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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 12, 2013, at 12 noon.

Senate

MONDAY, FEBRUARY 11, 2013

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Divine Master, You are the center of our joy. Let Your benediction rest upon our Senators as they strive to bring their stewardship in line with the destiny You desire for their lives. Lord, make them channels of Your grace, empowering them to serve our land in the spirit of children rejoicing in doing Your will. Replenish their limited human resources with strength from Your limitless reservoir of grace. Remind them You will not ask them to do more than You will provide the strength to accomplish.

Fill this day with unexpected surprises of Your mercy and love.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of S. 47, the Violence Against Women Act. The time until 5:30 p.m. will be equally divided and controlled between the two leaders or their designees.

At 5:30 there will be several rollcall votes in relation to amendments to the bill. Right now there are up to seven rollcall votes remaining. We don't know if that, in fact, will take place. I have been advised that National Airport has been closed off and on during the day, or at least flights haven't been coming in because of some kind of a weather problem, low-hanging clouds. We have had a number of calls from Senators who are saying they may not be able to be here. I will keep in touch with the Republican leader and we will go from there.

The way things are scheduled now, we have up to seven rollcall votes starting at 5:30 today. We are going to complete work on the Violence Against Women Act, or hope we can do that, tonight. We are going to have the State of the Union tomorrow and we hope on Wednesday and/or Thursday we will be able to finish the Hagel nomination.

There has never in the history of the country been a filibuster on a Defense Secretary, and I am confident there won't be on this one. I am told the committee will report this matter out tomorrow, and we will move this to the Senate floor as quickly as possible.

We have a work period, and when we get back we will try to complete the National Security Director, Mr. Brennan, and we will move on to Mr. Lew, who will be the Secretary of the Treasury.

We have some votes, and we will line up this week what we are going to do when we get back after the work period we have at home for 5 days.

I look forward to a productive night. I hope we can complete these votes, because there are people working very hard on this, not the least of which has been the President pro tempore, the chairman of the Judiciary Committee, who has worked on this matter for a number of years. I hope we can complete this very quickly.

The Chair may announce the business of the day.

RESERVATION OF LEADER TIME

THE PRESIDING OFFICER (Mr. KAINE). Under the previous order, the leadership time is reserved.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 47, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 47) to reauthorize the Violence Against Women Act of 1994.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided between the two leaders or their designees.

The Senator from Vermont.

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

The legislative clerk proceeded to call the roll.

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

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, am I correct that we are on the Violence Against Women Act?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I hope all Senators will join in adopting the trafficking victims protection amendment that is before us today. This is crucial to reauthorizing the Trafficking Victims Protection Act. We can make real progress in helping victims of human trafficking by adopting the amendment today and then proceeding to pass both the Violence Against Women Reauthorization Act and the Trafficking Victims Protection Reauthorization Act without delay.

One hundred and fifty years after President Lincoln issued the Emancipation Proclamation and long since ratification of the 13th amendment to our Constitution, slavery is illegal. What we are fighting now is human trafficking, which can amount to modern day slavery. This still occurs throughout the world—including in the United States of America. The Polaris Project estimates that there are more than 27 million victims of human trafficking worldwide today. To put that in perspective, that is more people than the population of Texas.

The amendment before the Senate today is drawn from our Trafficking Victims Protection Reauthorization Act, a bipartisan bill that was written with the input of victims and service providers to make critical improvements to existing law. I have worked hard to try to address concerns expressed by Republican Senators and to ensure bipartisan support for this legislation, which Congress has reauthorized three times before. The result is that last year this legislation had 57 cosponsors, including 15 Republicans.

It is a parallel effort to our reauthorization of the Violence Against Women Act. I was preparing to move it separately but other Senators offered trafficking-related amendments to the VAWA bill. That is what led to this amendment being offered at this time. This is now our opportunity to pass the Trafficking Victims Protection Reauthorization Act and take a giant stride forward to help trafficking victims.

Our effort is to stop human trafficking at its roots by supporting both domestic and international efforts to fight against trafficking and to punish its perpetrators. We provide critical resources to help support victims as they rebuild their lives.

This amendment includes new measures to ensure better partnership and coordination among Federal agencies, between law enforcement and victim service providers, and with foreign countries to better address every facet of this complicated problem.

It also strengthens criminal anti trafficking statutes to ensure that law enforcement agencies have the tools they need to effectively combat all forms of trafficking. It includes measures to encourage victims to cooperate with law enforcement, which leads to more prosecutions, and to identify victims and alert law enforcement.

We have included accountability measures to ensure that Federal funds are used for their intended purposes, and we have streamlined programs to focus scarce resources on the approaches that have been the most successful.

Last year, the Senate Judiciary Committee reported the measure and it was cleared for passage by every Democratic Senator. We worked closely with Chairman Kerry, now Secretary of State Kerry, and the members of the Foreign Affairs Committee. We have updated it with modifications cleared with the State Department and the new Foreign Affairs chairman, Senator MENENDEZ, to the first title. I want to acknowledge Senator RUBIO's efforts last year trying to help us clear this bill for Senate passage. Regrettably, this important legislation, like so many others, was held up last year by the objection of one anonymous Republican Senator. This is now our opportunity to pass it. Let us join together today to take this important step to help trafficking victims and prevent human trafficking.

The United States remains a beacon of hope for so many who face human rights abuses. We know that young women and girls, often just 11, 12, or 13 years old, are being bought and sold. We know that workers are being held and forced into labor against their will.

I urge all Senators to join in passing the Trafficking Victims Protection Reauthorization Act. People in this country and millions around the world are counting on us.

Mr. President, I ask that the time be equally divided, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

FISCAL CHALLENGES

Mr. MCCONNELL. Mr. President, over the past few weeks I have come to the floor to urge the President and Senate Democrats to act on the huge fiscal challenges facing our Nation, starting with the Obama sequester. Unless Senate Democrats allow a reasonable spending cut alternative to pass this Chamber before March 1, the President's plan will go into effect. The House passed legislation to avert the Obama sequester months ago, but Senate Democrats have yet to pass an alternative bill that could actually go to conference. In fact, it took until this week for them to even say they would do an alternative, and the alternative they have come up with is clearly—clearly—designed to fail. Look, they knew this was coming more than a year ago. Yet they still haven't put forward a serious proposal of replacement spending cuts. What a colossal waste of time.

At the beginning of the year Democrats promised that things would be different. They promised to get their work done ahead of time instead of 5 minutes before the deadline, that legislation would get committee consideration and that we were going to go through the regular order.

Instead, we find ourselves in sad and familiar territory. It goes something like this: Republicans identify a challenge and propose a solution well in advance. Democrats sit on their hands until the last minute, and then they offer some gimmicky bill designed to fail. Then comes the final act: President Obama rides in to blame everyone else. Obviously, tomorrow's State of the Union Address will provide a perfect forum for that, so we will see if history repeats itself. But, frankly, this whole routine is getting quite old. Maybe I am wrong. Maybe the President and his Democratic friends are willing to break the cycle this time. If so, my party has said from the beginning that we would much prefer to replace the Obama sequester with smarter spending cuts and reforms.

Even though Republicans already passed legislation to solve the problem a long time ago, if the President wants a different solution he can call his own, that is fine. We are happy to give him the credit. But however we get it done, the time has come to finally take on Washington's spending problem in a bipartisan way, and that means the President will actually have to move beyond the gimmicks and the taxes and propose real spending reductions because I assure you that my constituents in Kentucky will not accept a tax hike in place of spending cuts already agreed to by both parties.

Remember, we agreed to reduce this amount of spending in October 2011 without raising taxes. We have already made this agreement. The question is, What are we going to do about it? I think Democrats' continued avoidance of their responsibility to deal with the huge threats to our economy and our future lies ahead.

As I said, I strongly suspect that instead of bipartisan action, the White House will subject us to yet another campaign blitz. Frankly, I could write the scripts myself. We will all be told that the President's hands are tied by the very sequester he himself proposed, signed, and now refuses to get rid of. We will be told he has no choice but to furlough civilians throughout the Defense Department, to cut off training for forces next to deploy, and to order a battle carrier to stay at home, which would diminish our presence in the

Persian Gulf, when the reality is that he has responsibilities as Commander in Chief.

Let's be clear about something: If the President does choose to strike fear into the hearts of folks whom he should be reassuring, then that decision will be his alone. And that is why the next time the President delivers some over-the-top speech, flanked by some pollster-approved voter group, I hope someone on the stage taps him on the shoulder and asks, Mr. President, if you are truly worried about this issue, why aren't you working with the Congress we elected to prevent it?

It is a good question, and it is one only he can answer. We will welcome him to Capitol Hill tomorrow, and I hope he will provide an answer. Will the President lay out a serious plan to avert the Obama sequester or will he simply use this as another excuse to fire up the campaign machine? If it is the latter, he will have to live with the consequences of his choice.

Another issue we have been reading a lot about lately relates to the consequences of ObamaCare. I could stand here and tell you that Republicans warned about most of these things until we were hoarse, that we saw it all coming and said so—the higher costs, the higher premiums, the tax hikes, the lost jobs, and the potential for millions to lose their plans. The President dismissed all of that, and he got his legislative win. The question is, What is he going to do to help folks now that our predictions are all coming true? Will he be open and honest with the American people about the consequences of ObamaCare? Will he use tomorrow's speech as an opportunity to prepare them or will he simply ignore it and hope people simply don't notice?

These are just a couple of the issues Americans are worried about right now. I hope the President addresses both of them tomorrow. There is pretty broad agreement that the President spent most of his first term avoiding the issues Americans cared about most. What I am suggesting is that he not do the same thing this time around.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to spend some time outlining some amendments I have to the Violence Against Women Act, but I also ask unanimous consent to use oversized charts, and even with the size I have, on the one chart, you can barely see it, in terms of the grant programs.

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

Mr. COBURN. I would also like to comment on the Trafficking Prevention Reauthorization Act of 2012, which is the Leahy amendment. When we first started working on this issue, it was 2001 and $31.8 million, with one or two Federal agencies involved. With this bill, we are going to create eight different agencies with responsibility for this. That is absolutely crazy, and it duplicates exactly what we have done in every other area of the Federal Government, which I will show here in a moment. It shows what we have done in the Justice Department in terms of grants.

Now, we spend $3.9 billion a year out of the Justice Department on 259 different grant programs, many of which—as a matter of fact, the majority of which overlap one another. We have found—and this is not my data, this is GAO data—that we have multiple entities making a claim for a grant in one area, and then they go over and make a claim for the same thing in another area. Guess what. The Justice Department doesn't know that. They have no idea what is going on with their grant programs. They do not do any followup, they do not put in any metrics, and so therefore the $3.9 billion or the $40 billion we have spent on these programs in the last 10 years has been highly ineffective.

These grants are well intended. I don't doubt that. The amendment of the Senator from Vermont, Mr. LEAHY, on the Trafficking Victims Protection Act is very well intended. I am not disputing that. But we find that the vast majority of money in that amendment goes overseas for trafficking prevention and protection, not here in our country where it is coming across Interstate 35 and Interstate 40 through my State, coming from the west coast to east and from south to north.

When we find that the vast majority of money will be spent outside the country, especially in light of our present budgetary situation, we ought to reconsider this amendment. We ought to refine it down to one or two agencies, not eight. We ought to put line responsibility and transparency in it, and we ought to put in metrics to make sure the money we are spending is actually going to be measured so we will know whether we have been effective in spending the American taxpayers' dollars.

So I am opposed to the Leahy amendment because although well intended, it is a very wasteful throwing of the mud up against the board and hoping to hit something. It is not organized, it is not well thought out, and it is certainly not efficient in terms of the way the money will be expended.

Let me spend a moment on these three charts. I am going to have two more when GAO issues its release on April 1 of all the duplication in the Federal Government, but I want you to notice something here: the Department of Justice grants, 253 different programs not just run by the Department of Justice but 9 other agencies besides them, spending $3.9 billion a year. Now, one might say: Well, that is OK.

