

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

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

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

The legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 205 Leg.]

#### YEAS—61

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

#### NAYS—36

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

#### NOT VOTING—3

Blumenthal	Kirk	Roberts
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The motion was agreed to.

### EXECUTIVE SESSION

#### CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The PRESIDING OFFICER. The clerk will report the treaty.

The legislative clerk read as follows:

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

The PRESIDING OFFICER. The majority leader.

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Dole went on to say:

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

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

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

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

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

She goes on to say:

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

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

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

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

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

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

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

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

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

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

#### USICD SUPPORT LIST

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

- ACCSES.  
 Actionplay.  
 ADAPT Delaware.n.  
 Alliance Center for Independence.  
 American Academy of Child and Adolescent Psychiatry.  
 Advocating 4 Kids LLC.  
 American Academy of Pediatrics.  
 American Association for Geriatric Psychiatry.  
 American Association on Health and Disability.  
 American Association on Intellectual and Developmental Disabilities.  
 American Association of People with Disabilities.  
 American Association for Psychosocial Rehabilitation.  
 American Civil Liberties Union.  
 American Council of the Blind.  
 American Counseling Association.  
 American Dance Therapy Association.  
 Anti-Defamation League.  
 American Diabetes Association.  
 American Foundation for the Blind.  
 American Foundation for Suicide Prevention.  
 American Group Psychotherapy Association.  
 American Mental Health Counselors Association.  
 American Music Therapy Association.  
 American Network of Community Options and Resources.  
 American Speech-Language-Hearing Association.  
 American Therapeutic Recreation Association.  
 amfAR, the Foundation for AIDS Research.  
 APSE.  
 ARC Gateway, Inc.  
 Arc Northland.  
 Arc of Lucas county.  
 Arizona Bridge to Independent Living (ABIL).  
 Association for Assistive Technology Act Programs.  
 Association of Jewish Family & Children's Agencies.  
 Association of Programs for Rural Independent Living.  
 Association of University Centers on Disabilities (AUCD).  
 Association on Higher Education & Disability.  
 Attention Deficit Disorder Association.  
 Auditory Sciences.  
 Autism National Committee.  
 Autistic Self Advocacy Network.  
 Autism Speaks.  
 Bay Area People First.  
 Bay Cove Human Services, Inc.  
 Bazelon Center for Mental Health Law.  
 Bender Consulting Services, Inc.  
 Best Buddies International, Inc.  
 BlazeSports America.  
 BlueLaw International.  
 Boston Center for Independent Living.  
 Brain Injury Association of America.  
 Bridge II Sports.  
 Bridgewell.  
 Burton Blatt Institute at Syracuse University.  
 California Association of the Deaf—River-side Chapter.  
 CA State Council on Developmental Disabilities, Area Board 5.  
 California Foundation for Independent Living Centers.  
 California State Council on Developmental Disabilities.  
 Californians for Disability Rights, Inc.  
 CBM.  
 Center for Disability Rights.  
 Center for Independent Living of South Florida, Inc.  
 Center for Leadership in Disability.  
 Center on Disability and Community Inclusion.  
 Challenged Conquistadors, Inc.  
 Check and Connect Program—Central Lakes College.  
 Citizens for Patient Safety.  
 Community Access Project Somerville.  
 Community Access Unlimited.  
 Community Alliance for the Ethical Treatment of Youth.  
 Community Resources for Independent Living.  
 Conference of Educational Administrators of Schools and Programs for the Deaf Council of Parent Attorneys and Advocates.  
 Consortium for Citizens with Disabilities.  
 Consumer Advisory Committee.  
