fight between the public good, between an important public security issue and a private special interest that is defending itself, that is defending its right to pollute, that is defending its ability to compromise our atmosphere, compromise our health, and compromise our great oceans and waters. This should be an easy struggle. This should be an easy struggle, but it is not. And it will be a mark of shame on this generation, and it will be a mark of shame on this building that given the choice between the clear information from the scientists, the clear experience of what is happening in all of our States and the power of the special interests, we ignored the first and yielded to the power of those special interests.

I yield the floor.

''PROTECTING OLDER WORKERS AGAINST DISCRIMINATION ACT''

Mr. LEAHY. Mr. President, I am pleased to join Senators HARKIN and GRASSLEY in reintroducing the Protecting Older Workers Against Discrimination Act. This bipartisan bill seeks to restore crucial worker protections that were cast aside by five justices of the Supreme Court in the 2009 case Gross v. FBL Financial, Inc. The bill reaffirms the contributions made by older Americans in the workforce and ensures that employees will be evaluated based on their performance and not by arbitrary criteria such as age.

Congress has long worked to enact civil rights laws to eliminate discrimination in the workplace. In 1967, Congress passed the Age Discrimination and Employment Act, ADEA, extending protections against workplace discrimination to older workers. We strengthened and codified these protections in the Civil Rights Act of 1991, which passed the Senate with an overwhelming, bipartisan vote of 93–5. These statutes established not only our clear congressional intent, but also a clear legal standard: an employer's decision to fire or demote an employee may not be motivated in whole or in part by the employee's age.

However, the Supreme Court's Gross decision unilaterally erased that longstanding standard. A narrow 5–4 majority threw out a jury verdict in favor of Jack Gross, a 32-year employee of a major financial company, who had sued his employer under the ADEA. That jury concluded that age was a motivating factor in the company's decision to demote Mr. Gross and to reassign a younger, significantly less-qualified worker to take his place. But the Supreme Court ignored the fact finder, its own precedent, and congressional intent to overturn the jury verdict.

Five justices shifted the burden from the discriminators to the discriminated, deciding that workers like Mr. Gross must now prove that age was the only motivating factor in a demotion or termination. The court's decision required workers to essentially introduce a ''smoking gun'' in order to prove discrimination. By imposing such high standards, the Court sided with big business and made it easier for employers to discriminate on the basis of age as long as they could cloak it with another reason. The Protecting Older Workers Against Discrimination Act rejects the Supreme Court's reasoning in the Gross decision, not only in those cases under the ADEA but also under similar civil rights provisions.

The Supreme Court's holding has created uncertainty in our civil rights laws, making it incumbent on Congress to clarify our intent and the statutory protections that all hardworking Americans deserve. The Protecting Older Workers Against Discrimination Act restores the original intent of the ADEA and three other Federal anti-discrimination statutes. The bill reestablishes Congress' intent that age discrimination is unlawful even if it is only part of the reason to demote or terminate a worker. It makes it clear that employers cannot get away with age discrimination by simply coming up with a reason to terminate an employee that sounds less controversial. Under the bill, a worker would also be able to introduce any relevant admissible form of evidence to show discrimination, whether the evidence is direct or circumstantial.

I commend Senator HARKIN for his efforts over the past 4 years to negotiate a bipartisan bill to restore the civil rights protections that all Americans deserve in the workplace. I also thank Senator GRASSLEY, the ranking member of the Judiciary Committee, for his commitment to this issue. I once again urge my fellow Senators to join this bipartisan effort and show their commitment to ending age discrimination in the workplace.

VOTING RIGHTS ACT

Mr. LEAHY. Mr. President, nearly 50 years ago, Martin Luther King, Jr., gave his historic ''I Have a Dream'' speech in front of hundreds of thousands of people on the National Mall. At the time, I was entering my last year of law school. I was inspired by the March on Washington and knew that history was being made before my very eyes. The youngest speaker at the March was a compelling man by the name of JOHN LEWIS. Many spoke of their unyielding support for civil rights legislation, but JOHN LEWIS demanded more. He demanded that the civil rights bill protect the right of every American to vote free from discrimination. With his strong and forceful voice, he proclaimed that ''One man, one vote is the African cry. It is ours too. It must be ours.''

A year and a half later, JOHN LEWIS would lead another march across the Edmund Pettus Bridge in Selma, AL. There, State troopers brutally beat, bloodied, and trampled JOHN LEWIS and the group of peaceful marchers he led. Those powerful images from ''Bloody Sunday'' were captured on television and in vivid photographs, and would become a catalyst for the passage of the Voting Rights Act. When President Lyndon Johnson signed the act into law several months later, he fittingly gave one of the pens to JOHN LEWIS.

The Voting Rights Act has become the most successful piece of civil rights legislation in this Nation's history. It has worked to protect the Constitution's guarantees against racial discrimination in voting for nearly five decades. It has helped minorities of all races overcome major barriers to participation in the political process, through the use of such devices as poll taxes, intimidation by voting officials, registration and language barriers, and systematic vote dilution.