But let's look at the organization because we have this chart, which the Department of Justice doesn't have. So here they are, layer upon layer of administrative costs for all these programs—very well intended, all of them, but highly inefficient.

Now, what are we doing with this bill? We are going to add more to it. We are not going to add a lot of metrics to see if what we are doing actually works.

The other thing we are doing with this bill is we have an authorization that is far greater than the amount of money we are ever going to spend on it. Now, why would we do that? Is it political? Could it possibly be political, that we are going to authorize way above what we know is ever going to be spent? Yes, it is. We know we are not going to spend what is authorized in this bill.

Authorizations ought to be what we intend to be spent, not how we intend to soothe someone with what we say we are going to spend, yet knowing full well we will never spend the money. It is a very shameful sleight of hand because these are important issues. As a practicing physician, having delivered over 4,000 babies, I have seen violence against women in lots of ways. I have done a lot of counseling, spent a lot of time there. And any dollar we take from the American taxpayer, we ought to make sure it actually does something very positive.

I have several amendments to this bill. I didn't get all the amendments I wanted. One was denied, and I will explain to the American public what it was. It was to eliminate $200 million in expenditures for campaign conventions for the Democrats and Republicans. It passed here with 94 votes, but they wouldn't allow it to be voted on here. It passed the House. So here is a way to take $200 million and let the parties run their own conventions rather than the American taxpayers paying for the parties. But that wasn't allowed.

So we haven't moved forward yet in the Senate, where people can actually offer what they think will be good-government amendments that will save this government money and do what the vast majority of the American people want us to do.

Just look at this chart. And I want to add one other thing. There is only one agency of the Federal Government that, at the end of the year, if it doesn't spend its money, doesn't get to keep it. Guess what department that is. It is the Department of Justice.

We have set them aside. So even though we don't have good controls on the grants, we don't have oversight. We haven't eliminated the duplication which the GAO says is tremendous in terms of its goals. We had an opportunity to do that on this bill. We didn't do it. At the end of the year, whatever they don't spend they get to spend where they want to spend outside of the appropriations process of Congress. It is time we change that. It is time we know where every dollar is going.

Now, I admit this is a dizzying poster, but it equates well the lack of certainty, intelligence, and planning of Congress. Congress created that.

Think about that: 250-plus different grant programs, most of them overlapping and doing the same thing, with

multiple grantees hitting multiple grants. Since we don't oversight them, and the agency doesn't oversight them, and they don't know whether the money has been spent on what it was supposed to be spent, we have no idea if we are accomplishing something good other than appropriating money to go to grants that go to the cities.

The other problem I have with this bill is that there is a federalism concern. One of the reasons we have been running trillion-dollar deficits, one of the reasons we are close to $17 trillion in debt, one of the reasons we have $86 trillion in unfunded liability—and if we used generally accepted accounting principles and measured our debt like every other country, we would be at about 120 percent of our GDP, and we would be in excess of $100 trillion in unfunded liabilities. And one of the reasons is because we step all over the enumerated powers of the Constitution.

If we were to take this act and look at it, 98 percent of it is for State violations of laws. Nobody will dispute that. Where in the Constitution does it give us the right to go down to the State level and direct and mandate how States are going to respond to their own tort and civil laws? Whether it is the Presiding Officer's Commonwealth of Virginia or the State of Oklahoma, what gives us that right?

I am for fixing these problems, but there is a bigger problem about to swallow our country, and we continue to blindly follow our hearts rather than putting a measure of common sense with our desire to do well. So I have a couple of amendments.

AMENDMENT NO. 15

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 15.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 15.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To more quickly resolve rape cases and reduce the deficit by consolidating unnecessary duplication within the Department of Justice)

At the appropriate place, insert the following:

SEC. ___. IDENTIFYING UNNECESSARY DUPLICATION WITHIN THE DEPARTMENT OF JUSTICE.

(a) REQUIREMENT TO IDENTIFY AND DESCRIBE PROGRAMS.—Each fiscal year, for purposes of the report required by subsection (c), the Attorney General shall—

(1) identify and describe every program administered by the Department of Justice;

(2) for each such program—

(A) determine the total administrative expenses of the program;

(B) determine the expenditures for services for the program;

(C) estimate the number of clients served by the program and beneficiaries who received assistance under the program (if applicable); and

(D) estimate—

(i) the number of full-time employees who administer the program; and

(ii) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance) who assist in administering the program; and

(3) identify programs within the Federal Government (whether inside or outside the agency) with duplicative or overlapping missions, services, and allowable uses of funds.

(b) RELATIONSHIP TO CATALOG OF DOMESTIC ASSISTANCE.—With respect to the requirements of paragraphs (1) and (2)(B) of subsection (a), the Attorney General may use the same information provided in the catalog of domestic and international assistance programs in the case of any program that is a domestic or international assistance program.

(c) REPORT.—Not later than February 1 of each fiscal year, the Attorney General shall publish on the official public Internet website of the agency a report containing the following:

(1) The information required under subsection (a) with respect to the preceding fiscal year.

(2) The latest performance reviews (including the program performance reports required under section 1116 of title 31, United States Code) of each program of the agency identified under subsection (a)(1), including performance indicators, performance goals, output measures, and other specific metrics used to review the program and how the program performed on each.

(3) For each program that makes payments, the latest improper payment rate of the program and the total estimated amount of improper payments, including fraudulent payments and overpayments.

(4) The total amount of unspent and unobligated program funds held by the Department and grant recipients (not including individuals) stated as an amount—

(A) held as of the beginning of the fiscal year in which the report is submitted; and

(B) held for 5 fiscal years or more.

(5) Such recommendations as the Attorney General considers appropriate—

(A) to consolidate programs that are duplicative or overlapping;

(B) to eliminate waste and inefficiency; and

(C) to terminate lower priority, outdated, and unnecessary programs and initiatives.

(d) CONSOLIDATING UNNECESSARY DUPLICATION WITHIN THE DEPARTMENT OF JUSTICE.—Notwithstanding any other provision of law and not later than 150 days after the date of enactment of this section, the Attorney General shall—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in—

(A) the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Government Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO 11 318SP);

(B) the February 2012 Government Accountability Office report to Congress entitled ''2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO 12 342SP);

(C) the July 2012 Government Accountability Office report to Congress entitled ''Justice Grant Programs'' (GAO 12 517); and

(D) subsection (a);

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in—

(A) the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Government Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO 11 318SP);

(B) the February 2012 Government Accountability Office report to Congress entitled ''2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO 12 342SP);

(C) the July 2012 Government Accountability Office report to Congress entitled ''Justice Grant Programs'' (GAO 12 517); and

(D) subsection (c); and

(3) develop a plan that would result in financial cost savings of no less than 20 percent of the nearly $3,900,000,000 in duplicative grant programs identified by the Government Accountability Office as a result of the actions required by paragraph (1).

(e) ELIMINATING THE BACKLOG OF UNANALYZED DNA FROM SEXUAL ASSAULT, RAPE, KIDNAPPING, AND OTHER CRIMINAL CASES.—Notwithstanding any other provision of law and not later than 1 year after the enactment of this section, the Director of the Office of Management and Budget in consultation with Attorney General shall—

(1) rescind from the appropriate accounts the total amount of cost savings from the plan required in subsection (d)(3);

(2) apply as much as 75 percent of the savings towards alleviating any backlogs of analysis and placement of DNA samples from rape, sexual assault, homicide, kidnapping and other criminal cases, including casework sample and convicted offender backlogs, into the Combined DNA Index System; and

(3) return the remainder of the savings to the Treasury for the purpose of deficit reduction.

(f) REPORTING THE SAVINGS RESULTING FROM CONSOLIDATING UNNECESSARY DUPLICATION.—Notwithstanding any other provision of law, the Attorney General shall post a report on the public Internet website of the Department of Justice detailing—

(1) the programs consolidated as a result of this section, including any programs eliminated;

(2) the total amount saved from reducing such duplication;

(3) the total amount of such savings directed towards the analysis and placement of DNA samples into the Combined DNA Index System;

(4) the total amount of such savings returned to the Treasury for the purpose of deficit reduction; and

(5) additional recommendations for consolidating duplicative programs, offices, and initiatives within the Department of Justice.

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term ''administrative expenses'' has the meaning as determined by the Director of the Office of Management and Budget under section 504(b)(2) of Public Law 111–85 (31 U.S.C. 1105 note), except the term shall also include, for purposes of that section and this section—

(A) costs incurred by the Department as well as costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the Department; and

(B) expenses related to personnel salaries and benefits, property management, travel,

program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the Department.

(2) PERFORMANCE INDICATOR; PERFORMANCE GOAL; OUTPUT MEASURE; PROGRAM ACTIVITY.—The terms ''performance indicator'', ''performance goal'', ''output measure'', and ''program activity'' have the meanings provided by section 1115 of title 31, United States Code.

(3) PROGRAM.—The term ''program'' has the meaning provided by the Director of the Office of Management and Budget in consultation with the Attorney General and shall include any organized set of activities directed toward a common purpose or goal undertaken by the Department that includes services, projects, processes, or financial or other forms of assistance, including grants, contracts, cooperative agreements, compacts, loans, leases, technical support, consultation, or other guidance.

(4) SERVICES.—The term ''services'' has the meaning provided by the Attorney General and shall be limited to only activities, assistance, and aid that provide a direct benefit to a recipient, such as the provision of medical care, assistance for housing or tuition, or financial support (including grants and loans

Mr. COBURN. Mr. President, one of the things the VAWA legislation fails to do is to address the duplication and overlap within the very grant programs and nongrant programs of VAWA operated by the Department of Justice and the Department of Health and Human Services. It doesn't address those.

At the beginning of every Congress, I send to each and every Senator information outlining the criteria that I would use—seven others joined me last year—in terms of determining legislation. Last Congress we sent this out, and what I will tell you is that this legislation significantly violates one of the principles that we have to do for us to get out of the hole; that is, to eliminate duplication and consolidate what is in front of us.

So this legislation does do some small consolidation. I will readily and freely admit it hasn't come close to eliminating all the duplication. There are several VAWA grant programs that are so broad that they duplicate one another, providing multiple opportunities, as I said before, to double-dip into Federal programs. They also duplicate significant programs with Health and Human Services. So you can get a grant at Health and Human Services and you can get a grant at the Justice Department. So the whole proposal of this amendment is to force the Department of Justice to make recommendations on what is duplicated, what is effective, and capture those savings to more quickly address the deficits we have in terms of DNA collection and identification.

We have hundreds of thousands of pieces of evidence that could significantly change both the cost and the time period in which we address both violent crime and nonviolent crime. According to the GAO, we wasted billions of dollars over the last 10 years in these grant programs. So what this amendment says is we are going to put it to the Justice Department—they know where they are—to come forward, save this money, and let's direct this money to clean up the CODIS system, the DNA backlog, and bring it forward and infuse that money into both technology and catch-up so we are timely.

Why is this important? It is important for a lot of reasons. Sitting in those hundreds of thousands of cases is the very clue to solving hundreds of thousands of cases and others that we don't even know may be connected.

The second reason it is important is there are people sitting in prison today who are innocent, and that data collection and DNA input could clear them of a wrongful conviction.

So what this is asking the Justice Department to do is to identify every program. By the way—and most people don't know—there is only one Federal agency that actually knows every program they have. That is the Department of Education. Go call anybody at the Justice Department and nobody over there can tell you. We know, because we have studied it, but they don't know. They can't even publish all their programs. They don't put it out.

Consolidate unnecessary duplication and apply the savings toward resolving rape cases and DNA data cases and with the remainder that is left over to go to reducing the debt. It is simple. Nobody in America except the Federal Government would run programs like this. Nobody would blindly create more programs rather than make the ones they have work now, except that is what we are doing.

So this is simple, straightforward math. I don't expect it to pass. We have only had one amendment pass in the Senate in the last 2 years trying to eliminate duplication, and therein lies the problem. We are afraid to do what is best because we would rather protect a constituency of one of these small grant programs than fix them all and still solve the general intent of why we put the money out there in the first place. We are conflicted.

