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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, You have truly been good to us. Even when we stumble and fall, Your mercy continues to sustain us. Lead our lawmakers to realize that the abilities You have given them are only maximized when they are used for Your purposes. Show them the best way to use their talents and opportunities to honor and serve You. Lord, keep them from being so mired in political gridlock that they fail to do what is best for this land we love. May they speak today words that are constructive and helpful, bringing encouragement, as well as vision, to their work. Let Your glory be seen in this place.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 5, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for up to 4 hours. The reason for that is we have been on a Defense bill for a considerable number of days, and people haven't had the opportunity to come to express their views on a number of different issues, so we are going to extend that morning business for a longer time than normal.

Following morning business, about 2 o'clock, we will begin consideration of H.R. 6156, the Russia trade bill. We hope we are able to complete action on that matter today.

DISABILITIES TREATY

Mr. REID. Madam President, across the country Americans are lamenting the lack of progress in negotiations to avoid a massive tax increase on middle-class families, and I share that frustration. But for insight into why negotiations have been difficult, consider yesterday's failure of the disabilities convention at the hands of the tea party. This shouldn't have been a battle, but extreme elements of the Republican Party picked a fight when there was nothing to fight about. Thirty-eight Republicans voted against the convention, including several who were

on record supporting it, even cosponsored it. This treaty, already ratified by 125 countries, would hold foreign nations to the same high standard and treatment the United States already maintains for people with disabilities.

It would safeguard American citizens traveling, working, and serving abroad, and that is hundreds of thousands of people right now. The treaty has the support of veterans groups, disability groups from around the country, virtually all of them. It wouldn't cost the taxpayers a single penny. It wouldn't require any changes to existing United States law, and the issue is as bipartisan as they come.

Here is what one Senator said about the treaty:

Protecting the rights of persons with disabilities, any person's, is not a political issue. It is a human issue, regardless of where in the world a disabled person strives to live a normal, independent life where basic rights and accessibilities are available. Disability rights and protections have always been a bipartisan issue and ratifying this treaty should be no different.

This wasn't some ultraliberal speaking, it was Senator JOHN MCCAIN, a disabled veteran, a hero from the Vietnam conflict, who broke with extremists and tea partiers and voted to ratify the treaty.

The convention also has the strong support from a number of other leading Republicans, including George H.W. Bush, the first President Bush. He, by the way, of course, was a World War II veteran and did heroic things during that war.

It also has the support of former Senate Majority Leader Bob Dole, certainly a patriot. Senator Dole, a disabled veteran from World War II, who led the fight to pass the treaty, was here yesterday urging Republican support.

Think about that. Robert Dole, who was grievously injured in World War II, spent more than 2 years in a hospital, came to this Senate floor, and the first speech he gave was on disabilities. We

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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need to do something about it. He was here leading the fight to pass the treaty, urging Republicans to support it.

A few Republicans greeted him as he was in his wheelchair here. They greeted this 89-year-old war hero—I repeat, a patriot—who just last week was in Walter Reed Hospital. Then one by one all but a handful of them voted against the treaty, ensuring its failure. But their professed reasons for opposing it had no basis in fact—none.

Most Republicans acknowledged that. Some used an excuse, well, it is a lameduck, we shouldn't be doing it in a lameduck. I mean, wow.

There is no justification for sending a message that every individual around the world who strives to lead a productive life in spite of a disability does not deserve the same just treatment. There is no justification for telling disabled Americans, especially those who have sacrificed their bodies for our freedom, our veterans, that they don't deserve the same protections abroad they do here at home. Yet that is the message 38 of my Republican colleagues sent yesterday.

TAX INCREASES

These are the same Republicans with whom Democrats are supposed to reach an agreement to protect middle-class families from a tax increase. It is difficult to engage in rational negotiations when one side holds well-known facts and proven truths in such low esteem. Hopefully, compromise is not out of reach, but as negotiations continue, I hope my Republican colleagues will keep in mind the oft-repeated words of Senator Daniel Patrick Moynihan who said, You are entitled to your own opinion, but you are not entitled to your own facts.

I know how high the stakes are. The days run short. There is still a quick, easy way out of this. The House must take up the Senate-passed middle-class tax cut. A few reasonable Republicans who are left agree we need to give certainty to middle-class families now.

