this study but remain concerned about DOD's adoption of any green building standards that are not transparent and consensus-based.

I have yet another amendment that would direct DOD to utilize green building standards that are driven by consensus as determined by the American Nationa Standards nstitute, and include sufficient input from all affected stakeholders.

My amendment also would support green building standards that consider the full environmental benefits provided by a building material throughout its lifetime. Life Cycle Assessment is a science-based approach used to measure these benefits.

Together, I believe these provisions would create a level playing field for materials to compete for green building and energy savings in DOD construction.

The Federal Government should be in the business of choosing winners and losers, Adoption of LEED only—or/any other green building standard not developed by consensus—would discriminate against American-made products, reduce transparency, impact jobs, and ultimately undermine energy savings and sustainability sought using taxpayer dollars.

Although I am going to withhold my amendment, I will continue to closely monitor this issue to ensure that fair competition is part of DOD's construction of green buildings.

I want to thank the chairman, ranking member, and all the members of the committee.

In conclusion, as we have learned, there is more than one way to have green building standards. The Defense Department has tilted toward the LEED standards in the past. I think we have authorized now a scientific analysis of other methods that is proceeding apace. I had planned to offer yet another amendment which would be withdrawn directing that the Department of Defense utilize green building standards that are driven by consensus as determined by the American National Standards Institute. As I say, I am withholding that amendment.

I do appreciate the language that is in the bill now, and I think we will end up with green building standards that save energy and serve the purposes of national defense and do not tilt toward one industry over the other.

I thank the Presiding Officer for her indulgence, I thank my colleagues on the committee, and I yield the floor.

AMENDMENT NO. 3262, AS MODIFIED

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I very much support the amendment offered by Senator MCCAIN and thank him for it.

The suffering of the Syrian people and, increasingly, the people of the region continues to grow daily. This amendment tells the Secretary of Defense and the Chairman of the Joint Chiefs that we want a classified assessment of the effectiveness of various military solutions to the problems that are there in Syria and in the region.

This information is going to help inform Congress on the challenges and the obstacles to various solutions, including the very challenges and questions which were identified by Senator PAUL. Those are the kinds of questions—not the total list, but the kinds of questions—which this assessment will help us to address. It will also help inform us about the budget and the policy decisions that the congressional defense committees make in the upcoming fiscal year.

The principal purpose of this amendment, as is stated in the amendment, is ''to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.'' That is what is on the mind, I believe, of all of us.

This report—an assessment, to use the word in the amendment—is critically important to Congress, and I very much support the effort of Senator MCCAIN and thank him for it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I would point out again that section (d)(e) of this amendment says:

> NO AUTHORIZATION FOR USE OF MILITARY FORCE.—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

And it will be in ''classified form.''

Yesterday, this was the front-page headline of the Washington Post: Obama Sternly Warns Syria. There is no doubt that as this conflict has dragged on and on, the risk of a wider conflict and terrible consequences can ensue. It is well known that Bashar Assad has a very large inventory of chemical weapons, including sarin gas, which is a deadly nerve agent.

I am not predicting that the United States has to be involved, but there is very little doubt in anyone's mind that as this conflict escalates, the risk of spreading, the risk of greater jihadist involvement, the greater risk of problems on the borders of Lebanon, of Iraq, of Jordan increase.

And if military action has to be taken in order, for example, to prevent sarin gas to be used, the Congress of the United States has to be involved. We have a thing called the War Powers Act. The War Powers Act expressly calls that Congress make decisions. The Congress needs to be informed. I believe all this amendment does is informs, in a classified manner, the Defense committees so that we will have the information necessary to understand the various eventualities that could result in this terribly, terribly

escalating and deteriorating situation in Syria.

As my friend from Connecticut said, 40,000 people have already been slaughtered. I think the U.S. Congress needs to be made aware not of what we should do but what we can do in case of that eventuality. I urge my colleagues to vote for the amendment.

I thank my colleagues. I thank the Senator from Connecticut, the Senator from Delaware, and, of course, the chairman of the committee.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired and the question occurs on agreeing to McCain amendment No. 3262, as modified.

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I anounce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—92

Akaka	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Heller	Pryor
Blumenthal	Hoeven	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rubio
Brown (OH)	Johnson (SD)	Sanders
Burr	Johnson (WI)	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Coburn	Leahy	Thune
Cochran	Levin	Toomey
Collins	Lieberman	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	Manchin	Vitter
Corker	McCain	Warner
Cornyn	McCaskill	Webb
Crapo	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—6

Alexander	Durbin	Lee
DeMint	Hutchison	Paul

NOT VOTING—2

Kirk	Rockefeller

The amendment (No. 3262), as modified, was agreed to.

Mr. LEVIN. Madam President, I move to reconsider, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

KYL AMENDMENT NO. 3213, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, amendment No. 3123, as modified, is agreed to.

EXPORT CONTROLS REFORM

Mr. BENNET. Madam President, I rise to engage the chairman of the Armed Services Committee in a colloquy.

Mr. LEVIN. I would be happy to have a colloquy with the Senator from Colorado.

Mr. BENNET. Earlier this year, I introduced a bill that reforms export controls on satellites and their related items. Under the current law, satellites must be subject to the most restrictive export controls regardless of whether they are sensitive, militarily significant, or widely available outside of the U.S. This has both diminished our Nation's economic competitiveness and our national security. In fact, the State and Defense departments recently concluded that the ''current law forces the U.S. Government to continue to protect commonly available satellites and related items on the USML, thus impeding the U.S. ability to work with partners and putting U.S. manufacturers at a disadvantage, but providing no noticeable benefit to national security.''

My bill reforms our export control laws so that the executive branch has the discretion to determine the appropriate level of export controls for satellites and related items. The executive branch currently has such discretion for all other types of items whether the item serves a military or a dual-use purpose. The bill also prohibits the transfer of such items to China, North Korea, and state sponsors of terrorism.

Last week, I filed an amendment to the defense authorization bill that mirrors my legislation. Senators RUBIO, WARNER, MARK UDALL, and CARDIN cosponsored the measure. While I had hoped to offer and pass our amendment, it is my understanding that the chairman intends to address these reforms in conference. Is my understanding correct?

Mr. LEVIN. I first want to thank the Senator from Colorado for his work on reforming our Nation's export control laws. The House version of the National Defense Authorization Act includes provisions addressing these issues. I support his efforts in this area and I intend to work with the House of Representatives to address these reforms in conference.

Mr. BENNET. I thank the chairman for his support and assurance.

AMENDMENT NO. 3054

Mr. MCCAIN. Madam President, I rise to explain the scope of, and intent behind, my amendment on naval vessel naming. Amendment No. 3054, as modified, to the National Defense Authorization Act for fiscal year 2013 is a direct response to recent criticism that the Secretary of the Navy has, in some instances, politicized the ship naming process.

Since its establishment, the U.S. Navy has developed a rich tradition of vessel naming. Traditional sources for vessel names customarily encompassed categories such as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and, other noted individuals who have made distinguished contributions to the Navy or our Nation's national security. The name the Navy selects for a vessel should reflect the very best of our Nation's and our Navy's great heritage. It should impart a sense of honor and serve as an inspiration for the vessel's crew. It should not, in any way, be tarnished by controversy. Unfortunately, controversy and criticism have surrounded some of the Secretary's recent vessel naming choices.

This amendment seeks to avoid similar controversy in the future. It sets forth necessary and appropriate standards, grounded in historical practice, to guide the Secretary of the Navy's decisions on vessel naming. It requires that the Secretary assure the Senate and House Committees on Armed Services that the proposed vessel name comports with those standards 30 days before announcing or assigning a vessel's name.

Under the procedure established by my amendment, I fully intend and expect that the Navy will not move forward with any vessel naming proposal, unless the Congressional defense committees approve. Much as the Department of Defense seeks prior approval for reprogramming requests, the Secretary of the Navy should secure the prior approval of the Congressional defense committees before announcing or implementing a vessel naming proposal.

I take no joy or pride in this amendment, but believe it is necessitated by the spate of controversies over the last few years. I sincerely hope the amendment helps the U.S. Navy preserve the high standards it has traditionally employed for vessel naming.

AMENDMENT NO. 2943

Mr. LEAHY. Madam President, I was very pleased that the Senate adopted last night an amendment to improve the Law Enforcement Officers Safety Act, LEOSA. I was pleased to join Senator WEBB, a member of the Senate Armed Services Committee, as a cosponsor to strengthen a policy that is important to our Nation's law enforcement community. I thank Chairman LEVIN and Senator WEBB for their efforts.

The amendment we adopt today will place military police and civilian police officers within the Department of Defense on equal footing with their law enforcement counterparts across the country when it comes to coverage under LEOSA. The LEOSA law permits active and qualified retired law enforcement officers to carry a concealed firearm across State lines. This law, which has been in place since 2004, gives our law enforcement officers, should they choose, the peace of mind that they are protected wherever they may be.

One of the qualifications required of active or retired officers to be covered by the LEOSA law is that they must have ''statutory arrest authority''. Some law enforcement personnel within the Department of Defense do have such statutory arrest authority. Others do not. For example, civilian police officers that conduct law enforcement activities on military bases or installations derive their authority from the Uniform Code of Military Justice. This authority, while statutory, is ''apprehension'' authority. Due to that difference between the LEOSA law's specific enumerated requirements, and the authority pursuant to which civilian police in the military operate, these law enforcement officers have not been able to obtain the law's benefits.

To remedy this, the amendment we have adopted will expressly include within the LEOSA statute currently non-covered civilian police officers and military police. It will do so by adding a statutory citation within Title 18 of the United States Code to the relevant portion of the Uniform Code of Military Justice. This will provide legal certainty for the Department of Defense, and will provide the needed LEOSA coverage for currently non-covered law enforcement personnel within the military.

The Senate has agreed unanimously to extend LEOSA to the law enforcement officers that serve within our military who are currently not eligible for coverage under LEOSA. They are no less deserving or worthy of this privilege and I am very pleased we have acted to equalize their treatment under the Federal law. Given the productive discussions we have had with the Department of Defense Office of Law Enforcement Policy and Support, and with Chairman LEVIN in developing this amendment. I expect that it will be implemented without delay so that those intended to be covered may gain the law's benefit quickly. These police officers, who largely perform the same duties as their counterparts elsewhere in the Federal Government and at the State and local level, deserve the equal treatment this amendment will provide.

Mr. CASEY. Mr. President, today I wish to discuss what more we can do to prevent the scourge of suicides among our servicemembers. I have been concerned for quite some time about the physical and psychological challenges facing the men and women who serve in our military, including the unique challenges faced by members of the National Guard and Reserve.

Despite a variety of programs to address the rate of suicide among National Guard and Reserve personnel, current statistics raise ongoing concerns about what more we can do to address this serious issue. In 2011, 165 Active-Duty soldiers and 118 Guard and Reservists took their lives, and the Army is on track to meet or surpass the same number of suicide related deaths again this year.

I appreciate that the Armed Services Committee has included Section 512 in the fiscal year 2013 National Defense Authorization Act, which establishes a suicide prevention and resiliency program specifically for the reserve component of the military. In order for these programs to succeed, all members of a community must work together and watch out for one another. This includes involving the private sector and universities, who can contribute valuable resources. I would note that the Department's Office of Suicide Prevention, in carrying out Section 512 and 722 of this bill, must work with private sector and university partners to develop and implement suicide prevention training for community-based organizations, including schools, hospitals, religious organizations and employers, to raise awareness and provide tools for intervention to members of the National Guard and Reserve and their families. Universities and researchers, including those throughout Pennsylvania, have explored this issue and stand ready to support our returning servicemembers.