So when GAO, at the end of March this year finishes the review of the Federal Government—which we had to mandate by an amendment that I put into law—we are going to see in excess of $200 billion a year in duplicative costs that shouldn't be there.

I want you to think for a minute. If you look at every one of these grant programs, every one has an administrator. Every one has a staff. Every one has grant approval people. Most of them have grant investigators—most don't. Some have fund managers—most don't. So each one of these has a bureaucracy. And when the vast majority is duplicating one another, we are saying we are well intended, but we are spending money on the process, not on the problem. The intent of this amendment is to strike that balance between truly getting to the solution to a problem and at the same time solving another problem, which is the CODIS and the rape backlog.

In the bill—and I am thankful that the Cornyn amendment is there. The grant system previous to the Cornyn amendment said the vast majority of the money had to be spent on why you can't get the DNA data up rather than working on the backlog. What this will do is force us to get caught up. This creates $600 million of savings over a period of time that will then be applied to solving this problem once and for all. But there is great savings to come from that because what it means is we are not going to double-pay for things that we intended to solve.

I get dizzy looking at these charts. I have one for every branch of the Federal Government now. We actually know what is going on. Actually, we know what is not going on because we know what Congress intended, and we also know what isn't happening with the dollars that are coming from that.

AMENDMENT NO. 13

Mr. COBURN. Mr. President, I ask unanimous consent to set the pending amendment aside and call up amendment No. 13.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 13.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reaffirm the inalienable rights of every American citizen guaranteed by the Constitution of the United States)

Beginning on page 177, strike line 1 and all that follows through page 187, line 3.

Beginning on page 191, strike line 12 and all that follows through page 192, line 22, and insert the following:

Except as provided in section 4, the amendments made by this title shall take effect on the date of enactment of this Act.

Beginning on page 193, strike line 21 and all that follows through page 194, line 3, and insert the following:

Nothing in this Act or any amendment made by this Act limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in the State of Alaska.

Mr. COBURN. This is an amendment that is critical to my home State of Oklahoma and every State that has Native American tribes.

Oklahoma now has the largest number of Native Americans of any State. I believe we are at 36 recognized Federal tribes in Oklahoma. Inside this bill is a direct violation of the Bill of Rights of American citizens who are not tribal members because what we have allowed is for tribal courts to try U.S. citizens in their courts—for very good reasons—in terms of sexual assault, assault, abuse, and other items. The reason we are doing that is because either U.S. attorneys or the U.S. Justice Department has not effectively carried out their charge to represent

the Native American people in terms of prosecuting people who might have performed those acts.

What we have done with this solution is to trample on the Bill of Rights of every American who is not a Native American. I have no doubt—I am 100 percent certain—that this portion of the bill is going to be thrown out by the first Federal judge that hears it.

You cannot take away the rights of U.S. citizens under the Bill of Rights at any time, any place, any way domestically. What this bill does is totally eliminate the Bill of Rights for U.S. citizens in tribal courts. Most would not understand that most tribal courts don't recognize our Bill of Rights. Some do but the vast majority do not.

So are you guaranteed rights as a U.S. citizen? Are those rights enshrined in the Constitution and the statutes of this government and this Republic? Can we, as a Senate, forget about that and pass a law that says all of a sudden we are going to violate those rights because we are going to put people under the jurisdiction of a sovereign nation that does not recognize those rights?

This is simply an amendment to strike that section of the bill. I don't expect it to pass—which, again, tells us part of the disease that is in Washington: We pay lipservice to the Constitution rather than to believe its truths and rely on its guarantees of individual liberty and justice.

AMENDMENT NO. 16

Mr. President, I have an amendment at the desk. I believe it is amendment No. 16.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. COBURN) proposes an amendment numbered 16.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the requirements for speedy notice to victims and to require a report to Congress)

At the appropriate place, insert the following:

SEC. ___. SPEEDY NOTICE TO VICTIMS.

(a) IN GENERAL.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (b)—

(A) in paragraph (13), by striking ''human immunodeficiency virus (HIV)'' and inserting ''sexually transmitted disease''; and

(B) by adding at the end the following:

''(14) To pay for treatment for victims of sexual assault who are diagnosed with a sexually transmitted disease as a result of a test described in subsection (d)(1).'';

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''5 percent'' and inserting ''20 percent''; and

(B) in paragraph (1)—

(i) in subparagraph (A), by striking ''the immunodeficiency virus (HIV)'' and inserting ''any sexually transmitted disease for which a diagnostic exists that the victim requests'';

(ii) in subparagraph (B), by inserting '', including the relevant information about any sexually transmitted diseases identified in such results'' after ''testing results''; and

(iii) in subparagraph (C), by striking ''HIV'' and inserting ''any sexually transmitted disease for which a diagnostic exists that the victim requests'';

(3) by redesignating subsection (e) as subsection (f); and

(4) by adding before subsection (f), as redesignated, the following:

''(e) REQUIREMENT TO USE FUNDS TO TREAT VICTIMS.—A State or unit of local government shall use funds allocated under this part to pay for treatment for a victim of sexual assault who is diagnosed with a sexually transmitted disease as a result of a test described in subsection (d)(1).''.

(b) REPORT.—Not later than 30 days after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit a report to Congress regarding the level of compliance by States and units of local government with—

(1) the speedy notice requirements of section 2101(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(d)), as amended by this Act; and

(2) the requirement to use funds to treat victims under section 2101(e) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(e)), as amended by this Act, including the number of victims who were exposed to human immunodeficiency virus (HIV) or any other sexually transmitted disease and received assistance under such section.

Mr. COBURN. Mr. President, this amendment is a perfecting amendment from the last Violence Against Women Act, which I coauthored with Senator BIDEN—then-Senator BIDEN—and Senator Specter.

When a woman is raped, right now in our country she gets raped two, three, four times through our justice system. Let me explain that to you. We have deadly diseases that are sexually transmitted—HIV, sometimes chlamydia. Now we have untreatable strains of gonorrhea. So a woman is raped and, under most State laws, she doesn't have any right, once an indictment has been placed against a defendant, to have them tested. By not having them tested what we do is we make the woman go through testing again and again and again, especially in light of HIV. So they are the ones who have to be tested because they cannot know that the accused perpetrator of their rape is not carrying HIV, is not carrying gonorrhea, is not carrying syphilis, is not carrying chlamydia, because they cannot be tested. What we do is we put them through that trauma once a month for months because the perpetrator, or at least the accused perpetrator, has the right not to be tested in this country.

We put a provision in the last bill that says you will lose 5 percent of your grant money if you do not institute these changes at a State level so that the woman who has been raped has at least an equal footing to know whether her health, other than her psychological, emotional, physical health, because of what occurred during the act, will continue to be deteriorating. Guess what. The vast majority of the States said we will do what we want and we will not take that additional 5 percent.

All this amendment does is it puts some real teeth in it. If you are going to say that somebody who has been indicted for rape has more of a right to not be tested than the woman who was raped, and she has to continually be tested to know whether she might have an outcome that is adverse for her long-term health, what this amendment says is it is going to be 20 percent.

I do not expect this amendment to pass either, because if we are really against violence against women, what we will do is start putting some of the consequences of that on the men who actually caused the violence. Being tested for HIV, gonorrhea, chlamydia, and syphilis is not a hard test. It is what a prudent man would do.

Some people say don't worry about it, just treat them. They obviously are not aware of the side effects of all these medicines that we would use to blast this, the treatment for all these diseases. Not knowing and then sometimes covering up, what most people do not realize is that two or three of these diseases actually will affect the long-term fertility of the woman. But we have decided, at least the States have that are taking this grant money, that the rights of the indicted perpetrator are greater than those of the victim who has been raped.

It should not be. I have cared for those women. I have walked with them emotionally for years afterwards, wondering if the HIV infection was going to show up, never knowing for sure.

Here is the other thing that happens. We get all these plea deals of rapists and here is the plea that they cop: If you give me X lower sentence, I will submit to testing. So all of a sudden the person who perpetrated this ghastly, cowardly crime negotiates a much lighter sentence so that the woman can have some peace of mind and not have a question mark for the next 4 or 5 years. We need to fix that, and 5 percent obviously did not do it. Twenty percent will.

I got up very early this morning to get here today to be able to offer these amendments. I hope my colleagues are able to get in. I know the airplanes are backed up coming into Washington. But thinking about the real purpose, to stop violence against women—if you want to stop it, you have to make it effective. You have to spend every dollar as though it is the last dollar, and you have to measure every dollar. You have to quit having the waste in the Justice Department and the grants that are associated with them. You have to have every grantee know that if they get a grant from the Federal Government under one of these programs, they are going to be checked, they are going to be measured against performance, and if they do not perform they are going to send the money back.

We can do a lot better than we are doing with this bill. These are improving amendments. My hope is, my prayer is, that some of them will pass because they really will have a positive impact on both women and our freedom.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. WHITEHOUSE and Mr. LEVIN are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Indiana.

STATE OF THE UNION ADDRESS

Mr. COATS. Mr. President, article II, section 3 of the U.S. Constitution says that the President of the United States ''shall from time to time give to Congress information of the State of the Union and recommend to their Consideration such measures as he shall judge necessary and expedient.''

Every President, dating all the way back from George Washington to our current President, has provided this to Congress on a yearly basis. So the State of the Union Address, which will be presented tomorrow by the President, is the continuation of a great tradition in our American government. But the State of the Union is more than just about the current state of our Union. It is about the future. It is about presenting to the American people a vision of what our country should look like and how we can get there. So before the President makes his case and sets out his priorities for the Nation, let's recognize where we are today.

What is the state of our great Nation today?

Today, America is nearly $16.5 trillion in debt—an increase of $6 trillion since the President took office in 2009.

Today, we are borrowing $40,000 per second. Just in the time I took to say that, we borrowed about $40,000. And every 10 seconds that goes by is another $400,000 that is being borrowed and, therefore, has to be repaid with interest.

Today, more than 12 million American people are looking for work, and that does not include the countless number of people who have given up looking.

And today, critical benefits and programs that our seniors and retirees need are on track to become unavailable.

Hovering around 8 percent unemployment for 49 months is a crisis that cannot be ignored. Sadly, it has, and it has become the new norm. We cannot allow that to happen.

Spending $1 trillion beyond our means each year is outrageous and unsustainable. And failing to address our massive national debt by careening from crisis to crisis in this body called Congress over now the last more than 2 years is a terrible way to run a country, to run a business, to run a family, to run anything.

So tomorrow night the President will tell the American people how he plans to lead, how he plans to turn this ship around and guide us to safer seas. We will not have the blame game and finger pointing. That does nothing to help us find solutions.

While jobs and economic recovery received barely a passing mention in the President's second inaugural address, I hope the President tomorrow evening will focus on the specific ways he will work with Congress to fix our Nation's fiscal house so we can strengthen our economy and help get Americans back to work.

There are four major topics I hope to hear from the President when he speaks to the American people tomorrow evening.

First, leadership. Time and time again, the President has refused to engage on meaningful action that would help us reduce the debt and spur economic growth. He continues to blame Congress for inaction but yet does not offer his own plans. Tomorrow night, the President needs to show the American people he is ready and fully willing to engage in the effort to lead us out of this malaise of economic uncertainty.

Second, recognition that spending is a problem. I hope the President will be honest with the American people about the extent of our spending problem and offer specific solutions. It is impossible to say with any credibility whatsoever that this gigantic bureaucracy cannot find waste, mismanagement, misuse of funds, duplication, egregious excess spending, and each agency of this government not commit to doing what is essential by trimming out the unessential.

This is a bureaucracy beyond description, and there is waste and plenty of money, as Senator COBURN and many others, including myself, have been down here talking about—clearly, spending on things the American people do not fully support, and if they knew the full extent of what the duplication was, they would demand changes. There is a real pot of funds to reach into in that regard, in order to deal with our crisis, in order to reduce and make our government more effective and more efficient.

