

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

#### CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the 12:03 Senate a Certificate of Appointment to fill the vacancy created by the resignation of Senator John Kerry of Massachusetts. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the Certificate will be waived and it will be printed in full in the RECORD.

(Applause)

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

THE COMMONWEALTH OF MASSACHUSETTS

#### CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the Commonwealth of Massachusetts, I, Deval L. Patrick, the Governor of said Commonwealth, do hereby appoint William "Mo" Cowan a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of John F. Kerry, is filled by election as provided by law.

Witness: His excellency our governor Deval L. Patrick, and our seal hereto affixed at Boston, Massachusetts this First day of February, in the year of our Lord 2013.

By the governor.

DEVAL L. PATRICK,  
Governor.

WILLIAM FRANCIS GALVIN,  
Secretary of Commonwealth.

(State Seal Affixed.)

#### ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designee will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designee, escorted by Mr. Kerry and Ms. WARREN, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator, and welcome.

(Applause, Senators rising.)

Mrs. HAGAN. I do wish to congratulate the North Carolina native on his new role as a U.S. Senator from Massachusetts.

#### VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013—Continued

Mrs. HAGAN. Mr. President, I am proud to join my colleagues today in support of the Violence Against Women Reauthorization Act of 2013. I do so not just as a Senator but also as the mother of two daughters.

This critical legislation has been held up for far too long, and it is past time for reauthorization. We have a serious responsibility to ensure that women and families are protected.

The rates of violence and abuse in our country are astounding and totally unacceptable. According to a 2010 CDC study, domestic violence affects more than 12 million people each year. Across the United States 15½ million children live in homes in which domestic violence has occurred. In my home State of North Carolina alone, 73 women and children are killed on average every year because of domestic violence.

Let me say that number one more time. Seventy-three women and children are killed every year due to domestic violence. These are alarming statistics, and we must act now to address them.

Since 1994, VAWA programs, and in particular the STOP Program that provides grants for services, training, officers, and prosecutors, have made tremendous progress in helping victims of domestic violence and sexual assault and have transformed our criminal justice system and victim support services.

These grants have assisted law enforcement and prosecutors in tracking down perpetrators and bringing them to justice. They have also saved countless lives and provided needed services to victims of these violent acts.

In one instance in my State a man was on pretrial release after being charged with stalking his wife. Thanks to this STOP grant funding, he was being monitored electronically, and he was caught violating the conditions of his release when he went to his estranged wife's home. The supervising officer was immediately notified of this violation, and police officers found the man with the help of a GPS and arrested him in his estranged wife's driveway. Because of this VAWA program, we had one less victim in my State. This is just one example of how VAWA is protecting women and saving lives.

Title V of this bill includes legislation that I sponsored in the last Congress, the Violence Against Women Health Initiative Act, which updates and improves the health care system's response to domestic violence and sexual assault. My provision is simple: It provides training and education to help the health care professionals respond to violence and abuse. By equipping doctors and nurses to recognize the signs of domestic abuse and make sure they have the training to respond, we can better care for our survivors and prevent future crimes. It also consolidates existing programs to streamline and strengthen the health care system's response to violent crimes.

Since my time in the North Carolina State Senate, I have been dedicated to reducing the backlog of unanalyzed rape kits. This bill includes the bipartisan SAFER Act, which helps fund au-

ditions of untested DNA evidence and reduces this backlog of rape kits.

Before my efforts in the State senate, what used to happen in North Carolina, and continues to happen today in many States, is that a woman would be raped, she would go to the hospital, DNA would be collected and then placed in a box. Then that box would go and sit on a shelf in a police department or in a sheriff's department totally unanalyzed unless the woman could identify who attacked her.

I ask you: What other victims in America have to identify the attacker before authorities will take action? None.

When I first brought this issue to the forefront, I was told there was not enough money for all of these rape kits to be tested. We found that funding in North Carolina. Now with the help of the SAFER Act, our law enforcement agencies will have the ability to track and prioritize their untested DNA evidence to ensure that victims can find their perpetrators and hold them accountable, and we can remove violent criminals from the streets.

Unfortunately, until Congress acts to reauthorize the Violence Against Women Act, the well-being of women across the country hangs in the balance. This bill has never been a partisan football, and there is no reason it should be today. I hope we will pass this bill swiftly and without further disputes. We must ensure this bill's passage for victims of domestic violence, dating violence, sexual assault, and stalking not only in North Carolina but around the country.

Finally, I do want to thank the North Carolina Coalition Against Sexual Assault, the North Carolina Coalition Against Domestic Violence, and North Carolina's State and local law enforcement agencies that have truly been leaders in combating this problem. I applaud them for all the work they have done to reduce and address the incidents of domestic violence and sexual assault, and I am grateful for the work they do every day on the front lines of this issue.

So I am asking my colleagues to join me in moving the Violence Against Women Reauthorization Act through the Senate swiftly and without further delay. Millions of victims across the country are waiting for us to enact this lifesaving legislation, and we simply cannot wait any longer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, last spring, just before the Senate passed the Violence Against Women Reauthorization Act, I came to the floor to share some words from my late dear friend Sheila Wellstone whose commitment to ending domestic violence is an everlasting source of inspiration to my wife Franni and to me.

I shared with my colleagues something Sheila said, which was this:

I have chosen to focus on domestic violence because I find it appalling that a woman's home can be the most dangerous, the most violent, and, in fact, the most deadly place for her. And if she is a mother, it is dangerous for her children. . . . It's time that we tell the secret; it's time that we all come together to work toward ending the violence.

Sheila's words rang true in her time, but they have perhaps never rung more true than they do today. It is time that we all come together to work toward ending the violence.

We passed the VAWA Reauthorization Act in the Senate last April, but the House did not let it go to the President for signature and enactment, so we are back here today voting on the bill again because those of us who believe in VAWA will continue to fight for the bill's passage until it is signed into law. I encourage my colleagues, both in the Senate and in the House, to come together to work toward ending the violence, to support this bill.

The bill's managers, Judiciary Committee chairman PAT LEAHY and Senator MIKE CRAPO, have demonstrated remarkable resolve and leadership. We all are grateful for that. I also thank them for inviting me to author two parts of the VAWA reauthorization bill, which I would like to describe briefly.

First, the VAWA Reauthorization Act includes provisions from the Justice for Survivors of Sexual Assault Act. We just heard Senator HAGAN talk about an aspect of that. This is one of the first bills I introduced after being sworn in to the Senate. When this bill becomes law, never again will survivors of sexual assault suffer the indignity of paying for the forensic medical exam, the rape kit. VAWA provides State and local governments with funding to administer these exams, which are used to collect evidence in sexual assault cases. The problem is that under current law, grant recipients can charge the survivor—the victim—for the upfront cost of administering the exam, leaving her to seek reimbursement later. Too often survivors get lost in a maze of paperwork and they are not reimbursed. Under my bill, grant recipients will be able to charge insurance companies or victims' assistance funds or other sources, but they cannot charge the survivor. I believe survivors of sexual violence have endured enough already. They should not have to pay for rape kits, and they will not have to once this bill is passed and signed by the President and becomes law.

Second, the VAWA reauthorization bill includes the Housing Rights for Victims of Domestic and Sexual Violence Act, legislation I introduced with Senator COLLINS and Senator MIKULSKI in the fall of 2011. This bill will help women stay in their homes when they are the most vulnerable, when they need a roof over their heads the most. The link between violence and homelessness is undeniable. By one account, nearly 40 percent of women who experience domestic violence will become

homeless at some point in their lives. Once a woman becomes homeless, she becomes even more vulnerable to physical or sexual abuse. In my State, nearly one in three homeless women is fleeing domestic violence, and half of those women have children with them. That is unacceptable.

Franni and I have visited battered women's shelters, and I have to tell you it is heartbreaking. They are crowded. They are full. And a lot of mothers are there with their kids. On a bitter-cold Minnesota night, these women often have nowhere to go. Transitional housing is really important. If a woman has a choice between going out in the cold winter night in Minnesota or maybe going back to her abuser and exposing children to that, that is wrong. This can be heartbreaking.

But there is something heartwarming too about seeing people come to each other's aid in their time of need. That is what the people who run the shelters do every day—the staff of Advocates for Family Peace in Itasca County, the Minnesota Coalition for Battered Women, the Casa de Esperanza, and the many other advocacy groups across my State. Talk to these folks about VAWA, and they will tell you what it means for women in Minnesota. It means nights spent under a roof instead of in a tent or in a car or on a street or, even worse, having to go back to live with their abuser and exposing their children to that danger, to witnessing that violence. We need these shelters and transitional housing programs for women who are fleeing danger. The VAWA reauthorization bill provides continued support for these programs.

My housing rights legislation provides additional support. It is a preventive measure that is intended to keep women from becoming homeless in the first place. My bill will make it unlawful to evict a woman from federally subsidized housing just because she is a victim of domestic violence, dating violence, sexual assault, or stalking. A woman may be living away from her abuser in Federal housing and the abuser comes and knocks down the door and the landlord will say: Let's evict her. Under my bill, that cannot happen in Federally subsidized housing. This bill is for every woman who has hesitated to call the police to enforce a protective order because she is afraid she will be evicted from her home if she does so.

The VAWA Reauthorization Act is a crucial bill. It is a good bill. It is an important bill, and I encourage my colleagues to support it.

Mr. President, I ask unanimous consent to have printed in the RECORD these letters from professional medical organizations in support of S. 47, the Violence Against Women Act.

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

AMERICAN MEDICAL ASSOCIATION,  
Chicago, IL, February 5, 2013.

Hon. PATRICK LEAHY,  
Chairman, Senate Judiciary Committee, Dirksen  
Senate Office Building, Washington, DC.

Hon. MIKE CRAPO,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATORS LEAHY AND CRAPO: On behalf of the physician and medical student members of the American Medical Association (AMA), I am writing to express our support for S. 47, the "Violence Against Women Reauthorization Act of 2013." This bill, which reauthorizes the landmark Violence Against Women Act (VAWA), would strengthen and improve existing programs that assist victims and survivors of domestic violence, dating violence, sexual assault, and stalking.

While violence against adult women has decreased 60 percent since VAWA was first passed in 1994, it remains a critical problem in our country and much more work remains to be done. According to the Centers for Disease Control and Prevention's National Intimate Partner and Sexual Violence Survey released in December 2011, one in five women in the United States has been raped in her lifetime and one in four women has been the victim of severe physical violence by a partner. Domestic and sexual violence is a health care problem and one of the most significant social determinants of health for women and girls.

We are pleased that S. 47 would address some of the critical gaps in delivery of health care to victims by strengthening the health care system's identification and assessment of, and response to, victims. We also appreciate and support language in Title V of the bill on the development and testing of quality improvement measures for identifying, intervening, and documenting victims of domestic violence that recognizes and aligns with the important work underway by the AMA, the National Quality Forum, and other stakeholders in the quality improvement arena.

We commend you for your long-standing support for victims of violence and abuse and for your leadership in introducing the Violence Against Women Reauthorization Act of 2013. We urge swift passage of your bill in the Senate and look forward to working with you to ensure enactment of this important legislation this year.

Sincerely,

JAMES L. MADARA, MD.

AMERICAN PSYCHOLOGICAL ASSOCIATION,  
Washington, DC, February 4, 2013.

Hon. PATRICK LEAHY,  
Chairman, Senate Judiciary Committee,  
Washington, DC.

Hon. MIKE CRAPO,  
Senator,  
Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR CRAPO: On behalf of the 137,000 members and affiliates of the American Psychological Association (APA), I am writing to thank you for your invaluable leadership in introducing the Violence Against Women Reauthorization Act of 2013 (S. 47). As the legislative process advances, APA offers its full support of your efforts to ensure a comprehensive and inclusive reauthorization of the Violence Against Women Act (VAWA).

As you know, nearly one in four women in the United States reports experiencing domestic violence at some point in her life, and 15 million children live in families in which intimate partner violence has occurred within the past year. Domestic violence can result in significant mental and behavioral health consequences including depression, anxiety, post-traumatic stress disorder, relationship problems, diminished self-esteem,

social isolation, substance use disorders, and suicidal behavior. VAWA programs can help to mitigate these negative outcomes by providing a vital link to services and supports for survivors and their families.

APA applauds your commitment to protect survivors of intimate partner violence with a comprehensive VAWA reauthorization. In particular, we appreciate the inclusion of essential public health provisions to reauthorize and strengthen the health care system's identification, assessment, and response to violence, as well as provisions to protect vulnerable populations, including Native women, immigrants, and LGBT individuals.

We welcome the opportunity to work with you to address these important issues. For further information, please contact Nida Corry, Ph.D., in our Public Interest Government Relations Office at (202) 336-5931 or [ncorry@apa.org](mailto:ncorry@apa.org).

Sincerely,

GWENDOLYN PURYEAR KEITA, Ph.D.,  
*Executive Director, Public Interest  
Directorate.*

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, in my previous life, I was attorney general of the State of Texas. In that capacity, I had the opportunity to work with numerous victim rights groups, primarily because part of my responsibility—the office's responsibility—was to administer the Crime Victims Compensation Fund, which took a small portion of the fees paid by criminal defendants who are convicted of crimes or pled guilty to crimes and put it into a fund that could be used then to help victims. As attorney general of Texas, I became a supporter of the crime victims rights community and their interests as well as the VAWA.

This is really an important point. Since it was first enacted in 1994, the VAWA has been reauthorized on two separate occasions, each time by unanimous vote of the Senate. Let me say that again. On the two previous occasions the Senate has voted to reauthorize the VAWA, it has been unanimous. There were no differences between Democrats and Republicans—we were all together in supporting this legislation. For that reason, I hope Members of both parties will think long and hard before turning this critical law into just another vehicle for scoring political points or bowing to special interests instead of the public interest.