This is a national challenge and Congress must work hand in hand with the Departments of Defense and Veterans Affairs as well with State and local community leaders to end this terrible epidemic.

AMENDMENT NO. 3232

Mr. SCHUMER. Madam President, I would first like to take this time to thank my colleagues Senator MENENDEZ and Senator KIRK for putting forth a comprehensive plan to arm the administration with the tools they need to put a stop to Iran's rogue nuclear program and for working to put together the final text of this amendment.

Look, time's a-wasting, so we need to ratchet up the sanctions now.

And rest assured—this is a powerful package that will paralyze the Iranian economy.

I believe that when it comes to Iran, we should never take the military option off the table. But I have long argued that economic sanctions are the preferred and probably most effective way to choke Iran's nuclear ambitions.

It should come as no surprise that today the head of International Atomic Energy Agency, IAEA, suggested that his inspectors in Iran are coming under increased duress amid fears that the Iranian regime might be aspiring to make atomic arms. And according to published reports, Iran could have at least one workable nuclear weapon by next year and another maybe 6 months after that. This cannot be allowed!

Additionally, the IAEA has reported that Iran possesses a highly organized program dedicated to acquiring the skills necessary to produce and test a nuclear bomb.

Earlier this year, Director of National Intelligence Jim Clapper told the Senate Intelligence Committee that Iran's leaders seem prepared to attack U.S. interests overseas.

Just last year we saw U.S. authorities successfully thwart an Iranian plot to assassinate the Saudi ambassador in this very city.

So by giving the administration the capability to tighten their crippling sanctions on Iran should they continue with their nuclear weapons program, the Senate is continuing to address the very real threat Iran poses to the United States and our allies, particularly Israel.

And make no mistake—after Hamas initiated their bloody rocket attacks against innocent civilians in Israel last month, who did they thank afterwards? They actually thanked Iran for their support in helping make ''Israel scream with pain.'' Iran sends rockets to terrorist groups to kill innocent civilians. That is just one out of many reasons why the international community just cannot allow Iran to have a nuclear weapons capability.

This bill will do several important things to strangle Iran's ability to continue with its illegal nuclear program.

First, it designates Iran's energy, port, shipping, and shipbuilding sectors as ''entities of proliferation concern'' due to the role they play in supporting Iran's proliferation activities.

Secondly, it blocks and prohibits all transactions in property in the United States by any person who is part of Iran's energy, port, and shipping sectors.

Additionally, it sanctions the sale, supply, and transfer of certain materials and precious metals to Iran.

And importantly, this bill sanctions foreign financial institutions for knowingly conducting transactions on behalf of any sanctioned Iranian person.

Mr. President, I believe my colleagues Senator MENENDEZ and Senator KIRK have done an excellent job ensuring that the administration has the tools they need to put a stop to Iran's rogue nuclear program.

I strongly urge my colleagues to support this amendment.

Mrs. HAGAN. Madam President, as we conclude our work on S. 3254, the fiscal year 2013 National Defense Authorization Act, I would like to draw attention to yet another important role my State is playing in our national defense.

North Carolina is home to the two major lithium suppliers in the United States. Not only are these important employers in my State, but they are serving our defense industry with critical materials that are vital to our Nation's defense capabilities both now and in the future.

The Defense Department has recognized through its Defense Production Act Title III office that ''Li Ion batteries are extremely attractive to military customers with the most demanding set of requirements such as the space/satellite communities for spacecraft applications and the Special Operation forces.''

Lithium metal is an important component in a wide range of defense applications. For over a decade, the US

military has been widely using non-rechargeable—primary—lithium batteries to provide power for mines, missiles, torpedoes, sonobuoys, guided artillery, fuses, communication devices, countermeasure devices, global positioning systems, and guidance systems. Presently, primary lithium batteries are the power source of choice for a majority of devices that a servicemember uses in combat and realistic training operations. An infantryman on a 72-hour mission in Afghanistan carries around 30 pounds of batteries. Lithium metal used in these defense applications affords today's Armed Forces fluid movement on the battlefield and in remote areas.

We need to remain vigilant to the world's lithium supply situation. Offshore suppliers of lithium are poised to expand their capacity at the risk of domestic U.S. lithium production capability. It will be essential to our future national defense needs that we are able protect and enhance our domestic supply chain of battery-grade lithium metal.

Mr. President, I recognize the importance of this industry to our Nation's defense. I am proud that over 600 men and women in my State are dedicated to creating these critical materials for our Armed services and urge that we continue to recognize the essential role this industry plays in our future defense strategies.

AMENDMENT NO. 3291

Mr. PRYOR. Madam President, I want to thank Chairman LEVIN and Ranking Member MCCAIN for the work they have done on the National Defense Authorization and for working with me on this amendment.

This bipartisan amendment, the Helping Iraq and Afghanistan Veterans Return to Employment, HIRE, at Home Act, introduced by myself and Senator JOHANNS encourages states to consider the training servicemembers receive during active duty when determining eligibility for State licenses and certifications.

This amendment will encourage States to consider the specialized military training and experience servicemembers acquire on active duty as filling all or some of the State certification and licensing requirements. Specifically, the amendment will apply to individuals seeking employment as commercial truck drivers, certified nursing assistants or emergency medical technicians.

By eliminating the expensive and time consuming hurdles servicemembers often face, this amendment will help ensure our returning veterans come home to new job opportunities and help lower the high unemployment rate among our young veterans.

Mr. CARDIN. Madam President, I rise in support of the National Defense Authorization Act, NDAA, for Fiscal Year 2013. I wish to commend Senator LEVIN and Senator MCCAIN for their leadership in bringing this legislation to the floor. The Senate has passed the NDAA every year for over one-half century. Senators LEVIN and MCCAIN have played a key role on NDAA over the past several years, and I am grateful for their dedication and concern for the men and women of our Armed Forces and the defense of the Nation.

I am pleased that NDAA, as amended, includes three of my amendments, including a sense of the Senate resolution regarding conflict-induced displacements in Afghanistan. As Afghan refugees are being pushed into faster repatriation, they are often forced into returning to a country where they have little or no hope. In particular, Pakistan, which has hosted Afghan refugees for more than 30 years, plans to cancel refugee status for the 3 million Afghans at the end of this year. Forcing these refugees back into Afghanistan would only exacerbate the crisis for a country that is still struggling with an ongoing insurgency, an economy dependent on U.S. foreign assistance, and the impending withdraw of NATO troops in 2014.

According to the United Nations High Commissioner for Refugees, UNHCR, more than 5.7 million refugees have returned to Afghanistan since 2002, increasing the population of the country by approximately 25 percent. In both urban and rural areas, however, more than 40 percent of the returnees have not integrated into their home communities. In addition to difficulties returning refugees face, internal displacement has been dramatically on the rise.

The conflict-induced displaced Afghans face numerous challenges due to continuing violence, tribal conflicts, lack of land tenure and housing, limited opportunities to earn a livelihood, and reduced access to public services and water. As winter approaches, I am especially concerned for the children who will be vulnerable to the harsh weather and illnesses likely to occur from living in such severe conditions. Last winter, there were many reports of children freezing to death in settlement camps and other temporary shelters.

The sense of the Senate resolution not only expresses these concerns for the dramatic rise in conflict-induced displacements in Afghanistan and the corresponding humanitarian needs; it also recommends that the Department of State's Bureau of Population, Refugees & Migration and the Special Representative for Afghanistan and Pakistan jointly develop a comprehensive strategy to address these displacement issues.

I am also pleased that the Senate passed my two amendments to add the Coast Guard to the current baseline NDAA sections addressing military diversity and military hazing. Nearly 2 years ago, the Military Leadership Diversity Commission issued a report with 20 recommendations to the Armed Forces, including the Coast Guard. The Commission found that the services' leadership does not reflect the diversity of the enlisted members they lead or the American population they fight to protect. While the Coast Guard has made strides in addressing its lack of diversity among women and minorities, it still has significant obstacles to overcome. For instance, of the 91 graduates of the Coast Guard's Officer Candidate School last year, only five were African-American, four were Asian, and nine were Hispanic. The Coast Guard can and must do better to enhance diversity among its senior leadership, which will have a positive impact for generations to come. And like other branches of the Armed Forces, the Coast Guard continues to suffer from hazing incidents. Just last year, seven members of the Coast Guard were found to have tied down their fellow crew members and performed sexual hazing on them.

I am also pleased that the Senate adopted the Feinstein amendment, which restricts the ability of the U.S. Government to detain without charge or trial U.S. citizens or lawful permanent residents suspected of carrying out terrorist activities. The role our civilian-led military plays within the borders of the United States has always been balanced with the protections of civil liberties, civil rights, and the due process of law.

On the subject of detainees, however, I am disappointed that the Senate approved the Ayotte amendment, which prohibits the use of funds for transferring or releasing detainees from the detention facilities at Guantanamo Bay, Cuba, for prosecution and trial in the United States. In my view, any provision that extends the life of detention facilities at Guantanamo Bay unnecessarily sullies America's human rights record. The Ayotte amendment also represents a significant cost burden going forward for the U.S. Government, as it would force the Guantanamo Bay detention facility to remain open indefinitely. The Ayotte amendment also handicaps our Federal courts. Our Federal courts—unlike military tribunals—have an excellent track record of trying and convicting the most dangerous criminals and terrorists in the world, and Congress should not tie the hands of our law enforcement and intelligence agencies to use our Article III courts. Our Federal prison system can also securely hold for life those convicted of terrorism offenses.

When it comes to personnel issues, I support the baseline NDAA bill, which will improve the quality of life for our men and women in uniform and their families. The bill provides a 1.7-percent pay increase for all Active, Reserve, and Guard servicemembers. The bill prevents the Department of Defense from increasing TRICARE deductibles and annual catastrophic caps and levying enrollment fees for TRICARE Standard and TRICARE for Life. Also, the bill further advances service opportunities for women by directing the Secretary of Defense to make further regulatory and statutory changes in

combat-related restrictions. Finally, I want to commend the Senate Armed Services Committee for authorizing veterans to participate in the Transition Assistance Program for 1 year after their discharge so that they can be better prepared to lead a productive civilian life.

On another crucial personnel matter, however, I am deeply disappointed that the Senate defeated my amendment to prevent an across-the-board cut to the Defense civilian workforce that could lead to an additional 36,000 government job losses in the coming years. These cuts—on top of cuts that already will occur—would be made without consideration to required workload, mission, or funding as currently required by law. The Senate version of NDAA, if unchanged, will force an arbitrary, sequestration-type of cut in the DOD's civilian workforce, injuring the defense industrial base and undermining economic recovery. There is a better way to make judicious personnel decisions in the Department of Defense than the bill's section 341. I hope the NDAA conferees will heed the administration's deep concerns with regard to section 341, which the House NDAA—H.R. 4310—does not include.

A bill this large and complex won't please everybody entirely. I have just outlined some of the provisions I support and some of the provisions I don't support. I will vote to pass NDAA to advance it to conference. H.R. 4310, like S. 3254, has good and bad provisions, in my estimation. For instance, it contains provisions that further restrict the transfer of Guantanamo detainees into the United States or foreign countries, and it limits the administration's ability to implement the New START Treaty or to set U.S. nuclear weapon policy to further nuclear force reduction. But, on the other hand, it doesn't contain section 341. I hope the legislation the conferees report will be something I can support.

