

Mr. REID. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—61

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

NAYS—36

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

NOT VOTING—3

Blumenthal	Kirk	Roberts
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The motion was agreed to.

EXECUTIVE SESSION

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The PRESIDING OFFICER. The clerk will report the treaty.

The legislative clerk read as follows:

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

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, Senators KERRY and LUGAR are managing this most important treaty. We are now in executive session. We are going to take a couple of hours to see who wants to offer amendments. Senator LUGAR, Senator KERRY or their staffs should be contacted to indicate what, if any, amendments they wish to offer. So

that being the case, we hope that by, let's say 5 o'clock, we will have an idea what the universe of amendments, if any, would be.

I ask unanimous consent that there be a period of debate only on the treaty until 5 p.m. today, with that time equally divided and controlled between the proponents and opponents, and that time actually be controlled by Senators KERRY and LUGAR, and that I be recognized at 5 o'clock.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me just reiterate—I think Senator BARRASSO is here and Senator LEE, and others; Senator KYL is also here—we look forward to working over the course of the next few hours with our colleagues to try to come to some understanding of the amendments here.

One of the things that we promised—and Senator REID has altered his approach to this in order to try to accommodate our colleagues—is to make certain we are not closing people out and there is no effort to try to limit the debate.

I do think, by virtue of the work done in committee and otherwise, there is a limit to where we need to go in terms of amendments. So I am perfectly happy—together with Senator LUGAR—to work with our colleagues with respect to a reservation or an understanding or a declaration that they believe needs to be tweaked. We will see what we can do with respect to the number of amendments we want to bring.

Let me just say to my colleagues that this treaty should not be controversial. Senator Robert Dole, President George H.W. Bush, former Republican Attorney General Richard Thornburg, and current colleagues Senator BARRASSO, Senator MORAN, and others have all supported and believe we ought to move forward with this treaty in a bipartisan manner.

I would say to my colleagues that in the wake of the election, this is the first legislative effort we are making on the floor of the Senate. It would be my hope that we could reflect that we heard the American people, who asked us to do their business and to not fall into the pattern of partisan divide, of gridlock that has so characterized the Senate over the course of the last few years. This is our opportunity to prove that the exceptionalism we are all proud to talk about with respect to our country is defined by our doing exceptional work.

This is an opportunity to do that. We have an opportunity to rise with common purpose and make a difference, not just here in the United States, frankly, but most predominately make a difference in the rest of the world as to how people with disabilities are treated. I believe the Convention on the Rights of Persons with Disabilities is an opportunity for us to embrace the

truth in legislating and to separate ourselves from ideological and/or partisan efforts to distort that truth or to prevent, actually, an alternative reality, which is what happens in some cases.

Our colleagues, I am told, want to approach this in good faith. We welcome that. We look forward to sitting down with them, working through what amendments we think we should vote on, and perhaps we can even work together to tweak one of the understandings or declarations in an appropriate way. We would like to make progress. I believe we can get this done. It will be a good moment for the Senate when we do.

I know we have not always agreed on all the issues and certainly not even with respect to this treaty. What I ask of my colleagues is this: Those who oppose this or who are inclined to oppose it, I would say step back and take a look at this treaty and measure the report language, the report the committee put out, and measure the transmittal letter of the President of the United States and the Secretary of State, and what they have said to the Senate is really at stake in this treaty.

I ask my colleagues before they come to the floor to carefully check the factual foundation of this treaty because we have continually heard some outside groups characterizing it in ways that simply do not meet the facts, that do not withstand scrutiny when measured against the law of the United States or international law or the law of the States. This treaty does not require any change whatsoever to American law. None. Zero. There is no impact on American law. There is no ability in this treaty for anybody to gain some new right here in the United States. No individual, American or foreign, gains any access to the courts in an effort to litigate some component of this treaty because the treaty specifically denies people any access to the courts. It is what is called—it is not self-executing. As a consequence of not being self-executing, it gives no right to any litigation.

So the obvious question from somebody might be, well, why do we want to do it then? What is the benefit to us? The benefit is very significant in terms of our diplomacy, in terms of the rights of Americans when they travel abroad, Americans with disabilities.

Now, our bottom line—I think our shared bottom line—Senator LUGAR, Senator MCCAIN, Senator BARRASSO, Senator MORAN, and others who support this treaty believe this will extend the protections to millions of disabled Americans when they leave our shores.

I thank Majority Leader REID for being willing to bring this treaty to the floor at this moment in time when there is obviously a lot on Senators' minds, a lot of business before the Senate. But I believe this treaty will be deemed to have the requisite votes ultimately to show that this is, in fact, in the best interests of our country.

This treaty has been described as a modest treaty, but the impact of Senate ratification is actually far from modest. The impact will echo around the world. Why? Because the United States of America is the world's gold standard with respect to the treatment of people with disabilities.

This has been a long journey for us in the United States. We have gone through many different steps leading ultimately to the Americans with Disabilities Act, of which we celebrated the 20th anniversary. Our own colleague, Senator TOM HARKIN from Iowa, was the leader on that landmark piece of legislation, together with my former colleague Senator Ted Kennedy. They moved this country forward in great steps so that we welcomed people with disabilities into mainstream America.

The impact of this treaty is to take that gold standard and extend it to countries that have never heard of disability rights or that have never changed their laws to accommodate people with disabilities. This will have a profound impact. Most significantly, it will have a profound impact on those who have served our country, those 5.5 million disabled American veterans who may want to travel abroad, work abroad, go to another country to study, who will as a result of this gain lifestyle benefits and accommodations they otherwise might never have.

Now, 125 nations have already signed this treaty and are living by it. We have not. We were the principal architect. Our laws are the model. But once again the United States has been holding back while other countries fill the vacuum we have left behind.

I wish to share with my colleagues a statement by Senator Bob Dole, who was as deeply committed to this cause as Senator Ted Kennedy, and he was committed to the original Americans with Disabilities Act. Senator Dole today, as we know, is in Bethesda Hospital. I do not know if he is listening at this time. I met with him not so many months ago. We talked about this and other issues. He is a great patriot. He was a great leader here in the Senate. I think his words ought to be listened to by our colleagues. Here is what he says:

It was an exceptional group that I joined during World War II, which no one joins by personal choice. It is a group that neither respects nor discriminates by age, sex, wealth, education, skin color, religious beliefs, political party, power or prestige. That group, Americans with disabilities, has grown in size ever since. So, therefore, has the importance of maintaining access for people with disabilities to mainstream American life, whether it's access to a job, or education, or registering to vote.

Senator Dole went on to say:

U.S. ratification of the [Convention on the Rights of Persons with Disabilities] will improve physical, technological and communication access outside the U.S., thereby helping to ensure that Americans—particularly, many thousands of disabled American veterans—have equal opportunities to live, work, and travel abroad.

In testimony before the Foreign Relations Committee this year, Special Adviser for International Disability Rights at the State Department Judith Heumann recounted in personal and searing terms why this issue is so important. She drew from the experience of her own life.

... As a child, I did not have the benefit of accessible communities, inclusive schools, or accessible transportation. Without even simple curb cuts, I wheeled in the streets amongst oncoming traffic. I could not ride our buses and trains. I was not allowed to go to school until I was 9 years old, and then received poor quality education, segregated from the rest of my peers. When I applied for my first job as a teacher, I was initially denied my certification simply because I could not walk.

Today she is advocating on behalf of the State Department for this treaty. She summed up her interests in this compelling way. She said:

U.S. citizens with disabilities frequently face barriers when they travel, conduct business, study, serve, reside or retire overseas. With our extensive domestic experience in promoting equality and inclusion of persons with disabilities, the United States is uniquely positioned to help interested countries understand how to effectively comply with their obligations under the Convention ... However, the fact that we have yet to ratify the Disabilities Convention is frequently raised by foreign officials, and deflects from what should be center stage: how their own record of promoting disability rights could be improved.

She goes on to say:

Though I take great pride in the U.S. record, it is frankly difficult to make best use of the 'bully pulpit' to challenge disabilities rights violations on behalf of Americans with disabilities and others when we have not ratified the Convention.

America's history—all of its history—has been marked by the long struggle for equality. It is a struggle that ought to inspire all of us to fight on behalf of many others whose voices too often are ignored or forgotten. Maybe the movie about Lincoln today would really rekindle in a lot of Americans that best sense of what is worth fighting for and what is worth achieving in public life.

For me, that vision of fighting for those people whose views are ignored or forgotten means having and holding on to a vision of a society that really works for the common good, where individual rights and freedoms are connected to our responsibilities to each other. All Americans have an inherent right to be treated as equal citizens of our Nation. But the historic march toward a better, fairer America can only come about if we are willing to make those less fortunate than ourselves the focus of our work. And this is a march that goes on for all of us, and it must go on because without it nothing changes.

One thing is clear: The disabilities convention is not an issue that pits Republicans against Democrats—Senator LUGAR is here, Senator MCCAIN, and others—nor is it an issue that should divide us along any partisan lines. The

Foreign Relations Committee approved this treaty in a strong bipartisan vote on July 26, and that marked the 22nd anniversary of the landmark Americans with Disabilities Act.

I am grateful to the majority leader, former Majority Leader Dole, and to President George Herbert Walker Bush, who joined a bipartisan group of Senators, whose names I have listed, in advocating for this important cause. I think our former colleague Senator Kennedy would be very proud if he could see us coming together today in support of a convention just as we did two decades ago with the ADA.

This treaty is personal to many Members here, to Senator DURBIN, to Senator HARKIN, to Senator LUGAR, and others. Members from both sides of the aisle have worked hard to bring us to the floor today. I believe the questions have been answered. I think the report and the RECORD could not be more clear. The only question that remains is whether we are going to be remembered for approving the Disabilities Convention and reconnecting with our best traditions or finding an excuse to delay and defy our core responsibility as Senators.

I have received countless letters and heard from nearly 300 organizations on this issue. There is a long list—and I am not going to read all through those 300—every single major military organization supports this treaty; the Air Force Sergeants Association, the Air Force Women Officers Association, the American GI Forum, the Blinded Veterans Association, the Division for Early Childhood of the Council for Exceptional Children, Disabled American Veterans, the Military Officers Association of America, the National Guard Association of the United States, the National Military Family Association, Paralyzed Veterans of America, and then a long list, Veterans for Common Sense, Veterans of Foreign Wars, Veterans of Modern Warfare, Vietnam Veterans of America, countless other faith-based associations, the Methodist General Board of Church and Society, the United Church of Christ. You could run through a huge number of faith-based organizations, a huge number of human rights and rights organizations from all over our country. I urge Senators to check with the rights organizations and others in their own States. Almost every State in the Union—the Kentucky Protection and Advocacy Association, the Michigan Protection and Advocacy Services. You could run a long list of people who believe the time has come.

I would ask unanimous consent that the full list of these supporters be printed in the RECORD.

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

USICD SUPPORT LIST

Ability Chicago.
Access Alaska Inc.
Access Living.
Access, Inc.

- ACCSSES.
Actionplay.
ADAPT Delawarenb.
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 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.
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 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.
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.
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).
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 ENDeependence.
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.
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 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 Health Law Program.
 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, LLC.
 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.
 PhilanthropyNow.
 Pineda Foundation for Youth.
 Polio Survivors 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 APSE.
 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 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 US.
 The Arc of Virginia.
 The Arc of Toombs County.
 The Arc Western Wayne.
 The California Institute for Mental Health.
 The Center for 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 County LLC.
 Tri-County Association of the Deaf, Inc.
 Twin Ports Post Polio Network.
 United Cerebral Palsy.
 United Spinal Association.
 U.S. Business Leadership Network.
 U.S. International Council on Disabilities.
 Utah Assistive Technology Foundation.
 Vermont Center for Independent Living.
 Vermont Family Network.
 Voices of the Heart Inc.
 Whirlwind Wheelchair International.
 Women's Refugee Commission.
 WORK, Inc.
 World Institute on Disability.
 Wyoming Institute for Disabilities.