I am enormously proud and grateful that this bill contains a version of the SAFER Act, which I first introduced last year with strong bipartisan support. I had the privilege of meeting several extraordinary Texas women, including Carol Bart, Lennah Frost, and Lavinia Masters, all of whom decided to go public with their story in hopes of helping other victims of sexual assault. It has been a moving experience.

I am delighted that our bill and our effort via the SAFER Act to address the untested rape kit scandal in this country is so close to the finish line. Why is this legislation so important? Right now there are as many as 400,000 untested rape kits sitting in police evidence lockers or labs across the Nation. Each one of those rape kits—

which is a sample of DNA that could then be used to match up against an FBI database to make an identification of a sexual assailant—right now 400,000 of them, it is estimated; we really don't know the exact number—are sitting in evidence lockers and police storage facilities all across the Nation. Each one of these kits has the potential to solve a crime, to identify a rapist and deliver justice for a victim.

The SAFER Act would help law enforcement officials reduce that backlog of untested rape kits and improve public safety. Indeed, it would help us address what can only be considered a national scandal. It would help bring peace of mind to rape victims. And it would help get dangerous criminals off the street before they commit another crime. That is why the SAFER Act has been endorsed by a wide range of victim advocacy groups, such as the Rape, Abuse, and Incest National Network; the National Alliance to End Sexual Violence; the Fraternal Order of Police; and the National Organization for Women. That is why we are so eager to see this legislation become law.

But beyond the SAFER Act, the VAWA provides funding for shelters, counseling programs, and legal services that help ensure that our justice system leaves no victim behind.

For all these reasons, we can and we must reauthorize the VAWA. As we have done on previous occasions, we should do so with overwhelming bipartisan support. We could easily do that.

Unfortunately, the underlying bill also contains a separate provision that is blatantly unconstitutional. It would deny U.S. citizens their full constitutional protections under the Bill of Rights in tribal courts. Needless to say, this is a big problem, but it is also a solvable problem. I have drafted an amendment that would allow Native American tribes to prosecute U.S. citizens for domestic violence as long as those tribes followed the Constitution and allowed all convictions to be appealed in the Federal court system.

This amendment is a sensible compromise, and I have discussed it with all of the various organizations that are interested in passage of a reauthorization of VAWA. We have negotiated in good faith, but unfortunately that good-faith effort to try to find a solution has run into a brick wall of opposition, and the chairman has decided to not change the controversial language that would deny certain Americans full protection of the Bill of Rights. What I cannot understand is why anyone would want to pick a political fight and not find a solution if a solution is at hand and it makes so much sense.

Once again, I passionately support the SAFER Act. I am grateful that provision at long last is included in this law, which will allow us to address that national scandal of hundreds of thousands of untested rape kits. This is a bill which could do so much good in the battle for victims' rights, but unfortunately it is being held hostage by a sin-

gle provision that would take away fundamental constitutional rights for certain American citizens.

And for what? For what? In order to satisfy the unconstitutional demands of special interests.

I remain hopeful that we can eventually come to a compromise that upholds the Constitution, if not here in the Senate then in a conference committee between the House of Representatives and the Senate, so we reconcile the differences between the two bills passed by each House.

For now I cannot, in good conscience, vote for a bill that violates the U.S. Constitution. I cannot, in good conscience and in fidelity to my oath of office, vote for a provision that I know is unconstitutional. I will, however, vote for the alternative bill that is offered by Senator GRASSLEY which eliminates this unconstitutional provision. It reauthorizes the Violence Against Women Act and contains the SAFER Act which addresses this backlog of untested rape kits.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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. HEINRICH). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

Mr. WHITEHOUSE. Thank you, Mr. President. By the way, what a pleasure it is to see the new Senator presiding.

#### CLIMATE CHANGE

Mr. President, I rise every week on this Senate floor to talk about the dangers of carbon pollution to our atmosphere and to our oceans. This week I want to preface my remarks by talking about America and her role in the world.

I can use some very well-known words to make my point. From John Winthrop to Ronald Reagan, we have described our great American experiment as "a city on a hill." Indeed, our hymn "America the Beautiful" sings about our "alabaster cities' gleam." President Kennedy's inaugural address said that "the glow from [our] fire can truly light the world," and a generation later, President Obama's first inaugural noted that our "ideals still light the world." We Americans have described ourselves as a beacon of hope, a light in the darkness, our lamp lifted up in welcome and in example.

Daniel Webster years ago said that our Founders "set the world an example." That was what the founding of America meant—our Founders "set the world an example." President Clinton has pointed out that the power of our example, the power of that example in

the world, has always been greater than any example of our power. That was the way Bill Clinton described it. And when Daniel Webster said that our Founding Fathers had set before the world an example, he went on to say this:

The last hopes of mankind, therefore, rest with us; and if it should be proclaimed, that our example had become an argument against the experiment, the knell of popular liberty would be sounded throughout the earth.

I have spoken before about this small globe of ours, the light of dawn sweeping each morning across its face, lighting cities and cottages, barrios and villages, and across the globe's face people coming forth from homes and hovels into that morning Sun, each knowing, from our American example, that life does not have to be the way it is for them, knowing that an example of liberty and self-government stands free before them, that America stands as an alternative and a rebuke to the tyranny, to the corruption, or to the injustice in which they may be enmired.

So like many of my colleagues, I believe America has a special destiny in the world. America's special destiny does not come easy, and it does not come alone. America's special destiny confers upon us a special duty. What is that duty? That duty is to live up to our own example, to see to it that our lamp gleams brightly, to be the promise that each dawn America offers this small globe.

So let's look at climate change in that light. What if our carbon pollution is, in fact, changing the planet? What if, in fact, we know this, we know this to any reasonable degree of responsible certainty? And what if, knowing this, we do nothing? And what if the reason we do nothing is the influence of special interests who profit from that very pollution or the groundless ideology of a fringe? What sort of example is that for America to set? How does that meet our special duty? How does that advance our special destiny?

Look at what other continents and nations will experience, particularly those that have not enjoyed the economic development we achieved through our carbon economy.

I will start in Africa, where temperatures are expected to increase faster than the rest of the world. Rainfall patterns are also expected to change, decreasing in some areas, increasing in others. Floods, droughts, and new crop diseases linked to changes in temperature and rainfall will hurt African farmers in a continent where subsistence farming is still so important to so many individuals' way of life. Research shows that production of crops, such as maize—a core staple in Africa—will decrease by 30 percent over the next 20 years due to climate change. More frequent and severe extreme weather will have dire consequences there. We saw, just a few weeks ago, the worst flood in a decade, killing at least 38 people in Mozambique and leaving 150,000 homeless.

Parts of Russia have warmed between 3.5 and 5.5 degrees Fahrenheit just in the last century, leading to the loss of permafrost. Russians, like Alaskans—whom I spoke about before—build homes and roads and infrastructure on the permafrost. When it disappears, communities lose the very foundations on which they are built. NOAA says that the Russian heat wave of 2010, which killed tens of thousands of people, was the most severe since records were first kept back in 1880. And this type of heat wave is now more and more likely.

Go to the Land Down Under, where warmer and more acidic oceans have fueled a widespread coral bleaching in the Great Barrier Reef. The Great Barrier Reef is a natural wonder. It is one of the great wonders of the world. Economically, it is the basis of a \$4 billion tourism industry in Australia, and it is dying before our eyes. Scientists say that climate change heightens the devastation from other natural disasters in Australia, such as the 2009 bushfires that claimed 173 lives, the 2011 flooding that killed dozens, and the wildfires that have already damaged hundreds of homes and displaced thousands of Australians this year.

Europe is getting hotter, with increased risk of summertime droughts in Central Europe and in the Mediterranean. Tree lines creep higher in European mountain ranges. Glaciers in Central Europe shrink. Alpine ski areas have been forced to adapt to higher temperatures and less snow.

South America has been warming, and glaciers in the Andes are retreating at an increasing rate. I have a symbol of that retreat in my office. Lonnie Thompson of Ohio State University and Clark Weaver of NASA loaned me this artifact. It is a piece of a plant that has been preserved under the Quelccaya Ice Cap in Peru for at least 5,200 years—more than 3,000 years before Jesus Christ walked the Earth. This plant was overcovered by glacier and has stayed that way ever since. Now, thanks to glacial retreat, that piece of plant, which was preserved by the weight and cold of the glacier, is in my office.

Closer to home, in Canada, a tropical fungus that causes lung disease and meningitis has been discovered. Scientists think the deadly yeast likely came to Vancouver Island in ballast water from ships, but now—now—it can survive there because of higher temperatures.

In the Arctic, we are losing sea ice, permafrost, glaciers, and ice sheets. Arctic sea ice is shrinking at about 5 percent per decade. With that shrinkage, there is less ice to reflect sunlight back into space. More heat is captured, and the warming accelerates. At this rate, Arctic summers will be ice free within decades. For the United States, that means new Arctic waterways to defend, an expanded theater of operations in the Arctic, and increased competition for Arctic resources.

Wherever you look around the globe, climate change changes habitats, changes where plants can grow, and loads the dice for more frequent and more severe extreme weather. Heat waves, droughts, floods, and storms create victims and refugees who require humanitarian relief. The poorest nations, those least prepared to weather natural disasters, will suffer the most. Those nations will look to us and to the rest of the developed world for help. They will not look to us for help without reason. The United States is responsible for one-quarter of all industrial-age carbon pollution in the world. Today we no longer emit the most carbon dioxide; China has passed us.

But we have emitted the most over time. Nations all over the world have implemented carbon reduction plans. Some have implemented carbon pricing. Many invest far more than we do in renewable energy. The United States is falling behind rather than leading. Even China, today's biggest polluter, recently committed to reduce the amount of carbon it emits relative to its economic output.

In 2009, China passed the United States of America in renewable energy investment. Looking at all that, it is hard to imagine that those who will suffer, those who will be displaced, those who will lose their ancient livelihoods all around the world will look benevolently upon our Nation.

It is hard to believe they will not resent that they are forced to bear those burdens at the price of our carbon economy. One can readily imagine extremists who wish to rally disenchanted people against us, even to violence against us, finding fertile opportunity where that resentment festers.

Will it not be, as Daniel Webster said, “an argument against [our] experiment?” Will it not be an argument against our experiment that our democracy, our great American democracy, seized in the grip of polluting special interests or fringe political ideology, was unable to respond to the facts around us to protect ourselves and our world?

Will there not be ready ears easy to fill with that argument against our experiment, among those who have been uprooted from traditional homes and livelihoods or among those whose homes and livelihoods have been disturbed by climate refugees?

Destiny means duty. Destiny means duty, and we are failing in that duty. It is time for us to awake in this moment to that duty. We can expect in the long and blessed future of this country to have to face unpleasant facts, facts more unpleasant than the facts of carbon pollution and climate change and ocean acidification.

We have done this before. With God's help, we will do it again. But if we cannot bring ourselves to our senses now, in this moment, in our day and hour to wake and face these facts, what a terrible admission that is by this generation of Americans.

Stand we a chance of being looked back at as a greatest generation if we fail to address this greatest issue facing our planet? Lord Acton noted "the undying penalty which history has the power to inflict on wrong." Truly, that penalty will be inflicted on us, on our generation, if we do not awaken to these plain facts and to our plain duty.

I see the distinguished chairman of the Judiciary Committee is nearby and may well seek the floor with respect to the Violence Against Women Act.

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. LEAHY. 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. LEAHY. Mr. President, I thank Senators MURRAY, SHAHEEN, BEGICH, UDALL of New Mexico, KLOBUCHAR, MURKOWSKI, HAGAN and FRANKEN for their statements today in support of the Violence Against Women Reauthorization Act.

I also note that the ranking Republican member on the Judiciary Committee made a statement today from which I take some hope. The Senator from Iowa indicated that this measure could have been enacted last year. I wish it had been enacted last year after the Senate voted with a strong majority to do so and did everything I could, including reaching out to the Republican Speaker of the House, to try to make that happen.

I will not respond to all that my friend from Iowa said but I do want to correct any notion that I have abandoned my efforts to increase U visas to help law enforcement and immigrant women. As I have said repeatedly, I remain committed to these provisions that I originally introduced and will pursue them in the context of comprehensive immigration reform. I hope that the Senator from Iowa will join me and support them. We will need them later this year.

I am encouraged that our bipartisan bill has 62 cosponsors. I am disappointed that Senators who say it should have passed last year are still opposing it. I hope that after a vote on the Republican substitute, remaining opponents will join us and support Violence Against Women Act reauthorization. That is what Senator HUTCHISON did last year when the Senate rejected her alternative; she joined with us. I praised her for it. Let us join together and pass the strong Senate bill.

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.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. KLOBUCHAR. Mr. President, I spoke earlier today about the importance of passing the Violence Against Women Act, how this has been a long-time bipartisan bill back to 1994 when the late Senator Paul Wellstone was involved in this bill, as well as Vice President BIDEN. People came together and said we have to do something about domestic violence. This is no longer a hidden crime behind closed doors.

Do you know what we have seen since then? We have seen a 50-percent reduction—a 50-percent reduction—in domestic violence in this country. This is a victory. We do not want to go backward. Unfortunately, the bill that has been submitted by Senator GRASSLEY, the substitute amendment, I believe would take us backward. Let me explain why.

First of all, we know the VAWA reauthorization bill was months of negotiation between the two lead authors, Senator LEAHY, the chairman of the Judiciary Committee, and Senator CRAPO. It has bipartisan consensus and was drafted after months of input from numerous stakeholders.

Unfortunately, the Grassley substitute doesn't do a lot of the things that are so important to us in this Violence Against Women bill. This is not an acceptable substitute.