The President keeps promising the American people that he will reduce the debt through a balanced approach. However, whenever he is asked for a plan, all we hear back is a call for more taxes. The President got what he wanted in the fiscal cliff—well over $600 billion of new taxes. And those will be added to taxes that will hit Americans as a result of the health care law. Included in ObamaCare is $1 trillion of new taxes—that has not been mentioned here, nor does the President mention it—$500 billion of which will directly affect the middle class.

So now it is time to look at the so-called other side of that balance. We need President Obama to offer a plan for serious spending reform. People whom I represent in Indiana and the American people will not support another tax increase. Spending, Mr. President—out-of-control wasteful spending by the Federal Government—is what must come next.

Third, reforming Medicare and Medicaid and Social Security. I was pleased to hear the Senator from Michigan state that for 2 years he has been saying and committing to work to reform these programs. None of us here wants to see benefits that the American people, under Medicare and Medicaid and Social Security, are entitled to—none of us wants to take those away. We want to try to save those programs. But we all understand those programs are careening toward insolvency, and without reforms those who rely on those benefits will not receive those full benefits; and those who have to pay into them to keep those programs solvent will see dramatic increases in their taxes.

Reform for mandatory spending, particularly for Medicare, Medicaid, and Social Security, is something nobody wants to talk about. It is supposed to be the third rail of politics—touch it and you are gone. But this is the reality we face that we must address and have the will to take care of. And we need to address it now.

So I am hoping tomorrow evening the President will say he wants to lead a responsible bipartisan effort in terms of preserving these programs for not only those who are currently beneficiaries but for those future generations who will need funding to support their needs as they retire and grow older.

Fourth, progrowth policies. I hope the President will present specific ways to grow this economy and create jobs. We just heard some discussions here by the Senator from Rhode Island and the Senator from Michigan about closing loopholes and Tax Code reform. Once again, here is something on a bipartisan basis many of us have been talking about.

A Democrat from Oregon, RON WYDEN, and a conservative Republican from Indiana, DAN COATS, have joined together in putting forward a progrowth, competitive, comprehensive tax reform program. We agree closing egregious loopholes is very much a key to begin to present a more simple, a more fair, a more balanced Tax Code for our corporations and for the American taxpayer. What our plan does is not, though, taking the money gained from closing those loopholes and simply giving it to the government and saying spend more. We take it and use it to make that Tax Code more fair, to reduce rates so we can be more competitive, so we can spur economic growth and put people back to work.

American corporations pay the highest tax rate of any of the 36 countries in the world that are our direct competitors in terms of selling overseas. We have just moved into the last, the worst spot here, as one country reduced their tax rates significantly below what our corporate entities pay. So we want to lower those to make our companies more competitive, and that simply means that Americans have more jobs because we are exporting more goods to the rest of the world. By removing unnecessary regulatory burdens, we can also make it fair and more competitive, and we can usher in a new period of economic growth and bring new opportunity to many unemployed Americans.

I am looking for those four points. There may be more, but I think those are the four major issues that need to be addressed. I trust the President will come to this same conclusion. This is not an easy time for our country. We face many difficult challenges that demand bold solutions and demand real leadership. But, as I have said many times before on this Senate floor, these challenges, although great, are not insurmountable.

Republicans stand ready to work with our Democratic colleagues to address these critical and pressing issues. But, in reality, we cannot achieve the necessary solutions if the President continues to lead from behind and if he continues to say all that is needed is more tax revenue.

Now is the time to act on a long-term plan to address our dangerous debt and record high unemployment. Now is the time to rise above petty politics. Now is the time for gamesmanship to be taken off the floor. Now is the time to just get it done.

We owe it to every American still looking for work. We owe it to every college student hoping to use his or her skills in the workplace. We owe it to every child born today who will be saddled with $50,000 of national debt. And we owe it to previous generations who have sacrificed so much to provide us with the opportunities our generation has enjoyed.

I hope the President will show us tomorrow that he is ready to lead. After all, he is the leader elected by the American people.

We cannot solve our problems and enact a path to growth and prosperity without his engagement. This is the hope and change the American people are looking for tomorrow evening.

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

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

Mr. CORNYN. Mr. President, this Chamber has the rare opportunity to pass legislation that would improve public safety, help secure justice for rape victims, and help get dangerous criminals off the street. We could very easily pass this legislation with an overwhelming bipartisan majority, just as we have on two prior occasions. Unfortunately, some of my colleagues have decided to turn the Violence Against Women Act reauthorization into a partisan football, and I will explain that in a minute. As a result, not only are they dividing us when we ought to be united in the cause against violence against women, they are ultimately jeopardizing support for women's shelters, counseling programs, and legal services. They are also making it harder to do something I have committed to do for the last couple of years, and that is to reduce the rape kit backlog, which is a national scandal of the highest order.

Ever since it became law in 1994, the Violence Against Women Act has benefited from strong bipartisan support. As I have said, it has twice been reauthorized by a unanimous Senate vote. I never thought the day would come when this issue would become politicized, but I am afraid it has.

I believe it is very important, and all of us who care deeply about this issue and this legislation must understand that this should remain a bipartisan cause. Just ask Carol Bart, Lavinia Masters, Lennah Frost, or Mica Mosbacher, all of whom have courageously shared with me and all of us their personal stories in the hopes of helping other victims against sexual assault. It has been my tremendous honor to get to know these women, and I admire their courage and willingness to share what is a profoundly personal trauma in their effort to help other would-be victims. I am proud to say each of them has endorsed and supported the SAFER Act, which is the rape kit backlog element in the underlying bill we are considering. The SAFER Act would make it much easier for State and local law enforcement officials to reduce the rape kit backlog, which may be as large as 400,000 untested rape kits. These rape kits are composed of DNA evidence collected at a crime scene, which then can be compared against an FBI database to get a hit or identification of a sample from an unknown assailant against a known criminal whose name is on the FBI database. When you get a hit, that provides conclusive proof of identity of the assailant where they may not otherwise be known or captured.

This reform is not controversial. In a much less polarized environment, reauthorizing the Violence Against Women Act would be a slam dunk. In today's polarized Washington, it seems that no issue is immune from political gamesmanship.

The problem with the underlying bill is simple: It denies constitutional rights to certain American citizens. I am stunned that some of my colleagues are okay with this. I am stunned that some self-proclaimed civil liberties organizations apparently have no objection to a flagrant violation of the U.S. Constitution. They believe somehow that Congress could legislate away constitutional rights. It cannot. The Constitution is the fundamental law of the land and no act of Congress can violate the Constitution and stand. Constitutional rights should not and are not negotiable. They are not bargaining chips in a Washington parlor game. They are permanent, and they are sacrosanct. Here is the good news. There is an obvious compromise that would resolve this dispute and guarantee bipartisan support for reauthorizing the Violence Against Women Act.

Senator LEAHY's bill, the underlying bill, would let certain U.S. citizens be prosecuted for domestic violence in Native American tribal courts without their full constitutional rights and without an ability to pursue an appeal in the Federal court system. Once again, we all understand this. Congress cannot legislate away constitutional rights. This bill, if passed in its current form, would purport to do that.

The solution is easy. I have cosponsored an amendment with Senator CRAPO, who was the original cosponsor of the underlying bill, and Senator ALEXANDER, that would let Native American tribal courts prosecute non-Indians for domestic violence, provided that all non-Indians were given their full constitutional protection, as provided by the Bill of Rights, and would be allowed appeals from a verdict in the Federal court system.

In other words, if you compare our amendment with the language in Senator LEAHY's underlying bill, we would both give Native American officials the exact same authority to prosecute people who commit domestic violence on Indian reservations. The difference between our proposal and the underlying bill is ours would not violate the Constitution. It would not deny American citizens the protection of the Bill of Rights, but the underlying bill does that. It denies American citizens accused of crimes of domestic violence in tribal courts their constitutional rights.

Surely we all share the same goal of protecting victims of domestic violence, no matter who they are, but in this case they are people who are victims of domestic violence committed on tribal lands. We all want to do everything we can to protect Native American women from violent crime. We can do exactly what Indian leaders are asking us to do without violating the Constitution. It is just that simple. In the end, the choice is pretty basic: Either we will uphold the Constitution or we won't.

I urge my colleagues to extend bipartisan support for this bill and the message it sends to America and particularly to the victims of sexual assault. I would ask them to put that unified message ahead of their desire to divide us by denying, in the underlying bill,

the constitutional rights to those accused of domestic violence on tribal lands who are not themselves members of the tribe.

I would remind all of us of the oath we have taken as U.S. Senators to uphold and defend the Constitution. I would urge them to remember everything they have said, we have all said, in the past about the importance of upholding civil liberties.

Finally, I wish to say a few words to you, victims advocacy groups that have worked so long and hard to pass the VAWA in 1994, and have worked so hard to see it reauthorized. My message to you is this: I am grateful for your efforts, and I share your desire to make this law even better and even stronger than it is today. Make no mistake, the Violence Against Women Act is being held hostage by constitutional language in the underlying bill, but we can fix it. All it takes is the will and desire of Senators in this Chamber to work together to fix it so that it becomes constitutional, so that it becomes effective.

I have done everything in my power to promote a reasonable constitutional compromise. Unfortunately, there are those who have chosen to put politics ahead of their desire to actually come to a solution on this issue. That is unfortunate, that is regrettable, but that is the state of play.

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.

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

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

Ms. CANTWELL. Madam President, I come to the floor this afternoon to speak against the amendment being offered by my colleague, Senator COBURN. I know he was on the Senate floor earlier today explaining his amendment, and I also know my colleague from Texas was just out here making general remarks about the Violence Against Women Act and its reauthorization. I am here to continue the debate and to make sure it is clear to my colleagues that, make no mistake, a vote for the Coburn amendment is a vote against Native American women. That is because the amendment would strip the bill of provisions that are intended to bring about better justice for women who have been the victims of domestic violence crimes on Indian reservations.

Many people who have been out here on the floor have been talking about the breakdown in our political system and that somehow this is about partisan politics. Well, I can assure my colleagues this is an issue where many women in the Senate have been scratching their heads and asking themselves: Why is it the Violence Against Women Act and the Trafficking Prevention Reauthorization Act have both been stymied by various Members in both the House and Senate? These are crimes that are mostly perpetrated against women. Why aren't these bills resolved and passed so we can give clarity to local officials and partners so they can provide a better justice system and help so many women in the United States of America?

Native American women are raped and assaulted at 2½ times the national average. That means more than 1 in 3 Native American women will be raped in their lifetime and 3 in 5 will suffer from domestic assault. Murder is the third leading cause of death among Native American women. However, less than 50 percent of the domestic violence cases in Indian Country are prosecuted because of a gap in our legal system.

So this isn't about politics. This isn't a debate on what is a good way to win votes somewhere in America. This is about the life and death of women who need a better system to prosecute those who are committing serious crimes against them.

My colleagues can certainly take exception to the solution that has been provided here, but as many of my colleagues have said in the past, they can't own the facts. They can have their opinions, but I am here to say the underlying bill does protect the constitutional rights of non-Native Americans who commit these crimes on tribal reservations.

We are consulting with the Department of Justice, which did an elaborate study and analysis of exactly how to make sure the gap in the Federal system, which currently doesn't provide a prosecutor, doesn't provide a judge, which doesn't provide a court on every section of land in the United States of America, will be represented with a judicial partner that does guarantee the civil liberties of U.S. citizens, and guarantee that they are protected in both a fair trial and the ability to have habeas corpus review by a Federal court.

What we have here are two or three Republican administrations whose Solicitor Generals have basically said these rights remain with Native Americans and the Federal Government. The last Solicitor General said:

> The policy of leaving Indians free from State jurisdiction and control is deeply rooted in our Nation's history.

But this is about a Federal partnership and making sure a Federal law is upheld. So if my colleagues on the other side of the aisle want to say we are going to provide a Federal prosecutor and a Federal Court system on every reservation or close to every reservation across America, OK, great. My point is if you think you are rooting out crime in America, while letting a sieve happen in Indian Country, you are not rooting out crime. You are sending a signal to people that this is an easy place to go. If you want to conduct sex trafficking of women, go to tribal reservations. If you want to escape the law and not worry about violent behavior, then go to tribal reservations. That is what you are saying to people. You are saying this is the place where you can escape the law.