Mr. KERRY. Mr. President, across the developing world, persons with disabilities face remarkable indignities and prejudice on a daily basis. They are prevented from attending schools, they are subject to discriminatory hiring practices, they are often unable to enter a public building, unable to safely cross a street, unable to even ride a public bus. There are an estimated 650 million people in the world today who live with a disability. Some 36 million of our fellow Americans are disabled, and veterans are filing disability claims at an unprecedented level. There is a challenge in these statistics, and it is a challenge to the decency and humanity of every Member of the Senate.

When a disabled child in a developing country is killed at birth because of their disability, that is a challenge to every single one of us, as Americans and as citizens of the world.

When a pervasive cultural stereotype forces disabled people to abandon their dreams and toil away in crushing poverty, it should offend the sensibilities of everybody in the Senate, and we have a chance to do something about that. When our wounded warriors are prevented from living, working, studying, or traveling abroad because of a lack of basic physical access, that violates our sacred oath.

I urge my colleagues to go to the report and read the testimony of people who have talked about how things have changed in certain countries because

countries signed on to this treaty to try to reach the American gold standard. Each of these episodes that denies people those opportunities takes a little piece of our humanity.

I think our identity, I think our exceptionalism is personally on the line in this vote. I know some have said we don't need this treaty. Some have even argued it requires a change in law when it doesn't require any change in the law.

To paraphrase Senator Moynihan, who reminded us often, everybody is entitled to his or her opinion, but you are not entitled to your own facts, I simply say to my colleagues, there are basic facts with respect to this treaty, and we will argue them over the course of the next hour and perhaps days.

I want to share the most important facts right upfront. I said this earlier, and I am going to repeat it. This treaty—I hope we won't hear this debate on the floor of the Senate, because the text, the legal and documentary text of the report language and the treaty and the transmittal language and the interpretations of the Justice Department all make it clear, this treaty does not require any change in American law. None. Testimony from everybody, including former Republican Attorney General Thornburgh, makes that clear.

In addition to that, to make certain we address the concerns of our colleagues so that we reinforce that notion, the Foreign Relations Committee included additional, multiple reservations, understandings, and declarations in the resolution of advice and consent, including one that ensures that the treaty cannot be relied on as a cause of action in State or Federal courts. When we ratify this, we will ratify it with a clear understanding that there is no right of action in America's State or Federal courts.

We have also heard the argument that the convention could somehow change U.S. domestic law with respect to abortion. Again, let me make it as clear as I know how: This is absolutely, positively, factually inaccurate. The convention does not mandate or prohibit any particular medical procedure, heart surgery, brain surgery, abortion, or anything else, and we made that crystal clear in the understandings of ratification.

What it does require is something very simple. It requires that governments do not discriminate against the disabled in anything that they do allow or prohibit. If you allow a procedure, you must allow it for the disabled and the nondisabled alike. If you prohibit a procedure, you must prohibit it for the disabled and the nondisabled alike. That is all this treaty does, but it is powerful and critical to those millions of people who are discriminated against otherwise. The Foreign Relations Committee included language in the resolution of advice and consent to clarify what I just said.

Some have also tried to make the argument that the disabilities committee

created by this treaty—there is a committee that is created—is somehow going to intrude on the lives of Americans. Again, our good President John Adams once said that facts are stubborn things. Well, they are stubborn, they don't go away. The facts are that this treaty, in this committee that it creates, has no power, except to make a report to put people on notice so they can then consider what they might want to do. It doesn't require any action, it doesn't compel any action, it has no authority to do so. It simply sheds the light of day on what may or may not be happening somewhere so people can then nudge and push and jawbone and use the pressure of public scrutiny to hopefully change behavior.

By terms of the treaty, this committee has exceedingly limited powers. It can simply accept and review a country report and make a recommendation. That is it—that recommendation—nothing else.

The fact is, here in the United States we are blessed because we already live up to the principles of this treaty. Our laws, including the ADA, are more than sufficient to compel compliance with this treaty from day one. That is why nothing is going to change here at home except for those people with disabilities who can turn to their family and say, you know, I can go take that job over here or I can travel over there or I could go study over there, because the standards are going to rise and people will be able to do that.

For decades, I am proud to say, the world has looked to the United States as a leader on disability rights, and it is hard to believe that actually some people are now beginning to question our resolve on something that we were the leader on. That is disappointing, I think, to everybody who has been affiliated with this effort over the years.

Let me quote John Lancaster. John is a disabled Vietnam veteran who testified in support of this treaty and who challenged us all to do the right thing. His words are stark and simple. He said:

As someone who volunteered and laid my life on the line for freedom, rights, dignity . . . now to have this whole debate that we're not willing to espouse [the Disabilities Convention] to the rest of the world? That we're not willing to walk the talk in international circles? To step up to the forum and advocate . . . We aspire to what's in this Convention. That is what we are about as a nation: including people, giving them freedom, giving them rights, giving them the opportunity to work, to learn, to participate. Isn't that what we are about? Isn't that what we want the rest of the world to be about? Well, if we aren't willing to say that is a good thing and to say it formally, what are we about?

That is a powerful statement from a man who served his country.

The Convention on the Rights of Persons with Disabilities is more than a piece of paper. It is not an empty promise. It is a reflection of our values as a nation. It is a lever, it is an inspiration, it is a diplomatic tool. It creates

the ability to change life for people in many other countries, and that is what America is about.

John Lancaster closed out his testimony saying:

From a veteran perspective, I think we have much to gain from the improved accessibility of the world. Today some disabled soldiers and Marines remain on active duty in spite of their disability, continuing to serve their country. These servicemembers should be afforded the same rights outside the United States as they enjoy here. For a disabled veteran working abroad, the adoption of disability rights and implementation of disability laws allows them to do their jobs more effectively and reaffirms what they served for: liberty and the opportunity to participate.

He closed by saying we have a moral obligation to one another to serve our great country and to show what we represent to all mankind.

When he returned from Vietnam, John struggled for years with environmental obstacles, employment discrimination. I think we owe it to him and to millions of Americans facing a similar plight today to fulfill our constitutional responsibilities and get the job done.

When George H.W. Bush signed the Americans with Disabilities Act into law, he did so with the hope that it was going to foster full and equal access to civic, economic, and social life for people with disabilities in America. Senator Kennedy, who played an important role, said, "This act has the potential to become one of the great civil rights laws of our generation . . . It is a bill of rights for the disabled, and America will be a better and fairer nation because of it."

That was the spirit that animated the passage of the ADA, and it is the same spirit that has inspired a bipartisan group of Senators to work tirelessly to pass this convention.

For far too long persons with disabilities have been left in the shadows or left to fend for themselves. We must resolve again as Senators and as citizens to fight for our principles. It isn't a question of time. It is a question of priorities—a question of willpower, not capacity. This treaty reflects our highest ideals as a nation, and now is the time to act.

In closing, I say to colleagues: When there is an opportunity for change, America must be there to help—to keep faith, and to use our voice to support those who are striving for reform.

This really is one of those moments the Senate was intended to live up to—and it demands leadership and a willingness to find the common ground.

If discrimination against persons with disabilities is to stop—and it must—then we must stop it. We all know that restoring the full measure of rights to persons with disabilities is not just a lofty goal. It's a core value here at home and an imperative abroad. But it is not enough to know how things ought to be. Our job is to ask how we can make them so.

After all, if the American people said anything in this election year, it is

that Members of Congress need to work not just on their side but side by side. It is the only way we can fully complete our constitutional duties. It is the only way—in a divided country, at a time of heightened partisan tensions—that ideology will yield to common sense. And it is the only way that we will approve the disabilities convention and live out the truth behind those timeless and inimitable words: that all of us are created equal.

I yield to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the chairman of our committee, the distinguished Senator from Massachusetts, has expressed the case well and strongly. Let me say in simplicity that as we enjoyed hearing of the rights of persons with disabilities, we have learned that essentially the United States has an opportunity for leadership for an expression of our idealism with regard to the care and treatment and concern for disabled persons in our country and the world.

If we ratify this treaty, we will join with other nations who meet annually and will receive every 4 years reports from the various countries that are involved as to the progress they have made. They compare notes. They learn really how the disabled are treated. Our belief is that we are the gold standard and that there are many countries that would like to know technically how people are treated in the United States and what sort of investment would be required in those countries.

Having said that, we should also say, very frankly, that the committee or this governing aspect has no ability whatsoever to create law—either State, local, or Federal—in the United States of America or to compel Americans to do anything, literally. So we have an opportunity to be advocates of our idealism, and we have an opportunity to listen to others and perhaps to gain new insight in this body about how, along with our fellows in the House, to proceed. I think that is very important.

Now, having said all that, I would say that likewise the committee did understand there are considerable anxieties in our country about this situation. I would say it is conceivable the debate we have today will illustrate that some Members of our body have valid concerns about the convention. I think it is clear that we will cite again and again our domestic legislation, such as the ADA and the IDEA, which constitutes the most comprehensive and effective standards to advance the rights and provide equal opportunities for individuals with disabilities.

One of the arguments by the administration in support of Senate ratification is that by becoming a member we will be able to increase our global credibility. It is argued this increased credibility with other countries will be beneficial in exporting and promoting

standards. The executive branch also argued that when officials have bilateral conversations advising other governments about improving standards for their disabled citizens, officials often question why the United States is not a party now to the convention. Opponents of the convention have argued we should only accede to the convention if it advances the national interest of the United States, especially in an area where the United States is a global leader.

There have been questions raised regarding the binding nature of the convention. The response has been that the convention is nonbinding, and the committee formed by the treaty has no compulsory authority. This also addresses the concerns of opponents who have cited instances of overreach by such committees established by human rights treaties in the past.

Most major veterans groups, as has been cited, and disability rights groups have all written in support and, as a matter of fact, turned out by the hundreds for the hearings and the markup of this legislation in the Senate Foreign Relations Committee. As I indicated, it would be very important from the perspective of making the world a more accessible place for U.S. citizens, including disabled citizens and veterans who are disabled. And improving a global standard for all segments of the disabled community should be our goal. Although accession to the treaty will not instantly achieve that goal, it may provide another avenue through which we might achieve the goal.

I want to mention specifically now some technical aspects of our committee consideration. Article 34 of the convention creates the committee we have talked about—the committee on the rights of persons and disabilities. It consists of 18 persons, elected by state parties to the convention, and they are required to submit periodic reports to the committee concerning measures taken to give effect to the obligations under the convention and the progress made in that regard. The convention provides the committee shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward those to the state party concerned. The committee recommendations are advisory only and are not binding on the state parties, including the United States of America.

Now, the United States has recognized the rights of individuals with disabilities through constitutional and statutory protections—the Americans with Disabilities Act of 1990, which has been cited. As such, many of the general requirements of the convention for protection of disability rights already exist in Federal law. The provisions of the convention can be grouped generally into the following categories: Accessibility, education, equality, employment, and health.