While much of this bill is consistent with past policy in the Violence Against Women Act, there were some changes that we felt necessary to match the times. One of them is a growing problem of tribal domestic violence. Domestic violence in tribal communities, unfortunately, is an epidemic. Four out of five perpetrators of domestic or sexual violence on tribal lands are non-Indian and currently cannot be prosecuted by tribal governments. The only way is to have the U.S. Attorney's Office come in. They do a lot of good work. My United States Attorney's office has done great work historically through several administrations with our tribal communities, but these cases should be able to be prosecuted not only by U.S. attorneys but also by tribal governments. The Leahy-Crapo VAWA reauthorization bill builds on the protections for Indian women by recognizing tribes' authority to prosecute non-Indians who commit domestic violence against their Indian spouses or dating partners. Let me say this was narrowly tailored for these acts of domestic violence with specific requirements.

The Grassley proposal, unfortunately, does not provide the tribes the authority to enforce laws against domestic violence on their own lands. It also takes money away from other Justice Department grant programs to install Federal magistrate judges and prosecutors on tribal lands. Bringing in large numbers of Federal officials goes against the locally based solutions to domestic violence that VAWA has so successfully promoted.

Federal judges and prosecutors already, as I pointed out, have authority

to handle cases on tribal lands. This has not stemmed the plague of violence against Indian women. That is what you do with the reauthorizations. That is why you don't have bills go on forever and forever into eternity. You have reauthorizations to try to address some issues which can make things better.

Here we have addressed one. While the Violence Against Women Act has helped so much with so many victims of domestic violence in this country, we still see incredibly tragic numbers when it comes to domestic violence against American Indian women. That is why we have made these changes. It allowed us the reauthorization to adjust.

While the Grassley proposal allows a tribe to petition a Federal court for a protective order to exclude individuals from tribal land, this does not begin to address the problem of non-Indian perpetrators who are not arrested, prosecuted, or convicted for those heinous crimes. This is a false alternative that does almost nothing to solve the epidemic of violence against Native women.

Another issue. There was a very careful negotiation that went on with where the funding went. We had to make cuts to funding this year in many areas, including this one. We negotiated how much of the funds would go to sexual assault and how much would go to domestic violence. The Leahy-Crapo VAWA reauthorization bill includes a 20-percent set-aside for sexual assault programming in the STOP program, a balance that was achieved after months of discussions with domestic violence and sexual assault service providers. The bill increases the focus on sexual assault without endangering domestic violence victims. It was a big deal that we were able to get it done. Unfortunately, the Grassley proposal makes a change to that and goes against the negotiation we already had in place.

Finally, there is the issue with the Grassley proposal on U visas. As you most likely heard, we actually made changes to the original bill on U visas already in this negotiated bill. We were going to be able to use U visas that had been issued in prior years but not actually used, and be able to use those numbers in the coming years. We ended up taking that out. I didn't agree with that, and I hope it is something we can address and fix in immigration reform. Unfortunately, the Grassley proposal goes even farther. It adds more restrictions on U visas.

Let me stop for a moment to explain what these U visas are. This is when you have an immigrant victim of domestic violence. When I was a prosecutor for 8 years, we would have a number of cases where an immigrant was a victim. What do you think her perpetrator did to get her to be scared to come forward? They said, We are going to deport you if you come forward to law enforcement. You will never be able to stay in this country.

What the U visas do is give that victim a status to remain in the country to make sure this person gets prosecuted and then work on some kind of a permanent immigration status. That is what the U visas are. I think they are a necessary component. There have been agreed-upon numbers for years when this bill has been reauthorized.

Unfortunately, as I said, the Grassley proposal adds restrictions on U visas which are a law enforcement tool to encourage immigrants to report and help prosecute crime. The restrictions are put in there—I am sure Senator GRASSLEY, who is so good at fighting fraud, put them in there for good reason—to deter fraud, but no study or report has been cited to indicate that there is an issue here. U visas already have fraud protections because law enforcement officers must personally certify that the victim is cooperating with the criminal investigation. I tend to believe the personal certification from a law enforcement officer, and that is the proof that we have to issue the U visas.

No program is perfect. I am sure we can work with Senator GRASSLEY in the future if there are some fraud issues here. At this point, after a year of negotiation in trying to get the bill through here, we have significant bipartisan support. It is not the time to put a substitute in.

I want to thank you for giving me this opportunity. I urge my colleagues to reject the substitute Grassley amendment, embrace this bill, and vote for it. It is a good bill.

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. DURBIN. 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. DURBIN. Mr. President, pending before the Senate is the Violence Against Women Reauthorization Act. We considered it over a year ago. The bipartisan reauthorization passed the Senate with 68 votes more than 9 months ago. To someone who has suffered domestic violence abuse and is in need of help, it is amazing to think that what used to be an easy bipartisan issue has been tied up in the obstruction between the House and the Senate since then. There is absolutely no excuse for failing to enact this legislation. Now is the time to do it. We have a strong sensible bill before us.

Senator LEAHY, the chairman of the Senate Judiciary Committee, is guiding it on the Senate floor. This is an interesting issue. It is an emotional issue. If you haven't had domestic violence in your family, you can be grateful. Many people have seen it firsthand, and I don't think it is something they will easily forget.

I was invited a few years back to go to Champaign, IL, to a domestic vio-

lence shelter to meet with one of the victims. It was an important meeting for me. Sitting across the table from a woman with two black eyes, her eyes red from crying, she could barely choke out a few words about what life had been like as a victim of domestic violence. She was humiliated by the scars her face and body showed and ashamed she had reached that point in her life. She had nowhere to turn. She didn't trust anybody. She was afraid of her spouse and so she came to this domestic violence shelter with her child. She didn't know where to turn. The shelter was trying to protect her, No. 1, and give her a chance for a better life.

That is what this bill is about. It is also about a group of people I have come to know personally and really respect in Chicago. There is a group called *Mujeres Latinas En Accion*. What a dynamic group. I met them 14 or 15 years ago. They were operating out of an old house in Pilsen, one of the Hispanic neighborhoods in Chicago. It was one of these beat-up, old places that a lot of charities take on and hope to call home and use for their purposes—in this case a domestic violence shelter primarily for the Hispanic neighborhood. The rooms were all packed. There were cots and diapers and food and all the things you beg for from friends to sustain a family in need of help.

I remember going there with Amalia Rioja Castro, and she explained to me what they were doing in receiving people from the community. These were women most often with children who came in and had been victimized. It was tougher for them than for most. Many of them struggled with English. Many of them struggled with a culture that many times is too patriarchal in these circumstances, and many of them struggled with the same embarrassment as the woman I met in Champaign, IL. But they finally realized they had no choice; they had to ask for help. So they came to that shelter. And, thank goodness, those volunteers and people were there offering them a safe place and willing to take on the issues of protecting this mother and her children from further abuse. They saved a lot of lives in the process.

That is what this bill is about, and it is one of the reasons this bill hasn't passed. You see, the difference between the Senate approach and the approach in the House of Representatives comes down to two or three things, but they are all three important things. One of them relates to the undocumented.

If an undocumented woman—mother—walks into a domestic violence shelter in this country, beaten up, running from an abusive husband, holding her baby, will we help her? That is the question. Ordinarily, one would say: Of course. But some say: No, she is undocumented. We don't help those people.

Really? We don't? Is that who we are in America? It isn't. Of course, we help her. Of course, we help her child. Our bill said we did; the House disagreed.

Native American communities are much more complicated. In Illinois I don't live with these tribal communities and know all of the issues associated with them, but it turns out that many times in cases of domestic violence, the tribal courts are unable, unwilling to deal with the prosecutions in a timely and effective way. We tried, in the Senate version of the bill, to make sure when it came to Native American populations, tribal populations, the same protections would be there. The House disagreed.

Then, of course, came the question about sexual orientation. What if the abuse is not man to woman, heterosexual abuse, but something else. Will that type of abuse also be protected? The answer is yes. In the Senate version of the bill, it was clearly yes. The House disagreed.

Because of those three basic disagreements, nothing is happening. I shouldn't say nothing is happening. Thank goodness, BARBARA MIKULSKI, now chairman of the Appropriations Committee, chaired the subcommittee that kept funding the bill. So we kept our commitment to these violence shelters around America, but we didn't reauthorize them. We didn't put in new language. We didn't do our job. We just stopped for a year on a bill that shouldn't even be debated, to a great extent. It certainly shouldn't be partisan.

According to a recent survey, in the United States, 24 people every minute become victims of rape, physical violence, or stalking. That means in the time it takes me to finish this statement dozens will have been victimized. Since its passage, the Violence Against Women Act, known as VAWA, has provided valuable and even lifesaving assistance to hundreds of thousands of people in America. The impact is profound.

The Bureau of Justice statistics tell us the rate of domestic violence against women has dropped by more than 50 percent since we first enacted this bill. There aren't many pieces of legislation we can point to with that track record, but there are so many more who need help. That is evident from the statistics.

The Centers for Disease Control tells us approximately one in four women has experienced severe physical violence by an intimate partner, and nearly one in five women has been raped. One in five? In a study of undergraduate women, 19 percent have experienced an attempted or actual sexual assault while in college. All together more than one in three women have experienced rape, stalking, or physical violence by an intimate partner in their lifetime. That is a fact.

The consequences are ongoing. For example, 81 percent of women who have experienced this report significant short- or long-term impacts, and the consequences can be severe. By one report, in 2007, 45 percent of the women killed in the United States died at the hands of an intimate partner.



This reauthorization ensures that funding will continue to go to the organizations and individuals who need help the most. It places increased emphasis on responding to sexual assault, in addition to domestic violence. It does things such as encourage jurisdictions to evaluate rape kit inventories and reduce backlogs. It incorporates important accountability mechanisms, consolidates programs, and actually reduces spending.

It also includes vital provisions to help Native American women and protect immigrant communities. A provision helping to ensure the availability of U visas for victims of crime was taken out. I am sorry it was. It is a budget item; a constitutional item. But we want to make sure other critical provisions in the bill remain—provisions that protect immigrant communities that are strongly supported by those who work with them.

The reauthorization also ensures that lesbian, gay, bisexual, and transgender communities are not discriminated against when it comes to these services. I say this to my colleagues on both sides of the Chamber. Now is the time to pass the Violence Against Women Reauthorization Act. Our country has to come together to make sure all of the victims are protected.

Take the Native American communities, for example. According to a survey by the Centers for Disease Control, 4 out of every 10 American Indian or Alaska Native women—4 out of 10—have been victims of rape, physical violence, or stalking in their lifetime. That is unacceptable in America, a country that prides itself on its commitment to human rights.

This bipartisan bill is supported by victims, experts, and advocates. It is supported by service providers, faith leaders, and health care professionals, prosecutors, judges, law enforcement officials, and it ought to be supported by both Chambers of Congress.

The last two VAWA reauthorization bills have carefully expanded the scope of the law and improved it. This reauthorization is no exception. It implies lessons learned from those working in the field and renews our commitment to reducing domestic and sexual violence. We ought to listen to the people on the front lines protecting those vulnerable populations. We should be able to pass a strong reauthorization that addresses the needs of all women.

I thank Senator LEAHY and many others in this Chamber for their leadership. I want to take a moment to discuss a provision which I mentioned earlier in the bill.

A troubling episode of “Frontline,” the PBS program many of us watch and respect, detailed one woman’s story in great detail, but that wasn’t an isolated incident. The National Prison Rape Elimination Commission, created by Congress, said:

As a group, immigration detainees are especially vulnerable to sexual abuse and its effects while detained.

The Prison Rape Elimination Act of 2003, known as PREA, was designed to eliminate sexual abuse of those in custody. It was bipartisan and championed by the late Senator Ted Kennedy and Senator SESSIONS of Alabama, and I co-sponsored it. PREA required the promulgation of national standards to prevent, detect, and respond to prison rape in America. There had been questions raised about whether those standards would apply to immigration detainees, and as I have said before, when we drafted and passed PREA it was our intent it would apply to all in Federal detention, including immigration detainees.

I was pleased when President Obama issued a memo clarifying that PREA applies to all Federal confinement facilities and directing agencies to act accordingly. I was also pleased with the Department of Homeland Security drafting standards to comport with PREA. Secretary Napolitano and I have discussed this problem of sexual assault in detention, and I applaud the Secretary for her strong commitment to this issue.

It was critical to me to have a provision in this VAWA reauthorization that clarifies that standards to prevent custodial rape must apply to immigration detainees—all immigration detainees—a provision that codifies the good work DHS is now doing and ensures strong regulations pertaining to immigration will remain in place in the future.

Mr. President, I have visited some of these immigration detainee facilities. They are not quite prisons but almost. Those who are being detained before being deported have little access to the outside. In my case, I went down to deep southern Illinois, 300-plus miles from Chicago—more than 300 miles from Chicago. It was hard for them to get a telephone they could use for access to family or attorneys. It was a pretty isolated situation. They are clearly in a remote place. Many are treated well but many are not.

Custodial sexual assault is just one of the many issues addressed by this VAWA bill. I urge my colleagues to work together and reauthorize this bill. If this is truly a new day after this last election, if we are truly determined to do things on a bipartisan basis, why isn’t this the first thing we do? It used to be bipartisan. It didn’t even take that much time to pass it because we were all together on it.

Everybody understands domestic violence—if not from their family, certainly from their life experience and watching what happens in these domestic violence shelters. We have had broad bipartisan support for this in the past. This last year, despite Chairman LEAHY’s extraordinary efforts, it fell apart in the House of Representatives. We want to give them another chance—a chance to get it right, a chance to join us in passing a bipartisan bill that we are likely to pass from this Chamber.

The dozens of individuals who have been victimized since I stood up to begin this speech need help now. This is our opportunity. Let’s show them that when it comes to protecting America’s most vulnerable populations, we will be there.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

Mr. CARDIN. Madam President, I take this time because I think it is important people recognize that what we do has such an important impact on local law enforcement and on local agencies.