 Council for Exceptional Children.  
 Council of State Administrators of Vocational Rehabilitation.  
 CUNY Coalition for Students with Disabilities.  
 Daniel Jordan Fiddle Foundation.  
 DAWN Center for Independent Living.  
 Deaf and Hard of Hearing Alliance.  
 Deaf Education And Families Project.  
 Delaware Developmental Disabilities Council.  
 Delaware Family Voices.  
 Depression and Bipolar Support Alliance.  
 Developmental Disabilities Institute, Wayne State University.  
 Disability Connection/West Michigan.  
 Disability Help Center.  
 Disability Law Center.  
 disABILITY LINK.  
 Disability Partners.  
 disABILITY Resource Center.  
 Disability Rights Coalition.  
 Disability Rights Education and Defense Fund.  
 Disability Rights Fund.  
 Disability Rights International.  
 Disability Rights Legal Center.  
 disAbility Solutions for Independent Living.  
 Disabled In Action of Metropolitan NYC.  
 Disabled Rights Action Committee.  
 Disabled Sports USA.  
 Division for Early Childhood of the Council for Exceptional Children.  
 Down Syndrome Association of Snohomish County.  
 Down Syndrome Association of West Michigan.  
 Dream Ahead the Empowerment Initiative.  
 Dynamic Independence.  
 East Texas Center for Independent Living.  
 Easter Seals.  
 ED101 Inc.  
 Equal Rights for Persons with Disabilities International, Inc.  
 Employment & Community Options.  
 Epilepsy Foundation.  
 Family Voices.  
 Fearless Nation PTSD Support.  
 Federal Employees with Disabilities (FEDs).  
 FESTAC-USA (Festival of African Arts and Culture).  
 FHI n360.  
 Fiesta Christian foundation Inc.  
 504 Democratic Club.  
 Foundations For Change, PC.  
 Four Freedoms Forum.  
 Fox River Industries.  
 FREED Center for Independent Living.  
 Friedman Place.  
 G3ict.  
 Gallaudet University.  
 GlobalPartnersUnited.  
 Goodwill Industries International.  
 Greater Haverhill Newburyport.  
 Handicap International.  
 HEAL.  
 Hearing Loss Association of America.  
 Hearing Loss Association of Los Angeles.  
 Hesperian Health Guides.  
 Higher Education Consortium for Special Education.  
 Human Rights Watch.  
 IDEA Infant Toddler Coordinators Association.  
 Independent Living, Inc.  
 Independent Living Center of the Hudson Valley, Inc.  
 Independent Living Center of the North Shore & Cape Ann, Inc.  
 Institute for Community Inclusion: U. MA Boston.  
 Institute for Human Centered Design.  
 Institute on Human Development and Disability.  
 Institute on Disability and Public Policy (IDPP).  
 Inter-American Institute on Disability.  
 International Ventilator Users Network.  
 Iowa Statewide Independent Living Council (SILC).  
 Johnson County Board of Services.  
 Joint National Association of Persons with Disabilities.  
 Just Advocacy of Mississippi.  
 KEY Consumer Organization, Inc.  
 KIDZCARE School.  
 L.E.A.N. On Us.  
 Lakeshore Foundation.  
 Lakeside Curative Systems, Inc.  
 LINC.  
 Little People of America.  
 Living Independence For Everyone (LIFE) of Mississippi.  
 Long Island Center for Independent Living, Inc. (LICIL).  
 Loudon ENDeependence.  
 Mainstay Solutions LLC.  
 Maryland Disability Law Center.  
 Massachusetts Down Syndrome Congress.  
 Massachusetts Families Organizing for Change.  
 Medical Whistleblower Advocacy Network.  
 Medicol Inc.  
 Mental Health Action.  
 Mental Health America.  
 MI Developmental Disabilities Council.  
 MindFreedom International.  
 Mobility International USA.  
 Montana Independent Living Project.  
 Multiethnic Advocates for Cultural Competence, Inc.  
 National Alliance on Mental Illness.  
 National Association for Children's Behavioral Health.  
 National Association of Councils on Developmental Disabilities.  
 National Association of County Behavioral Health and Developmental Disability Directors.  
 National Association of Law Students with Disabilities (NALSWD).  
 National Association of School Psychologists.  
 National Association of Social Workers.  
 National Association of State Directors of Developmental Disabilities Services.  
 National Association of State Directors of Special Education.  
 National Association of State Head Injury Administrators.  
 National Association of State Mental Health Program Directors.  
 National Association of States United for Aging and Disabilities.  
 National Association of the Deaf.  
 National Black Deaf Advocates, Inc.  
 National Center for Environmental Health Strategies.  
 National Center for Learning Disabilities.  
 National Coalition for Mental Health Recovery.  
 National Council on Independent Living.  
 National Council for Community Behavioral Healthcare.  
 National Disability Rights Network.  
 National Down Syndrome Congress.  
 National Down Syndrome Society.