Now, the committee closely reviewed the “best interest of the child” stand-

ard as set forth in article 7 of the convention, including whether the ratification of the convention by the United States could negatively impact parental rights with respect to disabled children, including parents who opt for home schooling of disabled children. The Department of Justice testified unequivocally that parental rights would not be hindered in any way.

In response to written questions for the record, Senior Counselor to the Assistant Attorney General for Civil Rights, Eve Hill, stated:

In light of the Federalism and private conduct reservations, among others, there would be no change to Federal, State or local law regarding the ability of parents in the United States to make decisions about how to raise or educate their children as a result of ratification.

Mention has been made by the chairman about article 25 of the convention. The state parties recognize that individuals with disabilities have the same right as others to enjoyment of the highest attainable standards held. They must be offered the same range, quality, and standard of care that is available to other persons in their countries. Health care professionals must provide care on the same basis they would provide if the individual seeking care did not have a disability. Article 25 also prohibits discrimination based on disability related to the provisions of health and life insurance.

The convention does not provide any additional or different rights on matters of abortion. It also provides that people with disabilities not be treated any differently than others. Existing U.S. rules on abortion would still apply to U.S. citizens.

The administration has recommended the Senate include certain reservations, declarations, and understandings in any resolution of advice and consent. The administration has stated, with the following reservations, understandings, and declarations; that the United States would be able to implement its obligations under the convention using its vast existing network of laws affording protection to persons with disabilities. Therefore—and I stress this—no new legislation would be required to ratify and implement the convention.

I shall not go through all the details of the reservations, but they do specifically mention federalism: The convention shall be implemented by the Federal Government of the United States of America to the extent it exercises the legislative and judicial jurisdiction over the matters covered therein and otherwise by the State and local governments to the extent that State and local governments exercise jurisdiction over such matters.

I would say, secondly, there is non-regulation of certain private conduct. This is a reservation suggested by the administration, adopted by the committee. The Constitution and laws of the United States establish extensive protection against discrimination,

reaching all forms of government activity as well as significant areas of nongovernment activity. Individual privacy and freedom from government interference in certain private conduct is also recognized as being among fundamental values of our free and democratic society.

The United States understands that by its terms the convention can be read to require broad regulation of private conduct. To the extent it does, the United States of America does not accept any obligation—any obligation—under the convention to enact legislation or take other measures with respect to private conduct except as mandated by the Constitution and laws of the United States of America.

I would mention, in addition to proposed reservations of the administration adopted by the committee, there were numerous proposed understandings all of which were adopted by the committee. They protect essentially the first amendment of the United States, economic, social, and cultural rights in our country, equal employment opportunity, uniformed employees of the United States, military departments, and definition of disability. In other words, U.S. law, State and local government law apply in all of these cases without exception and cannot be countermanded by anything with regard to this treaty. Likewise, there have been proposed declarations offered by the State Department, and these were adopted by the committee.

I would simply say, Mr. President, without reiterating each of the reservations, they all attempt to meet any conceivable objection or question raised by citizens of the United States who have testified, who have written to the committee, or Members of this body who have visited with members of the committee as we were preparing for this obligation today. This is a treaty, in essence, that states our idealism. We would be a part of an organization in which we have a forum to do that. We are under no obligation to adopt any of the suggestions of the other committee members, although we will listen respectfully to them.

As a matter of fact, the treaty is important because we have such a gold standard that others have simply raised the question: Why are you not a part of a picture that might make this available, thoughtfully, to the rest of the world? And there is no good answer to that if in fact we espouse these ideals with regard to all of humanity and hope they might be adopted by others. But, specifically, and one reason veterans organizations and other organizations trying to help the disabled in our country advocate this treaty is that we would like to see improvement in other countries.

Sometimes our warfighters, as a matter of fact, are forced by all sorts of conditions to live in other countries. We hope they are receiving proper treatment, the best treatment. As a matter of fact, if they have any sort of

life in those countries, we hope there is improvement for them. We hope, as they come back to America and then find it necessary to travel abroad again for any number of purposes, that the treatment for their disabilities will be there and, hopefully, of the same quality. We need to be advocates of this convention, advocates for our veterans and for other Americans who have disabilities.

So for these reasons, Mr. President, I am grateful to the majority leader for bringing this legislation to the floor at this time. We are very hopeful that at least the bipartisan debate we had in our committee and the strong vote for ratification will find at least some resonance in this overall debate in the Senate.

It has been a privilege on my part to work with our leader and to have had an excellent set of hearings and to have enjoyed the comments of our veterans. There are many in this body who have served this country in the military services. They have distinguished records. I had only a modest 3 years and 4 months of Active Duty after volunteering for the Navy, but that was sufficient for me to learn what was important for those with whom I was serving and those in veterans organizations, such as the American Legion, headquartered in Indianapolis, IN, about what is vital to the quality of life for those constituents.

So I am hopeful we will have success in this effort tonight.

I yield the floor.

Mr. KERRY. Mr. President, I thank the Senator from Indiana, not just for his comments now but for his many years of leadership on these issues and for his wonderful partnership in all of this. I will have more to say about that as the days go on, but we are going to miss his vision and wisdom over the course of the years.

Mr. KERRY. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided under the quorum call. I would hope colleagues would come to the floor and use the time as they desire.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. I would like to recognize Senator VITTER on our side.

The PRESIDING OFFICER. The Senator from Louisiana.

DETENTION OF ELTON "MARK" MCCABE

Mr. VITTER. Mr. President, I rise to note grave concern on behalf of a constituent of mine and his family. Elton "Mark" McCabe, a businessman from Slidell, LA, has been held against his will in the custody of South Sudanese officials since October 14—for several weeks now, going on a month, through Thanksgiving.

Mark McCabe was in Africa, South Sudan, with business partners pursuing business opportunities, doing everything by the book, legally, ethically, and apparently, for reasons we don't yet fully understand, business competitors or business enemies of his had some sway with South Sudanese officials in a particular portion of the government with the security force, and he was taken into custody. He was charged with vague, very serious crimes and has been held against his will for these many weeks. I won't go into all the details, but it has been a long torturous experience.

I have been on the phone constantly, virtually every day, with State Department officials, with the South Sudanese Ambassador to the United States, with others, trying to demand basic due process and basic justice.

Things have gotten a little better in the last week, and a few days ago there was a hearing before a judge regarding these trumped-up charges. When the prosecution had basically no facts and no evidence to present, the judge virtually laughed in their face with regard to this lack of a case. Nonetheless, the prosecution asked for 3 more days to get its house in order, to get its notes in order, possibly just to try to save face by dropping these trumped-up charges against Mr. McCabe rather than having them thrown out against their will by the judge. We hope that is the case, we pray that is the case, but we don't know yet.

The next hearing before this same judge is going to be this Thursday. So I come to the Senate floor to urge that judge and the South Sudanese Government to do the right thing, to do justice and immediately release Mark McCabe, who, again, has been held against his will, with no evidence, with no meaningful charges against him, since October 14.

I want to repeat what I said directly to the South Sudanese Ambassador to the United States. For many years we have built a strong, positive, bilateral relationship, but that relationship depends on appropriate trust between the parties and appropriate action. And we are looking at this case very seriously. We are looking at this case as a test of their judicial system, as a test of their appropriate intentions. If this completely unjustified detention continues, I vow that I will personally make sure there are consequences and repercussions to that relationship because there should be. They have violated basic fundamental legal and human rights of U.S. citizens.

I am hopeful based on what happened in South Sudan a few days ago, but, to quote President Ronald Reagan, trust but verify. And we are going to verify one way or the other come Thursday. The matter is very simple: Even though Mark McCabe has been held against his will for weeks and weeks, finally, at this late date, we fully expect this sorry state of affairs to end on Thursday. And if these trumped-up,

frivolous charges continue, if he continues to be held against his will, I promise I will make those statements to the South Sudanese Ambassador ring true. I promise I will follow up and take action because this is absolutely outrageous.

I know we all join to pray for justice, to pray for Mr. McCabe's safekeeping. He has a serious heart condition. Indications are that he actually suffered a mild heart attack while in the custody of South Sudanese officials. So we pray for him, and we very much expect and look forward to his quick return to his home in the United States.

Mr. President, I yield the floor.

Mr. LUGAR. Mr. 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.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

Mr. HARKIN. Madam President, I rise to support the ratification of the U.N. Convention on Rights of Persons with Disabilities or, as it is known, the CRPD.

First, I wish to thank Chairman KERRY of the Senate Foreign Relations Committee for his diligence and for his leadership on this issue. He has carried it through the committee; he has brought it to the floor. In fact, I was reminded earlier today, we were both on the committee back in the 1980s when we first started working on the Americans with Disabilities Act under the tutelage, really, of Senator Lowell Weicker, who remains a great friend to this day and is still a great leader on the issues of people with disabilities. So we go back that far working together on these issues.

I thank Senator KERRY for his great leadership in bringing us to this point and, hopefully, the point being that we are going to ratify this wonderful treaty.

I thank Senator LUGAR again for all of his efforts through so many years on so many different issues, and on this issue especially, going back to the beginning of the Americans with Disabilities Act. If I might divert from this just for one brief moment to thank Senator LUGAR for his leadership in making the world safer by getting rid of nuclear weapons in the Soviet Union. What a singular effort that has been. Senator LUGAR has done much to make the world a better place for us and for our kids and grandkids. So I salute him for his wonderful leadership in that area.

Senator MCCAIN, of course, was here and worked with us on the Americans with Disabilities Act back in 1989 and 1990. He was very much involved in it; Senator DURBIN, Senator BARRASSO, Senator MORAN, Senator UDALL, and

Senator COONS, I guess all of whom worked very hard to secure the ratification of this important convention.

As the chairman of the Committee on Health, Education, Labor and Pensions and as the lead Senate author of the Americans with Disabilities Act, I want the United States to become a party to this convention so we can apply the expertise we have developed under the ADA and help the rest of the world remove barriers to full participation and to honor the human rights of citizens with disabilities. One of my greatest joys in the Senate has been my work with so many Senators on the Americans with Disabilities Act of 1990.

The ADA stands for a simple proposition: that disability is a natural part of the human experience and that all people with disabilities have an inherent right to make choices to pursue meaningful careers and to participate fully in all aspects of society. So thanks to the ADA, our country is a more welcoming place not just for people with a variety of disabilities but for everyone.

Twenty-two years ago, on July 26, 1990, President Bush gathered hundreds of Americans with disabilities on the White House lawn for the ADA signing ceremony, and here is what he said. It is wonderful.

This historic act is the world's first comprehensive declaration of equality for people with disabilities—the first. Its passage has made the United States the international leader on this human rights issue.

Well, thanks to the ADA and other U.S. laws, America is showing the rest of the world how to honor the basic human rights of children and adults with disabilities, how to integrate them into society, how to remove barriers to their full participation in activities that most Americans just take for granted.

Our support for disability rights inspired a global movement that led the United Nations to adopt the CRPD. In fact, I might just add parenthetically that after the Americans with Disabilities Act was adopted, we had people from many countries come here. I can think of, first, Russia. Then it was Greece, Ireland, Great Britain, as well as a number of people from other countries who came here to learn what we had done and then to pick it up and move forward in their own countries. Our legal framework influenced the substance of the convention and is informing its implementation in the 125 countries, I think, that have ratified it along with the European Union.

My staff was involved in 2002 when the U.N. first broached this subject of coming up with a convention and, in turn, provided to them the substance of the Americans with Disabilities Act, its history, its provisions, and what had been done from its adoption in 1990 until 2002 and the changes that it had brought about in our own country. So, really, I think the Americans with Disabilities Act informed and laid the

basis for what the U.N. began to do in 2002 and completed in 2006.