Mr. LEVIN. Madam President, I will be very brief. I feel so grateful and so proud that the tradition of our committee and this Senate has been maintained on our 51st consecutive Defense authorization bill, a bill that is so vitally important to the Nation. I am grateful to all of our colleagues for working on a bipartisan basis through the normal and open legislative process to produce this bill. I am grateful to stand here with my partner, Senator MCCAIN—we worked together on this bill—to all of the members of the committee, to our staff and the floor and cloakroom staff. We passed over 100 amendments. It was a process that allowed us to be just as accommodating as we humanly could.

One person I wish to single out as someone who has worked for the committee for 41 years—this will be her last year—is Chris Cowart. She is our chief clerk, and I would like to take an additional 2 seconds to mention her name as a symbol of the staff for whom we are so grateful.

I don't know if Senator MCCAIN is here, but I know that I speak for him about our staffs and about our colleagues on the committee.

I yield the floor.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yes 98, nays 0, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—98

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Webb
DeMint	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Enzi	Menendez	Wyden
Feinstein	Merkley	

NOT VOTING—2

Kirk	Rockefeller

The bill (S. 3254), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Committee on Armed Services is discharged from further consideration of H.R. 4310, and the Senate will proceed to the consideration of the measure, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 3254 as passed is inserted in lieu thereof.

The clerk will read the title of the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, H.R. 4310, as amended, is passed, and the motion to reconsider is considered made and laid upon the table.

Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees:

Mr. LEVIN, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER.

RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to calendar No. 552, H.R. 6156, which is the Russia-Moldova trade agreement.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 552, H.R. 6156, an act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

NATIONAL DEFENSE AUTHORIZATION

Mr. MCCAIN. Mr. President, I wish to thank the chairman for his patience in allowing this legislation to be completed. I would note that there were 145 amendments and many recorded votes and good debate and discussion over very important issues.

I also wish to say thank you to the majority leader.

I wish to note the good work of the staff, showing again that work release programs can be successful.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, if I could say a word, I was looking for an opportunity to express my appreciation to the two managers of this bill.

This has been hard, but they have done an excellent job. There is nothing

more important we do here than make sure that our fighting men and women have the resources to do what they need to do for our country, and there are no two better managers that we could have on this bill than these two fine Senators. I appreciate very much their hard work.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the leader is here, I would add my thanks to the majority leader. This could not have happened without the willingness of the majority leader to take a little bit of risk at this time of year with so few days left.

Senator MCCAIN and I told the majority leader that we thought we could do it in 3 days, and I want you to know that we did it in 3 days. We don't count half days. If we counted half days, it took us more than 3 days, I must confess to the majority leader. But, nonetheless, the majority leader was willing to let us start down this road. And we did it in a unanimous way. I think it is only the second time in 51 years that there has been a unanimous vote on a Defense authorization bill, and it is because of the willingness and determination of our leadership that we proceed with this bill and that we allow the kind of process to occur that we did and to take the time we did, and I am very grateful.

Mr. REID. Mr. President, I took no risk, because Senator LEVIN from Michigan and Senator MCCAIN from Arizona said, We will finish the bill in 3 days. So I had no risk because I knew that is what they would do. We may have spilled over a few hours, but basically they held to their agreement.

Mr. MCCAIN. Again, I thank the majority leader and my friend from Michigan.

I do want to thank our staff who worked many long hours, long after we had shut down regular business. They continued to work through a total of 392 amendments that were filed on this legislation. I appreciate the hard work and the cooperative spirit that enabled us not only to dispose of the amendments, but also I heard no complaint from any Member that their amendment did not get the consideration they felt it deserved. I think that is pretty remarkable, and I thank them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I want to join in thanking the chairman of the Armed Services Committee, Senator LEVIN, and the distinguished ranking member, Senator MCCAIN, for the extraordinary bipartisan work they have done on this measure, and also the accommodation and consideration they have given to all of us who have proposed amendments, as well as to their staff and the majority leader.

On behalf of Connecticut, which produces many of the key products that are affected by this bill, such as the Joint Strike Fighter, our submarines, and the Sikorsky helicopter, we have a great deal of pride in the support that the U.S. Senate has given today to our national defense and the production of these products.

ANIMAL FIGHTING SPECTATOR PROHIBITION ACT

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Agriculture, Nutrition and Forestry Committee be discharged from further consideration of S. 1947, and that the Senate proceed to its consideration.

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

The assistant legislative clerk read as follows:

A bill (S. 1947) to prohibit attendance of an animal fighting venture, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BLUMENTHAL. I ask unanimous consent that the Blumenthal amendment, which is at the desk, be agreed to and that the bill, as amended, be read a third time.

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

The amendment (No. 3309) was agreed to, as follows:

On page 2, line 21, insert ''knowingly'' before ''cause''.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BLUMENTHAL. Mr. President, I recognize that the hour is late. I wish to take a very brief moment to thank my colleagues, beginning with Senator KIRK and Senator BROWN—my distinguished colleagues from Illinois and Massachusetts—who have done such great work on this measure over many months, as well as Senator CANTWELL of Washington and other colleagues who have cosponsored this measure, including Senators COLLINS, FEINSTEIN, GILLIBRAND, KERRY, LANDRIEU, MERKLEY, MIKULSKI, MURRAY, VITTER, and WYDEN. They are all tireless advocates for animals.

This bill is about ending animal fighting which, plainly and simply, is a blood sport. It is cruel and inhumane. It leaves animals scarred and disabled. And, it is associated with many other criminal activities. People who attend animal fights are often also engaged in drug dealing, extortion, assault, and a variety of other crimes, and the enabling activity is animal fighting.

That is why this bill increases the penalties for knowingly attending an animal fight with a child and, indeed, makes it a crime to knowingly attend an animal fight. These stricter penalties are contingent upon a purposeful support for this cruel and inhumane sport.

Very simply, this legislation provides new tools to law enforcement for eliminating not only animal fighting, but also the activities that may be attendant to them.

Animal fighting is a Federal matter, and it requires a Federal response. This is particularly important because an animal fighting ring often involves players from many different States. Under current law, a county sheriff or a local prosecutor simply lacks the authority to root out, apprehend, and effectively prosecute such an operation.

This bill has the support of many law enforcement organizations whom I thank, including the Federal Law Enforcement Officers Association and Fraternal Order of Police. County sheriffs from across the country have also signed on as supporters, along with the American Veterinary Medical Association and the Humane Society of the United States. I hope it will have support from this Chamber.

Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on passage of the bill.

The bill (S. 1947), as amended, was passed, as follows:

S. 1947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Animal Fighting Spectator Prohibition Act of 2011''.

SEC. 2. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.

Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''SPONSORING OR EXHIBITING AN ANIMAL IN'' and inserting ''SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND'';

(B) in paragraph (1)—

(i) in the heading, by striking ''IN GENERAL'' and inserting ''SPONSORING OR EXHIBITING''; and

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

''(2) ATTENDING OR CAUSING A MINOR TO ATTEND.—It shall be unlawful for any person to—

''(A) knowingly attend an animal fighting venture; or

''(B) knowingly cause a minor to attend an animal fighting venture.''; and

(2) in subsection (g), by adding at the end the following new paragraph:

''(5) the term 'minor' means a person under the age of 18 years old.''.

SEC. 3. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.

Section 49 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) IN GENERAL.—Whoever'';

(2) in subsection (a), as designated by paragraph (1) of this section, by striking ''subsection (a),'' and inserting ''subsection (a)(1),''; and

(3) by adding at the end the following new subsections:

''(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

''(c) CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates

subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.''.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. First of all, I commend and compliment my friend from Connecticut for sponsoring this bill and pushing it through. Animal fighting is a despicable thing to be engaged in. To think people take their kids there, and families. It is something we should not be doing and I thank the Senator for his leadership on that issue, getting the bill passed.

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

I want to take the floor for a few moments. I know others want to speak. They were kind enough to let me get in front of them. I want to comment for a couple of minutes on the vote today on the Convention on the Rights of Persons With Disabilities. I said off the floor that this was a shameful day for the Senate, and I meant it. Today was a shameful day for the Senate. To turn our backs on a convention, a treaty which was based upon the Americans With Disabilities Act in our own country that is now 22 years old and has done so much to enhance opportunities for people with disabilities and their families, to turn our backs on that for no real reason is something I have a hard time comprehending, and I have been in the Senate a long time now.

There are reasons people can come up with a vote this way or that on certain things and most times they are very legitimate. People might have some legitimate concerns about a bill or an amendment. I could find no legitimate concerns about the Convention on the Rights of People With Disabilities—legitimate concerns. We heard all this talk about home schoolers, people who are homeschooling their kids, the U.N. was going to come in and take them away—nonsense, utter, sheer nonsense.

What happened today was the triumph on the Senate floor of fear. Unfounded, unreasonable fear triumphed over experience—the experience we have had with the Americans With Disabilities Act, reasoned, rational thought—unfounded fears that somehow, someplace, somebody is going to do something. Out of the U.N. they are going to come in and take over or something. But we proved beyond any shadow of a doubt that none of our laws had to be changed. This gave the U.N. no authority over our country or our laws or anything. Yet this unfounded fear took hold to the point where people who were sponsors of the bill voted against it. Sponsors of it now turned around and voted against it. Again, for what reason? Unfounded fear.

What message did we send today to the rest of the world? A message that, OK, we are pretty good. We did a lot of good stuff in terms of passing legislation to uphold the rights of people with disabilities, to break down barriers, give people with disabilities opportunities the same as everyone else. We have become a better country for it, a better Nation.

Other countries have come to us over the intervening last 22 years to find out how we did it, what they could do. So here the United Nations said we would come up with a convention, a treaty for all countries, and put it up for them to sign it, encouraging them to emulate what we did. This would be giving us a seat at the table helping other countries to bring their laws more up to what ours are in terms of the rights of people with disabilities.

But we turned our backs on that. There are a lot of things that make America a shining city on a hill, but there is one thing that no one can dispute that does put America as a shining city on a hill and that is the Americans With Disabilities Act and what it has done to our society, like our Civil Rights Act, what it has done to break down the barriers and to show that people with disabilities can contribute to society if only given the chance and the opportunity.

You would think we would want to then say, yes, we will be a part of a worldwide effort to break down those barriers against people with disabilities. We want to be part of a worldwide effort to say it is not all right, it is not OK to leave a baby on the side of the road to die simply because that baby has Down Syndrome. You would think we would want to be part of a global effort that says it is not all right to keep kids out of school and away from education because they have a physical disability—they use a wheelchair—or have an intellectual disability. You would think we would want to be part of an effort such as that, that says it is not OK to put people in cells, chained in cells, people whose only crime is that they are disabled. You would think we would want to be part of that effort.

We have done that in this country. We have done wonderful things. Yet there is some fear, some unfounded fear that the United Nations is going to come in with a black helicopter or something, I don't know what, and say you cannot homeschool your kids.

The Americans With Disabilities Act, we had it for 20 years. Did it stop home schooling? Of course not. Did it lead to more abortions? Of course not.