We are trying to close that gap. So this is not something that has been done with sleight of hand. This is something where a great deal of thought has gone into it by the Department of Justice.

I will remind my colleagues it was one of our former colleagues, the Indian Civil Rights Act was crafted by Senator Sam Ervin of North Carolina, to grant American Indians the same Bill of Rights in tribal courts as are afforded defendants in any other courts. Those rights included the Miranda right, a trial by jury, the right to counsel, the right to confront their accuser, and a right to habeas corpus. So all of these things are actually in the tribal system today. They are a part of what is called the Indian Civil Rights Act, and they affect Native Americans.

My colleague, Senator CORNYN, said these civil liberties provided to U.S. citizens are not included in this legislation. They are included. They are included in section 904 on page 182. Those same civil liberties are called out in this bill, S. 47, the reauthorization of the VAWA Act. They are called out specifically for nontribal U.S. citizens. So in that court system both tribal members and nontribal members are protected by the same civil liberties and are protected in their ability to have federal habeas corpus review in Federal Court.

I am not sure to what my colleagues are referring. If I am missing some point, I would love to hear about it. But these safeguards were built into this system because this is such an egregious problem that we have to fix. So we are asking Indian Country and tribal courts to meet these same criteria. If a tribal court can't provide legal counsel to a defendant, if they can't follow these same things, then no one is going to be tried under a tribal court system.

We are trying to address cases like the one mentioned in the New York Times today of a woman who was battered and beaten by a partner so many times, yet he was never arrested and tried because it happened on a tribal reservation. Only when he showed up at her worksite with a gun to kill her—and only because an employee pushed her out of the way is she here today—could something be done. We are trying to close that gap and protect everyone's civil liberties.

I want to be clear. The civil liberties that are protected under this Senate bill—the civil liberties protections of due process, for no unreasonable search or seizure, no double jeopardy, a right to counsel, not being compelled to testify against yourself, the ability to get a speedy trial, the right to trial by

jury, the right to confront witnesses, the right of habeas corpus review in federal court—are all in S. 47 as it relates to non-Native Americans. Those are the rights that are going to be protected. That is what we are passing in this legislation.

So we shouldn't strip out this provision. We should move forward with what has been a discussion about how to partner and uphold Federal law in the most efficient, cost-effective manner possible, and in conjunction with what has been Federal law and determination about tribal sovereignty and issues by many Solicitor Generals, by many Supreme Courts, by many individuals who have looked at this situation.

Members can decide they don't trust Indian Country. They can say: I don't trust this tribe, or I don't trust that one. If that is the case, they should come to the Senate floor and say that. Say they don't believe they can bring about justice in their courts, if that is what they mean. But under this statute they will absolutely have to, and they absolutely have to today for every tribal member who comes before that court, and they will be required to uphold those same issues for non-Native Americans as well.

I would say to my colleagues that this is an epidemic. Believe me, I want to get the Violence Against Women Act passed. I want to get this human sex trafficking act out of the hands of the House of Representatives and passed. I know some of my colleagues are trying to attach some of that here, but I would say we should pass both of these. This is about an epidemic in America, and we are trying to put together some creative solutions. If I am wrong about the facts and the details about civil liberties, I would love to hear about it. Otherwise, I would like my colleagues to vote against the Coburn amendment, which strikes these provisions, and pass this legislation so we can move on and get a final bill that protects women all across America whether they are tribal members or not.

Clearly, we should not ignore the statistics and the gap that shows us that we need to do something very important to make sure all women, including Native American women, no longer suffer from these statistics that are just unbearable in the United States of America.

So, Madam President, I hope our colleagues will turn down the Coburn amendment and vote for final passage on this legislation.

With that, I yield the floor.

Ms. MURKOWSKI. Madam President, I want to acknowledge the comments of my colleague from Washington. As the incoming chairman on the Indian Affairs Committee, she is obviously well aware of the challenges—oftentimes the horrific challenges—so many American Indians, Alaska Natives, and our indigenous people face when it comes to domestic violence and the inability to access the law.

I have been a member of the Indian Affairs Committee now since I came to the Senate some 10 years ago, and every year, without fail, we have some aspect of a hearing that focuses on domestic violence. We look to the statistics, and they are staggering. They are staggering and they are overwhelming when you put them into perspective in terms of how our Native women—particularly our Native women on reservations—deal with an epidemic when it comes to domestic violence issues that they face within their homes and so often have no place to turn. As to the law enforcement you and I would hope to be able to rely on in the event of a true tragedy, far too often women on our reservations are not able to avail themselves of those protections. It is something our committee has struggled with for far too long.

When we talk about VAWA and the importance of the Violence Against Women Act, I think we all recognize the universe we are speaking to is all women, but I think it is important to recognize that within this particular demographic, the statistics of those Native women, for whatever terrible, tragic reason, are even that much worse.

That is why I am a proud cosponsor of this bill. I think it will make real improvements in the services that are offered to victims of domestic violence. Even given the very difficult budget environment that we face, we look to those areas where we can make a difference. I think this legislation will make a difference.

As I start off my comments, I am talking about indigenous women everywhere and the violence and the statistics they face. In Alaska, unfortunately, our statistics stand out. They stand out in a way that makes none of us proud. They stand out in a way that requires us to turn inward and say, What are we doing wrong? What is happening that we are not able to make a difference in the lives of women and other victims of domestic violence?

According to the Alaska Victimization Survey, conducted back in 2010, 59 percent of Alaskan women have experienced intimate partner or sexual violence.

In the 10 years between 2001 and 2011, our Alaska State troopers responded to almost 50,000 domestic violence offenses, almost 5,500 sexual abuse of a minor offenses, and almost 4,500 sexual assault offenses. Seventy-four percent of the victims of sex crimes in Alaska were less than 18 years old. Think about what that does to you. You are a young child, a young woman, a victim at such an early age. You carry that with you throughout your life.

The average rate of reported forcible rape in Alaska was 2½ times higher in Alaska than across the rest of the country. So as a woman in Alaska, you have a 2½ times higher likelihood of being the victim of a forcible rape. This is a very personal issue for my State.

I have heard from people all over the State urging us here in the Senate, urging us here in the Congress: Pass this VAWA bill. You had a chance last Congress to pass it. You didn't make it happen. You have an opportunity now. Make it happen.

A mother in Anchorage wrote me:

> This is of utmost importance to me. As one who has represented victims of domestic violence in Alaska under VAWA, I know how very important this legislation is to protect my daughter and all other women in Alaska and throughout our country.

A woman from Dutch Harbor wrote:

> As a rural Alaskan who is also a board member of my local domestic violence shelter, I can tell you from experience that VAWA saves lives! As you know, Alaska has one of the nation's highest rates of domestic violence, sexual assault, child abuse, child sexual abuse, and elder abuse. The economic downturn makes it even more crucial for us to provide immediate safe shelter to survivors in times of crisis to help them escape further violence.

Think about it. This woman is writing from Dutch Harbor, AK, out at the end of the Aleutian channel, about 1,000 miles away from Anchorage, and an $800 airplane ticket. If you need to get away from your violent situation and you don't have $1,000, where do you go? How do we provide that help?

I received another letter from a woman in Fairbanks, who said:

> Tragically, there is not a single Alaska Native woman or girl in Alaska whose life has not been affected by violence against women at some level. Personally, it has affected my life and those that I love for generations. As Alaska Natives, we know that you value and advocate for the rights and welfare of the many people of Alaska. Please continue to be a voice for those who cannot be heard and work to reauthorize VAWA and SAVE Native Women.

These are the types of requests that I get from men and women all over my State.

Our Governor, Governor Parnell, has made a very personal effort in his 4 years as Governor to focus on domestic violence and child sexual assault. He has launched a campaign that he has dubbed Choose Respect; and every year across the State Alaskans gather in a very high-profile way to march. We have banners and there are young children and women and men and anybody you might imagine, all over the State.

This year, March 28, the Governor will again be encouraging us to choose respect. We want to make sure it is more than just overt demonstrations. We need to make this translate into real words that change these statistics, that change the dynamic, because Alaskans are right: Our statistics of domestic violence and sexual assault are absolutely staggering—2½ times, again, more than the national average. We need to do everything we can to get a handle on these tragic statistics, because they are not statistics, they are lives, they are families, they are people and friends we know.

VAWA provides the tools to do so, including in the villages of rural Alaska, where victims of sexual assault and domestic violence face some pretty

unique challenges. Many of these villages have no full-time law enforcement presence. They may have only a single community health aide who has to tend to every medical crisis in the community. Just being able to provide rape kits is a challenge.

I mentioned being in a small remote community where everybody knows everybody, and you are the victim of domestic violence and there may be no place to turn. There may be no way to get out of your village. Eighty percent of our communities are not attached by roads. It is not as though you can just hop in your car and get away. You have to be able to fly out. If you don't have the money, you can't get out. If the weather closes in, there are no planes even if you did have the cash for an airplane ticket. So how we can be there to be that support is crucial.

VAWA is a ray of hope to victims of domestic violence and sexual assault in our Alaska Native villages, whether you are in Ketchikan or whether you are in Kenai, from Anchorage to Dillingham. And this bill will help that States such as Alaska, with smaller populations and truly great need, are given the same access to grants for victims while providing services and support to all victims of domestic and sexual violence. I am pleased to be able to lend my support.

AMENDMENT NO. 11

Madam President, I want to take a moment to explain an amendment that is in order this afternoon. This is my amendment No. 11.

It was mentioned earlier by the Senator from Washington State that section 904 and section 905 of the bill would expand the jurisdiction of Indian tribes to address issues of domestic violence committed by non-Indians against tribal members. So within section 905(b) and 910, they provide that, within the State of Alaska, this expanded jurisdiction applies only to one Indian reservation in our State, and that happens to be the Metlakatla Indian Reservation in the southeast.

You might say why just Metlakatla. In Alaska, there is only one reservation and that is Metlakatla. We have 229 federally recognized tribes, but other than Metlakatla, none controls Indian country in the State under existing law. The U.S. Supreme Court held in the Venetie case that none of the lands conveyed under the Alaska law is Indian country.

So what we have in the amendment before us is nothing more than a technical clarification. Both the legislation and my amendment state that the tribes, other than Metlakatla, retain all of the authority they currently have to issue domestic violence protection orders, whether or not that authority is inherent or statutorily created, and none of this authority, to the extent it exists, is diminished by the legislation or by my amendment. In addition, we go on to clarify that none of the authority the State of Alaska has is diminished.

So the natural question then would be: What is the difference between the Alaska provisions that are contained in 905(b) and 910? And why then do we even need my amendment?

The only difference is that we are attempting to spell out in plain English, consolidated in one section of the bill, to make it more clear. It truly is a technical amendment in every respect. We had some who actually questioned whether the bill's language was clear enough, so we worked with Senator LEAHY's folks, we worked with some of the Indian law scholars, to allay the confusion. We very simply state the rules for Alaska's unique situation.

I certainly hope that if we move to vote on this amendment, folks would understand that what we are talking about is mere clarification, and I would ask for their support.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

THANKING FIRST RESPONDERS

Mr. BLUMENTHAL. Madam President, I want to first of all begin on this day when Connecticut, like other New England States, is digging out from an historic, truly an epic, snowstorm, to give my thanks to the first responders and to the men and women who have been working behind snowplows and payloaders for endless hours, literally almost without stop since the beginning of this snowstorm, and have risked their lives, given boundlessly of their energy and effort to make sure the people of Connecticut and also Massachusetts, our neighbor, and New York, have been made safer and more secure during this time of another monstrous storm.

I know much of America in the more temperate zones may not appreciate what a monstrous snowstorm, carrying 3 feet of snow to many parts of Connecticut, poses in the way of challenges and even threats to human life. And I would say without any disrespect—in fact, with great admiration to the Presiding Officer, who happens to be from Hawaii—that it is unlikely in her State that anything approaching this magnitude of snow ever will be approaching. But I know that Hawaii, like every other State, shares its need to confront weather crises, and I believe that as a Nation we have always come together, whether it is tornadoes, hurricanes, or floods, to address these common challenges and we rally together as a Nation. So I hope we will again.