So, again, I am very grateful for the leadership of Senator KERRY, Senator MCCAIN, as well as Senator Dole, who I know is not able to be with us right now, but I thank them for all of their support for the ratification of the CRPD. I also appreciate that former President George H.W. Bush, his White House Counsel Boyden Gray, Attorney General Dick Thornburg, former Congressman Steve Bartlett, and Tony Coelho have all been actively supporting this ratification.

I am also grateful for the support from the U.S. business community, including, clearly, the U.S. Chamber of Commerce and the Information Technology Industry Council for ratification of this treaty. Because of their experience with the ADA, American businesses have developed expertise they can apply in the global marketplace in a way that gives them a competitive advantage. If we are a party to the convention, the U.S.-based companies with this expertise will be on much more solid footing when they are seeking to help other countries write and implement domestic legislation consistent with the convention and consistent with U.S. standards for accessibility and equal opportunity.

Like the Americans with Disabilities Act, the CRPD enjoys widespread support in the disability, civil rights, business, veterans, and faith-based communities. I could be off a little bit, but as of the writing of this statement we have letters of support from more than 250 American disability organizations, 21 veterans service organizations—and I caught some of the comments made by our distinguished chairman, Senator KERRY, in talking about veterans and our wounded warriors as they travel around the world and being able to access in other parts of the world what they can access here in America; a very good point—and 26 faith organizations also in support of the CRPD. These entities all realize the critical importance of America's position as a global leader on disability rights. They want our country to have a seat at the table and to share that expertise as the States Parties to the Convention work to implement it around the world.

I might add here, under the convention a committee will be established to assist and to help other countries in implementing and changing their laws and conforming. If we are a party to this, we get a seat at the table. If we are not a party to it, we will not have a seat at the table. Why shouldn't we have a seat at the table? We have been the world leaders. So by ratifying this convention, the United States will be reaffirming our commitment to our citizens with disabilities. Americans with disabilities should be able to live and travel, study and work abroad with the same freedoms and access they enjoy here in this country. Again, as other countries that have been signatories to this treaty grapple with how to

change their systems and to make their systems more accessible, we can be at the table helping them to implement this treaty and to learn from our experience.

The administration has submitted reservations, understandings, and declarations that make clear that U.S. ratification will not require any change in U.S. law and will have no fiscal impact. The Senate Foreign Relations Committee has modified these reservations, understandings, and declarations to address concerns that were raised in the committee markup.

Although U.S. ratification of the CRPD will not require changes in U.S. law and will not have a fiscal impact, I think it is very clear that U.S. ratification will have a clear moral impact. It will send a signal to the rest of the world that it is not OK to leave a baby with Down Syndrome on the side of the road to die, it is not OK to warehouse adults with intellectual and psychiatric disabilities in institutions, chained to the bars of a cell, when their only "crime" is having a disability, it is not OK to refuse to educate children because they are blind, deaf, or use a wheelchair, it is not OK to prevent disabled people from voting, getting married, owning property, or having children, it is not OK to rebuild infrastructures in Iraq or Afghanistan or Haiti or other war-torn or disaster-stricken areas without improving the accessibility of the infrastructure at the same time.

Former President Reagan frequently talked about America as a city on a hill, a shining example for the world of a nation that ensures opportunity and freedom for all its people. Thanks to our country's success in implementing the ADA, advancing that law's great goals of full inclusion and full participation, America, indeed, has become a shining city on a hill for people with disabilities around the globe. By ratifying the CRPD, we can affirm our leadership in this field. We can give renewed impetus to those striving to emulate us. We can give them that renewed impetus by our example and by sitting down with them and working with them only if we are a signatory to this treaty.

Again, you think about American exceptionalism. We are a pretty exceptional country, when you think about it, in many ways. We are not just exceptional because we have the most tanks and guns and bombs and things such as that, but we are exceptional in what we have done in terms of civil rights and human rights and to include all in our family—our family being our citizenship. We took great strides. America has always been evolving as a country to expand civil rights and human rights, and one of the latest, of course, was to extend those rights to people with disabilities in our society, making sure people with disabilities had all the rights and opportunities that anyone enjoys in our society.

It seems to me that this is the kind of exceptionalism we ought to be promoting around the globe. We ought to be proud. We should be proud of what we have done as a country in this regard. We should not be afraid—not be afraid—to join in a convention to extend to the rest of the world what we have done here, basically, and to be helpful in making sure that other countries can also attain that kind of a standard that does not exclude anyone because of a disability from their society.

I know there were some who were not part of the bipartisan vote to support ratification in the committee. I understand that. But my hope is that in the intervening time, in the course of Senate debate, we will have addressed any remaining concerns, move forward with a strong bipartisan vote to provide our advice and consent, and pass the resolution supporting U.S. ratification of the CRPD with overwhelming bipartisan support.

When we voted on the ADA in 1990, it was a vote where only 6 people in the Senate voted against it—91 to 6. It was a historic law. My hope is we can achieve the same kind of strong bipartisan statement of support for the human rights of 1 billion people with disabilities around the world.

As to those of us who travel a lot around the world—maybe I see it more because of my involvement in this issue—I cannot begin to describe how often it is people come up and ask us how we can help, help them change so that people with disabilities can have more access, be more involved. Many times I have been to countries where someone comes up and may not know of my involvement in this issue, but through the course of conversation—maybe it is someone in business, maybe it is someone in government, in education—they mention this: They mention accessibility because they have a brother, a sister, a friend, someone who has a disability, and they talk about how easy it is for them in America to get around, to move around, to go to school, to do business, and they would hope that maybe their country could do the same. It happens a lot. Here we are, we have the opportunity to be a key player in this global effort.

It was important for us as a country for the first 10 to 20 years to focus on our own internal problems in terms of advancing the cause of people with disabilities, when you think about all the changes that have come about in the last 22 years. And now we take a lot of it for granted in terms of accessibility, mobility, education, health care, job accessibility. It is just not unusual any longer to walk into a business and see someone with a physical disability or an intellectual disability working there. We kind of do not even think about it much anymore. We do not think about kids with disabilities mainstreamed in schools.

I remember when our oldest daughter was in grade school and IDEA was just

coming into force and effect, the Individuals with Disabilities Education Act, and a child with a disability was integrated into the classroom. There was this big hue and cry from a lot of the parents about: Oh, this kid was going to be disruptive. And how are the other kids going to learn?

Well, we got through that. Now we have a whole generation, what I call the ADA generation, kids who were mainstreamed in school, and kids without disabilities do not think anything about being their friends, going to a ball game with them, going to the theater with them, working alongside them. So we have this whole new generation where you do not think about it any longer. It is a normal aspect of life.

That is not so in other countries. In other countries, it is still, quite frankly, a sign of disgrace when a family has a child with a disability. Well, it is time to get over that. By being a country signing on to this, we can help them in so many ways. It is not just kids or young people with physical disabilities; it is people with intellectual disabilities. For how long have we looked down on people with Down Syndrome, for example, and said: Well, they cannot do anything? We segregate them in society. We send them to special schools. We give them occupations that do not challenge them. Now we have broken that down. Now so many people with intellectual disabilities, we find, can do a lot of things, and they can be challenged. And, yes, they can do competitive employment. They do not need sheltered workshops. They can be in competitive employment, with just a little support and a little training.

So many things have changed for the better in this country. It would be a shame—be a shame—if all this good we have done through all sectors of society—the business community, government, transportation, education; all these things we have done to make sure people with disabilities are not discriminated against and they have full opportunities, all the opportunities that anyone else has in our society—it would be a shame to say that somehow we are not going to support a convention, an international convention that basically takes what we have done and says: Here, world, this is what we should be doing globally.

To have 125 countries already signed up to it, and here we are—those who took the leadership in this area, everyone from the White House to, as I say, the Chamber of Commerce, that was supportive of the ADA, the business community that worked so hard on this—it would be a shame if we did not ratify this and become players in this and have a seat at the table to help the rest of the world attain what we have attained in this country.

Again, I thank Senator KERRY and Senator LUGAR, and so many others, Senator MCCAIN and others—I am probably forgetting to mention someone—

but so many people who have worked so hard to bring this issue to this point.

I have to believe—yes, I know there are some Senators who have some problems, and I do not question anyone's motives or anything like that. I think some people do have, maybe, some concerns about this. Hopefully, through the amending process, we can allay those concerns. I hope we get resounding—resounding—support for the ratification of this treaty and show the world that we are proud of what we have done, and we want to join with the rest of the world in making sure they too can advance and progress and have the same kind of support and accessibility and opportunity for people with disabilities as we have had in America.

Again, I thank my colleague and my classmate and my longtime friend Senator KERRY for his leadership on this issue, and I hope we have a resounding, overwhelming vote, just as we did for the Americans with Disabilities Act 22 years ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Iowa and I want to comment quickly before I yield the floor to the Senator from Minnesota. I also have a unanimous consent request.

I heard the Senator pay appropriate tribute to Senator LUGAR for his accomplishments in terms of making the world safer. I say to my friend, without any question whatsoever in reserve that the accomplishment of the ADA is one of those singular moments in the career of any U.S. Senator and it made the world better here at home, and a lot of other places if we get this done. The Senator from Iowa helped set that gold standard, so I thank him for that and for the pleasure—there are only three of us left from our class, so it is good to stand up with him today, and I appreciate it enormously.

I ask unanimous consent that the time for debate only on the treaty be extended until 6:30 p.m., with the time equally divided as provided under the previous order; further, that at 6:30 p.m., the majority leader be recognized.

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

I yield to the Senator from Minnesota.

Ms. KLOBUCHAR. I rise to discuss the importance of the Convention on the Rights of Persons with Disabilities. I wish to thank Senator KERRY and Senator LUGAR for their outstanding leadership on this important treaty, as well as Senator HARKIN, my neighbor to the south, for all he has done for people with disabilities.

For many years I have served on the advisory board of Pacer, which is one of the Nation's greatest organizations for parents of kids with disabilities, and saw firsthand what so many families go through every day, the incredible courage and the love they show for

their children and the inspiration so many people with disabilities bring to our country.

To paraphrase Minnesota's own "happy warrior," Hubert Humphrey, the moral test of a government isn't just how it treats the young, the healthy, and the able bodied, it is also how it treats the sick, the elderly, and the disabled—those in need of a little extra support.

That may be the moral test of a government, but I believe it is also the moral test of a people and the moral test of a country. Today, I call on all my colleagues to vote to ratify the Convention on the Rights of Persons with Disabilities for two simple reasons. First of all, ratifying this treaty is about protecting the rights of U.S. citizens who are living with disabilities overseas.

Right now, thousands of Americans with disabilities, including our men and women in uniform, live, work, study, and travel abroad. I believe these Americans deserve the same rights and protections they would enjoy if they were living in the United States. This treaty is about ensuring those rights and protections.

Second, ratifying this treaty is about advancing a core moral value we all share as Americans, the idea that all people are created equal and that we are all endowed by our Creator with certain inalienable rights. Our country has long led the world as a beacon for equality and human dignity. This treaty would elevate our role in promoting human rights around the globe.

These are American values, but they are especially near and dear to my heart as a Senator from Minnesota, where we have a long and proud tradition of working to ensure that people with disabilities have access to the same basic resources and opportunities as everyone else. After all, it was the Minnesota Ramp Project that introduced a new American model for building statewide standardized wheelchair ramps.

