

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

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

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

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

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

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

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

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

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

That is a direct quote from JOHN MCCAIN.

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

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

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

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

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

RESERVATION OF LEADER TIME

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

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

EXECUTIVE SESSION

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

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

The legislative clerk read as follows:

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

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

time until 12 noon will be equally divided.

The Senator from Massachusetts.

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

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

The ACTING PRESIDENT pro tempore. Is there objection?

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

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

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

Mr. INHOFE. I thank the Chair.

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

The Senator from Indiana.

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

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

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

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

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

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

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

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

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

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

The United States can play an important leadership role in helping countries around the world identify ways to expand opportunities for the disabled. I urge my colleagues to join me in supporting United States accession to the

convention as a means of advancing this goal.

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

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

I thank the Chair and I yield the floor.

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

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

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

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

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

Further, the ability of the Committee on the Rights of Persons with Disabilities to investigate and rec-

ommend changes chips away at the ability of a sovereign nation in governing itself.

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

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

The Home Schooling Legal Defense Fund writes:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

PENNY YOUNG NANCE,
Chief Executive Officer and President.

HSLDA,
ADVOCATES FOR HOMESCHOOLING,
November 20, 2012.

Re Please Oppose the UN CRPD.

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

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

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

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

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

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

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

Sincerely,

Michael P. Farris, President, ParentalRights.org; Phyllis Schlafly, Founder and President, Eagle Forum; Dr. Richard Land, President, Ethics & Religious Liberty Commission, Southern Baptist Convention; Morton Blackwell, Chairman, The Weyrich Lunch; Tom McCluskey, Senior Vice President, Family Research Council Action; Tom Minnery, Executive Director, CitizenLink; Penny Young Nance, President and Chief Executive Officer, Concerned Women for America; Matt Staver, Founder and Chairman, Liberty Counsel; Erick Erickson, Editor, RedState.com; Mike Needham, Chief Executive Officer, Heritage Action for America; Austin Ruse, President, Catholic Family and Human Rights Institute (C-FAM); William J. Murray, Chairman, Religious Freedom Coalition; Jim Backlin, Vice President for Legislative Affairs, Christian Coalition

of America; Gary A. Marx, Executive Director, Faith and Freedom Coalition; Al Cardenas, Chairman, American Conservative Union; J. Michael Smith, President, Home School Legal Defense Association; Janice Shaw Crouse, Ph.D., Senior Fellow, Beverly LaHate Institute; Deryl Edwards, President, Liberty Counsel Action; Dr. Jim Garlow, Chairman, Renewing American Leadership Action; Jeff Gayner, Chairman, Americans for Sovereignty.

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

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

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

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

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

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

Mr. INHOFE. Yes, I do understand that.

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

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

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

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

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

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

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

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

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

With that, I yield the floor.

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

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

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

limit you in terms of your opportunity as an American.

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

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

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

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

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

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

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

Congress and the President. This treaty, this convention, will not force that change.

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

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

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

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

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

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

I yield the floor.

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

The ACTING PRESIDENT pro tempore. The Senator from Utah.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

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

Specifically, with respect to children, the Senator mentioned the question of a committee being created, and sometimes committees make recommendations outside of the purview of something. That may be true. But when have words, I ask the Senator—when have words or suggestions that have no power, that cannot be implemented,

that have no access to the courts, that have no effect on the law of the United States and cannot change the law of the United States—when has that ever threatened anybody in our country?

Mr. LEE. Whatever the United States ratifies—

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

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

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

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

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

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

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

Mr. KERRY. Again, the Senator has acknowledged that it does not become customary law; as a consequence, it has to somehow change. Within this—the Senator will agree that because the treaty adopts, in the body of the treaty, the statement that this is not self-executing and the Supreme Court has held that a nonexecuting treaty—let me just reference the specific case—*Sosa v. Alvarez-Machain*, 542 U.S. 692, a 2004 case—the Supreme Court said it is

dispositive. Nonself-executing declaration is dispositive. The Court noted that the United States ratified a prior thing then—and said, "it does not create obligations enforceable in Federal courts."

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

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

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

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

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

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

Fortunately for the United States, we do not need to implement additional legislation in order to be in full

compliance with the convention. Laws such as the Civil Rights Act, Title IX, the Family and Medical Leave Act strengthen the U.S. position in the convention, and our leadership could lead to other countries adopting similar protections for disabled women.

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

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

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

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

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

I yield the floor.

Mr. KERRY. How much time remains?

The PRESIDING OFFICER. Twenty-seven minutes still remains.

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

The PRESIDING OFFICER. About the same.

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

The PRESIDING OFFICER. The Senator from Delaware.

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

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

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

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

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

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

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

With that, I yield the floor.

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

The PRESIDING OFFICER. Almost 24 minutes.

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

The PRESIDING OFFICER. The Senator from Iowa.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

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

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

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

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

try-specific human-rights condemnations are against Israel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

However, becoming a party to the convention would subject the United States to the eighteen-member Committee on the Rights of Persons with Disabilities. This committee is created

to monitor the implementation of the convention and provide conclusions and recommendations with regard to State Party's treaty reports. I have serious concerns about the infringement upon U.S. sovereignty by a committee tasked with providing criticisms and recommendations for the United States on our disability laws.

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

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

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

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

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

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

disabilities. Therefore, I stand in opposition of its ratification today.