The relief is necessary, and the President has issued a declaration of emergency for Connecticut. I thank him for that action, and I hope it will be followed by tangible aid that will be necessary in the wake of this monstrous storm.

I come to the floor to talk about the action and bill I hope will be approved later today or as soon as possible. The Senate is considering the Violence Against Women Act. I am a cosponsor and a strong supporter. I wish to particularly thank Chairman LEAHY, who has demonstrated such patience and perseverance. If the definition of courage is grace under pressure, he certainly has shown tremendous grace under huge pressure. Again, we face the need, a pressing need to reauthorize this measure.

It was first passed 18 years ago and was permitted to expire during the last Congress. The Senate passed this measure during the last Congress by an overwhelming bipartisan vote. It was stalled and then stopped in the House of Representatives. I thank Chairman LEAHY for his excellent work on this essential legislation. Partly, it was stalled over a measure that demands particular focus today. This legislation is critical to the 54,000 Connecticut women who became domestic violence victims in 2011. But it is particularly so to many of our Native Americans and to women who right now are, in effect, caught in a legal limbo when they seek prosecutorial action to vindicate their rights and to deter this cruel and unspeakable form of violence against them.

Native Americans' predicament is described very compellingly by a New York Times story this morning. The New York Times tells the story of Diane Millich, a Native American woman who was abused for years by her husband. She is one of 60 percent of Native American women who will experience domestic abuse. That number is 60 percent. One-third of Native American women are assaulted during their lifetime. Native American women are 2½ times more likely to be raped than non-Native American women.

The provisions of this bill that apply to Native American women are meant to address literally an epidemic of domestic violence and sexual assault that right now the law fails to deter and prevent. By any measure, this epidemic is a tragedy. In human terms, the numbers are powerful, but they fail to give a face and a voice to this problem, as the Times did this morning with Diane Millich.

These statistics are the result of Federal law that prevents tribal courts from hearing cases against non-Native American abusers of Native American women. It is a limbo that is the result of a jurisdictional catch-22. If the abuser is a non-Native American, the tribal courts have no jurisdiction. But if the crime occurs on sovereign tribal land, Federal prosecutors face a variety of obstacles to effective enforcement. So this measure would protect Native American women who right now are so much the victims of abuse.

I know Senator CORNYN has just spoken about his amendment that would, he has said, protect the potential defendants, protect their constitutional rights under the Bill of Rights. His amendment is not before us. What is before us is Senator COBURN's amendment which would, in effect, eviscerate these protections for women against those defendants. I wish to respond, though, to Senator CORNYN, who has

raised, thoughtfully and pertinently, some important questions about this legislation.

Let me answer in two very affirmative and unequivocal ways. First of all, this bill would protect all the rights currently guaranteed in the Bill of Rights. Second, it would provide a right of appeal, first to the tribal courts in whatever process that is provided there but then by habeas corpus to Federal courts where actually the Bill of Rights would apply with full force, in my view, as I read this bill.

Senators should be clear when they vote on this measure that the Coburn amendment, in my view, would destroy, utterly undermine and eviscerate the purpose of this bill and provisions of this bill that are designed to protect Native Americans against domestic violence and assault, and it would fully guarantee protections under our Bill of Rights to defendants who are charged, civilly or criminally, in the tribal courts.

No woman should be left defenseless because of the identity of their abuser. Every woman deserves to know she is protected by the law of the land. Again, I thank and commend Senator LEAHY for addressing this important issue in the legislation before us by giving all Native American women the protections of these tribal courts. I don't understand why this should be controversial. We are still facing efforts to strip this provision from the bill. I urge my colleagues to approve it.

I also commend Senator LEAHY for offering an amendment that contains the bulk of the Trafficking Victims Protection Reauthorization Act. I am a cosponsor of that measure and proudly of this amendment as well. He has been the leader in this body and in the Congress and the Nation against human trafficking. He has been a mentor to many of us on this issue. I am very proud to cosponsor this very important amendment.

Human trafficking remains a scourge in our world and in our country. It is not some distant abstract problem. It is here and now in the United States, the greatest Nation in the history of our world, and we have an obligation to counter and combat it as this very important amendment would do. It relies on partnerships between the States and Federal Government, between the public and private sectors, and between the United States and other countries. It allows one piece of the legislation to achieve a massive impact and global reach. Twenty-seven million human beings are bought and sold as property each year, more than at any time in our history. We must have a solution as broad and wide-ranging as the problem we face.

The Leahy amendment allows the Federal Government to leverage a small outlay of taxpayer dollars into a giant system of protections and services for victims of human trafficking, not to mention law enforcement actions to put the perpetrators of trafficking behind bars, put them in prison where they belong, and send a message of deterrence as well as punishment.

This landmark proposal also creates new grant programs to help our law enforcement agencies and service providers respond to sex trafficking of American children—American children who are victims of sex traffic. This amendment would help to protect them. These grant programs will help to ensure that child victims of sex trafficking have access to services they need and justice they deserve. They are children, but they are no less deserving of justice. That proposition ought to be so obvious as not to need stating in this Chamber. I know, for the purposes of this body, it need not be stated. But the Leahy amendment recognizes that the traffickers' most effective weapon is simply the ability to take the victims' identification documents. This measure would make that taking a crime, taking away identification documents.

The Leahy amendment also recognizes that the statute of limitations designed for other contexts is an unjustified impediment to effective private enforcement in the trafficking area. It extends the statute from 6 years to 10 years for civil suits involving violations of Federal trafficking laws. That statute of limitations may simply be an obstacle that cannot be overcome because the witnesses cannot be provided and because the children themselves may have to grow, in both maturity and physically, before they can effectively help prosecute a civil or criminal action.

I have also cosponsored an amendment with Senator PORTMAN, and I am proud to have done so, to ensure that youth grants provided under section 302 of VAWA can be made available to child victims of sex trafficking. In this country, sex trafficking remains a problem, a serious problem. There are an estimated 293,000 children at risk for commercial sexual exploitation and trafficking. The U.S. Department of Justice reports that between 2008 and 2010, 83 percent of sex trafficking victims found in the United States were U.S. citizens and 40 percent of sex trafficking cases involved sexual exploitation of children.

The fact is a tragic one, an unacceptable and intolerable fact, that sex trafficking is a major source of child exploitation, a major source of damage to our children, and the voices and faces of those children should be before this body when it considers this amendment.

It is a bipartisan amendment cosponsored by Senators GILLIBRAND, BROWN, COLLINS, AYOTTE, RUBIO, and COCHRAN. I thank them for their leadership on this issue, most especially Senator ROB PORTMAN, my partner in this effort, and I again thank Senator LEAHY for his leadership, which has inspired us to bring our amendment forward. I encourage my colleagues to support the Leahy amendment as well as the one Senator PORTMAN and I and others have brought before this body and the underlying VAWA legislation. We have an opportunity to make history. We have an obligation to pass this measure and make history. I hope we will do so by the same overwhelming bipartisan vote that we did in the last session of Congress so the House of Representatives hears our message, and it is a message from the country: Domestic violence will not be tolerated. We will come to the aid of Native American women and all women who are victims of this heinous crime.

AMENDMENT NO. 13

Mr. GRASSLEY. Madam President, the Coburn amendment strikes the provisions of the underlying bill that expand the authority of Indian tribal courts to try nonIndians.

As I have stated, there are a number of constitutional questions that the Congressional Research Service has identified with the language that the Coburn amendment would strike. Some arise with respect to the expansion of tribal court jurisdiction. Others are associated with the constitutional rights that would be provided to nonIndian defendants who would face proceedings in Indian tribal courts.

It is not at all clear under the Constitution that Indian tribes possess any inherent authority that the bill purports to recognize. It is also not clear that Congress can constitutionally delegate to tribal courts the authority to try nonIndians. Additionally, tribal courts may not be able to secure basic constitutional rights to criminal defendants.

The jury pool is racially restricted and does not provide the defendant a jury of his peers. Unlike a State, a tribe is not a sovereign entity. Therefore, a tribal proceeding can violate double jeopardy if the Federal government, which would retain concurrent jurisdiction under the bill, also decided to pursue the case.

We recognize that rates of domestic violence are too high in Indian country. The Federal government has a responsibility to address these crimes, whether committed by Indians or by others. It does not follow that the approach taken in this bill is the right one.

We should not engage in a political exercise over tribal sovereignty that has nothing to do with protecting Indian women. We also should not provide an illusion of a remedy that in the end could well be struck down by a court on constitutional grounds.

Instead, we should take clearly constitutional action that will enable the Federal government to better fulfill its responsibilities to women in Indian country given the practical issues that make that difficult currently.

I will support the Coburn amendment.

Ms. MIKULSKI. Madam President, I come to the floor today in strong support of the Violence Against Women Act. The Violence Against Women Act

is a strong, inclusive, and bipartisan bill supported by the vast majority of our colleagues here.

This bill has major, necessary improvements to programs that are vital to millions of women, children, and men in every State, and neighborhood in our country. The communities served by VAWA deserve to have these improvements. The issues are too important for partisan wrangling.

I stand here today to call on the entire Senate to enact on these critical issues in order to protect our families, protect public safety, and protect the communities we serve.

VAWA is crucial in all of our communities. Every day VAWA is providing vital services to families in desperate need. I hear from my constituents far too often about the challenges they are facing, often involving significant economic struggles only to be complicated by deep emotional pain and fear.

This is not about politics. Here are the statistics: one in four women will be victims of domestic violence. Sixteen million children are exposed to domestic violence every day. And over 2 million will be victims themselves of physical or sexual violence each year. Twenty thousand cases are in my own State of Maryland. Since we created the legislation in 1994, the national hotline has received millions of calls. Millions of women felt in danger and millions had the chance of being rescued.

In my own State of Maryland VAWA is making recovery possible for victims finding legal help to separate from their abusers. They are also getting vital services at rape crisis centers and navigating our immigration system to ensure protection.

I heard from one of my constituents, Jean, on the Eastern Shore of Maryland. Jean had been married to her husband for 10 years and shared two children. She benefited from VAWA's Legal Assistance for Victims Grant after being abused so brutally one evening. Jean called the hotline and got the legal assistance to file for a protective order, which she ultimately was awarded and is now living her life safely with her children.

I also heard from Danielle. Danielle was sexually assaulted at the age of 19 by an associate that she knew. She was aided by VAWA's Sexual Assault Services program when she made the connection with the rape crisis center a few days after her attack. Danielle got the support she needed at the crisis center. She received personalized safety planning and counseling and was provided a lawyer to help her get a peace order.

I also hear from law enforcement in Maryland who say VAWA is helping them make communities safer and how the reauthorization will strengthen this. The Lethality Assessment Program, pioneered in Maryland and now a model for the Nation, is strengthened in this bill. The program is used to identify high-risk situations at the outset and link up local police with domestic violence professionals, thereby providing wrap-around services and empowerment to get victims out of harm's way and reduce homicides. This was made possible because of VAWA which provided the Federal funding to make this a reality.

As chair of the Appropriations Subcommittee that funds the Justice Department, I fund the Violence Against Women Act programs. These programs ensure tougher penalties for abusers, coordinated assistance with community organizations, and court advocates for abused to boost reporting and prosecution.

In the fiscal year 2013 CJS spending bill, I provide a robust $421 million for Violence Against Women grants. I am fighting for historic funding levels even within the stringent budget reality. I also provide strong investments in core VAWA programs including $189 million for STOP formula grants, which coordinates community response to domestic violence and also trains police, prosecutors and judicial staff; $25 million for sexual assault services that direct services for victims of rape; $25 million for transitional housing grants so victims have safe and affordable housing after shelters; and $50 million for Grants to Encourage Arrests, which teaches police and prosecutors how to support victims and ensure offender accountability.