National Dysautonomia Research Foundation.  
 National Federation of the Blind.  
 National Federation of Families for Children's Mental Health.  
 National Health Law Program.  
 National Minority AIDS Council.  
 National MS Society—Ohio Chapters.  
 National MS Society, Pacific South Coast Chapter.  
 National Multiple Sclerosis Society.  
 National Multiple Sclerosis Society, National Capital Chapter.  
 National Rehabilitation Association.  
 New York State Independent Living Council.  
 Next Step.  
 NHMH—No Health without Mental Health.  
 Noble County ARC, Inc.  
 Northeast Arc.  
 Not Dead Yet.  
 Ohio Association of County Boards Serving People with Developmental Disabilities.  
 Ohio Statewide Independent Living Council.  
 Ohio Valley Goodwill Industries.  
 Oklahoma Association of Centers for Independent Living.  
 Optimal Beginnings, LLC.  
 Osteogenesis Imperfecta Foundation.  
 PA Mental Health Consumers' Association.  
 Paralyzed Veterans of America.  
 Parent to Parent of NYS.  
 Parent to Parent USA.  
 Peer Assistance Services, Inc.  
 Peppermint Ridge.  
 Perkins.  
 PhilanthropyNow.  
 Pineda Foundation for Youth.  
 Polio Survivors Association.  
 PPI.  
 Purity Care Investments.  
 PXE International.  
 Raising Special Kids.  
 REACH Resource Centers On Independent Living.  
 Recovery Empowerment Network.  
 Rehabilitation International.  
 RESNA.  
 Rolling Start Inc.  
 Rose F. Kennedy University Center for Excellence in Developmental Disabilities.  
 Sandhills Post-Polio Health Group.  
 Schizophrenia and Related Disorders Alliance of America.  
 School Social Work Association of America.  
 Self Advocacy Council of Northern Illinois.  
 Sindh Disabled Development Society.  
 SoCal APSE.  
 Social Assistance and Rehabilitation for the Physically Vulnerable (SARPV).  
 Socio Economic Development Alliance (SEDA).  
 Southeast Alaska Independent Living.  
 SPEAK Consulting LLC.  
 Special Needs Advocacy Network.  
 Special Olympics.  
 Spina Bifida Association.  
 Statewide Independent Living Council.  
 TASH.  
 Team of Advocates for Special Kids (TASK).  
 Teacher Education Division of the Council for Exceptional Children.  
 Tennessee Disability Coalition.  
 Tri-State Downs Syndrome Society.  
 The Ability Center of Greater Toledo.  
 The Arc-Jefferson, Clear Creek & Gilpin Counties.  
 The Arc Arapahoe & Douglas.  
 The Arc California.  
 The Arc Cedar Valley.  
 The Arc Michigan.  
 The Arc Noble County Foundation.  
 The Arc of Bristol County.  
 The Arc of Colorado.  
 The Arc of Dickinson.

The Arc of Fort Bend County.  
 The Arc of Greater Pittsburgh.  
 The Arc of Illinois.  
 The Arc of Iowa.  
 The Arc of Massachusetts.  
 The Arc of Northern Virginia.  
 The Arc of Opportunity in North Central Massachusetts.  
 The Arc of the US.  
 The Arc of Virginia.  
 The Arc of Toombs County.  
 The Arc Western Wayne.  
 The California Institute for Mental Health.  
 The Center for Rights of Parents with Disabilities.  
 The Jewish Federations of North America.  
 The Joseph P. Kennedy, Jr. Foundation.  
 The National Council on Independent Living.  
 The National Center of The Blind Illinois.  
 The Starkloff Disability Institute.  
 Three Rivers Center for Independent Living.  
 Topeka Independent Living Resource Center.  
 Touchpoint Group, LLC.  
 Tourette Syndrome Association.  
 Treatment Communities of America.  
 Tri County LLC.  
 Tri-County Association of the Deaf, Inc.  
 Twin Ports Post Polio Network.  
 United Cerebral Palsy.  
 United Spinal Association.  
 U.S. Business Leadership Network.  
 U.S. International Council on Disabilities.  
 Utah Assistive Technology Foundation.  
 Vermont Center for Independent Living.  
 Vermont Family Network.  
 Voices of the Heart Inc.  
 Whirlwind Wheelchair International.  
 Women's Refugee Commission.  
 WORK, Inc.  
 World Institute on Disability.  
 Wyoming Institute for Disabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

John Lancaster closed out his testimony saying:

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

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

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

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

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

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

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

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

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

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

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

I yield to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

I yield the floor.

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

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator from Louisiana.

#### DETENTION OF ELTON "MARK" MCCABE

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

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

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

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

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

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

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

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