We are the State that sent Paul Wellstone to the Senate, where he fought long and hard for mental health parity, something that finally passed in the Senate and was signed into law after he died—but it was signed into law. We are home to some of the most innovative centers for the disabled in the country, including Pacer, that I already mentioned, the Courage Center, and ARC.

We even have one of the most accessible baseball stadiums in the country. We are looking forward to a better season for the Twins next year, and we are so proud of our new stadium and how accessible it is for people with disabilities. In many foreign countries, not even schools and hospitals can meet these standards for people with disabilities. When a person is not even able to get an education or access to health care they need because of a disability, that is a very big problem.

Even more troubling is the fact that some foreign countries lack laws for

protecting the disabled against discrimination, meaning they have no recourse after being denied a job or an education or the use of public services. Remember, these inequities do not just affect foreign citizens, they affect Americans who are living in those countries.

So this is what is at stake: protecting our own citizens when they travel to other countries and extending the values of equality and justice we so cherish in our own country. It is important to note that ratifying this treaty will not require any changes to U.S. law, nor will it impact American sovereignty, nor will it incur costs to taxpayers.

It has been endorsed by every major disabled person's rights organization, every major veteran's service organization, the Chamber of Commerce, and several Republican and Democratic administrations. Protecting the rights of the most vulnerable among us is not a partisan issue. It is an issue of decency and an issue of dignity. I believe it is an issue we must all stand behind as Americans.

I urge my colleagues to ratify this treaty and move us forward in advancing the rights of disabled people around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I wanted to thank the Senator from Minnesota so much for taking time to come over. I know she did not intend to earlier, but she cares about the issue and took the time to come and share her thoughts with us. We are very appreciative. We obviously hope the Twins do whatever they want, second only to the Red Sox in the future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. 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. McCAIN. Madam President, before us for advice and consent is the Convention on the Rights of Persons with Disabilities, the CRPD. I support the treaty and urge my colleagues on both sides of the aisle to support it.

In America, I do not believe anyone considers someone with a disability to have any less rights or protections than people without disabilities. I would suggest this reality is partly due to our values but also due to bipartisan efforts to codify in law that persons with disabilities are afforded equal access and protection from discrimination.

Over 22 years ago members of both parties came together to pass the Americans with Disabilities Act. It is not only the law of the land but it is the template for the CRPD in countries around the world that are moving to

update their laws. Both the ADA and the ADA amendments of 2008 were passed with wide bipartisan margins. They are examples that from time to time we can engage in a bipartisan effort in this body.

In many countries accessibility to public spaces is not available to persons with disabilities. They are still discriminated against or cast aside in societies across the globe. Horrifically, infanticide occurs in many countries where children are born with disabilities. Protecting the rights of persons with disabilities, all persons, is not a political issue, it is a human issue.

Regardless of where in the world a disabled person strives to live a normal, independent life, where basic rights and accessibilities are available, disability rights and protections have always been a bipartisan issue. Ratifying this treaty should be no different.

Senator DURBIN and I and Senator KERRY began months ago—with Senator HARKIN, Senator LUGAR, many others. We had been discussing months ago how we could work together in a bipartisan manner and build support for ratification of the treaty.

As I mentioned, we have worked closely with Senators MORAN, BARRASSO, COONS, TOM UDALL, HARKIN, and others. I wish to thank them for their support and efforts to get us to this point. Senator KERRY deserves special recognition for scheduling a Foreign Relations Committee hearing and a markup that favorably reported the measure out of the committee. I also wish to thank the majority leader for scheduling this treaty for consideration today.

I think my colleagues should appreciate that this treaty is supported by over 300 disability organizations, at least 21 U.S. military veterans service organizations, the U.S. Chamber of Commerce, and many other organizations. It is not an accident that literally every veterans organization in this country supports this treaty because it is our veterans, many of whom are coming home as we speak, who will live and travel abroad and will benefit from this treaty.

As I have been traveling around the world where conflict is ever present, I have seen that so many people will benefit from the principles embodied in the treaty. So I would argue this effort is probably more important today in the world than it has been in the past. Another strong supporter of this treaty is one of my closest friends and heroes, Bob Dole. As you know, Bob has dedicated nearly his entire life to this country, through his military service and, following that, many years in public service.

He has dedicated the past several months to encourage support in the Senate for this treaty. Earlier, I read a statement from Bob. I would like to mention some parts of the statement. I will point out rather poignantly he says:

It was an exceptional group I joined during World War II, which no one joins by personal

choice. It is a group that neither respects or discriminates by age, sex, wealth, education, skin color, religious beliefs, political party, power, prestige. That group, Americans with disabilities, has grown in size ever since. So, therefore, has the importance of maintaining access for people with disabilities to mainstream American life, whether it is access to a job, an education, or registering to vote.

I will not go through Bob Dole's entire statement. I would point out there are still thousands and thousands and thousands of his comrades who came home disabled in some respect—Bob, of course, in the most painful way. We all recall, with some nostalgia and appreciation, that he and our other wonderful hero Senator INOUE spent time in the same hospital following World War II going through very difficult periods of rehabilitation, a friendship that was forged there that has lasted ever since.

I can assure you there is nothing Bob Dole would want more than to be here on the floor of this Senate delivering his own speech before the Senate and urging colleagues to consider this treaty based on facts and on our values that ensure, protect, and advance the rights of persons with disabilities, whether on U.S. soil or around the globe where we can make a difference.

I received a letter today from—it is very difficult for me to pronounce his name, but I will try—from one individual, Chen Guangcheng. He is an individual who is a blind Chinese activist who recently came to the United States of America thanks to the efforts of many of the leaders in our administration, including the Secretary of State.

I wish to quote from his letter. This is an individual who is blind, who fought for human rights in his country, in China, and now, thank God, is in the United States of America. His letter 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, worldwide 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 twenty years ago, the idea of true equality for people with disabilities became a reality. Many nations have followed in America's footsteps and now are coming together under shared principles of equality, respect, and dignity for people with disabilities as entailed in the CRPD. The U.S.—which was instrumental in negotiating the CRPD—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.

As I continue my studies in the United States, it is a great pleasure to now learn firsthand how the U.S. developed such a comprehensive and strong system of protection for its citizens with disabilities. I am so

hopeful that you will support ratification and allow others to benefit from these triumphs. Thank you for your leadership.

That is a very moving letter from a man who risked his very life, a man who is blind but still risked his life for the freedom of others, including rights in his country for individuals with disabilities.

There is a letter we have from former Attorney General Dick Thornburgh and White House Counsel Boyden Gray. They wrote to the Foreign Relations Committee to address issues being raised by opponents, particularly homeschool advocates who believe parental rights to homeschool or make decisions for their children will be impaired. I take it that my colleague, the Senator from Massachusetts, addressed this aspect of the concerns the homeschoolers have.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. If I might just say to my colleague, the resolution actually does address it, but I have not, so I think it would be important, if the Senator wishes to address that.

Mr. McCAIN. Here is what they wrote, the former Attorney General—I have been blessed to live and know many Attorneys General, but I think all of us on both sides of the aisle would agree that Dick Thornburgh ranks up there at the top. This is what they write concerning the issue of homeschooling:

Nothing in this treaty prevents parents from homeschooling or making decisions for their children. This treaty embraces IDEA, the ADA, and all of the disability non-discrimination legislation that has made the United States a leader on disability rights. The specific provisions on women and children state that women and children with disabilities cannot be the victims of illegal discrimination—as is the case under U.S. law. Furthermore, the CRPD recognizes and protects the important role of the family and specifically protects children from being separated from their parents on the basis of a disability. We take a back seat to no one in our defense of the rights of parents to raise their children or in our support for our federalist system of government with sovereignty at both the Federal and State levels of government.

Some opponents are also suggesting that somehow the U.S. law or existing parental rights would be impacted by supporting the treaty. Attorney General Thornburgh and White House Counsel Gray address this as well:

We understand that some are claiming that changes in U.S. law would be necessary to implement the obligations the U.S. will undertake as a result of ratifying the treaty, or that the RUDs that the Senate will approve will not have the force of law. Such claims are not correct and, quite simply, extraordinary. When the U.S. Senate attaches conditions to its consent to a treaty, they are binding on the President, and the President cannot proceed to ratify a treaty without giving them effect. The Senate has a long tradition of careful consideration and frequent adoption of limited RUDs, as is the case here. Any claims that such limited conditions do not have the force of law, or are inconsistent with the object and purpose of a treaty on disabilities that U.S. laws inspired

in the first place, is contrary to the long-held position articulated by the Senate—regardless of which party is in control (and in spite of whatever theories that may momentarily exist in academic circles).

Administrations of both parties have also uniformly held this view. In 1995 the U.S. stated that “reservations are an essential part of a State's consent to be bound. They cannot simply be erased. This reflects the fundamental principle of the law of treaties: obligation is based on consent. A State which does not consent to a treaty is not bound by that treaty. A State which expressly withholds its consent from a provision cannot be presumed, on the basis of some legal fiction, to be bound by it.”

Furthermore, the CRPD protects the critical role of the family by specifically recognizing the role of parents in raising children with disabilities, and prohibits the dissolution or separation of families because one or both of the parents are persons with disabilities. Article 23, entitled “Respect for home and family,” provides that “children with disabilities have equal rights with respect to family life,” that nations ratifying the treaty have an obligation to “undertake to provide early and comprehensive information, services, and support to children with disabilities and their families, and that “(i) in no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.” Finally, the CRPD will provide much-needed protection in other countries where there is no provision for birth certificates or birth registration for children with disabilities. In particular, it will help protect against the horrible practice of infanticide of children born with disabilities—a practice that can be facilitated through the denial of birth certificates or registration to disabled babies.

Every action we have ever taken on disability policy has been bipartisan. Being able to live independently is a basic human dignity we support, and it is a value we can help advance internationally by supporting this treaty.

I would like to say in closing that I thank both of my colleagues, Senator LUGAR and Senator KERRY.

I think we might think just for a moment, in conclusion, about the fact that there are various conflicts going on around the world. In Syria, we have seen 40,000 killed, and I don't know how many—100,000, 200,000 who have been wounded, many of them innocent women and children, because of the ferocity and barbaric conduct of this conflict. I don't know how many people today in China are subject to infanticide because there is not a birth certificate available. And we know that practice, not only in China but in other parts of the world—a lot of it in Asia—goes on. We live in a very troubled and turbulent world. Not only will we have the normal, usual situation—and I mean normal—there are people who are born with disabilities from time to time. I have had the honor of knowing children, as all of us have, and there are no more loving and caring people in the world than our children and our citizens who have disabilities. There are going to be a lot more because of the conflicts that are going on in various places in the world. They might deserve our special attention because they are living in countries that will have a lot less of the rule of law, a lot

less ability to care for them, particularly in the short term. Whether it be Libya, whether it be Syria, whether it be Iraq, or whether it be Afghanistan, all of these countries, we are going to have citizens who have been the victims of the violence of war. I believe the best thing we can do for them in the short term is take whatever action we can to see that they are not discriminated against, that they receive the same protections we guarantee our Americans with disabilities, and that they are afforded an opportunity to live full and beautiful lives.

Finally, I would like to say that my two friends and I have been around this place for quite a while—in the view of many, perhaps too long—but the fact is that one of the highlights of our shared experiences was on the lawn of the White House when a guy, Holmes Tuttle—remember one of the leaders of the disabilities movement, Mr. Tuttle—and others from the disabilities community were there, and the President of the United States at the time, President Herbert Walker Bush, and our beloved Bob Dole were there. It was a great moment for all of us. It was a great moment for America. It was all of us doing something, contributing in a small way to make better the lives of people who otherwise may have had great challenges in having the kinds of lives we want every American citizen to lead.