Last year I hosted a roundtable discussion in Prince George’s County, MD, to discuss the importance of reauthorizing the Violence Against Women Act, known as VAWA. This roundtable brought together victims, social service agencies, law enforcement, clergy, and others on the frontline of providing support and protection to victims of domestic violence.

VAWA has a proven track record of protecting women from domestic violence, and it is hard to understand opposition to legislation with the goal of curbing domestic violence. Saving women’s lives should not be a partisan issue. The statistics of domestic violence are alarming. Yet domestic violence remains one of the most under-reported crimes in the country. These victims need to know they have our support, including access to justice, help with housing, medical care, and economic opportunity.

In 2010, there were 10,574 protective orders in my State, and peace order filings in Prince George’s County was one-fifth of the total 50,363 filings in the State of Maryland—so 10,000 in Prince George’s County, 50,000 in Maryland.

At the roundtable I held in Prince George’s County, I heard a number of examples of the importance of VAWA from those on the frontline of combating domestic violence.

Prince George’s County sheriff Melvin High told me the oath he took obligates him to protect all people without political consideration. He strongly stated that VAWA should be reauthorized; that it is an extremely important tool that he uses to help protect the people of Prince George’s County.

State attorney Angela Alsobrooks told me that for more than a decade, her office has received funding from VAWA that has allowed her domestic violence unit to provide greater services to the victims of abuse. Without this funding, she told me she would lose a domestic violence advocate and a prosecutor who is assigned specifically to domestic violence cases, reducing their ability to help victims. She

urged the House at that time—because we had passed the bill in the Senate—to pass the Senate version of VAWA in order to ensure they continue to receive this critical funding.

Malinda Miles is the executive director of the Family Crisis Center in Prince George's County, which is the premier domestic violence program in the county, serving women and children for more than 30 years. She stated she believes the House bill, if passed, would set back women 50 years—the bill they were considering last year—and would be a travesty for the women and children of this Nation now and for years to come, urging at that time that the bill we passed last year—the bill we are considering on the floor now—needs to pass as quickly as possible.

Prince George's County police chief Mark Magaw told me that combating domestic violence remains a primary focus of his department, and he is thankful for support provided by the VAWA grant program.

The Violence Against Women Act was passed by Congress and signed into law in 1994 by President Clinton. This law has a proud and bipartisan history. Congress passed this legislation in 1994 after growing awareness of crimes associated with domestic violence, including sexual assault and stalking cases. Congress needed to address the prevailing attitude at the time that domestic violence was a private so-called family matter, which in many cases police were hesitant to arrest abusers and prosecutors were reluctant to send abusers to jail. We have changed that, and VAWA helped us change that. The passage of VAWA will help our local agencies protect women and hold those abusers accountable for their actions.

VAWA enhanced investigators and prosecutors of sex offenses and created a number of new grant programs that included law enforcement, public and private entities, services providers, and victims of crime. Congress approved reauthorizations of VAWA that expanded its protections by bipartisan votes in 2000 and 2005. In 2000, Congress enhanced Federal domestic violence and stalking penalties, added protections for battered immigrants, and added new programs for elderly and disabled women. In 2005, Congress enhanced penalties for repeat stalking offenders, added protection for battered and trafficked immigrants, and added programs for sexual assault victims and American Indian victims, as well as programs designed to improve the public health response to domestic violence.

Now, in 2013, the Senate is trying to approve VAWA once again, since its original passage nearly 20 years ago. The Senate-passed version of the law includes measures to ensure that victims are not denied services because they are gay or transgender. It protects Native American women from domestic violence and sexual assault and includes nondiscrimination provisions for all victims, regardless of their race, color, religion or gender.

VAWA encourages collaboration among law enforcement, judicial personnel, and public and private service providers to victims of domestic and sexual violence. It also works to increase public awareness.

One in four women will experience domestic violence in their lifetime. An estimated 1.3 million women are victims of physical assault by an intimate partner every year. In Maryland, in 2009, there were more than 18,000 reported cases of domestic abuse and 38 fatalities. That period of time has been the lowest number of domestic violence-related deaths on record for the State, but these numbers are still very much unacceptable.

I am disappointed that last year the House refused to take up this legislation we approved and also refused to allow us to go to conference to work out the differences between the two bills. I urge my colleagues in the Senate to pass this legislation, and I urge my colleagues in the House to quickly take up the Senate bill and enact it into law.

• Ms. HIRONO. Madam President, I am in support of S. 47, the Violence Against Women Reauthorization Act of 2013. I am a cosponsor of this bill and look forward to working with my colleagues to pass this important piece of legislation.

The grants created by this act have helped ensure services to domestic violence victims since 1994. VAWA has helped raise public awareness on an issue that too often went unreported and ignored under the guise of politeness and privacy by family, friends, and neighbors.

Yet, while VAWA has raised awareness, increased reporting, and provided victims of domestic violence and similar crimes with better services and protection against perpetrators, there is still much work to be done to eliminate these crimes. Specifically, I am concerned about the high instances of domestic violence in Indian Country. I am pleased that S. 47 includes language to provide tribal governments the force they need to prosecute non-Indian perpetrators who commit these crimes on tribal land. There is no reason a non-Indian perpetrator should go unpunished because a tribe lacked jurisdiction over him or her, and it is especially egregious that in such cases, the perpetrator may go unpunished for crimes committed on tribal land. Every citizen of this Nation deserves the safety and security that comes with a peaceful home and safe relationship.

Indeed, I believe noncitizen immigrants who have moved to this country and found themselves trapped in an unsafe relationship or family setting also deserve the protections provided by VAWA. S. 47 provides the types of protections necessary to assist law enforcement in prosecuting crimes that might otherwise have gone unreported by immigrants fearful of losing their status.

I hope my colleagues will join me in supporting S. 47 and will work to make

the bill and the services and protections it provides as strong as possible.●

Mrs. FEINSTEIN. Madam President, I rise today to express support for the reauthorization of the Violence Against Women Act, VAWA.

For the last 18 years, VAWA has been the centerpiece of the Federal Government's efforts to combat domestic violence, dating violence, stalking and sexual assault, and it has transformed the response to these crimes at the local, State, and Federal levels.

VAWA was first signed into law in 1994. This body reauthorized it in 2000 and again in 2005 on an overwhelmingly bipartisan basis.

Unfortunately, final approval of the VAWA reauthorization bill came to an abrupt halt in Congress last year, when some Republicans insisted on removing provisions that would provide expanded protections for gay and lesbian individuals and undocumented immigrants who are the victims of domestic abuse.

In my view, these expanded protections are improvements. Domestic violence is domestic violence, regardless of the victim's immigration status or sexual orientation.

Domestic violence and crimes against American women have never been partisan issues in the past. This is why, candidly, I'm surprised that I find myself on this floor urging a vote a vote on a historically bipartisan bill.

Today, as a result of VAWA, more victims report incidents of domestic violence to the police, and the rate of non-fatal partner violence against women has decreased by 53 percent since 1994, according to the Department of Justice.

Because of VAWA, States have the funding to implement "evidence-based" anti-domestic violence programs, including lethality screens, which help law enforcement predict when a person is at risk of becoming the victim of deadly abuse.

In my home State of California, with the help of VAWA funds, we reduced the number of domestic violence homicides committed annually by 30% between 1994—the year of VAWA's enactment—and 2010.

In my days as the mayor of San Francisco, many of the most difficult calls for the city's law enforcement officers were those of domestic abuse. It was a big problem then, and it remains a big problem today.

In California in 2010, there were 166,361 domestic violence calls, including more than 65,000 that involved a weapon.

Fortunately, over 5,000 victims receive assistance each day from local domestic violence service providers in the State. These providers offer services that are essential to ending the cycle of abuse that is faced by so many domestic violence victims.

Let me share a success story about a woman from Lake County, CA who received vital assistance from a local domestic violence center that receives Federal VAWA funding.



Mary—her name has been changed to protect her confidentiality—contacted the Lake Family Resource Center after leaving her abusive husband. Mary was assigned to a domestic violence family advocate who offered her one-on-one counseling and legal assistance.

The family advocate helped Mary file and obtain a temporary restraining order against her husband. This order kept him away from Mary and gave her temporary custody of their children.

The family advocate also accompanied Mary to several court hearings and was able to connect her with other local service providers. This support allowed Mary to remain independent and keep her children safe.

After several months of counseling and assistance, Mary obtained full custody of her children and their lives have improved significantly. For the first time ever, the children are now able to invite friends to their home and participate in normal social activities. In addition, their grades have improved dramatically, with one child receiving the Student of the Month Award from his school.

The positive impact of VAWA funding is undeniable. Yet many California service providers report a critical shortage of funds and staff to assist victims in need.

Reauthorizing VAWA would address these shortages through grant programs administered by the Department of Justice that provide funding for emergency shelters, counseling, and legal services for victims of domestic violence, sexual assault, and stalking.

The bill would also continue support for State agencies, rape crisis centers, and other organizations that provide services to vulnerable women.

The bill we are considering today gives increased attention to victims of sexual violence. This form of violence is particularly destructive because, for many years, our society viewed sexual violence as the fault of the victim, not the perpetrator.

Although VAWA has always addressed the crime of sexual assault, a smaller percentage of grant funding has been allocated to sexual assault victims than is proportional to their rates of victimization. This reauthorization bill does three things to address this imbalance:

1. It provides an increased focus on training for law enforcement and prosecutors to address the ongoing needs of sexual assault victims.

2. The bill extends VAWA's housing protections to these victims.

3. And the bill ensures that those who are living with, but not married to, an abuser qualify for housing assistance available under VAWA.

The bill also updates the Federal criminal code to clarify that cyberstalking is a crime. With increasing frequency, victims are being stalked over the Internet through e-mail, blogs, and Facebook. When stalking is done online, the message sent by the perpetrator is memorialized for-

ever, making it more difficult for victims to put the painful experience in the past and move forward in their lives.

Simply put, VAWA saves lives. It protects American women. And it is a lifeline for women and children who are in distress. To me, this bill is a no-brainer. We must continue our ongoing commitment to ending domestic and sexual violence. This commitment has always been bipartisan, and it should be again. Let's not further victimize at-risk American women because of partisan politics.

Let's do our job and reauthorize the Violence Against Women Act with strong bipartisan support, as we always have.

I yield the floor.

Mr. HATCH. Madam President, today the Senate should have been able overwhelmingly to support reauthorizing the Violence Against Women Act, but the majority made that impossible. In fact, S. 47 is not really a reauthorization bill but a bill to use the Violence Against Women Act to venture into new ideological territory. For that reason, I cannot support S. 47 but am a cosponsor of the true VAWA reauthorization bill introduced by my colleague from Iowa, Senator GRASSLEY.

Two decades ago during the 103rd Congress, as ranking member of the Judiciary Committee, I worked with Chairman JOE BIDEN to develop legislation to combat domestic violence and sexual assault against women. That first passage of the Violence Against Women Act had bipartisan support, although it was by no means without controversy. I took more than my share of criticism from the right, but it was the right thing to do, and I worked to promote a genuine bipartisan consensus behind this legislation.

In 2000, I again cosponsored the Violence Against Women Act which was included in the Victims of Trafficking and Violence Protection Act, and the Senate voted 95-to-0 for the conference report. I cosponsored the VAWA reauthorization bill again in 2005, and this time the Senate passed it by unanimous consent without even a roll call vote. Clearly, the trend has been toward broader support.

Unfortunately, the majority today has deliberately stopped that trend. The majority has insisted on injecting into this legislation highly controversial and divisive provisions that were guaranteed to fracture the growing support that VAWA has enjoyed in the past. Many of us asked them not to do it this way but to address these issues separately so that there could be hearings and proper debate. Instead, the majority chose to use VAWA as cover for sidestepping the legislative process on these issues.

Let me give just one example. One of those divisive issues concerns the jurisdiction of courts on Native American reservations. Section 904 of S. 47 would give tribal courts jurisdiction over nontribal individuals in domestic vio-

lence cases. This presents numerous constitutional problems. Native American reservations are sovereign nations, and key provisions of the U.S. Constitution's Bill of Rights have been interpreted not to apply there. This legislation lists certain rights to be afforded nontribal defendants but not only stops short of guaranteeing all constitutional rights but also does not provide for direct review of convictions in U.S. courts. I simply cannot support depriving American citizens of constitutional rights and judicial protection.

I want to applaud my colleague from Texas, Senator CORNYN, who has been trying mightily to correct this grave constitutional defect in S. 47. He has negotiated in good faith in a principled and fair way. Like me, he wants to support reauthorization of the Violence Against Women Act. But like him, I will do so only on the appropriate constitutional and policy grounds.

I have cosponsored the Violence Against Women Act three times. I voted last year to reauthorize it and will do so again today. But while I support reauthorizing VAWA, I cannot support using VAWA as a vehicle to enact divisive and controversial new measures that have not been properly evaluated on their own terms. Had the majority taken the same approach as we did in 2000 and 2005, this legislation would have been passed and signed into law months ago. Instead, the majority has destroyed the bipartisan consensus in favor of unconstitutional and divisive efforts to favor special interests.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

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

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

Ms. CANTWELL. Madam President, I thank the leader, Senator LEAHY, for his leadership in trying to get the Violence Against Women Act passed and for being down here and working on an agreement with the other side of the aisle so we can vote either today or in the near future. Hopefully, we will bring this issue to an end and get along with protecting the rights of women throughout the United States of America.

I am very anxious to help and further that debate. I come to the floor as the chair of the Senate Indian Affairs Committee and as somebody who has spent a lot of time dealing with tribal leadership in the State of Washington and throughout the Pacific Northwest. I know the Presiding Officer has a very large tribal population within her State too. I am sure she has had many experiences with those tribes. Like me, she wants to make sure all victims of domestic violence are protected in America.