Yesterday OLYMPIA SNOWE, a very courageous legislator for more than two decades, who is retiring, said Congress should fight about tax rates for the top 2 percent after we have reassured the middle class. Americans "should not even be questioning that we will ultimately raise taxes on low- to middle-income people." That is her quote.

People are questioning this. If House Republican leaders allow a vote on our legislation, it will pass; every Democrat will vote for it. It will only take 26 Republican votes. It is a huge body, 435 Members. We only need 26 Republicans for this to pass. I know there are 26 Republicans who would vote for this. We have one conservative Republican serving in the House who has said more than half would vote for it. I believe there are 26 reasonable Republicans willing to put their promise to serve constituents ahead of their pledge to serve Grover Norquist.

So I say to my friend, JOHN BOEHNER, in the House of Representatives, you

control matters on the floor. No one else does. You have the ability, and you are the only one who has the ability, to put this on the floor for a vote.

He should do that. That would be the American way.

RESERVATION OF LEADER TIME

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

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore.

Under the previous order, the Senate will be in a period of morning business for up to 4 hours with Senators permitted therein up to 10 minutes each, with the majority controlling the first 30 minutes.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Michigan.

THE FISCAL CLIFF

Ms. STABENOW. Madam President, I rise today to once again speak about the fact that in July, July 25 of this year, the Senate passed a middle-class tax cut bill guaranteeing that the first \$250,000 dollars of income any American has would be exempted from any tax increase. We all know that the vast majority—in fact 98 percent—of Americans, makes less than that amount of money. We are talking about 98 percent of Americans receiving tax cuts under that proposal.

Back in July we passed this proposal, and it is now still waiting in the House of Representatives. So far the House leadership has refused to even let the bill come up for a vote, even though we all know that there is a majority of Members in the House who would vote for this and guarantee that as we go into Christmas, middle-class families across America would know they would have \$2,200 in their pockets, more in their pocket right now, next year, than they will have if their tax cuts expire. We have passed this bill, and we are urging the House of Representatives to do the right thing and to pass this bill.

Even Republicans in the House say they support this effort. We all know that Representative TOM COLE from Oklahoma said last week, "I think we ought to take the 98 percent deal right now." It is a pretty good deal.

Let us start. We know we have a large deficit reduction effort that

needs to take place. There is a lot of give and take that needs to take place. We know what the elements are. But let us do step one, which is something overwhelmingly we agree with. The Senate has passed it on a bipartisan basis. There are enough votes in the House of Representatives. Let us get that piece done and not hold middle-class families hostage to the idea that the wealthiest among us should get additional tax cuts. Let us agree that 98 percent of families in America should be secure in knowing they are not going to have \$2,200 more taken out of their pockets next year.

Now, we have just a few days to get this done. In fact, right now we have 27 days until middle-class taxes go up. In 27 days, we will see taxes go up for middle-class families. So this needs to get done now.

There are numerous House Members now agreeing with us—Republican House Members—and I commend them. In addition to Representative COLE, Representative WALTER JONES from North Carolina said yesterday that he would vote for the Senate's middle-class tax cut bill. Representative STEVE LATOURETTE, Representative CHARLES BASS, Representative MARY BONO MACK, Representative MIKE SIMPSON, and Representative ROBERT DOLD have all said the Senate plan is a responsible approach that protects middle-class families from a massive tax hike.

We now have a situation where the Democratic leader in the House is putting forward what is called a discharge petition. As our distinguished Presiding Officer knows and as I know, having been House Members, if a majority of the House signs a petition, that can essentially force a vote even if the Speaker and the Republican leadership don't want to bring it up.

I am hopeful that 218 Members on both sides of the aisle will sign this petition and that we will be able to guarantee before Christmas that middle-class families across this country are not going to have to worry about spending \$2,200 more on taxes next year. We need to get this done, and I am hopeful that the House Members will sign that discharge petition if the Speaker does not take this up.

What does this \$2,200 mean? It is the difference between paying the bills or not. It is the difference between getting ready for Christmas—buying the tree and the decorations and the presents. So many families these days are back doing layaway, which, for me, when my kids were little and we were trying to budget and figure out how to do things, meant picking out something back in September or in the summer and putting it on layaway and hoping to pay for it so the kids would have the Christmas I wanted for them. Families are doing that today, budgeting every single dollar to make sure they can provide the Christmas they want for their children. As they are budgeting all that, they need to know