I believe that this treaty, this action is an adequate and important followup because I don't think there is anybody who denies—yes, there are problems with any legislation of the sweeping magnitude and scope of the ADA, but I don't know of anybody who doesn't believe it was a magnificent success and an enormous contribution to making the lives of our citizens with disabilities better than they otherwise would have been. So wouldn't we want that same thing to happen to everyone in the world? Wouldn't we want these children who are going through such difficult times in their lives and wouldn't we want those who have been wounded and maimed to have an opportunity for a better life? Wouldn't we want to, as Americans, be proud that we blazed the trail with the ADA in a really remarkable shift and change and an act of almost miraculous benefit to so many of our citizens, wouldn't we want that also to apply to the other citizens of the world? I think most of us would, and I think most of the American people who are paying attention to this believe that. That is why so many of our veterans organizations are in support. That is why so many in the disabilities community are in support. That is why there are so many charitable organizations that are in support.

So I again thank both of my colleagues and tell them that I certainly hope we can convince all of our colleagues that one of the nicest things we could do as a Christmas present for people around the world is to ratify this treaty.

Madam President, I yield the floor.

Mr. KERRY. Madam President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I wish to thank the Senator from Arizona. I thank him for his comments just now, but most importantly I really appreciate his extraordinary leadership on this issue and a lot of human rights issues, issues of conscience. He speaks with a very important voice, and I think he knows I am always happier when he is working with me than against me on any issue on the floor. I know he used to pride himself in his fight occasionally with Senator Kennedy, but he also prided himself enormously when they were able to get together and work together.

I have certainly enjoyed the many things Senator MCCAIN and I have done together—most notably, I think, joining hands across a certain belief divide to help end the war in Vietnam, the real war that kept raging in the minds of a lot of people, and that was a 10-year journey we made together. I am certainly proud of that and grateful to him.

But I want to come back to this treaty for a moment and Senator MCCAIN's efforts on it. I would say to my colleagues who have raised in the minority report a couple of concerns—and none of us are dismissive of those concerns—every Senator has the right to express their beliefs, but I can't think of a Senator more compelled. He has been the ranking member and chair of the Armed Services Committee and for years has been one of the leading voices on defense issues and now the defense of our Nation. Everybody knows his record in terms of personal service. I think there is no Senator who comes to the floor arguing more consistently the prerogatives of the United States of America with respect to defending our Nation and upholding the Constitution.

I would ask my colleagues who are finding some reason to doubt this treaty or to have some sense that it presents a threat to our country to take appropriate note of Senator MCCAIN's fervent commitment to this and to the comments he made about former Attorney General Dick Thornburgh. I knew the Attorney General when he was Attorney General. I have enormous respect for him and for his career, and I think Senator MCCAIN was 100 percent correct when he quoted him in the record as saying that nothing in this treaty will require any initiative by the United States to change a law or to reduce any capacity of our courts to uphold the Constitution of the United States. I think he did an important service in his comments with respect to that. I thank him for his contribution. Our fight is not over. We have some work to do in the next days, and I look forward to working with him.

The PRESIDING OFFICER. (Mr. CASEY). The Senator from Indiana.

Mr. LUGAR. Mr. President, I join the chairman in thanking JOHN MCCAIN for

his testimony, his courage, his eloquence, and his mention of those on our side of the aisle who have historically fought for the disabled. That is a very important fact today, and his presence, his strength and determination are very inspiring. We appreciate so much his support.

Mr. KERRY. Mr. President, I suggest the absence of a quorum, and ask that time be logged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, we are in the process of considering the ratification of the Convention on the Rights of Persons with Disabilities. The United States has led the world in creating the legal framework, building an infrastructure and designing facilities that ensure inclusion and opportunities for those living with disabilities.

This year the Senate Foreign Relations Committee, under the leadership of Chairman JOHN KERRY and ranking minority member Senator RICHARD LUGAR, celebrated the 22nd anniversary of the Americans with Disabilities Act by favorably reporting the Convention on the Rights of Persons with Disabilities on a strong bipartisan basis. I want to personally thank Senator KERRY and Senator LUGAR for moving the treaty through the committee process. It was a hectic time—campaigns were going on—but they made a point of making certain we brought this issue forward.

A personal thanks to my friend Senator JOHN MCCAIN, who is on the Senate floor at this moment, for making this a bipartisan effort. I also want to thank Senators BARRASSO, HARKIN, TOM UDALL, MORAN, and COONS for their bipartisan support and dedication to the passage and ratification of this important treaty.

Now is the time for the full Senate to affirm our Nation's leadership on disability issues by ratifying this important treaty. We should do so with the strong bipartisan support that has always characterized the efforts we have had on disabilities.

The support for this treaty is extremely broad and deep and bipartisan. It is supported by 165 disability organizations, including the U.S. International Council on Disabilities, the American Association of People with Disabilities, the Disability Rights Education and Defense Fund, and the National Disability Rights Network.

In addition, it is supported by 21 different veterans groups, including the Wounded Warrior Project, the American Legion, Disabled American Veterans, and Veterans of Foreign Wars.

President George H.W. Bush, who signed the Americans with Disabilities Act into law, has called for ratification

of this treaty. But there has been no more passionate advocate—and I am so honored that he would consider devoting his energies and good name to our effort for ratification of the treaty—than Senator Bob Dole, a lifelong advocate for disability rights. We need to pass this treaty in a tribute to Bob Dole for his life of service to the State of Kansas and to the Nation, as well as his heroic efforts on behalf of the disabled in the Senate.

These organizations and people of different backgrounds have come together to support ratification of the treaty because they know it is critical for those living with disabilities in the United States and around the world. Thanks to the ADA and similar laws, the United States has been so successful providing opportunities, accessibility, and protection of the rights of those living with disabilities that our Nation is already in full compliance with all terms of the treaty. Before transmitting this treaty, the Obama administration conducted an exhaustive comparison of the treaty's requirements to current U.S. law. Here is what they found: The United States does not need to pass any new laws or regulations in order to fully meet the terms of the treaty. The fact that we have already met or exceeded the treaty's requirements is a testament to our Nation's commitment to equality and opportunity for the disabled.

But there are still important reasons to ratify this treaty. There are more than 5½ million veterans living with disabilities in the United States. They travel all over the world, often with their families. Ratifying this treaty will help move toward the day when wherever they travel they will be treated with accessibility, with the kind of respect that every person would expect to have in traveling around the world.

Ratifying this treaty will also give the United States a seat at an international table that we currently can't occupy. The United States can sit at the table on disability rights worldwide and provide guidance and expertise based on our experience and leadership. It just stands out like a sore thumb our country hasn't ratified this treaty when over 120 other nations have.

This treaty would also level the playing field for American businesses. American businesses have invested time and resources to comply with the ADA. Businesses in some countries are not required to comply with similar standards. Compliance with the treaty levels the playing field by requiring foreign businesses to meet accessibility standards similar to those of the United States. It will open new markets for new technologies when it comes to disability.

Mr. President, I know you have been a visitor at Walter Reed and Bethesda Naval Center, and you have seen our returning veterans, many who come home after losing a limb. They go through a period of the best rehabilita-

tion, and then they are brought into a laboratory with the latest technology.

A new Congresswoman from Illinois, named TAMMY DUCKWORTH—I am so proud of her election victory on November 6—lost both legs in Iraq when she was piloting a helicopter that was shot down. She was a member of the Illinois National Guard, and there was a question whether she would even survive the terrible incident where a rocket-propelled grenade was fired into the fuselage of her helicopter. She survived and has since used Walter Reed Hospital and Bethesda to make certain that she has the very best new prosthetic legs. They were good enough to carry her through a campaign successfully, and now she will be sworn in to the U.S. House of Representatives in just a few weeks.

That kind of technology is being developed for our veterans, as it should be. Ultimately, it will be available to everyone across the United States and around the world. As companies make this new technology enabling amputees a full life, this technology becomes a part of the export of the United States. So there are opportunities here for the United States, as other countries comply with the treaty and develop new prosthetics and other things for their disabled, to have some business opportunities with new and good ideas. American businesses will be able to export their expertise and their products in new markets serving the hundreds of millions of people living with disabilities around the world.

Let me tell you why it is important for us, even though our standards are good and high in helping the disabled, to worry about those with disabilities in other countries. There are estimates that 10 percent of the world's population lives with disabilities. Not only do these people courageously live each day, they live with many challenges and hurdles that could be removed with the right laws and policies that are contained in this convention.

It is hard to believe, but 90 percent of children with disabilities in developing countries never attend school. Less than 25 percent of the countries in the United Nations have passed laws to even prohibit discrimination on the basis of disability. Studies indicate that women and girls in developing countries are more likely than men to have a disability.

Unemployment is dramatically higher for those living in other countries with disabilities. This treaty will help provide the framework so countries around the world can help their own citizens with disabilities live productive, healthy lives. Just like we did by enacting the ADA 22 years ago, ratifying this treaty will send the world a message that people with disabilities deserve a level playing field.

While this treaty will ensure inclusion and access for those living with disabilities, it is also important to note what the treaty will not do. The treaty will not require the United States to

appropriate any new funding or resources to comply with its terms—not a single dollar. The treaty will not change any U.S. law or compromise U.S. sovereignty. The treaty will not lead to any new lawsuits because its terms do not create any new rights, and it cannot be enforced in any U.S. court. For families who choose to educate their children at home, the treaty will not change any of the current rights and obligations under American law. I was pleased that in the Foreign Relations Committee they adopted an amendment I worked on with Senator DEMINT, a bipartisan amendment, to further clarify this issue.

I also want to address the issue of abortion, which was raised yesterday by one of our former colleagues. Leading pro-life groups, such as the National Right to Life Committee, confirm the treaty does not promote, expand access or create any right to an abortion.

When we tried to move this treaty earlier this year, some objected on the basis the Senate shouldn't ratify a treaty during a lameduck session. Well, we did a little study. I want to note for the record that since 1970, in the last 42 years the Senate has ratified at least 19 treaties during lameduck sessions. There is no procedural or substantive justification for not ratifying this treaty which has broad bipartisan support and could mean so much to those living with disabilities.

Thanks to decades of bipartisan cooperation, our country embodies the worldwide gold standard for those living with disabilities.

In closing, I again salute Senator Bob Dole. He has been on the phone and working it, and I hope in tribute to his Senate career we will ratify this treaty.

I also want to salute a former colleague of mine from the U.S. House of Representatives, Tony Coelho. Tony was the whip of the Democratic caucus when I was first elected, and he has been an amazing advocate for the disabled throughout his public career in the House and ever since. He came to me and asked to help in this effort, and I was happy to say yes to Tony, as I did so many times when I served with him in the House.

I want to add one other person—Marca Bristo. Marca is the leading disability advocate in the city of Chicago. This wonderful young woman was tireless in her wheelchair, wheeling from office to office, begging Members and their staffs to consider voting for this treaty. If and when we pass it—and I hope that is soon—I am going to remember Marca and Tony, and certainly Senator Dole, for all the work they put into this.

When the Senate ratifies this treaty, we can be proud our coworkers, friends, family members, and courageous veterans will soon enjoy the same access and opportunity when they travel abroad that they have come to expect right here in the United States.

