

wealthiest among us. I think it makes sense, at a time of high deficits and a debt problem that will confront us for years, that we have some part of that revenue come from the wealthiest among us. People across the aisle might disagree with that. We can have a big debate about that. But let's put in place, in law, the kind of certainty middle-income families should have. I think we can do that. So let's get in place an agreement for the 98 percent, and then we will have a big debate about the wealthiest 2 percent. Let's get in place tax rates that will allow us to do that.

I think a little history is instructive. We know that in the 1990s and the 2000s, we know there is, according to the data, no relationship between lower marginal rates for the wealthiest among us and faster accelerated economic growth. I emphasize no relationship because I think some have made the case.

Two examples. During the Clinton administration, to address the growing budget deficit at the time, which was not as severe as today, but it was a pretty substantial deficit, the top marginal tax rate was raised. It went up on the wealthiest individuals. The economy grew at the fastest rate in a generation and more than 22,000 jobs were added.

So that is what happened during President Clinton's two terms in office. During the following 8 years, the top marginal rate was lowered—not raised but lowered—for the wealthiest individuals. The economy never regained the strength of the previous decade, the 1990s. Job growth slowed and wages stagnated, leaving middle-income families especially vulnerable when the great recession began toward the end of 2007.

That is some of the history. That is part of the foundation or undergirding for the debate we are going to have on tax rates. This is not a lot of theory or a lot of maybes. We have data and information and kind of a track record trying it two different ways, the way we tried this under President Clinton and the way we tried it under the next administration. I think that is instructive.

Finally, I would say that for all the challenges we have, for all the disagreements we have, I think most people in the Senate, no matter who they are—Democrats, Republicans, Independents—whether they were running for office this year or not, all heard the same message. They all heard maybe two basic messages from people. At least that is what I heard in Pennsylvania, all across the State, for longer than 2012 but certainly most fervently with a sense of urgency this year.

Here is what I heard, a two-part message: Do something to create jobs or do more to create jobs, move the economy faster. No question, I heard that over and over. Soon thereafter, within seconds of saying that, families or taxpayers whom I ran into across the

State would say to me: You have to work together with people in the other party to get this done.

You know why they say that. That is not some unreal expectation that the American people have of us. It makes a lot of sense. Because in every family out there, whether it is in Pennsylvania or across the country, in every business, small business or larger business, in every one of those circumstances, in a family or in a business, those individuals have had to sit down over the last couple years especially, work out differences, set priorities, set goals, reduce spending sometimes, make investments they knew they needed to make to grow their business or to create more economic certainty for their family.

They have had to do that. All they are saying to us is just take a lesson from the life of a lot of families in America. Sit down, set priorities, work on coming together, and get an agreement. I think we can do that. Despite all the differences, I think both parties understand the urgency of those questions, whether it is the tax rates, whether it is across-the-board spending cuts, which would be indiscriminate and harmful, whether it is what we do about individual programs, what we do in the near term to reduce deficit and debt.

We have to come together, as families have to come together, and make agreements with people whom we are sometimes disagreeing with or not getting along with every day of the week and make decisions that businesses have to make almost every day of the week or at least every month on their spending, on their priorities and on their investments.

I think we can do that. I know we have to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### RECESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate be in recess until 2:15 p.m.

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

Thereupon, the Senate, at 12:24 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED—Continued

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### THE FISCAL CLIFF

Mr. SCHUMER. Mr. President, I rise to discuss the state of the ongoing negotiations to avert the fiscal cliff.

So far there has been little progress reported at the negotiating table. Since the President's very productive meeting with the bipartisan leaders from the House and Senate on November 16, the subsequent staff talks have produced no breakthroughs. Republicans in the room are not yet acknowledging the need to let tax breaks for the very wealthiest Americans expire, nor are they offering the kind of reasonable reforms to entitlement programs that Democrats can be expected to support.

But despite this impasse, as Leader MCCONNELL described it on the floor yesterday, I am optimistic we can still get a deal by Christmas. I detect a great deal of progress being made beneath the surface. You only need to turn on television these past couple of days to observe the signs of this progress.

