

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

HOUSE AND SENATE ACTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

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

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

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

I certainly support ratification of the Disabilities Convention because it is

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

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

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

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

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

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

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

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

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

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

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

At the hearing he said:

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

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

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

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

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

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

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

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

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

MORNING BUSINESS

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

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

PREVENTING GUN VIOLENCE

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

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

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

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