In Washington State, we receive over 30,000 domestic violence calls a year. That is more than 500 incidents per week. Our domestic violence programs serve about 1,800 people each day, and that is why we need to move past this debate, get this legislation reauthorized, so we make sure we help protect victims.

A woman named Carissa Daniels came to one of our events recently. She fled from a very abusive domestic violence situation with her 3-year-old daughter. She said she is alive because of the Violence Against Women Act. Those safeguards and protections protected her and her daughter.

I come to the floor, and I am a little frustrated this debate has been bogged down over a few issues, particularly this issue as it relates to Native Americans and the rights of Native Americans.

I think we had the Department of Justice come to the Congress with a very good solution because their point was we have an epidemic of violence against women in Indian country, and we don't have a ready solution as it relates to the necessary law enforcement there to protect them.

I don't mean to be elementary, but going back through our country's history and our relationship with tribal governments, it is a Federal relationship. To secure that Federal relationship, we have basically said these are rights for the Federal Government and not the States. In many ways, we have eliminated what States can do as it relates to tribal land. The challenge we have is that on these tribal reservations we need to make sure the law is enforced—a Federal law—and that there are individuals to carry out that Federal law.

By voting for the underlying amendment, maybe my colleagues on the other side of the aisle have an appropriations authorization that says this is how we are going to deal with it: We are going to give you a Federal prosecutor and a Federal agent on every tribal reservation or in every jurisdiction. I don't know how many that would be in my State. We have vast and huge amounts of land. I guess, if they thought that was going to be effective, there would have to be a prosecutor and a Federal agent in probably 39 different parts of my State. If we multiply that in the West—or even just in the Presiding Officer's State—we are talking about hundreds of millions of dollars the Federal Government would have to dole out to properly police and enforce Federal law as it relates to crimes against these women.

Why isn't anybody recommending that? Because I think the Department of Justice has adequately seen that the best way to do this is to build a partnership with those tribal jurisdictions to get that done.

In looking over the history of this, I am always amazed at what previous administrations—Republican administrations—said about this tribal relation-

ship. Even George H.W. Bush's Solicitor General Kenneth Starr stated in a filing in the Supreme Court that "it remains true today that the State has no jurisdiction over on-reservation offenses involving Indians. . . ."

George W. Bush's Solicitor General said that "the policy of leaving Indians free from State jurisdiction and control" is one that "is deeply rooted in the Nation's history."

So here are Republican administrations that have basically said the way to deal with this is a Federal relationship. I am saying to my colleagues on the other side of the aisle that unless they are willing to put a Federal prosecutor and a Federal agent on all tribal reservations, who do they think is going to prosecute these crimes? Who? Who is going to prosecute them? That is why the Department of Justice came to us and said: We have an idea on how we might do it. Let's try to get a partnership with tribal jurisdictions to make sure justice is being brought on tribal land but do so by protecting the civil liberties of American citizens as we go through this process.

That is the legislation that is before us. It passed out of the Judiciary Committee and is now on the Senate floor. My colleagues across the aisle are trying to strip those very rights that Native American women would have.

The way this would work is obviously tribal jurisdictions would prosecute these individuals. If there is anyone who doesn't think this is a problem—it is amazing to me to think this concept that one of our other colleagues might be proposing, that somehow we would say: OK. A solution would be to say it is a lesser crime if an Indian woman is assaulted on a tribal reservation, and it would be a misdemeanor. Somehow aggressive abuse and violent attacks against women would be a misdemeanor. I am not going to treat Native American women as second-class citizens in the United States of America.

I get that might have been the cultural norm of the 1700s and 1800s, but it has no place in our history in 2013. This is about legislation that will protect tribal women on Indian reservations and make sure these cases of abuse—whether they are done by a Native American or non-Native American—are protected.

Consider the case of Diane Millich. Her ex-husband was never arrested any of the more than 100 times he had beaten her or attacked her. Finally, he showed up at her workplace with a gun to kill her. She is alive because an individual from her workplace pushed her out of the way. Her husband is being treated as a first-time offender because all those other times he beat her or domestically assaulted her, he was never prosecuted because it took place on a reservation.

This epidemic is so great that now these people who are involved in sex and drug trafficking are targeting reservations and Indian women because

they know they will not get prosecuted. They know this.

We are allowing an intolerable situation to grow in great extremes simply because we are missing a vital tool. I get that many of my colleagues may not understand the history of tribal law and the history of our country and securing a relationship with tribes and the treaties we signed.

Again, as I said before, this is a relationship we have preserved for the Federal Government, and the Federal Government is saying this is how we can best solve these crimes by getting the help and support of tribal jurisdictions.

I wish to say to my colleagues on the other side of the aisle, because I have heard some of them say that somehow this violates the civil liberties of non-Native Americans if these crimes happen in Indian Country, that nothing could be further from the truth.

First of all, all tribal courts also adhere to the Indian Civil Rights Act, which is basically our 14th amendment. So the security of the 14th amendment is right there in the law and will protect any non-Native American who is charged with this crime on a reservation.

Secondly, this law has specifically broad language, making sure the defendant would be protected with all rights required by the United States in order for this jurisdiction to have oversight. It is almost like a double protection—saying it twice—that the habeas corpus rights of individuals will be protected under this statute.

The notion that this is somehow abrogating individual rights just because the crime takes place on a tribal reservation is incorrect. So I ask my colleagues: Do we want to continue to have this unbelievable growth and petri dish of crime evolving—when criminals know there is a porous border, that is where they are going to go—or do we want to partner with a recommendation that has been determined by the Department of Justice, which has the authority to carry out this Federal law on tribal reservations and is asking for this partnership but with due protection so we can root out this evil in our communities.

I would say to my colleagues, it is time to pass this legislation and protect these rights for all individuals. We cannot vote for an amendment on the other side of the aisle that basically strips the rights of Native American women and treats them like second-class citizens, nor can we just go silent on what is an epidemic problem in our country. What we have to do is stand and realize that the relationship between the Federal Government and Indian Country is a very mature relationship with a lot of Federal case law behind it. A lot of Republican administrations recognize it is a Federal relationship and that we can—asking Indian Country to help us—solve this problem and prosecute these individuals under the rights we have as constitutional citizens of the United States.

I am confident we can get to an answer and resolve this issue. I say to my colleagues: We need to do so with urgency. We cannot allow another 1,800 calls to go unanswered or not supported because we have not authorized this legislation. Let's get our job done and protect all women throughout the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I would like to speak on the amendment, if I could.

The PRESIDING OFFICER. The Senator is recognized.

Mr. PORTMAN. Earlier this week, my colleague Senator BLUMENTHAL spoke about an amendment we are offering to the Violence Against Women Act, and it is an amendment that has to do with child sex trafficking. I am pleased to join him in offering this important amendment and talking about it today.

This is really a technical correction to the underlying legislation to enhance the safety of our youth and our children in the area of sex trafficking.

Last November, Senator BLUMENTHAL and I started the Senate Caucus to End Human Trafficking. We have been working with our colleagues on both sides of the aisle and have been making bipartisan progress on this issue. In general, we are working to raise awareness of human trafficking, and with regard to the underlying bill, the issue of child sex trafficking.

This issue cuts across all party and philosophical lines. It is something that is more fundamental. It is about who we are as a people, and how we respect and protect basic human dignity. It is important to acknowledge that human trafficking is not something we hear about that happens overseas; it happens right here in America. Unfortunately, human trafficking is an issue present in communities in Ohio and Connecticut—where Senator BLUMENTHAL is from—and in all of our States.

Children and youth are among the most vulnerable individuals and are at the greatest risk. According to the Federal Bureau of Investigation, there are now nearly 300,000 young Americans who are at risk of commercial sexual exploitation and trafficking.

The Department of Justice reports that between 2008 and 2010, 83 percent of sex trafficking victims found within the United States were U.S. citizens. By the way, 40 percent of those cases involve sexual exploitation of children. Human trafficking has a devastating impact on so many Americans across this country.

One of the reasons we lack data on the definitive number of victims is that there are limited programs and resources available to serve these children nationwide, and this problem is not limited to large cities or metropolitan areas.

In Ohio, the 2012 Human Trafficking Commission Report surveyed more

than 300 Ohio youth victims of sex trafficking. The report found that 40 percent were also victims of sexual abuse; 47 percent of the victims surveyed confirmed they had been raped 1 year before being trafficked.

Dr. Celia Williamson, from Toledo, OH, is one of the key individuals responsible for this report and continues to work to strengthen the response to sex trafficking in Ohio. Dr. Williamson developed the program, RESCUE CHILD, which educates first responders and everyday citizens on how to recognize the signs of child sex trafficking.

This is an important issue for Ohio. Toledo, OH, is among the highest in the country in terms of prosecution and investigations of sex trafficking. Dr. Williamson has helped to educate folks to identify signs of sex trafficking and high vulnerability. Some of the key signs of high vulnerability to sex trafficking are youth who have run away from home and children who are victims of sexual assault, emotional abuse, child abuse, or neglect. In order to fight human trafficking, we have to prioritize services to these vulnerable youth and connect victims of sex trafficking with appropriate resources.

So this amendment is really just a technical amendment to ensure that we protect these child victims of sex trafficking and provide them with what is necessary to fully recover from this devastating trauma.

Section 302 of the reauthorization of VAWA is appropriating titled "Creating Hope Through Outreach, Options, Services, and Education for Children and Youth." The intent of this section is to "develop, expand, and strengthen victim-centered interventions and services that target victim-centered youth who are victims of domestic violence, dating violence, sexual assault, and stalking."

Section 302 omits the term "sex trafficking" except in the context of a "co-occurrence" with one of these other factors I mentioned. So in order to be covered under this section, victims would have to be victims of sexual assault or another violation as well as victims of sex trafficking.

The omission of "sex trafficking" seems to be inadvertent because it is inconsistent with the similar sections of the reauthorization. One example of this is found in Section 902, which provides grants to Indian tribal governments for the safety of women and youth. This section provides for "services to address the needs of youth who are victims of domestic violence, dating violence, sexual assault, sex trafficking, and stalking." So sex trafficking is in one section but not in another. We want to clarify that being a victim of sex trafficking alone should be sufficient to be covered under this act.

I thank Senator BLUMENTHAL for his commitment to this issue, and I thank my colleagues, including the ranking member and the chairman who are here on the floor today. I hope to offer this

amendment at the appropriate point in the process, but I wanted to speak a little bit about it and explain why Senator BLUMENTHAL and I would like to offer this. Again, we hope it will be a noncontroversial, technical correction to ensure that sex trafficking is included among those provisions that are listed in Section 302.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I hope to offer an amendment that would be a Republican substitute, so whenever that happens—I don't know exactly when, but I wish to discuss my amendment at this point.

My amendment does more to protect the rights of victims of domestic violence and sex crimes than does the underlying piece of legislation. There are many ways in which this is so. Under the substitute amendment I will offer, more money goes to the victims and less to bureaucrats. It requires that 10 percent of the grantees be audited every year to ensure that taxpayer funds are actually used to combat domestic violence. It seems to me that when dollars are short, that is a very important point that people ought to take cognizance of.

The Justice Department inspector general conducted a review of 22 VAWA grantees between the years 1998 and 2010. Of these 22, 21 were found to have some form of violation of grant requirements, ranging from unauthorized and unallowable expenditures to sloppy record keeping and failure to report in a timely manner. In 2010 one grantee was found by the inspector general to have questionable costs for 93 percent of the nearly \$900,000 they received from the Department of Justice. A 2009 audit found that nearly \$500,000 of a \$680,000 grant was questionable.

These fiscal irregularities continue. An inspector general audit from last year found that the Violence Against Women Act grant recipient in the Virgin Islands engaged in almost \$850,000 of questionable spending. Also, a grant to an Indian tribe in Idaho had about \$250,000 in improperly spent funds, including \$171,000 in salary for an unapproved position. In Michigan last year, a woman at a VAWA grant recipient used some of those funds to purchase goods and services for her personal use.

After all of those examples, the point is this: We should make sure Violence Against Women Act money goes to victims. That hasn't been the case under the current situation, and the substitute works toward improving that situation.

The substitute also prevents grantees from using taxpayer funds to lobby for more taxpayer funds. That seems to be pretty common sense.

My amendment will ensure that more money is available for victim services. That is where the money is supposed to go. Money that goes to grantees and is squandered helps no woman or other victims.

In addition, the Republican alternative limits the amount of VAWA funds that can go to administrative fees and salaries to just 7.5 percent. The present underlying bill, S. 47, contains no such limit. If we want the money to go to victims and not to bureaucrats, then those overhead expenses should be capped.

The Republican substitute amendment requires that 30 percent of the STOP grants and grants for arrest policies and protection orders are targeted on sexual assault. The underlying bill sets aside only 20 percent for sexual assault.

The substitute requires that training materials be approved by an outside accredited organization to ensure that those who address domestic violence help victims based on knowledge and not on ideology. That will result in more effective assistance to the victims. The underlying bill contains no such requirement.

The substitute protects due process rights the majority bill threatens. Now, I am sure the majority writers don't feel their bill threatens due process rights, so let me explain. The majority bill says that college campuses must provide for "prompt and equitable investigation and resolution" of charges of violence or stalking. This essentially does nothing but codify a proposed rule of the Department of Education that would have required the imposition of a civil standard or preponderance of the evidence for what is essentially a criminal charge—one that, if proved, rightfully should harm reputation. But if established on a barely-more-probable-than-not standard, reputations can then be ruined unfairly. The substitute eliminates this provision as well as another provision that allowed the victim who could not prove such a charge even under this reduced standard to appeal if she lost, creating a kind of double jeopardy.