For nearly three decades, a rightwing Washington lobbyist has exerted a stranglehold on mainstream Republicans over the issue of taxes, threatening political retaliation against any lawmaker who dared to vote for any fiscal solution that asked the wealthy to pay their fair share. But in the 3 weeks since the election, one Republican after another has been rebuking this lobbyist for his uncompromising stance on taxes. Republicans in both the House and Senate are deciding they no longer want to be married to this pledge. Republicans are saying they want a divorce from Grover Norquist. That alone is a leading indicator that a fiscal deal is within reach. Both sides are still far apart and discussions over the next few weeks will be difficult. But with each new Republican disavowing Grover Norquist, the chance of a deal rises sharply.

First there was SAXBY CHAMBLISS, an honorable Member of this body and a charter member of the Gang of Six, who has spent the last 2 years trying to negotiate a bipartisan compromise in the best of faith. Senator CHAMBLISS is a signer of the Norquist pledge, but he went on TV—not somewhere else but down in Georgia—last week and bravely said:

I care about my country more than I do about a 20-year-old pledge.

Then on ABC this past Sunday, LINDSEY GRAHAM said:

The only pledge we should be making is to each other to avoid becoming Greece.

On the very same program, my friend from New York, Congressman PETE

KING, said the pledge no longer applied because, "the world has changed. And the economic situation is different."

These were just two interviews with George Stephanopoulos. But sometimes progress on the Sunday news shows can foreshadow progress in the negotiating room. In fact, these comments by Senators CHAMBLISS, GRAHAM, and Congressman KING appear to have started a trend.

Yesterday, Senator CORKER echoed their sentiments. He released his own fiscal plan, which contains \$1 trillion in new revenues. Asked whether his inclusion of revenues puts him at cross purposes with Grover Norquist, Senator CORKER said:

I'm not obligated on the pledge. The only thing I'm honoring is the oath I take when I serve, when I'm sworn in this January.

Senator MURKOWSKI said similar things yesterday. Even Senator SESSIONS showed hints of compromise when he said, about the pledge:

We've got to deal with the crisis we face. We've got to deal with the political reality of the President's victory.

And then this morning, the vaunted Wall Street Journal editorial page even seemed to distance itself from Mr. Norquist. Of the need to compromise with President Obama, the Journal counseled:

This is where Mr. Norquist can give some ground. If taxes are going up anyway because the Bush rates expire, and Republicans can stop them from going up as much as they otherwise would, then pledge-takers deserve some credit for that.

We disagree with the forms of revenues that most of these Republicans have in mind. Many of the Republicans expressing openness to revenues want to pursue them only through tax reform next year. And even then, they are only willing to consider limits of deductions as opposed to rate increases on the very wealthy.

Democrats, on the other hand, believe that even if Republicans want to kick tax reform into 2013, a significant downpayment on revenues must be enacted before January 1. And we further believe that the fairest, most straightforward way to make that downpayment on revenues is by decoupling the Bush tax cuts for the wealthy. Limiting deductions is a necessary revenue-raising component of a grand bargain, but it does not and cannot replace the need for restoring the Clinton-era rates for the top two tax brackets. Republicans are not quite there yet in terms of acknowledging this, but they are moving slowly in the right direction.

As the Washington Post reported this weekend, for the first time in decades there is a bipartisan consensus in favor of asking the wealthy to pay a little more to reduce the deficit. The question is how to do it. This is an encouraging development. It suggests that Republicans are slowly absorbing one of the lessons of the 2012 election which is that elections continue to be won in the middle, and victories will remain

elusive for any party that caters to special-interest groups that occupy either the far left or the far right.

Over the years the Democratic Party has wrestled with the same issues Republicans are facing. When I was elected to Congress in 1981, crime was ripping apart my district. I came to Washington with the goal of working to pass new laws to crack down on crime. Lo and behold, I found that the Democratic Congress at the time was literally outsourcing the drafting of crime legislation to the ACLU. I have great respect for the views of civil libertarians. But at that time, the activists' motto was, Let 100 guilty people go free lest you convict 1 innocent person. That view was far outside the mainstream, but it dominated our party's thinking on crime for better than a decade. Our party suffered for it. We didn't snap out of it until President Clinton passed the crime bill in the 1990s. After that, we won back the trust of moderate, middle-class voters.