After this vote, after it was defeated, I walked out into the reception room, the Senate reception room. There was a throng, a number of people in the disability community. They were crushed, just crushed. They could not understand this. How could it be? Every disability community in America, every disability organization supported this. We had 21 veterans organizations, everything from the American Legion to the VFW, AMVETS, Disabled American Veterans, Disabled Veterans of America—21. Every veterans group supported this.

I ask, were these veterans groups so dumb, so blind, so misled to support something that is going to give the U.N. the right to come in and take kids out of your home? That is what people were saying. They do not get it, veterans groups? Is that what they were saying, that they do not understand this?

Of course they understood it. They know those were unfounded fears. Walk out and see Yoshiko Dart out there, holding Justin Dart's hat; Justin Dart, God love him. A man in a wheelchair, used it almost every day in his life; a man who traveled throughout this country day after day to get people organized to support the Americans With Disabilities Act, Justin Dart. He has since passed on, but his widow carries his hat around. She had his hat there and they were just crushed by this vote. How could we turn our backs on something so important to our country and the world? Pat Wright—others.

Before we had the vote we had a wonderful ceremony honoring Bob Dole. Yesterday was the International Disability Rights Day, so they wanted to honor Bob Dole for all he had done, Senator Dole. It was a wonderful event. I saw people over there honoring Bob Dole for all the work he had done on disability rights who voted against the bill today.

Mr. LEAHY. That is right.

Mr. HARKIN. I said, wait a minute, they are there to honor all the work Bob Dole had done on disability and Bob Dole was one of the strongest supporters of the CRPD, as it is called. He came over here today in his wheelchair with his wife, former Senator Elizabeth Dole. Yet people voted against it. I do not get it.

Veterans? There was a young veteran sitting in the gallery today. I met him yesterday for the first time. Senator KERRY spoke at length about him. His name is Dan Berschinski. I ask unanimous consent to have his op-ed printed in the RECORD at the conclusion of my speech.

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

(See exhibit 1.)

Mr. HARKIN. I met him yesterday, a young man 25 years old. He said for the first 25 years of my life I was an able-bodied American and played football and soccer, even ran a few marathons.

He graduated from West Point and went to Afghanistan and had both of his legs blown off. He walks on prosthetic legs now and talks about going to South Africa on a trip and the fear gripped him because of the fact he couldn't get around. In the hotel they had curbs. He had the kind of problems he doesn't have here.

I saw him out here in the reception room after the vote. He had been sitting in the gallery. He came down. I went up to him and I said: Dan, what can I say? I am sorry. I am sorry. But, I said, we will come back again. We are going to come back at this thing. But, I said, I am sorry.

You know what he said to me? He said: You know, Senator, watching this

and seeing this makes me want to get just about as far away from politics as I can.

Is that the message we send to young veterans, young heroes like this?

I don't want to take any more time. Others want to speak. As I said, it is a shameful day. I do say we will be back. Senator KERRY will be back, Senator MCCAIN. Again, I give them the highest plaudits for what they did. Senator MCCAIN and Senator KERRY did a magnificent job, and Senator LUGAR, in carrying this bill forward. I know they do not want to give up either. I was hoping we would pass it before Senator LUGAR leaves the Senate. It would have been wonderful that Senator LUGAR did this during his time here in the Senate. But I guess that is not to be.

We will be back in January or February. Senator KERRY is committed to doing that, bringing it back to the committee, so we will be back again. I hope over the Christmas break and New Year's those who did not vote to support this will search their conscience, search their soul, think more about our being involved in this and having a seat at the table, helping the rest of the world change their laws. I hope when we come back we will have some reconsiderations and people recognize that maybe the first vote was not the right vote and change their vote and maybe we can get it passed then. That is my hope. I hope we can get to that when we come back after the first of the year.

EXHIBIT 1

[Dec. 4, 2012]

LEADING ON DISABILITY BEYOND OUR BORDERS

(By Dan Berschinski)

For the first 25 years of my life I was as an able-bodied American. I played football and soccer and even ran a few marathons. All of that changed three years ago. Having graduated from West Point, I was serving my country as an Army infantry officer in Afghanistan when I was seriously wounded: I stepped on the unseen trigger of an improvised explosive device, and both my legs were instantly torn from my body. From that moment on, my life has, been drastically different.

Today, after three year's of hard effort, I'm proud, to be able to walk using prosthetic legs. Yet obstacles that might seem inconsequential to the fully able-bodied, like sidewalk curbs and stairs, take on a whole new meaning for people like me who struggle to walk, or who use a wheelchair. Fortunately, the United States leads the world in accessibility and equality of opportunity for the disabled. Unfortunately, the advantages we take for granted here at home—the policies that allow people like me to live fulfilling, independent lives—don't exist in much of the rest of the world.

Eight months after being wounded in combat, and while still a patient at Walter Reed Army Medical Center, I joined a few friends in a trip to South Africa to watch the World Cup. There I found myself in a different country, with no legs, a brand-new wheelchair and a lot of apprehension. While I should have been enjoying this once-in-a-lifetime trip, I was constantly worried about my ability to get around. South Africa had done a fairly good job on accessibility, but there were still plenty of curbs that had to be jumped, ditches that had to be crossed, and flights of stairs that had to be, well, hobbled up. As a disabled Anierican at home, I can depend on accessible accommodations; as a disabled tourist abroad, I had to hope for the best while preparing for the worst.

Today, the United States has an opportunity to show leadership and reduce the challenges that millions of disabled people around the world face every day: The Senate can vote to join the U.N. treaty on rights for people with disabilities. By encouraging other nations to strengthen their own accessibility laws, we can improve the lives of our 56.7 million disabled U.S. citizens, including 5.5 million disabled veterans like me, when we travel and work abroad. Many of those opposing this treaty claim to support military veterans, but a vote against ratifying this treaty undercuts that support.

I am honored to join fellow veterans, Republicans and Democrats, including Sens. John Kerry and John McCain and former Sen. Robert J. Dole, to say that the case is clear-cut: Only by voting in favor of the Convention on the Rights of Persons with Disabilities can the Senate truly honor the sacrifice of those disabled while answering this nation's call. I am proud to have served my country; I am proud of how my country has taken care of me. And I will be proud when we extend our leadership on disability issues beyond our borders.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while the Senator from Iowa is on the floor—and I will be very brief because there are others waiting to speak—I am so moved and touched by what he had to say. I had the privilege of being in that room with the Senator from Iowa, Senator HARKIN, and Senator Dole—both Senators Dole, Senator Bob Dole and Senator Elizabeth Dole.

The Senator referred to Justin Dart's widow and his hat was there. My colleague and I saw him wearing that hat the day the disability legislation was signed into law on the White House lawn. In fact I have a photograph I took of the Senator standing there.

PERSONS WITH DISABILITIES TREATY

Mr. LEAHY. Mr. President, I have had the privilege of serving in this body every day that TOM HARKIN has been here. Nobody has spoken more eloquently for the needs of the disabled than Senator HARKIN. He learned sign language so he could communicate with his brother. I have seen him with members of the disabled community. He is loved and respected.

This was not the Senate's finest day. It was not ''Profiles in Courage'' to see what happened. I am glad the Senator mentioned the veterans, as though any of them would stand for something that would take over our country. Many of them lost limbs fighting for this country and fighting for the security of this country. They represent people who died fighting for this country.

So this is one Senator who will be here next year. I pledge to the Senator from Iowa and to Senator KERRY, my seatmate—actually, I have both Senators on either side of me—that I will be here, and I will support the Senators every step of the way.

Mr. HARKIN. Mr. President, I thank my good friend and former chairman with whom I have served all of these years in the Senate for his very kind remarks and kind words. More than that, I thank my friend for his many kindnesses that he has shown me and for upholding the finest traditions of the Senate.

I say to PAT LEAHY, through the Chair, when we think about a Senator and what a Senator should do and how a Senator should conduct himself or herself, we have to think about PAT LEAHY. He has just been a stalwart. He is always willing to work with people, always willing to give someone the benefit of the doubt, always willing to help move legislation through the Senate. That is the way the Senate used to be. It used to be that way. Thank God, we still have people here like PAT LEAHY.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MIDDLE-CLASS TAX CUTS

Mr. WHITEHOUSE. Madam President, tens of millions of middle-class families face the distinct possibility of higher tax rates in January. With so many Americans who are still struggling to find their economic footing after the deepest recession of our lifetimes, these looming tax hikes would be hard for those middle-class families, and they are completely unnecessary.

Newspaper stories day after day on the so-called fiscal cliff often omit that the Senate has passed legislation to shield 98 percent of families and 97 percent of small businesses from the income tax part of this so-called fiscal cliff.

We passed the Middle Class Tax Cuts Act on July 25 of this year. We sent the measure to the House of Representatives. Did Speaker BOEHNER and the Republicans in the House promptly pass this popular bill and send it to President Obama for his signature? Did they move to protect 98 percent of middle-class families from this tax hike in January? No. They decided to hold the middle-class tax cuts passed by the Senate hostage in an attempt to push for tax cuts for the folks they care about the most, the top 2 percent of the highest earning households.

Republicans fighting for millionaires and billionaires is not a new story. In 2001 President George W. Bush decided to spend a large portion of the surpluses he inherited from President Clinton to cut tax rates. Many Democrats opposed him then because the tax cuts were unfair by favoring the highest income Americans. To overcome that obstacle, the Republicans resorted

to a parliamentary technique of budget reconciliation, a maneuver that allowed for passage of their tax cuts but forced them to expire after 2010, at the end of the 10-year budget window.

So we scroll forward to 2010. As 2010 ended, President Obama and many Democrats in Congress, including myself, wanted to extend the tax cuts for middle-class families but let rates on income above $200,000 for an individual and $250,000 for a family revert to the Clinton-era levels. Our Senate Republican friends filibustered that effort, refusing to allow the middle-class tax cut without a tax cut for the highest incomes as well. Their hostage strategy worked that time, and the President and Senate Democrats reluctantly agreed to extend the tax cuts for 2 more years.

Now the 2 years is up and these tax rates are again set to expire. That is why Senate Democrats passed the Middle Class Tax Cut Act in July. This measure balanced our desire to keep tax rates low for middle-class families against the urgency of addressing our national budget deficits. By keeping tax rates low for 98 percent of Americans and letting the tax rates go up very modestly for families earning over $250,000 a year, the Democrat plan would cut the deficit by as much as $1 trillion over the next decade. Now, that alone doesn't cure our budget imbalance, but along with fair and sensible tax reforms and smart cuts in spending, it is part of the solution.

Let's be clear about one thing: the Middle Class Tax Cut Act would still benefit high-end taxpayers. Families making over $250,000 a year would pay lower tax rates on their first $250,000. So if a family made $255,000, they would only see an increase on the top $5,000, and only to the Clinton-era rates that were in effect during the 1990s, when, as we all recall, our economy was thriving. Under the Senate-passed plan, a family earning $255,000 a year would pay an extra $150 in taxes.

In opposing the Middle Class Tax Cut Act, Republicans claim that it would hurt the economy to raise tax rates on the top 2 percent of income earners. Speaker BOEHNER reiterated that line last week saying: It'll hurt small businesses. It'll hurt the economy.

Well, that is vintage Republican political theory, but it is just not supported by the facts. In a recent report, the nonpartisan Congressional Budget Office estimated that extending the middle-class tax cuts would boost our national GDP, gross domestic product, by 1.25 percent next year. It said the economic effects of extending only the middle-class rates are similar to those of extending all of the rates. Why? Because upper income taxpayers are less likely to spend their tax savings and put it back into the economy.