We know that VAWA works, so approving it should be a nobrainer. The Senate VAWA bill makes these improvements, and not just in the ways that get attention, but in ways which will make the difference in a victim's life.

I fund this bill, its improvements are measures that I fully support, and I put money in the Federal checkbook each year to make sure VAWA is available to those who need it. Maryland has done such a good job, and I won't let the United States Congress fail these families in need.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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 at 5:30 p.m., the Senate proceed to a vote in relation to the Coburn amendment No. 13; further, that upon disposition of the amendment, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; that following leader remarks on Tuesday, February 12, the Senate resume consideration of S. 47; that the time until 11 a.m. be equally divided between the two leaders or their designees prior to votes in relation to the amendments included under the previous order and that those votes occur in the order listed; that all after the first vote be 10-minute votes; and finally, that all other provisions of the previous order remain in effect.

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

Mr. LEAHY. I thank the distinguished Presiding Officer.

AMENDMENT NO. 13

Madam President, I join Chairwoman CANTWELL, the chair of the Senate Committee on Indian Affairs, and the senior Senator from Alaska, Senator MURKOWSKI, in opposing Senator COBURN's amendment. The amendment will remove essential protections for Native women from the bill.

Native women in this country experience domestic abuse at a shockingly high rate. A recent study found that nearly three in five American Indian women have been the victim of a domestic assault. This terrible trend has been perpetuated by a jurisdictional gap that allows many non-Indian perpetrators on tribal lands to go unpunished.

This problem is real: nearly half of Indian women are married to non-Indian men, and thousands more are in relationships with non-Indians. Tribal courts have no jurisdiction when these men commit domestic violence offenses, and federal and state officials are not in a position to prosecute in most cases. They are often hours away and lack the resources and local contacts to be able to effectively respond. These non-Indian men can essentially abuse Indian women with immunity from any consequences. That has to end.

The Leahy-Crapo bill addresses this glaring need by allowing tribes that can provide key rights to defendants to prosecute non-Indians for domestic violence offenses under limited circumstances. Our bill also clarifies that tribal courts have the authority to issue and enforce protection orders against non-Indians. These are essential tools in combatting domestic violence. Senator COBURN's amendment would eliminate these crucial provisions.

These provisions in the Leahy-Crapo bill are the product of careful deliberation by the Indian Affairs Committee and the Judiciary Committee, with input from legal experts. They are identical to the corresponding provision in last year's VAWA reauthorization which passed the Senate with 68 votes. Just this week I received a letter from the National Task Force to End Sexual and Domestic Violence Against Women voicing their strong support for the tribal jurisdiction provision that is currently in the Leahy-Crapo bill and today I received their letter strongly opposing the changes proposed in Senator COBURN's amendment. I also received a letter from the National Congress of American Indians expressing their support for the current tribal provisions and unequivocal opposition to any efforts to alter them.

Senator COBURN's amendment would reverse the significant progress we made last year when the Senate passed these provisions with strong bipartisan support. It sends the message that Native women are not deserving of the same protections as other women. I urge my fellow Senators to vote against it.

Madam President, I ask unanimous consent that these letters and other letters opposing the amendment be pritned in the RECORD.

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

NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE AGAINST WOMEN,

February 6, 2013.

Hon. PATRICK LEAHY,
Chair, Senate Judiciary Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

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

DEAR CHAIRMAN LEAHY AND SENATOR CRAPO: The National Task Force to End Sexual and Domestic Violence—comprised of national, tribal, state, territorial and local organizations, as well as individuals, committed to securing an end to violence against women, including civil rights organizations, labor unions, advocates for children and youth, anti-poverty groups, immigrant and refugee rights organizations, women's rights leaders, and education groups—writes to express its strong and unequivocal support for the tribal provisions included in Title IX of S. 47, the Violence Against Women Reauthorization Act. As you are aware, these provisions are identical to those that were contained in S. 1925, the VAWA bill introduced in the 112th Congress. As such, the provisions were first voted affirmatively out of the Indian Affairs Committee, then added to S. 1925 and passed out of the Judiciary Committee, and finally were contained in the final version of S. 1925 that passed the Senate last year with bipartisan support.

While we understand that some have expressed constitutional concerns with respect to the criminal jurisdiction provisions contained in section 904, Title IX of S. 47, we wish to respectfully point out that the provisions were drafted and put forward by the U.S. Department of Justice, and were thoroughly vetted before they were submitted to the Senate Indian Affairs and Judiciary Committees. We also wish to remind the members of the Senate of the terrifying rates of victimization that American Indian and Alaska Native women experience: 34% of American Indian and Alaska Native women will be raped in their lifetimes, 39% will be subjected to domestic violence in their lifetimes. Sixty-seven percent of Native women victims of rape and sexual assault report that their assailants are non-Native individuals. On some reservations, Native women are murdered at more than ten times the national average. These startling statistics, coupled with the unfortunately high declination rates (U.S. Attorneys declined to prosecute nearly 52% of violent crimes that occur in Indian country, and 67% of cases declined were sexual abuse related cases), provided ample reason for Congress to act in passing S. 47 with Section 904 intact.

Additonally, we offer for the consideration of the members of the Senate a letter submitted last year by over 50 U.S. law professors who carefully reviewed the provisions of section 904 and found them to be constitutional. We offer some relevant excerpts below:

''It is important to note that Section 904 of S. 1925 does not constitute a full restoration of all tribal criminal jurisdiction—only that which qualifies as ''special domestic violence criminal jurisdiction.'' So there must be an established intimate-partner relationship to trigger the jurisdiction. Moreover, no defendant in tribal court will be denied Constitutional rights that would be afforded in state or federal courts. Section 904 provides ample safeguards to ensure that non-Indian defendants in domestic violence cases receive all rights guaranteed by the United States Constitution. . . .

In other words, a defendant who has no ties to the tribal community would not be subject to criminal prosecution in tribal court. Federal courts have jurisdiction to review such tribal jurisdiction determinations after exhaustion of tribal remedies. Section 904 is specifically tailored to address the victimization of Indian women by persons who have either married a citizen of the tribe or are dating a citizen of the Tribe.''

In closing, the National Task Force wishes to thank you for your tireless efforts to reauthorize the Violence Against Women Act, S. 47. We appreciate your leadership and look forward to working with you toward a speedy passage of S. 47, including Title IX as introduced with no weakening amendments.

Sincerely,

THE NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE.

NCAI TASK FORCE ON VIOLENCE AGAINST WOMEN, NATIONAL CONGRESS OF AMERICAN INDIANS,

Washington, DC, February 7, 2013.

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

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

DEAR SENATORS LEAHY AND CRAPO: The National Congress of American Indians (NCAI), founded in 1944, is the oldest, largest and most representative American Indian and Alaska Native organization serving the broad interests of tribal governments and communities. The NCAI Task Force on Violence Against Women focuses on addressing crimes of violence against Native women. This letter is to express our strong opposition to any amendment offered which would strip or alter the current language in S. 47.

The Task Force knows that unfortunately Native women are victimized at rates higher than any other population in the United States. It is estimated that 34% of American Indian and Alaska Native women will be raped in their lifetimes; 39% will be subjected to domestic violence in their lifetimes; 67% of Native women victims of rape and sexual assault report their assailants as non-Native individuals, and, on some reservations, Native women are murdered at more than ten times the national average.

These startling statistics, coupled with the unfortunately high declination rates (U.S. Attorneys declined to prosecute nearly 52% of violent crimes that occur in Indian country; and 67% of cases declined were sexual abuse related cases), provide ample reason for Congress to act in passing S. 47 with Section 904 intact.

Section 904 does not take away constitutional rights from offenders, it guarantees swift justice for Native victims. There are safeguards built into the provision which ensure that all rights guaranteed under the Constitution are given to non-Native defendants in tribal court. Further, the special domestic violence jurisdiction is narrowly restricted to apply only to instances of domestic or dating violence where: 1) the victim is an Indian, 2) the conduct occurs on tribal lands; and 3) where the defendant either lives or works on the reservation, i.e., where the defendant has significant ties to the community.

The NCAI Task Force on Violence Against Women is extremely concerned that misunderstandings of the political status of Indian tribes and the internal workings of the tribal court system are causing confusion on how this provision will work on the ground. Indian tribes are not a racial class, they are a political body—so the question is not whether non-Indians are subject to Indian court—the question is whether tribal governments, political entities, have the necessary jurisdiction to provide their citizens with the public safety protections every government has the inherent duty to provide.

Amendments which place more funding in the hands of federal authorities will not address this immediate local need. We believe strongly that local government is the best government for addressing public safety concerns. For example, an amendment is being offered today which would require that tribal governments petition a U.S. District Court for an ''appropriately tailored protection order excluding any persons from areas within the Indian country of the tribe.'' This level of procedure for an intimately local issue is not practical and will do little to improve matters on Indian reservations. Tribal courts are the appropriate venue to issue such protection orders.

Also, tribal courts and authorities are the appropriate triers of fact for domestic violence matters conducted on Indian reservations. The federal system has proven ineffective in many respects, but none as detrimental to the backbone of a community as the area of domestic violence against Native women. Further many tribal courts operate in much the same manner as state courts, albeit with smaller dockets and lesser degrees of crime as their sister governments: state and federal courts. Also, all tribal courts are bound by the Indian Civil Rights Act, which, as amended, guarantees all of the constitutional rights non-Native defendants have in state courts.

For these reasons, the NCAI Task Force on Violence Against Women strongly opposes any amendments to S. 47 and offers its strong support for the current language in the bipartisan Senate VAWA Reauthorization: S. 47. Thanks for your time and your continuous efforts to provide greater protections for women in Indian Country.

Sincerely,

JUANA MAJEL DIXON,
Co-Chair, NCAI Task Force on Violence Against Women.

TERRI HENRY,
Co-Chair, NCAI Task Force on Violence Against Women.

VOTE NO ON COBURN AMENDMENT #13

A ''NO'' VOTE WILL RETAIN VITAL VAWA PROTECTIONS FOR NATIVE WOMEN

The National Congress of American Indians and tribal governments nationwide oppose Coburn Amendment No. 13. This harmful amendment would strip the critical tribal jurisdiction provisions in Sections 904 and 905 of S. 47 that are so important to deterring senseless violence against Native women who reside on Indian reservations. Section 904 is the same tribal jurisdiction language that passed the Senate last session with strong bi-partisan support. It acknowledges the authority of Indian tribal governments to exercise concurrent jurisdiction over crimes of domestic violence by non-Native suspects. Every suspect will be afforded the full array of constitutional protections.

This provision is critically important to stopping the epidemic of domestic violence against Native women.

Section 904 is Narrowly Tailored

Section 904 does not acknowledge blanket jurisdiction over all crimes committed by non-Indians on tribal lands. The jurisdiction would only apply to domestic or dating violence where the victim is a tribal citizen; the crime occurred on tribal lands; and the defendant must be in an established relationship with the victim. The provision is specifically tailored to address a serious epidemic of violence that Native women face each day.

The current system of justice on Indian lands is broken. More than 1 in 3 Native women will be raped in their lifetimes, and more than 3 in 5 will suffer domestic abuse. Native women are forced to rely on federal officials to investigate and prosecute domestic violence committed by non-Natives. However, U.S. Attorneys declined to prosecute a majority of violent crimes. Between 2006–2009, federal officials declined 52% of violent reservation crimes, including 67% of sexual assaults.

In most cases, federal resources are stretched too thin, and federal investigators are located too far from many reservations to serve as an effective deterrent to crime on tribal lands. Lower level crimes of domestic violence go completely unprosecuted—and often unreported, because many Native women have lost faith in the justice system. When lower level domestic violence goes unpunished, the violence increases. The result on some reservations is that the homicide rate of Native women in 10 times the national average. These shocking facts provide compelling reasons for Congress to enact S. 47 with Section 904 intact.