Mr. President, I yield the floor, and 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. CARDIN. 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. CARDIN. Mr. President, I take this time to urge my colleagues to vote for the ratification of the Convention on the Rights of Persons with Disabilities.

I have the honor of serving on the Senate Foreign Relations Committee and was present during the hearings we had with regard to the ratification of the treaty. I listened to the witnesses who testified and listened to all the arguments that always have been made about treaties. I must tell you, it was overwhelmingly supportive of the ratification of the treaty.

I want to acknowledge the work of Senator LUGAR, who is on the floor. He has been a real champion on basic human rights issues and advancing it through treaties on which the United States has taken leadership. I applaud his unstinting commitment to advancing the rights of people with disabilities.

I also want to acknowledge our chairman Senator KERRY, and the work he has done in regard to this treaty; Senator HARKIN, and many others, have been involved in the United States' participation in this treaty. To put it directly, we were responsible for this treaty moving forward because the United States has been in the leadership of protecting people with disabilities. The way we treat people with disabilities is a civil rights/human rights issue.

We know the history of America was not always what it is today, and we know the struggles people with disabilities have had in getting access to services that we sometimes take for granted.

Many years ago I visited our State institution for children with developmental disabilities. I saw in one large room literally 100 children receiving no care at all, most of them not clothed. I knew we could do better in this country, and today our access to health services for people with disabilities is remarkably better.

I remember when if you had a physical disability and were confined to a wheelchair, it was basically impossible to get use of public transportation. We have changed those policies in our country, recognizing that every American has the right to basic services. I remember when it was difficult for people to get public education in traditional schools if they had disabilities. We have changed those laws in America. We have changed our public accommodation laws. We have changed our employment laws. We have led the world in saying that it is a basic right,

and people with disabilities have the same protections as every one of us.

I am proud of the progress we have made here in the United States. I was part of the Congress in 1990 that passed the Americans With Disabilities Act. I am very proud to be part of the Congress that passed that law. I remember two of our colleagues who have been in the forefront of this work: Senator Dole, whose name has been mentioned, has been one of the great leaders in this body in protecting the rights of people with disabilities, and Congressman Tony Coelho, with whom I served in the other body, the House, took on a leadership position to bring to the public attention for us to do what was right for people with disabilities.

The United States has provided international leadership. The year after we passed the Americans With Disabilities Act, my colleague in the House, Congressman STENY HOYER, took that effort in the United States internationally. In 1991, in the Organization for Security and Cooperation in Europe, we passed the Declaration on the Rights of Persons With Disabilities because of the U.S. leadership. It is now known as the Moscow Document. We have provided international aspirations to make sure that we treat people with disabilities as we would treat anyone else.

We have in America the strongest protections of any country. We have improved our laws. We have led the world in providing the right legal framework, the right policies, and the right programs so people with disabilities can gain access to all services.

The ratification of this treaty is particularly important to the United States. I say that because it further demonstrates our leadership on this issue. We have added language in this treaty; we don't have to change any laws if we ratified this treaty. We are in full compliance. There is no need for America to take any further steps. All this treaty ratification does is reaffirm America's leadership on this issue and provides protection for our citizens internationally. We made that very clear with amendments we added to this treaty during the committee markup. We don't have to change any laws. Yet it helps U.S. citizens abroad. The rights of the disabled should not end at our border. They should have the same protections when they travel to another country or when they work in another country or when they temporarily live in another country. We want to make sure American citizens are treated fairly.

A witness testified at our hearing on the ratification of this treaty about how she was in a wheelchair in another country and she was not permitted to use her wheelchair to get access to an airplane. That is wrong. This treaty will protect an American who happens to be in another country and who happens to have a disability to make sure that person can get reasonable access to transportation, reasonable access to

public accommodations, and that the person is not discriminated against because of her or his disability. This helps advance globally the basic human rights of people with disabilities. Other countries will learn from the United States. Until we ratify, we can't participate in the international discussions taking place to protect people with disabilities. Yet we have the most advanced laws. By our ratification of this treaty, we are in a position to help other countries advance the rights of people with disabilities, and that is exactly what we should be doing in America.

Our Nation was founded on the principle that we are all created equal and each of us has the right to life, liberty, and the pursuit of happiness regardless of our abilities. Ratifying this treaty is a strong act of diplomacy and a symbol of America's continued commitment to equal justice for all. The history of our Nation has been the continued expansion of rights, opportunities, and responsibilities to more and more Americans. It is in our interests and in the interests of all humankind to see that the expansion happens in other countries as well.

I urge my Senate colleagues to vote for the ratification of this treaty. It is the right vote to take for the United States. Standing up for basic human rights is right. It is right to protect our citizens when they travel internationally. I urge my colleagues to vote for ratification.

With that, 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.

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

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

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

HOUSE AND SENATE ACTION

Mr. WHITEHOUSE. Mr. President, I just wished to address two things. The first is that we are having a continuing discussion about the budget of our country and about the taxes of our country and indeed about the unfair and often upside down nature of our current Tax Code that allows people making hundreds of millions of dollars a year to pay a lower tax rate than a family who earns \$100,000 a year.

In the context of that discussion, there is one thing that I think we can do right now that would be important and helpful to the vast majority of Americans, indeed to 98 percent of American families and 97 percent of American small businesses; that is, to assure them that their taxes are not going to go up on January 1.

Assuming we cannot get to a budget agreement before January, then automatically all the Bush tax cuts will end. The Senate has actually passed a law that will allow those tax cuts to be curtailed, to be protected for families who earn \$250,000 a year and less. That bill has passed the Senate. It is now over at the House awaiting action by the House.

The Republican-controlled House is in a position, anytime the Speaker chooses to call up that bill, to pass a guarantee of protection from tax increases that will protect 98 percent of American families and 97 percent of American small businesses. I think they should do that. It is simply awaiting their action. There is nothing more we can do in the Senate. We have already passed that bill. It is one step away—Speaker BOEHNER allowing it to be called up and having it voted on—from becoming law and protecting 98 percent of families and 97 percent of small businesses from a tax increase on January 1.

There is a real likelihood we will have to go beyond January 1 because so many of our colleagues have sworn that oath to Grover Norquist that they will not let taxes go up. He maintains the Bush tax cuts should last into eternity and anything above that would be a tax increase and violate the pledge.

So we may have to wait until January 1, until the actual expiration of the Bush tax cuts vitiates that baseline and allows Republicans to enter into the very same deal they could have before, only now it is a tax decrease from the current rate that would presumably not get them in trouble with Mr. Norquist versus a tax increase from his—I think at this point—illogical and irrational projection of the Bush tax cuts into the indefinite future. So I call on our friends in the House of Representatives to pass that bill and give the vast majority of Americans relief from whatever uncertainty there might be about going beyond the January 1 deadline.

The second issue I wished to address is to respond briefly to my friend from Arizona Senator KYL, who spoke about the filibuster and the rules changes that are being discussed in this Chamber. He spoke this morning. I had the chance to watch a good part of his remarks on the television.

I wanted to respond in a couple ways. First of all, I have the highest regard for Senator KYL. We worked closely together trying to get a cyber security compromise. We worked together years ago on the immigration compromise. I have seen him in action on the Senate floor. He is very able. When he has reached an agreement with his colleagues, he is unshakeable and his word is good. I think very highly of him, although we do not agree politically on a great number of issues.

But I did, in an atmosphere of great respect for him, wish to respond in a couple ways. The first is that I believe, at least, that there is a difference be-

tween what we are considering with this rules change and the so-called nuclear option that was threatened were respect to judges.

The reason I think that is the case is that I have read the old opinions from previous Presiding Officers in the Senate and Vice Presidents in the past who have said that the way the Senate rules work is that although we are a continuing body, the way in which the rules continue from Senate to Senate is that we are impliedly readopting the rules as soon as we take any business under the rules each new session.

The House behaves differently. The House has new rules each session. It is an entirely new reelected body each session. So they have to open by creating a new set of rules and adopting them. They do that at the beginning of every session. We virtually never do that. The rules continue. How is it that the rules continue? The ruling is that that continue because they are deemed to continue as soon as the Senate takes action under those rules, whatever it is. As soon as they take action under those rules at the beginning of a session, those rules are then deemed to be back in place, and we do not need to readopt them.

But that does mean, at the beginning of each session, there is an opportunity, under the Constitution, to change the rules by a simple parliamentary majority of 51. I do not think that is breaking the rules to change the rules. That is part of the rule. That is how the rules actually work in the Senate, at least that is my belief and my opinion.

Given that, I think arguing that this is somehow breaking the rules or the same as the nuclear option is not quite accurate. This and the nuclear option share the similarity of allowing the Senate to proceed with a simple majority. They do share that similarity. But this is different because we can only do that one early, first moment, as each new Senate comes into session. Some could say that is actually there as a safety valve for situations just like this where one party is consistently, regularly determinedly abusing a rule, but because the other party cannot get to 67 votes, they cannot change or correct the rule to restore the Senate to its proper behavior.

I would note that I think there is virtually nobody in this Chamber who thinks the Senate is operating the way the Senate should. We have had literally hundreds of filibusters, and they are not the old-fashioned filibuster people remember from “Mr. Smith Goes to Washington,” when Senator Jefferson Smith stood at a desk, probably about there in their mockup of the Senate floor, and talked himself to exhaustion, reading from the Bible, reading from the Constitution. He may have even read from the dictionary. I remember there was an old reporter up in the press gallery speaking about this. He talked about it being one of the great examples of American democ-

racy, one lone Senator able to speak until he is exhausted on a point that matters to him.

People may have been frustrated by that kind of filibuster, but there was at least a kind of nobility to it. The filibuster of today is very different. It is a threat from the minority party to bombard something with amendments so it cannot be managed on the floor. It is a threat to filibuster, to which the majority leader has to respond by filing cloture, and when the majority leader is forced to file cloture, the minority gets the benefit. They get 30 hours of debate.

Of course, as we have seen in the Senate, that 30 hours of debate is never used. It just consumes 30 hours of floor time, most of it spent, as the distinguished Presiding Officer and I and others who preside in the Senate notice, in quorum calls, in endless deadly quorum calls with the poor old clerk having to call off the names slowly and quietly in the Chamber and nothing going on.

People who are looking at this on C-SPAN and who dial into the Senate very often see that nothing is going on. That nothing going on is usually the hallmark of the modern filibuster. It is a colossal waste of time. It is intended to be a colossal waste of time. Because if we do that hundreds of times, as our minority has, multiply those hundreds of filibusters by 30 hours each, and they have ruined thousands of hours of Senate floor time.

That disables this institution, and it puts the majority under immense pressure to do the basic business of passing appropriations bills, the very simple operations of government. Very often we hear our colleagues on the other side criticize that we have not passed those. Those are complaints that are made with real crocodile tears because it is the consistent, relentless filibuster that puts the Senate in a position where it does not have floor time to do that work.

I think, first of all, that what we are proposing is slightly different than the nuclear option, even though it shares that characteristic of getting to 51 votes, that it is unique to the rule function of the Senate, that it happens just that once, and that one could argue it is a safety valve that protects against situations like this.

My second point is this is not a good situation for the Senate. We waste immense amounts of time. The filibuster is used constantly. It used to be that Senators filibustered bills that they violently opposed. Now the minority filibusters everything. How often have we had the experience that something is filibustered and we finally break the filibuster and when we actually get to the vote on the actual merits of the bill, it passes with 95 or 98 Senators supporting it.