In other words, CBO reports we would get virtually no economic bang for our Federal buck by extending the upper income tax cuts for which the Republicans are fighting. CBO's analysis is confirmed by the experience of real-world businesspeople.

Madam President, I ask unanimous consent to enter into the RECORD at the conclusion of my remarks an op-ed by former Stride Rite CEO Arnold Hiatt entitled ''Smite the myth that tax cuts create jobs.''

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

(See exhibit 1.)

Mr. WHITEHOUSE. Mr. President, Arnold Hiatt founded a successful small business before selling it to Stride Rite and then becoming CEO. He says:

> As every good businessman knows . . . the soundness of a company and its ability to create jobs do not rest on lower taxes or tax avoidance—for the company or its senior management.

He continues:

> It is a fiction, pure and simple, that taxing so-called ''job creators'' will have an adverse effect on the economy.

Mr. Hiatt goes on to explain:

> In the years we were creating so many jobs, my federal income taxes on the top slice of my income were sometimes as high as 70 percent, but these rates never discouraged me or anyone else from hiring workers or growing a company. Today we're paying about half of that on the top portion of salaries and fees, and a meager 15 percent on the big chunk of our income that comes from investments. That's why I . . . and many other millionaires pay a lower income-tax rate than many working American families.

He continues:

> Many millionaires never create any jobs at all. Those who do will create them regardless of the tax rate, and certainly won't be dissuaded by the small increase of about 5 percentage points that the president has proposed.

He concludes this way:

> The myth of millionaires as job creators being turned off by higher taxes is the creation of some members of the U.S. House and U.S. Senate who are funded by these same millionaires. They know little of what makes companies successful.

That is the CEO of Stride Rite shoes.

If we extend the upper income tax cuts for another year, it would add over $49 billion to the deficit. Even in Washington, $49 billion is real money, money that would have to be borrowed and would add to our debt problem. Believe it or not, Republicans who voted to turn Medicare into a voucher program in the name of deficit reduction support adding to the deficit with high-end tax cuts. In Rhode Island, at least, those are lousy priorities when it comes to deficit reduction. We should let the tax cuts at the top expire for reasons also of fairness. Loopholes and special provisions allow many super-high income earners to pay lower tax rates than many middle-class families.

According to the nonpartisan Congressional Research Service, 65 percent of individuals earning $1 million or more annually pay taxes at a lower rate than median income taxpayers making $100,000 or less. Sixty-five percent—nearly two-thirds—of individuals earning over $1 million a year actually pay a lower tax rate than median income taxpayers. That is a tax system that is turned upside down and needs to be fixed.

Earlier this year a majority of Senators voted to advance my Paying a Fair Share Act, the Buffett rule bill to ensure that multimillion-dollar earners pay at least a 30-percent effective Federal tax rate. The rate they are supposed to pay is 35 percent under the income tax laws. But because of all these loopholes and special rates, IRS statistics show the top 400 taxpayers in 2008 who earned, by the way, an average of $270 million each that year, paid the same 18.2 percent effective tax rate as paid by, for instance, a truckdriver in Rhode Island. The single biggest factor driving this inequality is the special low rate for capital gains that allows, for instance, hedge fund billionaires, through the carried interest loophole, to pay taxes at lower rates than their secretaries and chauffeurs. If we let the tax cuts at the top expire, those rates revert to 20 percent instead of 15 percent. Twenty percent is still a low rate for someone making $100 million a year, but it is closer to what a middle-class family is expected to pay.

In short, allowing the Bush-era tax cuts to expire for income above $250,000 is the fiscally responsible thing to do and the fair and proper thing to do. Why, then, hasn't Speaker BOEHNER called a vote on the Senate-passed Middle Class Tax Cuts Act? Because threatening middle-class families with higher taxes is their strategy, to push for breaks for millionaires and billionaires—the hostage strategy—with the middle class as the hostages as Republicans fight for whom they truly care about.

If Speaker BOEHNER continues to ignore the Senate-passed bill, I urge President Obama to stand firm on his opposition to extending the upper income tax cuts. The American people support that approach, and we should not cave in to pressure.

I would also urge the President and congressional leaders to work to include the Buffett rule principles in any deficit deal. Letting the upper income tax cuts expire and ensuring multimillion-dollar earners pay a fair share will assure the American people we are working for them and not the special interests as we allocate the burden of addressing our deficits.

EXHIBIT 1

[From the Providence Journal]

SMITE THE MYTH THAT TAX CUTS CREATE JOBS

PROVIDENCE JOURNAL EDITION

(by Arnold Hiatt)

As every good businessman knows—including former Massachusetts Gov. Mitt Romney, with whom I had been associated as a limited partner at Bain Capital Ventures—the soundness of a company and its ability to create jobs do not rest on lower taxes or tax avoidance—for the company or its senior management.

If the now defeated presidential candidate Romney and congressional Republicans continue to insist on renewing the special Bush

tax cuts that go only to the wealthiest 2 percent of Americans like me, it will do nothing to create jobs. It is a fiction, pure and simple, that taxing so-called ''job creators'' will have an adverse effect on the economy.

Just the reverse is true. Instead of spending nearly $1 trillion on tax cuts to make millionaires even richer, those tax dollars can be used more constructively to retain teachers, police officers and firefighters, and repair roads and bridges. These are all essential services that will rebuild our economy and maintain a civil society. In addition, these tax dollars will contribute to deficit reduction.

The son of a Lithuanian immigrant to this land of now diminishing equal opportunity, I had the good fortune to start a small company that enjoyed a measure of success and that was eventually acquired by Stride Rite Corp. Twelve months later I was asked to become president of Stride Rite.

Throughout the last 10 years of my tenure, the company's return on investment was in the top 1 percent of all companies listed on the New York Stock Exchange. We created thousands of new jobs. By the time I left, we had over 5,000 employees. Our success rested on the quality of the product and service provided to consumers. It was a reflection on the quality of the workforce as well as the management. My success could not have been possible without the people whom we continued to hire and to train as we grew. I depended on them as much as they depended upon me.

In the years we were creating so many jobs, my federal income taxes on the top slice of my income were sometimes as high as 70 percent, but these rates never discouraged me or anyone else from hiring workers or growing a company. Today we're paying about half that on the top portion of salaries and fees, and a meager 15 percent on the big chunk of our income that comes from investments. That's why Governor Romney and I and many other millionaires pay a lower income-tax rate than many working American families.

Many millionaires never create any jobs at all. Those who do will create them regardless of the tax rate and certainly won't be dissuaded by the small increase of about 5 percentage points that the president has proposed.

The myth of millionaires as job creators being turned off by higher taxes is the creation of some members of the U.S. House and U.S. Senate who are funded by these same millionaires. They know little of what makes companies successful.

Romney knows better. It is a matter of record that during the time tax rates, both corporate and personal, were so much higher, our economy was booming. Conversely, the slowest job growth since World War II took place between the Bush tax cuts for millionaires and the 2008 economic meltdown.

A few months ago, every Republican in the House and Senate, along with 19 House Democrats and two Senate Democrats, voted against a bill ending the Bush tax breaks for the richest 2 percent, but extend them for 98 percent of Americans and 97 percent of small businesses. I hope they will take a fresh look at the facts. That's why I joined with over 100 other millionaires in signing a Voices for Progress letter to all members of Congress, appealing to them not to renew these tax breaks. Allowing the richest 2 percent to withhold tax dollars robs children of health and education. It is not only immoral, it is bad economics. They are the future of our country, which has begun to fall behind our competitors. It is also destroying the American Dream, which brought my father to this country alone at the age of 15.

Both he and the Founding Fathers would agree that the future of this nation should not be compromised by the shortsightedness of those so well off in the present. These are not the values that made this country great.

Arnold Hiatt is a former chief executive of Stride Rite Corp., based in Lexington, Mass. This article previously appeared in The Boston Globe.

I thank the Chair. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO MAYOR BILL PAXTON

Mr. McCONNELL. Madam President, I rise today to pay tribute to my good friend the mayor of Paducah, KY, Mr. Bill Paxton. Mayor Paxton has been a vital partner of mine in our efforts to bring economic development to the Paducah region, improve the quality of life for its residents, and represent their interests in public service. Paducah could not ask for a finer mayor than Bill Paxton.

Now it's my sad duty to report to my colleagues that after 12 years in office, Mayor Paxton is retiring. And although Kentuckians will miss his steady hand at the helm of leadership, no one can say Bill Paxton has not given more than his share of dedication and commitment to the people of his city. And we all certainly wish him the very best as he leaves the mayor's office and moves on to his next endeavors, where I am sure he will find much success just as he has in public service.

It would take too long for me to describe everything we've worked on together over the years, but I'll mention a few. For several years we worked together to bring economic growth to downtown Paducah with a new riverfront marina development. After a long road marked by the occasional setback, the Paducah Riverfront and Marina groundbreaking ceremony took place last month. The new riverfront will spur job creation and serve as a public space for all of Paducah's residents to enjoy.

For years, Mayor Paxton has been indispensable on a host of issues affecting the Paducah gaseous diffusion plant and its hard-working employees.

Bill has also been crucial in efforts to create the Paducah River Discovery Center, improve the Paducah Area Transit System, and upgrade local law-enforcement and safety resources such as the Public Safety Mobile Data System, which allows police and other emergency personnel to share and coordinate information.

And I can't forget Bill's leading role in designating the National Quilt Museum, located two blocks from the Ohio River in downtown Paducah, as the National Quilt Museum of the United States. As one of the most popular tourist attractions in the Bluegrass State, it regularly brings over 100,000 visitors yearly from all 50 States and 40 countries.

One of Bill's biggest successes over the last 12 years is the Lower Town revitalization project. Lower Town, a Paducah neighborhood that is rich with history but had become dilapidated with neglect, became the focus of renewal for city government under the mayor's vision.

Revitalization efforts focused on creating an awareness of Lower Town as a cultural center for the arts and an accessible retail environment friendly to local businesses. Now, a decade later, this project has been successful, yielding much renovation of local historic buildings and new construction, luring more than 75 new artists and businesses to Lower Town, and bringing over $30 million in private investment in the area.

Bill was born and raised in Paducah. Prior to serving three terms as mayor, he was elected to Paducah's city commission in 1998. It was a family tradition, as his father, William F. Paxton Jr., had also served on the city commission. As a private citizen, Bill worked for 30 years in the banking industry. Bill is also one of the few mayors in Kentucky to serve two terms as head of the League of Cities, proving his talents are appreciated not just in Paducah but across Kentucky.

I have been pleased to get to know both Bill and his wife, Lucy, over the years and am proud to call them close friends. I am sure that Lucy; their two children, Christina Paxton Cassetty and William F. Paxton IV; and many other beloved friends and family members join me and Elaine in saying we are proud of Bill Paxton's record of accomplishment as mayor, and we wish him the best in his well-earned retirement. He is one of Kentucky's most distinguished citizens and public servants.

TRIBUTE TO DR. RUSSELL DOHNER

Mr. DURBIN. Madam President, I want to recognize ''a wonderful life.'' Much like the movie starring Jimmy Stewart, it is the story of a small town boy who dreamed of big adventures in a big city, but who discovered his life's calling not far from home.

For nearly 60 years, Dr. Russell Dohner has dedicated his life to providing affordable healthcare to residents of Rushville—a rural community in western Illinois.