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

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

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

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

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

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

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

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

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

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

I am grateful for the opportunities this Nation provided me as a young man who returned from World War II as an amputee. Those opportunities included a college and law degree, eventually serving the Territory and State of Hawaii. I was fortunate my injury did not hinder my dream to work for, and serve the people of Hawaii. Throughout my years in the Senate, I joined with my colleagues to advance non-discrimination initiatives that protect all Americans. In 1989, I was proud to join with my good friend Senator HARKIN as an original cosponsor of the Americans with Disabilities Act, ADA, in the Senate, and vote for its passage in 1990. The ADA, established in law, our Nation's dedication to en-

sure those born with disabilities, or those who suffer life changing disabilities, are individuals with dignity. Furthermore, that those individuals enjoy the same rights and opportunities all Americans are guaranteed under the Constitution. Unfortunately, this is not necessarily the case around the world.

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

The PRESIDING OFFICER. The Senator from Massachusetts.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

Moreover, I, along with 36 other Senators, joined a letter to the Senate leadership requesting that no treaties

be brought to the floor during the lameduck session.

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. SESSIONS. I thank the Presiding Officer.

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

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

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

I will conclude with one more thing.

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

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

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

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I come to the floor with a bit of a heavy heart

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

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

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

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

VETERANS SUPPORT THE CONVENTION AS THE RIGHTS OF PERSONS WITH DISABILITIES

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

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

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

VSOs that Support U.S. Ratification of the CRPD: AMVETS; Air Force Sergeants Association; Air Force Women Officers Associated; American GI Forum; Association of the United States Navy; Blinded Veterans Asso-

ciation; Disabled American Veterans; Iraq and Afghanistan Veterans of America; Jewish War Veterans; Military Officers Association of America; National Association for Black Veterans; National Guard Association of the United States; National Military Family Association; Paralyzed Veterans of America; The American Legion; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of United Spinal Association; Vietnam Veterans of America; Wounded Warrior Project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In recent years, we have recognized that people with disabilities are integral to our society, that we cannot afford to waste their talents, nor can we proclaim our beloved America demonstrably—the home of the

brave, the land of the free—as we overlook the abilities that trump any disabilities. As the ranks of the disabled and their families swell, so does popular support for measures to ensure equality of access and opportunity. One way or another disability issues touch nearly every family in America.

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

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

Supporters of this convention claim that ratifying it would allow our country to assume the moral high ground

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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

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

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

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

I would say to him, very respectfully, that there is no contradiction in the position of the proponents of this bill.

While I understand what he said about China, the fact is that because China has signed up—and Russia and other countries—if we were a party to this and at the table discussing it, we would have greater leverage in order to be able to advance the rights of persons in China and elsewhere.

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

Dear Senators,

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

He goes on to say:

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

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

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

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

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

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

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

American Counseling Association; American Dance Therapy Association; Anti-Defa-

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

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

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

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

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

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

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

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

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

National Center for Learning Disabilities; National Coalition for Mental Health Recovery; National Council on Independent Living; National Council for Community Behavioral Healthcare; National Disability Rights Network; National Down Syndrome Congress; National Down Syndrome Society; National Dysautonomia Research Foundation; National Federation of the Blind; National Federation of Families for Children's Mental Health; National Guard Association of the United States; National Health Law Program; National Military Family Association;

National Minority AIDS Council; National MS Society—Ohio Chapters National MS Society, Pacific South Coast Chapter; National Multiple Sclerosis Society; National Multiple Sclerosis Society, National Capital Chapter; National Rehabilitation Association; New York State Independent Living Council; Next Step; NHMH—No Health without Mental Health.

Noble County ARC, Inc.; Northeast Arc; Not Dead Yet; Ohio Association of County Boards; Serving People with Developmental Disabilities; Ohio Statewide Independent Living Council; Ohio Valley Goodwill Industries; Oklahoma Association of Centers for Independent Living; Optimal Beginnings, LC; Osteogenesis Imperfecta Foundation; PA Mental Health Consumers' Association; Paralyzed Veterans of America; Parent to Parent of NYS; Parent to Parent USA; Peer Assistance Services, Inc.; Peppermint Ridge; Perkins; 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 ASPE; Social Assistance and Rehabilitation; for the Physically Vulnerable; (SARPV); Socio Economic Development; Alliance (SEDA); Southeast Alaska Independent Living; SPEAK Consulting LLC; Special Needs Advocacy Network; Special Olympics; Spina Bifida Association.

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

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

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

ens Refugee Commission; WORK, Inc., World Institute on Disability; Wounded Warrior Project; Wyoming Institute for Disabilities.

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

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

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

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

I yield to the Senator on his time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bob Dole, why is he here? He is not here because he is here to advocate for

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

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

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

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

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

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

Eight months after being wounded in combat, and while still a patient at Walter Reed Army Medical Center, I joined—

And I am speaking for him—

a few friends in a trip to South Africa to watch the World Cup.

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

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

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

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

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

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

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

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

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

But a vote here is a test of this institution. This vote is a test of whether the Senate, which passed the Civil

Rights Act and the Voting Rights Act and the Americans with Disabilities Act, is still capable of voting to change things, not to mention sending a message that could change the world.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

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

[Rollcall Vote No. 219 Ex.]

YEAS—61

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

NAYS—38

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

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38. Two-thirds of the Senators present not

having voted in the affirmative, the resolution of ratification is not agreed to.

The majority leader.

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

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

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

The motion to lay on the table was agreed to.

RECESS

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

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

The PRESIDING OFFICER. The Senator from Michigan.

THE FISCAL CLIFF

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

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

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

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