

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

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

[Rollcall Vote No. 219 Ex.]

#### YEAS—61

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

#### NAYS—38

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

#### NOT VOTING—1

Kirk

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

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

The majority leader.

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

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

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

The motion to lay on the table was agreed to.

#### RECESS

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

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

The PRESIDING OFFICER. The Senator from Michigan.

#### THE FISCAL CLIFF

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

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

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

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

are seeing layaway becoming very popular again as families are trying to figure out how to make sure their children have the Christmas they want to give them, yet juggle their cash flow situation in trying to figure out how to pay for it and pay the bills. That \$2,200 will make a huge difference to millions of families. It is the difference between just paying the regular bills—utility bills, the mortgage, the rent, the car payment.

There is absolutely no reason families should find themselves in this situation right now when they are worried about this, absolutely none. As I said before, we passed a bill on July 25—not August, not September, not October, July 25—to get this issue off the table. We know there are broader issues on which we have to come together. There has to be a balanced approach, we know that, on long-term deficit reduction. But we said in the Senate, on a bipartisan basis, we do not want middle-class families caught in the middle of that. We do not want them being held hostage in order to get an additional tax break for multimillionaires.

It has been 132 days since the House Republican leadership got that bill. For 132 days they have been refusing to take it up. I commend the Democratic leader in the House, NANCY PELOSI, for now bringing forward a discharge petition to bring that directly to the floor. I think it is widely believed—I certainly believe—that there are enough votes on the floor of the House to pass this, to make sure middle-class families do not see an additional \$2,200 coming out of their paychecks starting in January.

For 132 days families have been waiting for their own economic certainty. Yet it still has not been taken up in the House. Christmas is 3 weeks from today. This is the worst possible time to create uncertainty for families across America. We also know this is about hurting the economy. It is a drag on consumer spending not to continue the tax cuts—consumer spending which makes up about 70 percent of the economy. So there is a direct relationship between what happens in growing the economy and what happens for middle-class families. Now we have 27 days for the House to get this done. There are 27 days to stop holding middle-class families hostage while we work out a larger agreement on what needs to be done on deficit reduction. All we need to do is to pass the Senate bill.

Let me repeat. By extending this particular bill, every American will get a tax cut on their first \$250,000 in income. The good news is that involves tax cuts for 98 percent of American families; 98 percent of American families will be protected from seeing any kind of a tax increase—and 97 percent of small businesses, by the way. So if someone has \$1 over \$250,000, they would not be protected from a tax increase. They would get the first \$250,000 in tax cuts, but they would not get additional bonus tax cuts on top of that. This makes

sure 98 percent of the American people do not see their taxes go up, and those who benefited the most by the tax cuts in the last decade will be able to step up and be part of the solution on deficit reduction, which the vast majority of people in this country agree is fair.

People in Michigan are worried about what is going to happen. They come to me in the grocery store. I received many e-mails and calls to my office and meetings, on Facebook and Twitter. People in Michigan understand that \$2,200 more coming out of their pockets next year can be devastating.

Terri from Lansing told me she unexpectedly lost her job when her company went out of business and had to struggle in foreclosure, similar to many people, and used her Roth IRA to get by. “I am part of the baby boomer generation and now I live paycheck to paycheck, just barely surviving.”

Two thousand dollars makes a huge difference.

Zelda from Washington writes that \$2,200 is our groceries for 4 months; 4 months of groceries for Zelda's family. That is what we are talking about if the Senate bill does not get passed by the House.

Carol from Michigan writes:

I am a retired grandmother getting a State pension and Social Security. I also have three teenage grandchildren living with me.

That is not a new story for many people—“three teenage grandchildren living with me.”

Any increase in anything might break me.

Thomas from Grand Rapids writes:

I will most likely have to find a job to make ends meet. So much for being retired.

Again, so many families, so many individuals find themselves in this situation. They think they have planned for their retirement and now cannot count on what they thought would be there. They watch this and the fact that we have a choice to make sure tax cuts continue for 98 percent of the American families, middle-class families, that everybody gets a tax cut up to \$250,000 a year. Yet the House Republicans will not even bring it up for a vote because they want extra tax cuts for multimillionaires? They look at that and they say: What, are you crazy? This makes absolutely no sense.