Dr. Dohner grew up on a farm, not far from Rushville, one of seven children. He experienced seizures as a small boy, and it was his family doctor who stayed by his side and inspired him to enter the medical field. After high school, Dr. Dohner served in the Army during World War II, attended Western Illinois University, and then worked his way through Northwestern University Medical School.

Although he hoped to move to a big city and work as a cardiologist, he knew Rushville, a city of just 3,200 people, needed a doctor. In 1955 he opened an office there hoping to stay just a few years. That was 57 years ago. Today, little has changed in his Rushville office—the nurses, the furniture, and the price of a visit. He charges patients just $5 a visit.

He does not take health insurance, but at only $5 most of his patients can afford the visit. Even if someone cannot pay, he still helps them.

Dr. Dohner barely makes enough money to pay his nurses, and he relies on income from his family's farm to make ends meet. However, one thing that helps keep the office overhead low is the lack of technology. There is no computer, no fax machine, and no answering machines. Five decades of records are kept on handwritten, 4-by-6 index cards.

Dr. Dohner keeps his office open 7 days a week. On Sundays he stops in before going to church. He starts his day making rounds at Culbertson Memorial Hospital in Rushville, he then takes patients at his office, and he ends the day with another round at the hospital. He may see as many as 120 patients a day. He works with patients on a first-come, first-serve basis. But, if it is an emergency Dr. Dohner lets them use the back door. And if patients are too sick to make the trip in, he will make a house call.

Although he has no children of his own, he has delivered more than 3,500 babies. This happens to be more people than the population of Rushville.

Dr. Dohner puts patients before himself. He has never been on a vacation and cannot remember ever taking a day off. The only time he has closed down his office was when he suffered a heart attack and he himself needed medical care. Dr. Dohner has said, ''I have to take care of my patients first.''

At age 87 and after nearly 60 years on the job, Dr. Dohner continues to provide the rural area with selfless service, hard work, and affordable healthcare. He does not seem to be slowing down much, and for that, the community is grateful.

Dr. Russell Dohner is as a wonderful example of how one person's life can have a big impact on a small town.

VOTE EXPLANATION

Mr. MERKLEY. Madam President, because of an important meeting with business and government leaders in Oregon on Monday morning, I was forced to miss votes on Paul William Grimm's nomination as U.S. district judge, and for the motion to invoke cloture on S. 3254, the National Defense Authorization Act. I wish to record for the RECORD that had I been present, I would have voted ''aye'' on each vote.

RECOGNIZING WILDLIFE CONSERVATION DAY

Mr. WHITEHOUSE. Madam President, as cochairs of the International Conservation Caucus, Senator TOM UDALL and I stand together on Wildlife Conservation Day, December 4th, to emphasize the need for governments, organizations, and individuals to protect the world's endangered species, which face threats from poaching, illicit trade, pollution, and improper land use.

The International Conservation Caucus has focused attention this Congress on poaching and the illegal wildlife trade, a lucrative and illicit global market worth anywhere from $5 to $20 billion annually. This trade threatens biodiversity, stability, and the rule of law.

New initiatives proposed by the U.S. State Department are needed to protect wildlife, combat trafficking, and reduce demand. We applaud the State Department's commitment to strengthening a global system of wildlife enforcement and the work of the U.S. Agency for International Development to strengthen regional antitrafficking networks.

In addition, we and our allies should investigate and prosecute wildlife crime more aggressively, but we should not see the seizure of ivory, rhino horns, and other wildlife products as the sole measure of success. We must also reduce demand, take down trafficking kingpins through international law enforcement efforts, and protect wildlife populations to prevent environmental devastation. Advanced technologies and modern forensics can aid these efforts.

On the diplomatic front, our Ambassadors must increase the pressure on countries to ensure members of their militaries and law enforcement agencies do not look the other way or participate in trafficking of wildlife and that enforcement is rigorous. Public education programs both abroad and here in the United States must be expanded to reduce demand for trafficked wildlife and products.

We look forward to continuing to promote policies that protect natural resources and wildlife. Wildlife conservation is vital to maintaining biodiversity, global stability, and economic vitality across the world.

REMEMBERING JONATHAN MICKLE

Mrs. SHAHEEN. Madam President, today I wish to honor the military service of Jonathan Mickle. Jonathan died on October 30 in Rye, NH. He is remembered as a dedicated servicemember who served in the U.S. Army and deployed to Iraq in support of Operation Iraqi Freedom from January 2006 to February 2007.

Jonathan was born August 19, 1985 in Portsmouth, NH. He graduated from Portsmouth High School in 2003 and went on to attend Southern New Hampshire University where he received high academic honors and made the dean's list.

Jonathan joined the U.S. Army after graduating college. He became a Fire Direction Specialist with Charlie Battery, 2nd Battalion, 3rd Field Artillery Regiment. For his service during the war in Iraq, he was awarded numerous medals, including the Army Commendation Medal, the Army Achievement Medal and the Army Good Conduct Medal.

Jonathan took pride in his service to his country. After returning from Iraq, he became a member of the Emerson Hovey Veterans of Foreign Wars Post #168, supporting and being supported by fellow veterans and continuing to stay involved in the Army. He was also a dedicated New England Sports fan.

There are no words to adequately thank this brave New Hampshire son for his commitment to our country. I hope that, during this hard time, Jonathan's friends and family can find comfort knowing that Americans everywhere share a deep and profound appreciation for their Jonathan's willingness to answer the call to defend America and our way of life.

Sadly, Jonathan's mother, Katie Mickle, passed away suddenly in 2000 from pancreatic cancer at the age of 39. Jonathan is survived by his father Warren of Portsmouth, his brothers, Robert and Matthew and his wife, Kristy, of Kittery, ME; his sister Whitney Mickle and her fiancé Michael Foley of Eliot; and niece Marlee Jane Mickle.

I ask my colleagues and all Americans to join me in honoring the life and service of this dedicated servicemember and brave young American, Jonathan Mickle.

TRIBUTE TO FLIGHT 93

Mr. CASEY. Mr. President, I would like to include the remarks made by Mr. Gordon Felt, former President of the Families of Flight 93, for the RECORD in honor of the Congressional tribute held earlier this morning. I want to extend my gratitude to Mr. Felt and the Families of Flight 93 for their tireless commitment to honoring the heroic sacrifice of their loved ones.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Good morning. Mrs. Toomey, Mrs. Casey, the entire host committee and members of the House and Senate joining us today, to our partners at the National Park Service and National Park Foundation and to those family members in attendance, I stand before you with an overwhelming sense of pride knowing that this building, this symbol of our nation's great democracy, perhaps would have been destroyed were it not for the selfless actions of 40 brave men and women

aboard United Flight 93. For without their courageous stand taken on September 11, 2001, our Capitol building and many of those serving within, perhaps some of you, may have been further victims of the terrorism that fundamentally changed our lives and our country on that dark day. With each visit to the Capitol I make time to pass through the Rotunda and view the magnificent plaque dedicated to the actions of the passengers and crew of United Flight 93. While the traumatic repercussions of September 11, 2001 have been deeply felt by each and every family member that lost a loved one that day, and by the community of Somerset County whose lives and way of life have been forever changed, I appreciate the conscious awareness of those serving in this building of the fact, that as tragic as that day was to our country, it could have been significantly worse.

As family members that lost loved ones aboard United Flight 93, we struggle continually with our loss. Our lives over the past eleven years have all taken differing paths with one common factor that will forever bind us together. Our family of Flight 93, forged in tragedy and thrust into the public domain has provided an avenue by which we can advocate for those family members that will forever remain alive in our hearts and minds. This journey has not been easy for any and more difficult for some.

For some families and individuals, withdrawal into their personal lives at home, or fresh new starts beyond the reach of the media and chaos of September 11th have been an avenue of survival. Others have joined in community with family members suffering similar loss and have found comfort with the understanding that comes from shared tragedy. And there are others that have continued to move forward masking their grief as they approach life one day at a time . . . surviving. Within our families there are others that have made a conscious decision to serve as advocates, representing the interests of the Families of Flight 93 through the Flight 93 National Memorial Partnership. No avenue of healing is proper and correct for all, just as no closure will ever be felt for those experiencing such great loss.

Our families are spread out across the globe and represent a unique diversity in culture. Yet, when we gather together each year on the anniversary of September 11th, we are one. Somerset County, Pennsylvania has become an extension of our homes and the community has welcomed us into their hearts unconditionally even as they struggle daily with the impact of events set in motion on September 11, 2001. Their lives have been impacted in ways that they are still coming to understand. Yet there is a strength and wholesomeness in the people of Somerset County that provides great comfort to our families. They proudly stand as Ambassadors working hand in hand with the National Park Service ready to tell the story of our loved ones to any and all that visit the memorial.

The Flight 93 National Memorial is more than a tribute to 40 heroes. Its existence serves our country in a far greater capacity than just as a place marker for history. Over these past 11 years we have come to realize that the Flight 93 National Memorial has a quality within similar to that of Gettysburg or Pearl Harbor. A strong sense of purpose, of loss, yet triumph permeates the entire site and only becomes more intense as visitors approach and gaze upon our Sacred Ground. The memorial was designed to honor 40 heroes, but also serves in the short term to help heal a generation of Americans deeply affected by the traumatic effects of September 11th and stands to preserve a piece of our cultural heritage in order to educate and inspire future generations.

''Do what is right, not what is easy.'' Since September 11th this mantra has guided so many within our Flight 93 National Memorial partnership and our extended Flight 93 National Memorial Family. Whether it is in the halls of Congress, Harrisburg, Somerset, or Shanksville, Pennsylvania, this project has been joined by all that appreciate the personal, political, cultural and historical impact September 11th has had on our country and freedom loving peoples around the world. On one of the bleakest days in our history, the trial of 40 individuals helped us remember that we are strong with an unquenched thirst for freedom and that no person or ideology will ever cause us to waver from a course that was set in motion by our forefathers.

In those defining 22 minutes when our loved ones experienced a horror beyond comprehension, they collectively chose to act. Not as individuals, but as a force ignited by the love of family, love of freedom and a superiority in spirit unwilling to sit back and allow an evil so incarnate to suppress their dreams and desires. They were thrust together by events not caused by individual existences, but by social, political, and religious forces that sought to break our spirit through terror. How can we not stand in awe? How can we not celebrate their spirit? How can we not honor those 40 individuals that have been woven into the fabric of our nation's proud history? The Flight 93 National Memorial will ensure that their efforts, their actions and their spirit will not be forgotten.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR D. LEIGH HASSON

• Mr. BEGICH. Mr. President, I wish to recognize my 2012 defense legislative fellow, MAJ D. Leigh Hasson. Major Hasson served my office with distinction. From her first town hall in Fairbanks, AK, to her final days spent on the floor of the United States Senate as the National Defense Authorization Act for Fiscal Year 2013 was being considered, she demonstrated honor, integrity, leadership and professionalism.

Major Hasson received her commission from the United States Air Force Officer Training School in January 2000. As a navigator with over 1,000 combat flight hours, she has deployed in support of Operations Northern Watch, Southern Watch, Enduring Freedom and Iraqi Freedom. She has experience establishing and supporting major commands including the International Security Assistance Force Joint Command headquarters and Joint Forces Command. Major Hasson has been selfless in her service and sacrifice throughout her career.

Her family has supported her through these deployments and her tenure in the Air Force. Her husband David, son Samuel and daughter Alexis have been by her side through it all. It is for them she serves our Nation—to protect what they have and to protect their future. I would like to thank David, Samuel and Alexis for their sacrifices in support of Major Hasson.