What do we conclude if you filibuster something that 98 percent of Senators are going to support when it finally gets to the floor? We can only conclude

that it is being used to obstruct and delay. There is too much of that. We have too much business to be done. So I do not think there is anybody who can say the Senate is working in a way that it should under the present practices. If it takes changing a rule to change those practices, I think it will be better for everyone.

I also wish to point out that nobody is saying there should be an end to the filibuster. What we are saying is those who want to filibuster should carry the burden of being on the floor expressing their concerns and actually doing the filibuster. It is one of the great frustrations of those who have to defend against the filibuster that very often the members of the minority party do not even have to show up for the vote. The rule of the filibuster is that we have to get to 60 votes or it fails.

Whether the vote is 60 to 1 or 60 to 40 does not matter. So we get thrown into having to show up and vote on filibusters, and the minority party does not even have to be here. We have heard a Senator say: Well, you know, you guys, you will be here on Monday because you have this vote you have to take. But we do not have to be here, so I am not coming back.

We have had Senators who have actually forced a vote on cloture themselves go away when it came time for the vote, go home, and the rest of us had to be here to do it at that point. The filibuster is just being used to harass colleagues and to create difficulty, and I think that is a real problem and that it is worth pressing through it.

Another concern that Senator KYL raised is that people's voices would be silenced if the majority leader had the authority to go directly to a bill without allowing for amendments. Two points on that: First, I, for one, am perfectly open to a rule change that provides for some kind of an amendment process. As the majority leader said earlier, we have our proposal out there, where is yours? If we are going to negotiate, make a counterproposal. If the counterproposal contains a requirement that certain amendments be considered, a certain number of amendments—germane amendments, one would hope—I think that is something that a great number of Senators on our side would look at with sympathy and, perhaps, with approval.

That is an argument. I don't think it is a sufficient one because I do believe we can address that question, every question.

I would conclude, because I see the distinguished Senator from New Hampshire here, that I think this is an issue we can work out and that we can work out together. I think we can make the Senate a better place, a place where there is more actual debate and more progress and more gets accomplished rather than just this relentless filibuster, this filibuster at all times, of all bills, all appointments, over and over, nonstop, completely jamming up this body and creating these enormous

periods of delay while we go through procedural hoops and around procedural circles. We should be better than this, and the American people deserve better than this.

I hope this discussion about changing the rules moves us from where we are right now—which is just wrong; it just isn't working—to a place where we can be a Senate again that requires people who want to filibuster to get up on their feet in this Chamber and say what they have to say until they are exhausted. So be it. I think that would be an improvement on the matters where I would feel strongly enough to filibuster, and I am confident that I would be willing to take that step in the event we were someday in the minority.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. I ask unanimous consent to speak for up to 5 minutes on the topic of the Convention on the Rights of Persons with Disabilities.

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

Mr. COONS. Mr. President, I rise today as not just the Member from Delaware but also as a member of the Senate Foreign Relations Committee to speak to the topic before us of the convention and whether the United States should ratify a convention on the rights of persons with disabilities.

Our country has long been a global leader in recognizing and protecting the basic rights, the human rights of all people, including those with disabilities, and of working hard to be at the forefront of a global movement to improve access to the basic and essential aspects of productive daily life for those with disabilities. Today we have the opportunity to help extend those rights, the same rights that disabled Americans have to other people around the world. If we have that opportunity to promote freedom and human rights, why wouldn't we ensure these protections that apply to Americans apply to them abroad as well and to others, some of the nearly 1 billion fellow citizens of the world who live with disabilities.

This treaty that is before us today was adopted by the United Nations in 2006 with 153 nations as signatories and so far 116 as ratifying parties. It has been 6 long years that the United States has not joined as a ratifying party. This treaty has passed with strong bipartisan support through the Foreign Relations Committee by a vote we took back in July after hearings, and it is been nearly 6 months since that vote. Yet this treaty, sadly, faces opposition on the floor of the Senate.

This Convention on the Rights of Persons with Disabilities was negotiated during the Bush administration, and it enjoys strong bipartisan support. I am proud to join Senators MCCAIN, BARRASSO, MORAN, DURBIN, HARKIN, UDALL, and many others who have been advocating for its passage

since March. It would, as has been said, not require any changes to U.S. law and would have no impact on our Federal budget. It would instead promote U.S. business interests by creating a level playing field for U.S. companies by equalizing accessibility requirements that foreign businesses must meet, and it would create new markets for innovative U.S. businesses with expertise in standards and technologies that would help ease the lives of those with disabilities. At least as importantly, it would promote access, mobility, and inclusion for disabled Americans abroad, especially wounded veterans.

Last but not least, it would protect the right of families to homeschool their children if they choose to do so, a topic on which my office received many concerned calls from constituents. We heard directly from the Justice Department during our hearing on the Foreign Relations Committee on this convention that ratification of this treaty will not in any way erode the rights of parents with disabled children to educate their children at home if they so choose.

In short, Mr. President, ratification only benefits the United States and protects Americans. The world has long looked to us as a global leader, as a moral compass, as a defender of freedom and human rights. In my view, we owe a great debt to many who have served in this Chamber before us, including, principally among them, Senator Bob Dole, who, along with many others, led the initial fight for the ratification of the Americans with Disabilities Act.

The least we can do for people with disabilities all around the world is to step to the plate, to ratify this Convention on the Rights of Persons with Disabilities without delay. It is my hope this Senate, in a bipartisan way, can come together in the spirit of unity to protect dignity and human rights for all.

I urge my colleagues to join me in voting for the ratification of this most important treaty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I also ask unanimous consent to speak for about 5 minutes on the Convention on the Rights of Persons with Disabilities.

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

Mrs. SHAHEEN. I am here to join my colleagues, as I had the great pleasure of being in the chair for a while this afternoon to hear some of the expression of support for the Convention on the Rights of Persons with Disabilities. It was very eloquent, and it was bipartisan. I begin by thanking Senators KERRY and LUGAR for their efforts in the Foreign Relations Committee to not only pass the treaty in committee but to bring it to the Senate floor for this consideration.

I certainly support ratification of the Disabilities Convention because it is

the right thing to do and because it puts the United States back where we belong: as leaders of the international community and defending, protecting, and promoting the quality of rights of all people in our world, regardless of their situation. From equality and nondiscrimination to equal recognition before the law, to access to justice, this convention touches on all these issues that Americans have long held near and dear to our hearts.

Ratifying this convention would reaffirm our leadership, leadership that was established under the landmark Americans with Disabilities Act legislation that this Congress passed in 1990. This was the first of its kind, domestic legislation that addressed the barriers faced by individuals with disabilities. It sent a message to the world that we would support the principles of equal treatment and nondiscrimination with respect to those with disabilities.

I want to recognize Senator TOM HARKIN for his leadership in getting that legislation passed, and it had strong bipartisan support when it was passed back in 1990. That legislation still stands as a model for those who want to replicate our commitments and defend the rights of the disabled in their countries.

I have had a personal opportunity to see what a difference the Americans with Disabilities Act could make in the lives of people, to see the impact this convention could have around the world, because I grew up before ADA was passed and my grandmother was disabled. She couldn't speak or hear. I remember in those days, when she would come to visit us—which wasn't very often because she lived a long way away—we didn't have any technology to allow her to watch television or to answer the phone, the kind of technology that now is available as the result of passing the ADA, technology that I would hope, along with the human rights that come with passing this convention, will soon be available to people in all parts of the world.

We in the United States are already the gold standard when it comes to defending the rights of the disabled. So why would we not want to demonstrate to the world our intention to continue to fight for those less fortunate?

This treaty is not only about ending discrimination against people with disabilities around the world, it is also about protecting the millions of U.S. citizens who travel or live abroad. Ratification will provide the United States with a platform from which we can encourage other countries to adopt and implement the convention standards and to work to end discrimination against people with disabilities.

Let me just respond to some of the concerns we have heard, and some of these have been addressed already. I want to talk about what the treaty does not do.

It in no way, shape, or form infringes on America's sovereignty as a nation. It does absolutely nothing to change

American law. The treaty doesn't impose any legal obligations on the United States, and these facts were confirmed by the U.S. Department of Justice during our consideration of the measure.

The convention has overwhelming support from across the political spectrum. Over 165 disability organizations support the treaty, as do 21 major veterans and military service organizations, including the VFW, the American Legion, and the Wounded Warrior Project. I can't imagine why, at a time when more of our warriors are returning home with injuries and disabilities, we would not want to stand in support of ensuring their rights and protections at home and around the globe.

In closing, I want to quote from John Lancaster, who is a disabled veteran and the former executive director of the National Council on Independent Living, which is one of the oldest disability grassroots organizations run by and for people with disabilities. Mr. Lancaster testified at the Senate Foreign Relations Committee in support of the treaty. I think his message was one of the most powerful, and it is one that I hope all of our colleagues will heed in thinking about consideration of this treaty.

At the hearing he said:

I'm appalled with some of the conversation that has been going on here today.

He was referring to some of the testimony at that hearing. He said:

As a veteran and as someone who volunteered, laid my life on the line for freedom, rights, dignity, and now, to have this whole debate that we're not willing . . . to walk the talk in international circles? To step up in a forum where they advocate these things and to say "We're not afraid to sign this thing?"

We aspire to what's in this convention. This is what we are about as a nation—including people, giving them freedom, giving them rights, giving them the opportunity to work, to learn, to participate. Isn't that what we're about? Isn't that what we want the rest of the world to be about? Well, if we aren't willing to say this is a good thing and to say it formally, what are we about, really?

I think Mr. Lancaster put it very powerfully, and I couldn't agree more with his assessment. This is exactly what we are about as a nation. We should ratify this treaty. We should remind the world why defending the rights of the disabled is a principle that should be at the heart of every civil society.

Mr. President, I hope when we get to the vote on this convention we will see the required votes to ratify this treaty and send to the entire world Mr. Lancaster's message.

Mr. President, I yield the floor.

Mr. REID. 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.

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

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

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

PREVENTING GUN VIOLENCE

Mr. LEVIN. Mr. President, as the 112th Congress returns after the election, we should consider this important question: Have we done our share to help prevent gun violence? Statistics from the Brady Campaign to Prevent Gun Violence give a clear answer—no. Almost 100,000 people die as the result of gun violence in America every single year. This statistic includes 12,000 people who are murdered, 18,000 who commit suicide, and 20,000 under the age of 20. On average, 270 people are shot in the United States every single day.

Our society faces an epidemic of gun violence. Consider stories that have gone largely unreported in recent months: Near Chicago, a 16-year-old was shot twice in the head while riding in a car on her way home. A staff member on a prominent university's medical campus accidentally discharged his handgun at work and injured two people. And on election day, a parolee in California walked into the plant where he worked, methodically murdered two of his coworkers, and wounded another two before shooting himself.

Stories like these flash across newspapers for a few days or weeks, and then the national spotlight moves on. But we cannot forget that while reporters may leave, the tragic effects of gun violence linger. They forever alter the lives of good, talented young people, like Ashley Moser, who lost her 6-year-old daughter in the horrific movie theater attack in Aurora, CO. She is partially paralyzed now and faces significant health problems and medical bills. But even after this nightmare, Congress did nothing to prevent guns from falling into the hands of would-be killers.

Congress has the power to act to prevent more of these tragedies. We can take up and pass legislation like S.32, which would prohibit the purchase of the same types of high-capacity magazines that allowed the shooter in Aurora to hurt so many people, so quickly. We could enact S.35, the Gun Show Loophole Act of 2011, which would close the "gun show loophole" by requiring