The majority bill also would give Indian tribal courts the ability to issue protective orders and full civil jurisdiction over non-Indians based on actions allegedly taken in Indian Country. Noting that the due process clause requires that courts exercise jurisdiction over only those persons who have "minimum contacts" with the forum, the Congressional Research Service has raised constitutional concerns with this provision. The substitute contains provisions that would benefit tribal women and would not run afoul of the Constitution.

Tribes could seek protective orders in Federal court. The substitute establishes up to \$25 million for Federal prosecutors and magistrates to be placed near tribes for criminal domestic violence and sexual assault cases as well as to hear tribal motions for protective orders.

The grant funds are paid for by reducing the overhead of other Justice Department grant funds. However, there will be no reduction in available grants for law enforcement or victims.

These programs are not currently funded to their authorized levels, so the reductions will not reduce services provided.

Combating violence against women also means tougher penalties for those who commit these terrible crimes. The substitute I am referring to creates a 10-year mandatory minimum sentence for Federal convictions for forcible rape. The majority bill even eliminates the 5-year mandatory minimum sentence for this crime that was in the bill last year and supported last year by the Judiciary Committee.

Child pornography is an actual record of a crime scene of violence against women. Our alternative amendment establishes a 1-year mandatory minimum sentence for possession of child pornography where the victim depicted is under 12 years of age. I believe the mandatory minimum for this crime should be higher and that in light of the systematically lenient sentences that too many Federal judges hand out, there should be a mandatory minimum sentence for all child pornography possession convictions. But the substitute at least is a start. This is especially true because the majority bill takes no action against child pornography.

Our alternative also imposes a 5-year mandatory minimum sentence for the crime of aggravated sexual assault. This crime involves sexual assault through the use of drugs and by otherwise rendering the victim unconscious. The underlying bill does nothing about aggravated sexual assault. The status quo appears to be fine for the other side.

The Republican substitute establishes a 10-year mandatory minimum sentence for the crime of interstate domestic violence that results in the death of a victim. It increases from 20 to 25 years the statutory maximum sentence for the crime where it results in life-threatening bodily injury to or the permanent disfigurement of the victim. It increases from 10 to 15 years the mandatory maximum sentence for this crime when serious bodily injury to the victim is the result. The underlying bill contains none of these important protections for domestic violence victims.

Also included in my substitute are commonsense immigration reforms that put integrity back into the Violence Against Women Act self-petitioning process and the U visa program.

This last Congress, the Judiciary Committee heard the powerful testimony of Julie Poner. She described her personal experience as a victim of immigration marriage fraud and with the fraudulent use of Violence Against Women Act self-petitions. Ms. Poner told us she married her husband in the Czech Republic and moved her husband and kids back to the United States. Within days of receiving notice of an interview with the immigration service to finalize her husband's immigration

status, he told her he was divorcing her. He instructed her to file for the divorce and continue to sponsor him for his green card. He then became abusive toward her children. Her husband was a hockey player—6 feet 2 inches tall. However, he knew he risked deportation if the truth came out, so he turned the tables on his wife and claimed he was the one abused—actually being abused by Ms. Poner. Ms. Poner never was allowed to share her side of the story. The immigration service believed his claims and allowed him to remain in the United States.

Our committee also received written statements from more than 20 individuals who maintained they were victims of marriage fraud or were falsely accused as part of the Violence Against Women Act self-petitions. These witnesses told of their firsthand experiences and how foreign nationals prey on U.S. citizens simply to get a green card. The U.S. citizens thought it was all for love, but after saying "I do," the foreign national lodged false allegations, sometimes of physical abuse, in order to get out of the marriage, collect alimony, and secure a green card.

Witnesses have said their side of the story was never—never—heard because under the process used by the U.S. Citizenship and Immigration Services, the citizen's side of the story is not considered. The U.S. Citizenship and Immigration Services handles all of these green card applications in one service center that relies exclusively on paper, without interviewing either the alleged abused foreign national or the accused citizen.

To this day, I am disappointed that antifraud measures have not been included in the Violence Against Women Act. We cannot allow a law intended to prevent abuse to be manipulated as a pathway to U.S. citizenship for foreign con artists and criminals. If we are truly concerned about helping and protecting the victims of domestic violence, then we should include a provision that allows our immigration agents to hear both sides of the story when a foreign national applies for a green card after alleging domestic violence by a U.S. citizen.

So my amendment, obviously, addresses this fraud. It would require an interview of the applicant and allow the government to gather other evidence and interview other witnesses, including the accused U.S. citizen or legal permanent resident.

Before adjudicating the self-petition, the government would have to determine whether other investigations or prosecutions are underway for the petitioning alien. If there are other allegations or investigations pending, the immigration adjudication would have to consider all facts.

The second immigration-related section of my amendment would strengthen the requirements of a U visa. Under current law, the requirements for receiving a U visa are generous. My

amendment implements some common-sense requirements to guide law enforcement who help sponsor these individuals.

In addition to confirming that the alien has been helpful, each law enforcement certification will also have to confirm that, one, the alien reported the criminal activity to a law enforcement agency within 120 days of its occurrence; two, the statute of limitations for prosecuting an offense based on the criminal activity has not lapsed; three, the criminal activity is actively under investigation or a prosecution has been commenced; and, four, and last, the alien has information that will assist in identifying the perpetrator of the criminal activity and/or the perpetrator's identity is known.

With these changes, U visas will become a true law enforcement tool. The additional requirements will ensure that the help given is real and significantly advances an actual investigation and prosecution.

Another immigration-related section of my amendment includes a Government Accountability Office report to assess the efficiency and reliability of the process for reviewing applications for U visas and self-petitions under the Violence Against Women Act, including whether the process includes adequate safeguards against fraud and abuse.

It will also identify possible improvements in order to reduce fraud and abuse.

The final immigration provision I want to highlight in my substitute would allow the U.S. Government to deport repeat drunk drivers. Section 1005 would add habitual drunk driving to the list of aggravated felonies for which an alien may be deported.

Every day—every day—an innocent life is taken because someone decides to drink and drive. An individual who gets behind the wheel after drinking is not exercising sound judgment.

Under the Immigration and Nationality Act, foreign nationals are required to be of “good moral character” before they are able to adjust status or become citizens of the United States. Unfortunately, habitual drunk driving does not stand in one's way from gaining these benefits. In other words, it is not a deportable offense.

There are numerous stories about individuals who have taken innocent lives because they were driving under the influence of alcohol. In 2011, an undocumented alien in Cook County, IL, killed a man in a drunk driving accident. Unfortunately, he was released by the county, absconded, and remains in the United States. There was also a Virginia man who killed a Catholic nun in Prince William County in 2010. He was an illegal immigrant and repeat offender and never should have been allowed to remain in the country.

There are many more cases, and, unfortunately, the law will allow drunk driving to continue without repercussions for foreign nationals who are on a

path to citizenship. It is time that these offenses were classified as an aggravated felony. It is time to get these people off the streets. Residing in the United States is a privilege, not a right.

The Congress has every prerogative to dictate which behavior is acceptable, especially for noncitizens who should be of “good moral character.” Last Congress, the Judiciary Committee adopted an amendment to this bill that would have classified habitual drunk driving offenses as aggravated felonies. But in the bill before us now, the majority has dropped that provision. I cannot understand why we would be so lenient with respect to habitual drunk drivers.

When we get to amendments—the substitute I just talked about—I intend to offer that substitute, and I would urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Vermont.

Mr. LEAHY. Madam President, the Republican substitute bill being offered by the Senator from Iowa does not meet the needs of victims of domestic violence, dating violence, sexual assault, and stalking. Respectfully, I must say it is a poor substitute for the bipartisan Violence Against Women Reauthorization Act we developed over the last 2 years that has 62 bipartisan Senate cosponsors. I urge Senators to vote against it.

The Leahy-Crapo Violence Against Women Reauthorization Act already reflects many efforts we have undertaken to address the concerns of Senator GRASSLEY and to meet Republican members halfway, and to accommodate them where we could. Our bill includes significant new accountability provisions modeled on language Senator GRASSLEY had us include in the Trafficking Victims Protection Act.

Our bill significantly reduces authorization levels to all programs. This is the first time a reauthorization reduced authorization levels, and we do so by almost 20 percent. Our bill consolidates and streamlines 13 programs. Our bill limits the percentage of grants that organizations can use for planning purposes. In drafting our bill, we eliminated several provisions that Senator GRASSLEY indicated were problematic. We took these steps in an effort to work together to pass a bipartisan bill.

The proposed substitute bill would remove fundamental points of fairness that are at the core of this legislation. We need to cover everyone who experiences domestic and sexual violence in this country. No exceptions.

About 3½ years ago, the Congress finally adopted the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act which protected those targeted with violence in a similar way to what we are considering today. We should not retreat from that position when we are addressing domestic and sexual violence.

The Republican substitute abandons VAWA's historic emphasis on abuse of women. Women are still more often the victims of domestic and sexual violence with more catastrophic results. The Republican substitute not only fails women, it also fails to guarantee that services will actually reach those victims who have in the past been unable to access them because of their sexual orientation or gender identity.

We should listen to those on the front lines of these tragedies who have told us about underserved communities needing protection. We should respond to law enforcement when they tell us about the importance of the U visa program, which enables them to take dangerous people off the street. We should not adopt the measures included in the Republican substitute that would make it more difficult for victims to apply for U visas. The Republican substitute would abandon our provisions that address domestic and sexual violence in tribal areas, which has reached epidemic proportions with rates of victimization far exceeding those in the general population. Taking money from other Justice Department programs to impose Federal judges and prosecutors on Indian lands is costly, unworkable and a non-solution to the problem. The bipartisan reauthorization bill, by contrast, takes the approach recommended by our Committee on Indian Affairs. We include local, community-based approaches to domestic violence that have worked so well in so many VAWA programs. Federal prosecutors already have authority to prosecute on these lands and have not solved the problem. Federal judges have plenty to do and our Federal courts are stretched thin with 83 current vacancies. Giving tribes the authority to prosecute those who commit violence against Indian victims on Indian land is a better and less costly solution than bringing in large numbers of Federal officials to Indian country.

All these differences are in the wrong direction and would result in leaving victims out. The Grassley substitute also includes costly and inefficient bureaucratic provisions that could cripple the delivery of needed services to victims and tie up the work of the Justice Department's Office of Inspector General.

In contrast to the Republican substitute, the bipartisan VAWA reauthorization bill responds to the needs we have heard from the professionals, including law enforcement, who work every day to help victims of domestic violence, sexual assault, dating violence, and stalking. No one I have worked with has identified Federal sentencing as an area requiring changes. The sentencing provisions in this substitute, which include mandatory minimum sentences, are unnecessary and counterproductive. In fact, leading sexual assault advocacy groups like the National Alliance to End Sexual Violence oppose mandatory minimum sentences because they have a chilling effect on reporting and prosecution of

sexual assaults. The sentencing provisions in the substitute make victims and, by extension, our communities less safe.

We should not include extraneous provisions, as this substitute does, that have nothing to do with domestic violence or sexual assault. Comprehensive immigration reform is coming before us. The Judiciary Committee is hard at work on that. Proposals to change deportations may be appropriate in the context of comprehensive immigration reform. They have nothing to do with VAWA. Yet they are included in the Republican substitute. And when a provision of that type was included in the measure last year, its author nonetheless opposed VAWA reauthorization. It can be considered with comprehensive immigration reform, not here.

Every previous reauthorization of VAWA has contained new protections for immigrants and underserved communities. Our bill builds on that foundation with changes that are modest and widely supported.

The Republican substitute would gut core provisions of our bipartisan legislation that we all know we need and that professionals in the field tell us are needed. I thank Senator CANTWELL, Senator KLOBUCHAR, and Senator DURBIN for their excellent statements in opposition and urge all Senators to oppose the substitute and support the bipartisan Violence Against Women Reauthorization Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I listened to everything the chairman said. I am not going to rebut point by point. I wish to take a little bit of time to emphasize the key points I have tried to make. In a sense, I might be asking the chairman to think in terms of what we are trying to accomplish just on a couple of points.

First of all, I think this is pointed out with the underlying bill that somehow all victims are not protected. The point is, that for however many years now—I suppose it is 25 years that this legislation has been on the books—all victims are protected under the substitute and, I want to emphasize, under current law.

It was then-Senator BIDEN, now Vice President BIDEN, writing the current law. His law did not discriminate. As Senator LEAHY says, those who provide domestic violence services believe a victim is a victim. They do not discriminate.

On another point about the tribal courts, I made reference to the Congressional Research Service when I gave my longer remarks on this point of questionable constitutional issues. As for the tribal court provisions, the Congressional Research Service has raised serious constitutional problems both with respect to the authority of tribal courts to prosecute non-Indians and the constitutional rights of non-Indians. What is very cruel is to provide

tribal women the illusion of a solution that courts may well strike down on constitutional grounds in the future.

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

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

Mr. LEAHY. Madam President, I ask unanimous consent that the following amendments be the only first-degree amendments in order to the bill: Grassley substitute amendment No. 14, Leahy amendment No. 21, Portman amendment No. 10, Murkowski amendment No. 11, Coburn amendment No. 13, Coburn amendment No. 15, and Coburn amendment No. 16; that the time until 4 p.m. be for debate on the Grassley substitute; that the debate be equally divided between the two leaders or their designees; that at 4 p.m. the Senate proceed to vote in relation to the Grassley substitute amendment; that there be no amendments in order to any of the amendments on this list prior to votes in relation to the amendments; that when the Senate resumes consideration of the bill following any leader remarks on Monday, February 11, the time until 5:30 p.m. be equally divided between the two leaders or their designees prior to votes in relation to the remaining amendments and passage of the underlying bill as amended, if amended; further, that Senator CORNYN have 45 minutes under his control on the Republican side; and there be 2 minutes equally divided prior to each vote.