President Obama ran on a plan to end the tax breaks for millionaires; basically, that plan that passed the Senate, by the way, on a bipartisan vote. He ran on a plan that would say those savings would then be applied to deficit reduction. We know that is so critical.

We saw what people thought about that. He was reelected by a wide margin. The American people want us to come together, to work together in a bipartisan way to reduce the deficit, and they support the approach that starts by making sure middle-class families are not once again asked to pay for the full burden of what needs to be done. They support an effort that says extend tax cuts for middle-class families and ask those at the very top

who have gotten extra tax cuts to forgo those and chip in to be part of the larger deficit reduction solution.

Unfortunately, yesterday Speaker BOEHNER ignored this when he offered a Republican counterproposal to the President's proposal that would essentially raise taxes on middle-class families and cut Medicare for our senior citizens. As Senator REID said yesterday, “It flunks the test of balance.”

To get the kind of revenue to reduce the deficit that is needed, that we all agree has to be done, their plan does some radical things. Their idea of revenue is to continue the tax cuts for any income above \$250,000 for multimillionaires and, instead, to get rid of tax deductions used by middle-class families. So middle-class families might not have a mortgage deduction on their home that millions of people rely on; the student loan deduction for middle-class families that is allowing college to be more affordable; the charitable giving deduction that middle-class families rely on when they donate to churches and other nonprofits; the marriage penalty; the child credit; the mortgage tax relief deduction I offered to make sure if someone has to do a short sale at the bank, they do not pay extra taxes.

That is important for everyone to understand; that we—and I am speaking now as a Senate majority—are not going to balance the budget on the backs of middle-class families. We are not going to balance the budget, reduce the deficit by asking middle-class families who had the biggest hit of anybody with everything that has happened in the recession—and I certainly can speak for Michigan on this—we are not going to put the burden on middle-class families one more time. That is not what this is about.

On election day 60 percent of voters said they wanted to end the extra tax breaks for people making over \$250,000—for income over \$250,500. Yet the House Republican leadership wants to welcome middle-class families into the new year by having their taxes go up on average \$2,200. As Zelda from Michigan said, that is 4 months of groceries. No way. There is no way I am going to support letting that happen.

Thankfully, we do have Republican colleagues who join us wanting to get this passed. We did in the Senate and those speaking out in the House and I commend them. Congressman TOM COLE from Oklahoma stated the obvious last week—and I encourage and congratulate him for speaking out. He said Republicans should immediately extend the tax cuts for families making under \$250,000 a year. That is what he said. I agree with that. His Oklahoma constituents praised him. His constituents praised him. Unfortunately, his leadership dismissed him. The Washington Post reported that 70 percent of the calls to Congressman COLE's Washington, DC, office are positive and that 90 percent of his calls back home in Oklahoma—90 percent—have supported his position.

Congressman COLE knows he should be listening to his constituents, and he is. If we all listened to the people we represent and if the House leadership listens to the people of this country and those they represent, they will pass the bill we sent to them in July.

If taxes go up for middle-class families on January 1, people are going to know who is responsible for letting that happen. I urge House Republican leadership to take up S. 3412, the Middle-Class Tax Cut Act, pass it now, so the overwhelming number of families in this country have certainty going into this important holiday season and into the new year, so they can enjoy the season without knowing that their taxes are going to be going up on January 1. As of today we have 27 days before the vast majority of people in America—98 percent—see tax increases occur. It makes no sense, there is no reason for it to happen, and we have already passed a bill. If the House passes a bill, that is step one. Step one very clearly says we are all together on supporting the middle class continuing their tax cuts. We know there is more to do. We are fully prepared to do that. But step one is to make sure the middle class is not held hostage while the debate goes on about what should happen for the wealthiest few in this country.

I suggest the absence of a quorum.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Resumed.

The PRESIDING OFFICER. The clerk will report the pending business.

A bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Kyl modified amendment No. 3123, to require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems.