Hailing from Trapper Creek, AK, Leigh embodies Alaska values. She is independent, inquisitive, a self-starter and actively involved in her work and community. While in my office, Leigh completed the Truman National Security Project Security Scholars program. She was the office's liaison to the Alaska State Society, she taught Bible study at her church and somehow she still found the time to train and run the Army Ten-Miler in support of our troops.

As a defense legislative fellow, she contributed greatly to the State of Alaska and the Nation. She led the charge on Arctic issues because she recognized the increasing importance of the region. Due to her work, I was successful in securing report language to accompany the National Defense Authorization Act for Fiscal Year 2013 on appropriately resourcing the Arctic. She staffed me at numerous hearings and provided vital insight on a number of pressing national security issues.

As a member of my team, Leigh approached each day with a positive attitude. Despite working in an environment where one can easily become discouraged by politics, Leigh never failed to smile and press forward in the best interest of the Nation.

It has been a pleasure to host Major Hasson in my office. I wish her the best in her future endeavors and thank her for her service.•

TRIBUTE TO CHIEF JUDGE ROBERT M. BELL

• Mr. CARDIN. Madam President, today I wish to recognize the Honorable Robert M. Bell, Chief Judge of the Maryland Court of Appeals, for his outstanding contributions as a jurist, administrator, and justice advocate. His work on the bench has transformed the Maryland judicial system. His success in Maryland has provided leadership for national initiatives. And Chief Judge Bell has secured his place in history as a civil rights leader, both in Maryland and nationally.

Chief Judge Bell has served as the Chief Judge of the Maryland Court of Appeals and the head of Maryland's Judiciary for the past 15 years. But before Chief Judge Bell took the bench, I want to bring to the attention of my colleagues in the Senate that Chief Judge Bell was already involved with our State's judicial system. As a high school student, he was a civil rights protestor who engaged in civil disobedience in Baltimore, and his case ultimately reached the U.S. Supreme Court.

The Maryland State Archives has used the Bell v. Maryland case as part of its series on ''Teaching American History in Maryland''. According to the account by the Archives, in 1960, the majority of restaurants in downtown Baltimore were still segregated and blacks were not served at all-white dining establishments. Students from Dunbar High School and Morgan State

College were recruited by the Civic Interest Group to enter all-white restaurants and demand service. On June 17, 1960, a group of students entered Hooper's Restaurant, located at Charles and Fayette Streets, and asked to be served. They were told to leave, but 12 of the students, including 16-year-old Robert Mack Bell from Dunbar High School, refused. They were each charged with trespassing, found guilty, and fined $10. The case was appealed, and one of the students' lawyers was Thurgood Marshall from the National Association for the Advancement of Colored People, NAACP, who went on to become the first African-American Justice on the United States Supreme Court. The students and their attorneys argued that the use of the State's trespassing laws to support segregation of public accommodations violated the Fourteenth Amendment, which guarantees the ''equal protection of the laws'' to all persons.

In 1962, the Maryland Court of Appeals upheld the students' convictions and the decision of the lower court, and the case was appealed to the U.S Supreme Court. In the summer of 1964, the United States Senate finally overcame a filibuster and passed the Civil Rights Act of 1964, which prohibited segregation and discrimination in public accommodations. The State of Maryland also passed a public accommodations law. Shortly after this action by Congress, the Supreme Court remanded the case back to the Maryland Court of Appeals. On April 9, 1965, the convictions were reversed, the students were cleared of all charges, and the City of Baltimore was ordered to pay court costs to the students.

Robert Mack Bell went on to graduate from Morgan State in Baltimore and then Harvard Law School, and was admitted to the Maryland Bar in 1969. After working in private practice for several years, he was appointed as a Baltimore City District Court judge, which handles misdemeanors. In 1980, he was elevated to the Baltimore City Circuit Court, which handles felony cases and jury trials. In 1984, he was elevated again to the Court of Special Appeals, our intermediate appellate court. In 1991, Judge Bell was appointed to the Maryland Court of Appeals, our State's top court. Finally, he was appointed as Chief Judge of the Maryland Court of Appeals in 1996, becoming the first African-American to serve in that capacity. He is one of the few judges to serve at all four levels of the Maryland judiciary during his career. And Chief Judge Bell also has the rare distinction of serving on and then running a court that had previously ruled against him.

During his 2 decades on the bench, Chief Judge Bell has been a moving force on committees and commissions that have looked at ways to provide greater access to justice, to better incorporate the advantages of technology, and to enhance legal training and compensation.

In 2002, Chief Judge Bell appointed a Commission on Racial and Ethnic Fairness in the Judicial Process to evaluate outcomes and recommend ways to reduce or eliminate unequal access to or treatment by the court system. In 2008, he created the Access to Justice Commission to develop, consolidate, coordinate, and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters. He sought ways to find non-traditional methods to help solve the problems of crime by promoting Alternative Dispute Resolution, ADR, programs throughout Maryland. He promoted the growth of drug treatment courts in Maryland and established the Standing Committee on Problem-Solving Courts to coordinate these efforts. He used technology to provide more accurate and uniform data critical to the enforcement of domestic violence and peace orders, and launched an ongoing effort to prepare Maryland judges to adjudicate cases involving science and biotechnology. And when the housing crisis hit Maryland, he called Maryland's legal community together to provide pro bono assistance to homeowners faced with foreclosure. As a result of those efforts, the Maryland General Assembly passed legislation to better protect homeowners.

Time and time again, when Chief Judge Bell has faced challenges, he has seized the opportunity to find solutions. He has done so with grace and intellect and compassion. He has rallied the legal community and expanded opportunities for those with few options and no voice.

From Robert Bell's days as a high school student, long before he even went to law school, he has strived to promote justice and equality for all Americans. The Preamble to the Constitution provides that ''We the People of the United States, in Order to form a more perfect Union, establish Justice do ordain and establish this Constitution for the United States of America.'' Just like Thurgood Marshall, a fellow Baltimorean and legal giant, Chief Judge Bell has played a large part in upholding and defending our Constitution in Maryland, and in helping our State and nation move toward ''establishing justice'' and creating a ''more perfect union.'' I urge my colleagues to join me in thanking Chief Judge Robert Bell for his civil rights leadership, contributions to the legal community, and inspirational life as he retires after an outstanding career of public service.●

TRIBUTE TO LEE SACHS

● Mr. CARDIN. Madam President, today I wish to recognize the contributions of Lee Norman Sachs, one of America's outstanding first-responders and human beings whose contribution of time, talent, and leadership span over 3½ decades. Lee graduated from the University of Pennsylvania and the University Of Maryland School Of Law, and began practicing law in 1967, concentrating on family law and real estate matters. But his desire to do more for his community led him to take Emergency Medical Technician, EMT, training and join the Pikesville Volunteer Fire Department. Over the years, Lee took more and more training, first to qualify as a paramedic and then as a firefighter, fire driver/operator and lastly a fire instructor.

Lee's dedication, training, and leadership skills have resulted in his election to many volunteer fire positions, most notably as president of the Pikesville Volunteer Fire Department, the Baltimore County Volunteer Firemen's Association, and the Maryland State Firemen's Association. He has been inducted into the Baltimore County Volunteer Firemen's Association Hall of Fame, named Executive Officer of the Year, and received the organization's President's Award. He was recognized by the Maryland State Firemen's Association as EMS Provider of the Year and recipient of the Gladhill-Thompson Trophy.

At the same time Lee was performing all of this public service, he was also working as a well-respected attorney, volunteering time at the Women's Law Center and the Maryland Bar Association, and providing pro bono legal services to clients referred by the Maryland Volunteer Lawyers Service.

Lee Sachs has led a life dedicated to serving his community. I hope all Senators will join me in thanking him for his commitment to public service and his efforts to ensure the health and safety of his fellow Marylanders.●

MEASURES PLACED ON THE CALENDAR

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

H.R. 6429. An act to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8401. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Defense Environmental Programs Annual Report for fiscal year 2011; to the Committee on Armed Services.

EC–8402. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Cuban Assets Control Regulations'' (31 CFR Part 515) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8403. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S.

exports to South Korea and China; to the Committee on Banking, Housing, and Urban Affairs.

EC–8404. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the United Arab Emirates (UAE); to the Committee on Banking, Housing, and Urban Affairs.

EC–8405. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Editorial Corrections to the Commerce Control List of the Export Administration Regulations'' (RIN0694–AF62) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8406. A communication from the Director for Internal Control and Management Systems, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Removal of Obsolete Regulation'' (RIN2700–AD78) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8407. A communication from the Assistant Regional Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska—2012–13 and 2013–14 Subsistence Taking of Wildlife Regulations'' (RIN1018–AX33) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Energy and Natural Resources.

EC–8408. A communication from the Chief of the Permits and Regulations Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Permits; Delegating Falconry Permitting Authority to Seven States'' (RIN1018–AZ16) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC–8409. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Riverside Fairy Shrimp'' (RIN1018–AX15) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC–8410. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southern Selkirk Mountains Population of Woodland Caribou'' (RIN1018–AX38) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC–8411. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Revised Critical Habitat for the Northern Spotted Owl'' (RIN1018–AX69) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC–8412. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. RSAT 12–2912); to the Committee on Foreign Relations.

EC–8413. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–145); to the Committee on Foreign Relations.

EC–8414. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Informal Entry Limit and Removal of a Formal Entry Requirement'' (RIN1515–AD69) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Finance.

EC–8415. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Branded Prescription Drug Fee; Guidance for the 2013 Fee Year'' (Notice 2012–74) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC–8416. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier 2 Rates for 2013'' received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC–8417. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2013 Standard Mileage Rates'' (Notice 2012–72) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC–8418. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2013 Section 1274A CPI Adjustments'' (Rev. Rul. 2012–33) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC–8419. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 Base Period T-Bill Rate'' (Rev. Rul. 2012–22) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC–8420. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Uniform Compliance Date for Food Labeling Regulations'' (Docket No. FDA–2000–N–0011) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–8421. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Uniform Resource Locator (URL) address for the Department of Veterans Affairs 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8422. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8423. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8424. A communication from the Vice Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report and the Postal Service management response to the report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8425. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's fiscal year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8426. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BEGICH:

S. 3651. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the old-age, survivors, and disability insurance program, to provide for cash relief for years for which annual COLAs do not take effect under certain cash benefit programs, and to provide for Social Security benefit protection; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. COONS):

S. 3652. A bill to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. BOOZMAN, Mr. FRANKEN, and Mr. PRYOR):

S. 3653. A bill to improve the training of child protection professionals; to the Committee on the Judiciary.

By Mr. REID:

S. 3654. A bill to create equal footing for tribal economic development; to the Committee on Indian Affairs.

By Mr. LAUTENBERG (for himself, Mr. BLUMENTHAL, and Mr. LIEBERMAN):

S. 3655. A bill to provide enhanced disaster unemployment assistance to States affected by Hurricane Sandy and Tropical Storm Sandy of 2012, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Mr. WICKER):

S. 3656. A bill to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of New Mexico (for himself, Mr. BROWN of Massachusetts, Mr. BEGICH, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. Res. 608. A resolution supporting the establishment of a President's Youth Council; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 1423

At the request of Mr. TOOMEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1423, a bill to clarify the orphan drug exception to the annual fee on branded prescription pharmaceutical manufacturers and importers.