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

Mr. LEAHY. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Madam President, I have spoken on this earlier, but I would just tell my colleagues why I will oppose this substitute which will be voted on in a few minutes. The substitute does not meet the needs of victims of domestic violence or dating violence or sexual assault or stalking. I think it is a poor substitute for the bipartisan Violence Against Women Reauthorization Act that we have developed over the last 2 years, and which has 62 bipartisan Senate cosponsors. That is why I will urge Senators to vote against it.

The proposed substitute bill would remove fundamental points of fairness

that are at the core of this legislation. We need to cover everyone who experiences domestic and sexual violence in this country, with no exceptions. Again, I have said 100 times on this floor, a victim is a victim is a victim; violence is violence is violence. You can't say this victim will get protection, but this victim won't get protection. The police never do that; we shouldn't do it.

Also, this substitute abandons VAWA's historic emphasis on abuse of women. Women are still more often the victims of domestic and sexual violence, with more catastrophic results. The substitute not only fails women, it fails to guarantee that services will actually reach those victims who in the past have been unable to access them.

Every previous reauthorization of VAWA has contained new protections for immigrants and underserved communities. Our bill builds on that foundation with changes that are modest and are widely supported by faith-based organizations, the law enforcement community, and those who work against domestic violence.

We have gone all over this country to find the best way to do this. This is what we have done in this bill. And what bothers me the most about the substitute is that it guts the core provisions of our bipartisan legislation. We know we need these services, and professionals in the field tell us they are needed. Look at what we have in our bipartisan reauthorization bill. It responds to the needs we have heard of from the professionals, including law enforcement. These are the people who work every day to help victims of domestic violence and sexual assault and dating violence and stalking.

No one I have worked with has identified Federal sentencing as an area that requires changes, so the sentencing provisions in the substitute are unnecessary and counterproductive.

Earlier I went through this I think point by point. I won't repeat that, but I would say to all the Members of this body, Republicans and Democrats alike, who have worked to craft this bipartisan piece of legislation: Please vote against this substitute amendment, because it is nothing, nothing at all like what we have worked on.

Madam President, what is the amendment before us now?

The PRESIDING OFFICER. The amendment has not yet been offered.

Mr. LEAHY. Madam President, under the unanimous consent request agreement, am I correct the Grassley substitute is to be voted on in about 30 seconds?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Madam President, normally I would call it up, but I understand Senator GRASSLEY is almost here. As a matter of courtesy, I will not call it up; but if there is going to be a delay, because people are expecting this 4 o'clock vote—

Mrs. BOXER. Parliamentary inquiry, Madam President: What is the order right now?



The PRESIDING OFFICER. The order is for the Grassley substitute to be offered and voted upon.

Mrs. BOXER. At 4 o'clock?

The PRESIDING OFFICER. At 4 o'clock.

Mrs. BOXER. Due to what is happening here, I would say that if he doesn't make his presentation in 5 minutes that we could vote.

#### AMENDMENT NO. 14

Mr. MCCAIN. Madam President, on behalf of Senator GRASSLEY, and probably to his dismay, I call up the Grassley amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. GRASSLEY, for himself, Mr. HATCH, and Mr. JOHANNIS proposes an amendment numbered 14.

Mr. MCCAIN. I ask unanimous consent that further reading be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LEAHY. Madam 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. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 13 Leg.]

#### YEAS—34

Alexander	Flake	Portman
Barrasso	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hatch	Scott
Burr	Heller	Sessions
Chambliss	Hoeven	Shelby
Coats	Inhofe	Thune
Cochran	Isakson	Toomey
Corker	Johanns	Vitter
Cornyn	Johnson (WI)	Wicker
Enzi	McCain	
Fischer	McConnell	

#### NAYS—65

Ayotte	Feinstein	McCaskill
Baldwin	Franken	Menendez
Baucus	Gillibrand	Merkley
Begich	Hagan	Mikulski
Bennet	Harkin	Moran
Blumenthal	Heinrich	Murkowski
Boxer	Heitkamp	Murphy
Brown	Hirono	Murray
Cantwell	Johnson (SD)	Nelson
Cardin	Kaine	Paul
Carper	King	Pryor
Casey	Kirk	Reed
Collins	Klobuchar	Reid
Coons	Landrieu	Rockefeller
Cowan	Lautenberg	Rubio
Crapo	Leahy	Sanders
Cruz	Lee	Schatz
Donnelly	Levin	Schumer
Durbin	Manchin	Shaheen

Stabenow  
Tester  
Udall (CO)

Udall (NM)  
Warner  
Warren

Whitehouse  
Wyden

NOT VOTING—1

Coburn

The amendment (No. 14) was rejected. The PRESIDING OFFICER. The majority leader is recognized.

#### CARL LEVIN'S 12,000TH VOTE

Mr. REID. Mr. President, a few minutes ago Senator CARL LEVIN cast his 12,000th vote. It is my honor to say a few words about CARL LEVIN. He has served the State of Michigan for 35 years and is the longest serving Senator in the history of that State. During his 35 years in the Senate, he has been known as a workhorse. If there is a problem that needs to be looked over by someone who understands the issue, go to Senator LEVIN. He is a person who dots all the I's and crosses all the T's. I depend—and have depended—on him so much for issues that are difficult.

He is a native of Detroit and attended Swathmore College. He graduated—as I always remind him—from Harvard Law School. I called them several times, but obviously my application was lost. I never heard back from them.

He served as general counsel to the Michigan Civil Rights Commission and as assistant attorney general for the State of Michigan. He ran for the Detroit City Council and served two terms there. He was elected in 1978 to the U.S. Senate where he has served six terms and is an effective champion for the people of Michigan.

Public service runs in his family. SANDER LEVIN is his older brother, who came to the House of Representatives in 1982 with me, Durbin, Carper, Boxer, to name just a few.

Senator LEVIN has heard me say this several times, and I will continue to say it because it is one of the most impressive, memorable statements I have ever had in a very personal setting. I was in the House of Representatives, and I was thinking about running for the Senate. I went over to meet with CARL LEVIN to get his ideas. As I was trying to establish some rapport with him, I said: I am serving with your brother. He and I came here together. Without hesitation and so sincerely, he looked up at me and said: Yes, he is my brother, but he is also my best friend.

I have never, ever forgotten that. That speaks so well of the Levin family. Sandy has been the chair of the House Ways and Means Committee and is now the ranking member of the House Ways and Means Committee. CARL is very proud of his brother's service, as Sandy is proud of the service of his brother.

CARL LEVIN has been the chair of the Armed Services Committee, which of course is one of the most important and powerful committees in the entire Congress. He is a respected voice on issues dealing with national security. He has done so much to improve the status of men and women in the military for our great country.

The very first bill he introduced as a Senator speaks to the kind of person he is and the issues he cares about. He introduced a bill to end discrimination by credit card companies. Two Congresses ago we did some real good reforms during the credit card debate. Senator LEVIN was involved in that, as well he should have been, because he was the first to bring to the attention of the American people what needed to be done.

He is also the chairman of the Senate Permanent Subcommittee on Investigations, which for decades has done great work for this country. Under his guidance and leadership, it has done some remarkably good work. He was the one who delved deeply into the Enron collapse. Again, that committee has done a lot of work on abusive credit card practices. It is one of the main reasons we were able to get the credit card reform done.

He led investigations in the 2008 financial crisis. He has looked very closely and did a wonderful report on what I refer to as tax loopholes, and I think that is how he refers to it also. He has been one of the country's leading experts—and certainly one of the leading experts in this body—of American manufacturers. We know that manufacturing has had such strong forces in Michigan in years past and they are coming back as a result of the work the Michigan delegation has done, led by Senator LEVIN.

He is someone who understands that we have a new world, we have global markets, and we have to continue working hard to make sure we are a part of that, and we are.

He has fought to protect the Great Lakes—Michigan's signature natural resource.

He is married to Barbara, a wonderful woman, who has been so thoughtful and kind to me, but especially my wife, during her recent illness. They have been married since 1961. They have three daughters and six grandchildren.

CARL LEVIN is somebody whom I so admire. He has a lot of service left in him. There are so many things he is capable of doing as a result of the positions he now holds in the Senate. The one thing I admire so much about CARL LEVIN—as I have already indicated—is how strongly he feels about his family. He and his brother have a piece of property in Michigan. They call it the tree farm. In Searchlight I still have my hat they gave me that says "Tree Farm." He has talked to me on many occasions—we haven't talked lately—about how he and his brother like to walk on their tree farm. There is nothing there but trees, but it is an occasion for them to be together as brothers.

Congratulations to CARL LEVIN on reaching this impressive milestone of 12,000 votes. Not only has he left that mark—he left that mark in my mind and anyone who has served with him—but he has left his mark as being an extraordinary man.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, it has been my honor to have served with the senior Senator from Michigan for almost three decades now, and I too want to rise and congratulate him on achieving this milestone. There is no Member of the Senate who is brighter or more hard working. We have had a good example of that here in the last couple of months of Senator LEVIN's respect for the institution and his desire to protect the traditions of this institution. I want him to know that he is widely respected all throughout the Senate, and particularly on this side of the aisle.

I congratulate him for this important achievement and look forward to working with him in the future.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to congratulate my friend and colleague, the senior Senator from Michigan. This is the day he has cast his 12,000th vote. What is most significant is not the quantity of his votes, but the quality of his votes. Each one of those has had Michigan's face on it when he cast those votes.

As our majority leader indicated, Senator LEVIN has been a champion for the automotive industry, manufacturing, his beloved Detroit, our beautiful and wonderful Great Lakes, the Department of Defense and, more particularly, the men and women who serve us every day.

I rise on behalf of everyone in Michigan to say how proud we are of Senator LEVIN. We have great confidence in his judgment, integrity, and hard work. In my book, there is nobody better.

Of course, I am very thrilled with the wonderful family he and Barbara have. He is ahead of me on grandchildren, but I am working on it. He is not only someone with the right ethics, integrity, and love for his family, nobody fights harder and does the right thing for Michigan more than CARL LEVIN.

I join in congratulating him. Once again I want to say it is not about the number of votes but the quality of votes. Every one of those 12,000 votes has had Michigan's name on it.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first I want to thank my dear colleague from Michigan, Senator STABENOW. We have worked so closely together on Michigan issues. She is one great partner, and I am proud to represent Michigan with her at my side and her as a partner.

Talking about partners, my wife Barbara has been married to me for 51 years, and she is my lifelong—excuse me. I have to straighten this out. My brother is my lifelong best buddy. He was there when I was born. I have to modify what Senator REID said. For the last 51 years, my wife has been my best buddy, and my brother has been my second-best buddy, but I am blessed

with family. I would like to thank everyone for mentioning my family.

I am blessed with a staff that is led by David Lyles. I have great friendships here in this body and there is no substitute for the kind of friendships and relationships which make this body work. Even when it doesn't appear to be working, it is working. I know the public gets frustrated with us at times, but this is an extraordinarily resilient body.

Many times during the 34 years I have been here there have been periods when we have been frustrated in terms of getting our work done, but we pull through in this wonderful, noble institution. This venerable institution is being protected here by people who love it, and I cherish those relationships with the people who do cherish this body and what it uniquely stands for in the world. There is no other body like it in the world. I only wish that people such as Robert Byrd and Danny Inouye could live forever to help protect this body, but that is not the case.

I want to mention one other thing. I am very grateful to Senator REID and Senator MCCONNELL for their comments. I wanted to speak about something Senator MCCONNELL referenced.

A few weeks ago this body did something which was very bipartisan and very essential to its health and its survival, and that was to make sure we continue to protect the minority but not to overprotect the few Members if those Members take excessive advantage of our rules.

Eight of us got together. Senator MCCAIN and I pulled together three Democrats and three Republicans. For many weeks we worked together, without staff, and came up with an alternative which the leaders used to work through this complicated situation we found ourselves in relative to the rules.

On the Democratic side, we had Senator SCHUMER, Senator CARDIN, and Senator PRYOR, and on the Republican side we had Senator ALEXANDER, Senator Kyl, and Senator BARRASSO join Senator MCCAIN and me. I believe it was one of the most important things we have done in recent years here, which was to change the procedures. They were not working. They were being used to frustrate efforts to get legislation to the floor.

We had to do that. We had to do something to change the rules which were being misused in terms of postcloture hours. There were judges who were going to be approved by votes of 95 to 1 or 2, and those postcloture hours were being used to stall the Senate. We took care of that situation. We acted on a bipartisan basis, and hopefully that spirit of bipartisanship, which is so essential to making this place work, will continue and be given a boost not just by what the leaders essentially did in accepting our recommendations on these procedural changes but will now apply and work with other efforts that will be underway in this Congress.

I want to mention that because eight of us, on a bipartisan basis, did something which we believe very deeply about as a way of avoiding what was called the nuclear option. If that were used, it would have led to a change in a way which was not provided for in the rules. Under the rules, this is a continuing body. If that were used, it could have gone around the rules and essentially put the Presiding Officer in the position of ignoring the advice of our Parliamentarian and saying that we could, by majority vote, do something which our rules say could only be done by two-thirds of us. That would have done severe, long-lasting damage to this institution. We were able to avoid that, Democrats and Republicans—well beyond the eight of us—including the Presiding Officer, who was so helpful to me in working through this idea and giving me suggestions. I am very grateful to him for the kind of suggestions and conversations we had. We were able to work through an issue on a bipartisan basis and then the body came together and about 80 or more voted for these procedural changes. I thought it was a great day, personally. I know that. I know the eight of us feel very strongly about the important contribution we made to this body, working together. So we feel very good about it. I hope over time some of the people who were critical of it will see it as being a significant advance in making this body work better, allowing us to work our will. I wanted to mention that because it was mentioned by one of our leaders—Senator MCCONNELL—and I know Senator REID worked so closely with him and his staff, and they helped us through a very difficult situation which would have, if not resolved on a bipartisan basis, created some real problems for the ongoing operations of this body.