Ms. STABENOW. 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.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Virginia.

Mr. WEBB. 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. WEBB. Mr. President, we are about to wrap up the Defense bill. This is the sixth Defense bill I have had the privilege of working on as a member of

the Armed Services Committee. It is also the final Defense bill I will be working on as a Member of the U.S. Senate. I want to take this opportunity to say what an honor and privilege it has been to serve as a member of that committee and express my thanks to Chairman LEVIN.

As someone who began his time on Capitol Hill as a full-committee counsel on the House side many years ago and then spent 5 years in the Pentagon—often working over here on the Hill—and now after 6 years in the Senate, I can say that Senator LEVIN is a five-star committee chairman. He is what one always hopes for when he or she serves on a committee in the U.S. Congress. It has been a true honor.

This committee is an example of how committee work should be undertaken in the U.S. Congress. People like to say this is the 51st consecutive year we have, hopefully, been able to pass a Defense authorization bill. I would suggest to my colleagues that perhaps that example should be used more broadly in this body. I think it would make for good governance if it did.

I want to also express my appreciation to Senator MCCAIN, the Senator from Arizona. I have known him as a colleague and friend for more than 30 years. He comes from a family that has a long tradition of military service to our country that continues even until today. Senator MCCAIN and I have had occasional disagreements on the conduct of foreign policy, but I think it has been very rare that we have seen differently as to our views of how the Department of Defense should undertake its responsibilities.

As the subcommittee chair of the personnel subcommittee, I want to express my appreciation to my staff, Gary Leeling, Jon Clark, Brie Fahrner, and Jennifer Knowles. They have always been accessible and extremely professional. It has been a great privilege to work with them.

I also want to take a special moment of privilege here to recognize Gordon Peterson, who has been my military assistant throughout my time in the U.S. Senate. Gordon Peterson and I graduated from the Naval Academy in the same year. He was a very fine and respected athlete at the Naval Academy. He went on to become a helicopter pilot in combat in Vietnam. He gave our country 30 years of distinguished service as a naval officer. He was later the editor in chief of Seapower magazine, and was a special assistant to the Commandant of the Coast Guard. He has been unflagging in his attention to detail in everything we have worked on in the last 6 years.

We were talking a few days ago about whether either of us would have thought that during the days of our plebe summers so many years ago we would be sitting on the floor of the U.S. Senate as stewards of the well-being of our country and of the people who served it. I give a special thanks to Gordon Peterson as he moves on to other challenges in his life.

Again, it has been my privilege to serve on this committee.

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of New Mexico. Mr. President, I wanted to come down and talk about an amendment I am working on to the Defense authorization bill. Last week Senator CORKER and I filed amendment No. 3049, which would create an open burn pit registry in the Defense Authorization Act.

Our veterans and Active-Duty members suffering from exposure to burn pits should not have to wait any longer. The Senate Veterans' Affairs Committee agrees and has passed the legislation after holding hearings. However, I understand there is currently opposition to passing this amendment via a managers' package.

I would note that we have already passed two amendments dealing with veterans yesterday, both the Pryor amendment No. 3291 dealing with veterans employment and training and the Reed of Rhode Island amendment No. 3165 dealing with housing assistance for veterans. Both of these were outstanding amendments and help maintain the trust we have made to our veterans and our current servicemembers whom we have an obligation to care for when they have completed their service.

In both Afghanistan and Iraq, open-air burn pits were widely used at forward operating bases. Disposing of trash and other debris was a major challenge. I believe, like the rest of my colleagues, that if we are forever in debt to our veterans for their service, we must be asking this question: How did these burn pits impact the health of our returning heroes? This amendment is a step toward finding the answers we owe them. It is supported by numerous groups, including Burnpits 360, Veterans of Foreign Wars, the Association of the U.S. Navy, Retired Enlisted Association, the Uniformed Services Disabled Retirees, and the National Military Family Association.

I am hopeful that we can pass this amendment No. 3049 through a unanimous consent agreement, but I respectfully request a vote at this time if no such agreement can be made.

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.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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