I know the echo chambers some of our Republican colleagues are in and I know how difficult it is. But if history shows anything, after suffering some bad losses at the polls earlier this month many Republicans are now realizing the need to snap out of it on taxes.

Grover Norquist has had a good run. It has lasted far longer than 15 minutes. But his stringent views make him an outlier now. It is not unlike what happened to his longtime friend Ralph Reed, who steered the Republican Party too far right on social issues in the 1990s and is hardly heard from anymore.

Mr. Norquist will likely not be departing the scene anytime soon, but perhaps he could switch his focus to immigration. He makes a lot of sense on the need for a comprehensive immigration reform bill, and I would be first to work with him on that. But as the events of the last weeks show, on taxes, Grover Norquist is out on an island.

In conclusion, I salute my colleagues on the other side of the aisle who have disavowed his group's pledge. I will encourage others to do the same. The more who do, the closer we will come to a bipartisan agreement on our fiscal problems.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### EXECUTIVE SESSION—MOTION TO PROCEED

Mr. REID. I move to proceed to executive session for the purpose of the consideration of treaty document 112-7, the Convention on the Rights of Persons with Disabilities.

I ask unanimous consent that prior to the clerk reporting the motion, Senator MCCAIN be recognized, and when he finishes that I be recognized.

Mr. MCCAIN. Mr. President, I think my colleagues and I who have been

here for a while remember one of the more moving moments that we experienced in our service here, and that was the signing of the disabilities law on the White House lawn. Bipartisan members of the disabled community were there. The President of the United States, George Herbert Walker Bush, and so many others were there. One of the prime individuals who was largely responsible was our beloved leader at that time, Bob Dole, a man who epitomized, in my view, how a disability can be overcome to go to the highest levels of American Government.

I freely admit that I love Bob Dole. I listen to him. I appreciate his leadership. I think the majority leader would agree that we appreciated his bipartisanship during a great deal of his time.

I hope my colleagues will, before deciding to vote, at least listen to the letter that was addressed to all of us by Senator Bob Dole which we received yesterday:

As you may know, tomorrow the Senate will vote on the Convention of the Rights of Persons with Disabilities, CRPD. Unfortunately, I am currently at Walter Reed and so cannot call you personally, but wanted to connect with you via e-mail on this time sensitive matter and ask for your help. I hope you will support this important treaty.

The CRPD is the first international treaty to address disability rights globally. It is an opportunity to advance the great American tradition of supporting the rights and inclusion of people with disabilities on a global basis. Ratification of the CRPD will improve fiscal, technological, and communication access outside the United States, thereby helping to ensure that Americans—particularly many thousands of disabled American veterans—have equal opportunities to live, work, and travel abroad. It will also create a new global market for accessibility goods.

The CRPD is supported by a number of individuals and groups, including 21 veterans groups, 26 faith-based organizations, over 300 disability organizations, and the Chamber of Commerce. Your vote would help to reaffirm the goals of equality, access, and inclusion for Americans with disabilities—both when those affected are in the United States and outside of our country's borders.

I would greatly appreciate your support of the CRPD.

God bless America, Bob Dole.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Senator MCCAIN is absolutely right. Those of us who served with Bob Dole revere Bob Dole. He is such a stalwart figure in the history of America. He has all the qualities of a leader that I admire and certainly wish I had. He has a great sense of humor. No one who has ever served in the Senate has ever had a better, quicker sense of humor than Bob Dole, and he used it to perfection.

He called me a few days ago. He is at Walter Reed not for a checkup; he is there because he is infirm. He is sick. We should do this for many reasons, not the least of which is to recognize what a great leader Bob Dole is and has been for our country.

I ask the clerk to report the motion. The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to executive session to consider treaty document No. 1127.