Defendants' Have all Due Process Rights under the Proposed Limited Jurisdiction

Section 904 ensures that non-Indian defendants in tribal court are afforded due process in a manner consistent with state and federal courts. This includes the right to effective assistance of counsel, the right to a trial by an impartial jury selected impartially, as well as all other constitutional rights guaranteed under the Indian Civil Rights Act. Also, the draft language includes a catch-all provision, which entitles defendants to ''all other rights whose protection is necessary under the Constitution of the United States in order for Congress'' to acknowledge this jurisdiction. This last section ensures that non-Indian defendants will receive a fair trial in tribal courts. The U. S. Department of Justice developed and strongly supports Section 904, as do Bush Administration U.S. Attorneys, and many other experts in the field of criminal justice.

The Coburn Amendment Also Strikes Section 905 from S. 47

The Coburn Amendment would strike Section 905 from S. 47. This section also passed this Senate last session with strong bi-partisan support. The civil jurisdiction found in Section 905 already exists under the full faith & credit clauses of VAWA 2000. This section simply clarifies the intent of this earlier reauthorization by making clear that tribes have full civil authority to issue and enforce domestic civil protection orders against Indians and non-Indians alike.

This provision is critical to strengthening tribal regulatory authority over domestic disputes, threats of violence, harassment, or verbal or physical abuse. Women living in Indian country and Alaska Native villages rely on tribal courts each day to obtain civil orders of protection to prevent future abuse in crimes of domestic violence, sexual assault, dating, and stalking. Requiring a woman in need of immediate protection to travel hundreds of miles from her reservation to a state court is not only impractical but also dangerous. We strongly oppose any amendment intended to strike this provision.

A Vote Against the Coburn Amendment is a Vote for Indian Country

A vote against the Coburn Amendment is a vote for Native women victims of abuse—and for the children who will grow up without such horrific violence. Sections 904 and 905 are sensible, fair and will create a partnership between tribal governments and federal authorities in addressing an epidemic of domestic violence in Indian country. A VAWA Reauthorization without these critical provisions will deny Indian women access to justice and legal protection available to other victims. Native women will be left behind in the national efforts to protect all victims of domestic violence and sexual assault.

Coburn Amendment No. 13 would ignore the horrific crime that Native women face on a daily basis. If adopted, Congress will be telling tribal communities that the status quo is acceptable. Violence against any person by any person anywhere is unacceptable. For these reasons, I respectfully request you oppose the Coburn Amendment No. 13 and help Indian Country pass a VAWA Reauthorization that protects all women.

JUANA MAJEL DIXON,
First Vice President, NCAI, Co-Chair, NCAI Task Force on Violence Against Women.
TERRI HENRY,
Council, Eastern Band of Cherokee Indians, Co-Chair, NCAI Task Force on Violence Against Women.

UNITED SOUTH AND EASTERN TRIBES, INC.,
Nashville, TN, February 9, 2013.

Re Stand up for Native Women—Vote No on Coburn Amendment (No. 13) to S. 47.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: I write to you in two roles. First, I write on behalf of the United South and Eastern Tribes, Inc. (USET), which is an inter-tribal organization representing 26 federally recognized Tribes from Texas to Maine. Second, I write as a son, father, relative and tribal leader who has seen all too many times the long-lasting tragic consequences of domestic abuse within our communities. It burns our hearts that many of the perpetrators, despite having close ties to our tribal lands and communities, have no fear of punishment because they are non-Indians and therefore fall outside the jurisdiction of the local government—in this case, the tribal government.

Please support S. 47 and oppose any efforts, including the Coburn amendment (No. 13), which would deprive tribal governments of critically needed authority to keep reservations safe and protect Native women and other victims of domestic abuse.

I have been taught that ''no nation is truly defeated until the hearts of its women are on the ground.'' Native women have strong hearts, but that strength is constantly challenged by the high rates of domestic violence on many Indian reservations. Of course, domestic violence is not limited to women and it is not limited to adults. It has an effect that passes down through the generations. We all dream that our children can live and grow up in a safe place, with loving adults. From such a foundation, our children will create safe and healthy families of their own, free from the scourge of domestic violence. It is well known that domestic violence is a behavior that starts at one level and often escalates over time to serious injury or even death. Tribes need the authority to intervene in early incidences of domestic violence, as well as at any other stage. Only by doing this can we break the chain of domestic violence that weighs down our communities.

The pending Violence Against Women Act (VAWA) reauthorization (S. 47) presents an extraordinary opportunity to address the startling lack of law enforcement response to, and prosecutions for, incidences of domestic violence on Indian reservations. After years of struggling with this issue, those of us who live in Indian country have realized that the answer does not lie with the Federal and state governments, but with ourselves. We need to have in place systems of justice that will put fear in the heart of those who consider evil deeds, while also assure that all members of our communities have their basic rights protected. To do this, our Tribal courts must have authority to exercise limited domestic violence criminal jurisdiction over all individuals with close ties to tribal communities who commit domestic violence offenses on Indian lands. Only at the local level can we create the credible community expectations and standards that will significantly reduce this crisis.

There have been calls for alternate answers to the issue of domestic violence in Indian Country, but we who live there and know the problem first-hand can see no solution, short of tribal jurisdiction over domestic violence crimes, that will truly deter predators and assure justice for domestic violence victims. Indeed, the solution we seek—acknowledging and strengthening the power of local jurisdictions to respond to local problems—is one that is common throughout the country to address issues of crime and violence and achieve justice in the most effective manner possible.

From many conversations with both Republican and Democratic Members of the Senate, I know that we all care deeply about our family, friends, and loved ones and that we all want to stop the scourge of domestic violence. In this, we have a common humanity which rises above philosophical and political differences. We appeal to the leadership and membership of the Senate on the grounds of this shared humanity to reach a compassionate solution that extends the most basic of legal protections to all victims of domestic violence, no matter where in the United States they happen to live, and that empowers Tribal communities to enforce these values on their lands.

In addition to opposing the Coburn Amendment (No. 13), USET would urge you to support the Murkowski Amendment, which provides important clarifications for Native Alaskans and the Leahy Human Trafficking Amendment.

Respectfully,

BRIAN PATTERSON,
President.

Mr. LEAHY. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time 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 ask unanimous consent to yield back all time on both sides.

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

The question is on agreeing to Coburn amendment No. 13.

Mr. LEAHY. Madam President, the yeas and nays have not been requested, have they?

The PRESIDING OFFICER. They have not.

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 Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), the Senator from Nevada (Mr. HELLER), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Kansas (Mr. MORAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SHELBY), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

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

The result was announced—yeas 31, nays 59, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—31

Ayotte	Fischer	McConnell
Barrasso	Flake	Paul
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Thune
Corker	Johanns	Toomey
Cornyn	Lee	
Enzi	McCain	

NAYS—59

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Boxer	Johnson (SD)	Reid
Brown	Kaine	Rockefeller
Cantwell	King	Sanders
Cardin	Kirk	Schatz
Carper	Klobuchar	Schumer
Casey	Landrieu	Shaheen
Collins	Lautenberg	Stabenow
Coons	Leahy	Tester
Cowan	Levin	Udall (CO)
Crapo	Manchin	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

NOT VOTING—10

Alexander	Johnson (WI)	Vitter
Cochran	Moran	Wicker
Cruz	Roberts	
Heller	Shelby	

The amendment (No. 13) was rejected.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from North Carolina.

TRIBUTE TO KIRK NOBEL BLOODSWORTH

Mr. LEAHY. Mr. President, any one of us can only imagine what it would be like to be wrongly arrested, tried, convicted, and sentenced to death for a crime we did not commit. And whatever we imagined would pale by comparison to reality.

Kirk Nobel Bloodsworth, who I am privileged to call a friend, was the victim of such a horrific miscarriage of justice. He served 9 years for the rape and murder of a young girl he never met, based on the mistaken identification by one of Kirk's neighbors.

Eyewitness identifications, assumed to be among the best evidence, are notoriously unreliable. Case after case demonstrates this. Take the massive search currently underway for Christopher Dorner, the former Los Angeles police officer suspected in three killings. The police have been inundated with numerous false ''sightings.''

Kirk Bloodsworth is a free man today not because the justice system worked. For 9 years it failed miserably, and during that time the real killer was free. Rather, he had to prove his innocence thanks to DNA evidence, which is not available in most cases. One shudders to think of the number of factually innocent people who may be serving long sentences for whom exoneration through DNA testing isn't an option.

A February 5, 2013, article in the New York Times quotes Kirk: ''The adversarial system doesn't know who's guilty or who's innocent. The millstone doesn't know who's under it.'' That article, entitled ''A Death Penalty Fight Comes Home,'' is notable because it describes the campaign Kirk is helping to lead to abolish the death penalty in Maryland, the State where he was convicted and sent to death row.

Kirk is an example of someone who was subjected to the basest indignities and humiliation, and who then came back to inspire others to prevent future unjust convictions. It is the mark of a man of extraordinary character and courage, who deserves our praise and admiration. I ask unanimous consent that a copy of the article be printed in the RECORD.

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

[From the New York Times, Feb. 5, 2013]

A DEATH PENALTY FIGHT COMES HOME

(By Scott Shane)

ANNAPOLIS, MD—Kirk Noble Bloodsworth, a beefy, crew-cut man whose blue T-shirt read ''Witness to Innocence,'' took the microphone in a church hall here and ran through his story of injustice and redemption one more time. Twenty years ago, he walked out of a Maryland prison, the first inmate in the nation to be sentenced to death and then exonerated by DNA.

About 60 activists against the death penalty listened with rapt attention, preparing to descend on state legislators to press their case. Maryland appears likely in the next few weeks to join the growing list of states that have abolished capital punishment. Some longtime death penalty opponents say no one in the country has done more to advance that cause than Mr. Bloodsworth. But ending executions in Maryland, the state that once was determined to kill him, would be a personal victory for him.

Even for proponents of capital punishment, Mr. Bloodsworth's tale is deeply unsettling. In 1984, he was a former Marine with no criminal record who had followed his father's profession as a waterman on the Eastern Shore of Maryland. A woman glimpsed on television a police sketch of the suspect in the rape and murder of a 9-year-old girl outside Baltimore. She thought it looked like her neighbor Kirk, and she called the police.

From there, with the police and prosecutors under intense pressure to solve the crime, it was a short route to trial, conviction and a death sentence for a man whose Dickensian name, after all, seemed to imply guilt.

''I was accused of the most brutal murder in Maryland history,'' Mr. Bloodsworth, now 52, told the church audience. ''It took the jury two and a half hours to send me to the gas chamber.''

Only after nine years in the state's most decrepit and violent prisons did Mr. Bloodsworth, through his own perseverance and some aggressive lawyering, manage to get the still-novel DNA test that finally proved his innocence in 1993.

Even then, prosecutors publicly expressed doubt about his innocence. ''Nobody knew what DNA was then—it was sort of shaman science, a 'get out of jail free' card,'' he said in an interview. It took another decade—and, again, Mr. Bloodsworth's own dogged efforts—before officials ran the DNA from the murder scene through a database and identified the real killer, who is now serving a life sentence. He bore little resemblance to the description that the police had compiled from eyewitnesses.

Mr. Bloodsworth said he kept pursuing the test to clear himself once and for all, but also to find the killer of the girl, Dawn Hamilton, who was found in the woods stripped of clothing from the waist down, her head crushed with a piece of concrete. ''This was a ghastly, horrific thing,'' he said.

Even after his release, Mr. Bloodsworth could never quite escape the false charges that had threatened him with execution. He tried to return, he said, to ''a normal life,'' but he was haunted by what he had learned about the justice system.

''If it could happen to me, it could happen to anybody,'' he said. He threw himself into work against capital punishment and for justice reform, first as a volunteer speaker and later as a professional advocate. Last month he began work as the advocacy director for Witness to Innocence, a Philadelphia-based coalition of exonerated death row inmates who push to end capital punishment.

The movement to end the death penalty has garnered more support from politicians and the public as it has shifted from moral condemnation of capital punishment to a more practical argument: that mistakes by witnesses and the police inevitably mean that innocent people will be executed. While DNA gets the limelight, of 142 prisoners sentenced to death and then exonerated in the last 40 years, just 18 were freed over DNA