

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

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

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

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

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

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

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

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

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

That is a direct quote from JOHN MCCAIN.

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

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

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

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

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

RESERVATION OF LEADER TIME

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

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

EXECUTIVE SESSION

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

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

The legislative clerk read as follows:

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

The ACTING PRESIDENT pro tempore. Under the previous order, the

time until 12 noon will be equally divided.

The Senator from Massachusetts.

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

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

The ACTING PRESIDENT pro tempore. Is there objection?

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

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

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

Mr. INHOFE. I thank the Chair.

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

The Senator from Indiana.

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

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