So I thank our leaders. I thank Senator REID, of course, who is such a dear friend, and I thank him for not just mentioning my beloved wife Barbara but also my brother Sandy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

#### KEYSTONE XL PIPELINE

Mr. HOEVEN. Mr. President, I rise to speak on the Keystone XL Pipeline project.

Gas prices are now about \$3.50—actually, \$3.53—a gallon, which is up over 90 percent since President Obama took office. Economic activity for the fourth quarter of 2012 declined by one-tenth of 1 percent. It was projected to go up by about 1 to 1.2 percent, and actually it declined by one-tenth of 1 percent.

Still, the President refuses to approve a multibillion-dollar project—the Keystone XL Pipeline—that will provide energy, create jobs, generate tax revenue, and help reduce our dependence on oil from the Middle East. He is still delaying even though every State on the pipeline route has consented to the project. So every single State on the route has approved the project and will have better environmental stewardship with the project than without it. Let me repeat that. Every State on the route has approved the project and will have better environmental stewardship with the project than without it, and yet the President continues to delay.

Let me elaborate. Recently, a group of 53 Senators, both Republicans and Democrats, signed a letter that I helped organize to President Obama asking him to approve without delay the Keystone XL Pipeline project. The letter was signed by a majority of the Senate within just 1 day—1 day—of Nebraska Governor Dave Heineman's approval of a new route through his State of Nebraska. The new path addressed Nebraska's concerns about the route, as well as the President's, by circumventing the environmentally sensitive Sandhills region, effectively removing the last obstacle to approval.

Prior to sending this letter, in November Senator MAX BAUCUS and myself organized a similar letter—that was in November—signed by nine Republican Senators and nine Democratic Senators asking to meet with the President to discuss the many benefits that accrue to our Nation by building the Keystone XL Pipeline. Now, let me read that letter. It is very short.

With the elections of 2012 behind us, we write to remind you of the continuing importance of the Keystone XL Pipeline. We want to work together to keep creating jobs, and Keystone XL is one vital piece of the puzzle. We would like to meet with you in the near future to discuss this important project.

Setting politics aside, nothing has changed about the thousands of jobs that Keystone XL will create. Nothing has changed about the energy security to be gained through an important addition to the existing pipeline network built with sound environmental stewardship and the best modern technology. Nothing has changed about the security to be gained from using more fuel produced at home and by a close and stable ally. And nothing has changed about the need for America to remain a place where businesses still build things.

We hope that you will follow through on your directive of March 22, 2012, to Federal agencies to move forward vital energy infrastructure like Keystone XL. The state of Nebraska is nearing completion of the new pipeline route within Nebraska. With that process near completion, we look forward to an affirmative determination of national interest soon.

We sent that letter to the President in November—a bipartisan letter, nine Republican Senators, nine Democratic Senators. To date, we have received no direct response from the White House despite the fact that there is clearly strong bipartisan support for the project.

The only response we received was not from the White House but, rather,

from the State Department. Let me read that letter. It is very short too. It is from David S. Adams, Assistant Secretary of Legislative Affairs at the U.S. Department of State. Basically, it says:

Thank you for your November 16 letter to President Obama concerning the status of the administration's review of TransCanada's new application for a Presidential Permit for the proposed Keystone XL pipeline project. We have been asked to respond on behalf of the President.

The letter then kind of goes: Yes, we recognize it is an important project. We are looking at it. We are doing some more draft supplemental reviews, and we hope this information is helpful to you. Please do not hesitate to contact us if we can be of further assistance.

That is the extent of the response.

So it has now been more than 4½ years since the permit applications were submitted to the State Department for this vital energy project. Yet, even with an exhaustive review process, the consent now of every State along the route, the backing of a majority of Congress, and the support of the American people, the Keystone XL Pipeline project is still languishing at the hands of the President of the United States—after 4½ years.

Let me expand on the point about all of the States on the route approving the project. After Governor Heineman, on behalf of the State of Nebraska, sent a letter to the President approving the project, which happened just several weeks ago, after I worked with Senator BAUCUS and others to get 53 Senators in 1 day on a letter saying to the President, let's get this approved, the Governors along the route also sent a letter to the President saying, hey, let's approve the project.

So now you have every single State saying—every single State on the route saying: Hey, fine, let's do the project—every single one.

Here is the letter. It also includes the Honorable Brad Wall, the Premier of Saskatchewan. The pipeline passes through Saskatchewan as well. I am not going to read the whole letter but just a few excerpts.

Dear Mr. President:

As you begin your second term, we are writing to respectfully urge you to move forward on the Keystone XL Pipeline project.

The energy relationship between the United States and Canada is vital to the future of both our countries. It is an interest we share, transcending political lines and geographic boundaries.

The letter goes on and talks about how the project is crucial to U.S. energy security, working with Canada for our energy rather than getting it from the Middle East.

The letter talks about “thousands of jobs” the project creates not only building this \$7 billion pipeline but then all the jobs that go to the refineries and the other activities that go with it. And it talks about safety, efficiency, and reliability.

The letter concludes:

Mr. President, we consider the Keystone XL Pipeline fundamentally important to the future economic prosperity of both the United States and Canada.

We strongly urge you to issue a Presidential Permit and act swiftly to approve the Keystone XL pipeline.

It is signed by Governors—now, remember, Senator BAUCUS and I have been working on this on behalf of Montana. You have Nebraska here. Governor Heineman just sent in a letter. Here are some of the other Governors on this letter: Gov. Sam Brownback from Kansas, Gov. Jack Dalrymple from North Dakota, Gov. Dennis Daugaard from South Dakota, Gov. Mary Fallin from Oklahoma, Gov. Rick Perry from Texas, in addition to other Governors who are not on the route, such as Gov. Butch Otter of Idaho, Gov. Brian Sandoval of Nevada, Gov. Matt Mead of Wyoming, Gov. Jan Brewer of Arizona—Republicans and Democrats.

But the point is that on the whole route, all the Governors have written and said: Hey, let's do this. Let's do it.

So what is going on here? Why does the President continue to delay the project?

The long wait for approval is dismaying enough, but it represents a larger issue for our Nation and begs a bigger question for policyholders: How will America ever build an “all of the above” energy policy if the President takes nearly 5 years to approve one piece of an inclusive plan, particularly, as I say, after everybody on the route has said: Hey, can we do this after 5 years, please. Can we move forward, Mr. President?

To account briefly, this \$7 billion, 1,700-mile, high-tech pipeline will carry oil not only from Alberta, Canada, to refineries in Oklahoma and the Texas gulf coast, but it will also carry growing quantities of U.S. sweet crude from the Bakken oilfields in North Dakota and Montana. Even by modest estimates, it will create tens of thousands of jobs, boost the American economy, and raise much needed revenues for State and Federal governments. We have a deficit. Here is a project to get substantial tax revenue without raising taxes, through economic activity, through job creation.

Further, and perhaps most importantly, it will help put our country within striking range of a long-sought goal: true energy security. For the first time in generations, the United States, with its friend and ally Canada, will have the capacity to produce more energy than we use, reducing or eliminating our reliance on the Middle East and other volatile parts of the world.

The argument has been advanced that the oil sands will increase carbon emissions and that failing to build the Keystone XL will somehow reduce emissions. But let's look at that claim. That is the other piece. Let's look at the environmental aspects of this project.

Today, more than 80 percent of all new recovery in the oil sands is being accomplished “in situ,” a technology

that makes the oil sands' carbon footprint comparable to conventional drilling. In fact, the oil sands industry has reduced greenhouse gas emissions per barrel of oil produced by an average of 26 percent since 1990, with some facilities achieving reductions as high as 50 percent. Today, heavy crude oil from the Middle East and even from California produces more carbon emissions over its life cycle than the Canadian oil sands. Let me repeat that. Today, heavy crude that we import from the Middle East and even some of the California heavy crude produce more carbon emissions over their life cycle than Canadian oil sands.

We also need to factor in that if the pipeline is not built from Alberta to the United States, a similar pipeline will be built to Canada's Pacific coast. That is what I show right here on this chart. From there, the oil will be shipped across the Pacific Ocean, a much larger, sensitive ecosystem than the Sandhills—which we are not even going through now—to be refined at facilities in China with weaker environmental standards and more emissions than facilities in the United States. The United States, moreover, will continue to import oil from the Middle East, again, on tankers. Factor in the cost of trucking and railing the product to market overland, and the result, contrary to the claims of opponents, will be more emissions and a less secure distribution system without the Keystone XL Pipeline project.

Think about it. So we say: OK, we are not going to have this pipeline, even though we have built other pipelines already. We are not going to get oil from Canada. What happens? That oil goes to China, with higher emissions. You are going to take it across the ocean, which is a greater risk than putting it in a pipeline. You are going to have it refined in refineries in China, which have much worse emissions standards than our own. And guess what we get to do. Let's see, we do not get the jobs. We do not get the tax revenues. Do you know what we do get to do? We get to continue to import our oil from the Middle East. How does that sound? Is that a good idea with what is going on in Iran and with what is going on in Egypt and with what is going on in Syria—the risk that the Strait of Hormuz could be blockaded or that you could have further conflict over there that could cut off oil supplies? Is that what the American people want? They want to continue to get oil from the Middle East rather than our closest friend and ally, Canada? The American people would rather that oil go to China? Of course not. And that is what we are talking about with this project.

Well, that raises another important point. The administration's own State Department completed its 3-year National Environmental Protection Act—NEPA—review of the Keystone XL project back in 2011 and determined that “there would be no significant im-

pacts” on the environment. That is what the administration determined in their own NEPA process.

And that raises another point. The White House says: Well, we do not want to get ahead of the process. But the President effectively abandoned the process more than a year ago when he halted the project by Executive action. Had he not, the State Department, in keeping with the usual process, would have issued a decision on the permit—after 4 years—by December 2011, according to a letter Secretary Clinton sent to me in August 2011.

I have worked toward approval of the Keystone XL Pipeline—first as the Governor of North Dakota and now as a Senator—because I believe it is just the kind of project that will grow our economy and create the jobs our country so desperately needs, and it will do so with good environmental stewardship. At the same time, it will reduce our dependence on the Middle East for oil, which is what the American people have desired for decades. The Keystone XL Pipeline project is long overdue. For the benefit of our economy, our environment, and our long-term energy security, President Obama needs to approve it now, without further delay.

Mr. President, I ask unanimous consent for several minutes on another topic in regard to a recipient of the Medal of Honor from my State of North Dakota.

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

TRIBUTE TO ARMY STAFF SERGEANT CLINTON ROMESHA

Mr. HOEVEN. Mr. President, I rise today to honor one of our Nation's true heroes—Army SSG Clinton Romesha.

On Monday the President will present Sergeant Romesha with our country's highest military award—the Medal of Honor—for “acts of gallantry . . . above and beyond the call of duty.”

Clint comes from a long line of military heroes. His father is a veteran of the Vietnam war. His grandfather fought in the U.S. Army during World War II. Romesha often cites his grandfather as his greatest hero, so it was not surprising that Clint followed his example and joined the Army in 1999.

Staff Sergeant Romesha showed courage every day that he donned his Army uniform but especially on October 3, 2009, one of the deadliest days of the war in Afghanistan. On that day hundreds of Taliban fighters ambushed American Combat Outpost Keating from all sides with grenades, machine guns, mortars, and rifles. Heavily outnumbered, Clint Romesha and his fellow soldiers quickly fought back in what would turn out to be a deadly daylong battle.

Sergeant Romesha fought valiantly. He darted into danger to draw out the enemy many times. He himself took out a machine gun team. Staff Sergeant Romesha was working to take out a second when he was wounded by shrapnel from an exploding grenade.

His Medal of Honor citation reads:

Undeterred by his injuries, Staff Sergeant Romesha continued to fight and upon the arrival of another soldier to aid him and the assistant gunner, he again rushed through the exposed avenue to assemble additional soldiers.

With complete disregard for his own safety, he continually exposed himself to heavy enemy fire as he moved confidently about the battlefield engaging and destroying multiple enemy targets.

Staff Sergeant Romesha exemplified the valor that President Theodore Roosevelt—also a Medal of Honor recipient—spoke of when he said: “Courage is not having the strength to go on; it is going on when you don't have the strength.”

Despite his wounds, Sergeant Romesha never stopped fighting. He stayed in the battle—leading his team, directing air support, protecting wounded soldiers, and helping to recover the bodies of his fallen friends.

The battle lasted for 12 hours. Eight soldiers lost their lives, and 22 were wounded—a fact that Romesha humbly reminds us of whenever his bravery is touted.

In fact, Sergeant Romesha said:

What I got injured with was nothing. I have buddies who lost their eyesight, who lost limbs. For that, I would rather give them all the credit they deserve for the sacrifices they made. For me, it was nothing.

To Sergeant Romesha, it was just doing his job. To the rest of us, he is a true example of courage and selfless sacrifice. He went above and beyond the call of duty, repeatedly risking his life to defend his post and, more importantly, to help his fellow soldiers. We are grateful for his service and for his example to us all.

Today, Clint resides in Minot, ND, where he and his wife Tamara are raising their three children. I am certain he is every much the hero and inspiration to them that his own grandfather was to him.

My wife Mikey and I join our fellow North Dakotans and Americans in honoring Sergeant Romesha for his heroic and selfless service. We thank him for his exemplary actions on that dangerous day in Afghanistan and every day he served our great country.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to morning business, with the Senators allowed to speak for up to 10 minutes each.

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