S. 2207

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2207, a bill to require the Office of the Ombudsman of the Transportation Security Administration to appoint passenger advocates at Category X airports to assist elderly and disabled passengers who believe they have been mistreated by TSA personnel and for other purposes.

S. 2247

At the request of Mr. LEE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2247, a bill to amend the Federal Reserve Act to improve the functioning and transparency of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee, and for other purposes.

S. 3477

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3477, a bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security.

S. 3626

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3626, a bill to provide financing assistance for qualified water infrastructure projects, and for other purposes.

S. 3628

At the request of Mr. BLUNT, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3628, a bill to amend the Public Health Service Act to raise awareness of, and to educate breast cancer patients anticipating surgery regarding, the availability and coverage of breast reconstruction, prostheses, and other options.

S. 3647

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3647, a bill to amend title 10, United States Code, to improve and enhance the capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment in the Armed Forces, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as ''Juneteenth Independence Day''.

AMENDMENT NO. 2930

At the request of Mrs. MCCASKILL, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 2930 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3004

At the request of Ms. AYOTTE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 3004 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3054

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 3054 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3196

At the request of Mr. MERKLEY, his name was added as a cosponsor of amendment No. 3196 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3249

At the request of Mr. BEGICH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 3249 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3262

At the request of Mr. LEVIN, his name and the name of the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 3262 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3285

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 3285 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. COONS):

S. 3652. A bill to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, our intellectual property system in the United States is the envy of the world and the engine of economic growth. By granting inventors exclusive rights in their discoveries for a limited time, the patent system incentivizes research and development by independent inventors and large multinational companies. Consumers benefit from new technologies, and our economy benefits from continued investment.

I am introducing legislation today that will encourage patent holders to apply their intellectual property to address global humanitarian needs. This has long been an interest of mine. In 2006, I introduced legislation that would have created a statutory license to manufacture and export life saving medicines to eligible, developing countries.

Today's legislation, rather than creating a statutory license, improves on a program created by United States Patent and Trademark Office, PTO, earlier this year. The PTO's ''Patents for Humanity'' Program provides rewards to selected patent holders who apply their technology to a humanitarian issue that significantly affects the public health or quality of life of an impoverished population. Those who receive the award are given a certificate to accelerate certain PTO processes.

Following a Judiciary Committee hearing in June, I asked Director Kappos whether the program would be more effective, and more attractive to patent owners, if the acceleration certificate were transferable to a third party. He responded that it would, particularly for small businesses. The Patents for Humanity Program Improvement Act of 2012 simply makes these acceleration certificates transferable.

Director Kappos described the Patents for Humanity Program as one that provides business incentives for humanitarian endeavors. All Senators should support both the approach and the objective.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patents for Humanity Program Improvement Act of 2012''.

SEC. 2. TRANSFERABILITY OF ACCELERATION CERTIFICATES.

(a) IN GENERAL.—A holder of an acceleration certificate issued pursuant to the Patents for Humanity Program (established in the notice entitled ''Humanitarian Awards Pilot Program'', published at 77 Fed. Reg. 6544 (February 8, 2012)), or any successor thereto, of the United States Patent and Trademark Office, may transfer (including by sale) the entitlement to such acceleration certificate to another person.

(b) REQUIREMENT.—An acceleration certificate transferred under subsection (a) shall be subject to any other applicable limitations under the notice entitled ''Humanitarian Awards Pilot Program'', published at 77 Fed. Reg. 6544 (February 8, 2012), or any successor thereto.

By Mr. REID:

S. 3654. A bill to create equal footing for tribal economic development; to the Committee on Indian Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GAMING ACTIVITIES.

Section 207 of Public Law 100–89 (25 U.S.C. 737) is repealed.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 608—SUPPORTING THE ESTABLISHMENT OF A PRESIDENT'S YOUTH COUNCIL

Mr. UDALL of New Mexico (for himself, Mr. BROWN of Massachusetts, Mr. BEGICH, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 608

Whereas the unique perspectives and insights of young people, especially young people who have participated in a public policy-related program, outreach initiative, internship, fellowship, or congressionally sponsored youth advisory council, are essential to ensure that investments made by the Federal Government in youth services are effective and efficient;

Whereas existing outreach and engagement mechanisms of the Federal Government are often designed in ways that inhibit participation by, and lead to the under-representation of, young people in the policy-making process; and

Whereas numerous Members of Congress, Governors, State legislatures, mayors, and city councils have created youth councils that have proven to be an effective means of receiving input from young people, which leads to more effective and efficient investments in youth services: Now, therefore, be it

Resolved, That the Senate—

(1) supports the establishment with private funds of a President's Youth Council to—

(A) advise the President and the executive branch on the perspectives of young people;

(B) suggest ways to make investments by the Federal Government in youth services more effective and efficient; and

(C) provide recommendations on issues that will affect the long-term future of the United States;

(2) recommends that the members of the President's Youth Council be young people who—

(A) are appointed by the President, the majority leader and minority leader of the Senate, and the Speaker and minority leader of the House of Representatives;

(B) are between 16 and 24 years of age;

(C) have participated in a public policy-related program, outreach initiative, internship, fellowship, or congressionally sponsored youth advisory council;

(D) can constructively contribute to policy deliberations;

(E) can conduct outreach to solicit the views and perspectives of peers; and

(F) have backgrounds that reflect the racial, socioeconomic, and geographic diversity of the United States; and

(3) recommends that the President's Youth Council as a whole undertake activities to solicit the unique views and perspectives of young people and bring those views and perspectives to the attention of Congress and the head of each department or agency of the Federal Government.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3309. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1947, to prohibit attendance of an animal fighting venture, and for other purposes.

TEXT OF AMENDMENTS

SA 3309. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1947, to prohibit attendance of an animal fighting venture, and for other purposes; as follows:

On page 2, line 21, insert ''knowingly'' before ''cause''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 4, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 4, 2012, at 2:30 p.m.

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

INTERNATIONAL PARENTAL CHILD ABDUCTION

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 528, S. Res. 543.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 543) to express the sense of the Senate on international parental child abduction.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with amendments in the nature of a substitute to the preamble and the resolutions as follows:

[Strike the parts shown in boldface brackets and insert in lieu thereof the parts shown in italic.]

S. RES. 543

Whereas international parental child abduction is a tragic and common occurrence;

Whereas the abduction of a child by one parent is a heartbreaking loss for the left-behind parent and deprives the child of a relationship with 2 loving parents;

Whereas, according to the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction of the United States Department of State from April 2010, research shows that abducted children are at risk of significant short- and long-term problems, including ''anxiety, eating problems, nightmares, mood swings, sleep disturbances, [and] aggressive behavior'';

Whereas, according to that report, left-behind parents may also experience substantial psychological and emotional issues, including feelings of ''betrayal, sadness over the loss of their children or the end of their marriage, anger toward the other parent, anxiety, sleeplessness, and severe depression'', as well as financial strain while fighting for the return of a child;

Whereas, since 1988, the United States, which has a treaty relationship under the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this preamble as the ''Hague Abduction Convention'') with 69 other countries, has agreed with its treaty partners to follow the terms of the Hague Abduction Convention;

Whereas the Hague Abduction Convention provides a legal framework for securing the prompt return of wrongfully removed or retained children to the countries of their habitual residence where competent courts can make decisions on issues of custody and the best interests of the children;

Whereas, according to the United States Department of State, the number of new cases of international child abduction from the United States increased from 579 in 2006 to 941 in 2011;

Whereas, in 2011, those 941 cases involved 1,367 children who were reported abducted from the United States by a parent and taken to a foreign country;

Whereas, in 2011, more than 660 children who were abducted from the United States and taken to a foreign country were returned to the United States;

Whereas 7 of the top 10 countries to which children from the United States were most frequently abducted in 2011 are parties to the Hague Abduction Convention, including Mexico, Canada, the United Kingdom, Germany, Ecuador, Brazil, and Colombia;

Whereas Japan, India, and Egypt are not parties to the Hague Abduction Convention and were also among the top 10 countries to which children in the United States were most frequently abducted in 2011;

Whereas, in many countries, such as Japan and India, international parental child abduction is not considered a crime, and custody rulings made by courts in the United States are not typically recognized by courts in those countries; and

Whereas Japan is the only member of the Group of 7 major industrialized countries that has not yet become a party to the Hague Abduction Convention: Now, therefore, be it

Resolved,

That—

(1) the Senate—

(A) condemns the international abduction of all children;

(B) urges countries identified by the United States Department of State as noncompliant or demonstrating patterns of noncompliance with the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this resolution as the ''Hague Abduction Convention'') to fulfill their commitment under international law to expeditiously implement the provisions of the Hague Abduction Convention;

(C) calls on all countries to become a party to the Hague Abduction Convention and to promptly institute measures to equitably and transparently address cases of international parental child abduction; and

(D) calls on all countries that have not become a party to the Hague Abduction Convention to develop a mechanism for the resolution of current and future cases of international parental child abduction that occur before those countries become a party to the Hague Abduction Convention in order to facilitate the prompt return of children abducted to those countries to the children's countries of habitual residence; and

(2) it is the sense of the Senate that the United States should—

(A) vigorously pursue the return of each child abducted by a parent from the United States to another country through all appropriate means, facilitate access by the left-behind parent if the child is not returned, and, where appropriate, seek the extradition of the parent that abducted the child;

(B) take all appropriate measures to ensure that a child abducted to a country that is a party to the Hague Abduction Convention is returned to the country of habitual residence of the child in compliance with the provisions of the Hague Abduction Convention;

(C) continue to use diplomacy to encourage other countries to become a party to the Hague Abduction Convention and to take the necessary steps to effectively fulfill their responsibilities under the Hague Abduction Convention;

(D) use diplomacy to encourage countries that have not become a party to the Hague Abduction Convention to develop an institutionalized mechanism to transparently and expeditiously resolve current and future cases of international child abduction that occur before those countries become a party to the Hague Abduction Convention; and

(E) review the advisory services made available to United States citizens by the United States Department of State, the United States Department of Justice, and other United States Government agencies—

(i) to improve the prevention of international parental child abduction from the United States; and

(ii) to ensure that effective and timely assistance is provided to United States citizens who are parents of children abducted from the United States and taken to foreign countries.

Mr. WHITEHOUSE. Madam President, I further ask unanimous consent that the committee-reported amendment be agreed to and the Senate proceed to a voice vote on adoption of the resolution, as amended.

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

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution, as amended.

The resolution (S. Res. 543), as amended, was agreed to.

Mr. WHITEHOUSE. Madam President, I further ask unanimous consent that the committee-reported amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The preamble, as amended, was agreed to.

ORDERS FOR WEDNESDAY, DECEMBER 5, 2012

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, December 5, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for up to 4 hours, with Senators permitted to speak therein for up to 10 minutes each, except where noted below and the time be divided as follows: the majority controlling the first 30 minutes, the Republicans controlling the next 30 minutes, Senator GRASSLEY controlling the next 45 minutes, the majority controlling the next 45 minutes, the Republicans controlling the next 45 minutes, and the majority controlling the following 45 minutes; and that following morning business, the Senate proceed to the consideration of H.R. 6156, the Russia trade bill.

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

PROGRAM

Mr. WHITEHOUSE. Madam President, I am informed that we expect to complete action on the Russia trade bill during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Wednesday, December 5, 2012, at 9:30 a.m.