Despite the continuing evidence of racial discrimination in voting that Congress amassed in 2006, the Supreme Court recently issued a ruling that makes it more difficult to protect all Americans in exercising their sacred right to vote. In Shelby County v. Holder, a narrow majority of the Supreme Court held that the coverage formula for section 5 of the Voting Rights Act was unconstitutional. Section 5 provides a remedy for unconstitutional discrimination in voting by requiring certain jurisdictions with a history of discrimination to ''preclear'' all voting changes before they can take effect. This remedy is both necessary and important because it stops the discriminatory voting practice before our fellow Americans' rights are violated. By striking down the coverage formula for section 5, the Court's ruling leaves this effective protection unenforceable.

Two weeks ago, I began a bipartisan conversation to restore the protections of the Voting Rights Act when I chaired a hearing before the Senate Judiciary Committee. The hearing included meaningful testimony from JOHN LEWIS and JIM SENSENBRENNER. Both agreed that protecting the right to vote from discriminatory practices is neither a Democratic issue nor a Republican issue. It is an American issue.

At this hearing, Republican City Commissioner Luz Urbáez Weinberg of Aventura, FL, also testified to the need to restore the protections of section 5 of the Voting Rights Act. She urged Congress to demonstrate a ''clear and principled commitment to equal voting rights for all Americans regardless of race, language spoken, and to also act swiftly to restore the protections.'' Moreover, she made clear that maintaining the Voting Rights Act ''is not a partisan issue. It is a nonpartisan issue. It is an issue for all Americans. Whether Republicans or Democrats, all Americans strongly believe in fair and equal electoral opportunities.''

It is true that America has made a lot of progress since the Voting Rights Act was first enacted. Nobody denies this. But we are far from achieving the dream that Dr. King spoke of on that

magnificent day in August of 1963. Although the Supreme Court struck down the coverage formula in the Shelby County case, the Justices acknowledged, as they must and as the American people recognize, that discrimination in voting continues to be a problem. As the Chief Justice rightly noted in the majority opinion, ''voting discrimination still exists; no one doubts that.'' The question only remains how best to protect Americans against this discrimination.

This is an issue on which Republicans and Democrats have always come together on. Every reauthorization of the Voting Rights Act, including its initial passage, has been marked by the overwhelming support of lawmakers of both parties. In the last few weeks, I have heard people say that Congress is too gridlocked and will not act on voting rights. That is wrong and it is unsupported by our tradition of leadership on this issue. As my friend Senator GRASSLEY said at the Senate Judiciary Committee voting rights hearing I chaired 2 weeks ago, ''Cynicism and defeatism have never before characterized reauthorization of the Voting Rights Act.'' Senator GRASSLEY is right. History shows that we have reauthorized the act time and again because it is a nonpartisan issue.

Those who forecast failure also underestimate what a person like JOHN LEWIS can accomplish. I, for one, would never underestimate JOHN LEWIS's tenacity and ability to bring people together.

The Supreme Court's ruling last month was a setback to the cause of equality. However, we should see it as a calling for Congress to come together to meet the voting discrimination which persists with a steadfast resolve. It is up to us to meet this challenge. We must work together as a Congress—not as Democrats or Republicans, but as Americans—to ensure that we protect against racial discrimination in voting. We can only do that with a strong Voting Rights Act.

Earlier today, at the bipartisan and bicameral event marking the 50th Anniversary of the March on Washington in Statuary Hall, JOHN LEWIS said, ''We have come a great distance but we are not finished yet.'' I could not agree more. Let us continue to work to protect the fundamental right to vote for all Americans.

Ms. MIKULSKI. Mr. President, I rise today to speak on an important anniversary in our country. In just a few weeks, we will commemorate the 50th anniversary of the famous March on Washington. On August 28, 1963, we marched. We marched for jobs, for justice, for the economy, and for freedom.

I remember that march. I was getting ready to go back to school. Baltimore was a staging location, and many social workers helped as marchers came down from New York and Pennsylvania. These determined individuals—a diverse group—all with a story and a cause, made up the nearly 250,000 people who marched that day. It was an important testament to the power of a collective voice, one in support of equal rights and treatment of all. And it was this collective voice that helped lead to the passage of the Civil Rights Act and the Voting Rights Act.

We have had many victories, and made much progress in ensuring equality for all. We have elected a Black President to the White House, passed the Lily Ledbetter Fair Pay Act, repealed DOMA and Don't Ask Don't Tell. We have accomplished so much, but we still have so far to go. The fight for civil rights is far from over. Racial, religious and gender violence continues in our streets and in our homes. Voters rights have been threatened by the recent Supreme Court decision, leaving Americans vulnerable to prejudice and intimidation. And so we find ourselves, 50 years later, fighting many of the same fights.

We need to reclaim that bill of rights, and not let any court decision take it away from us. They are chopping away at the Voting Rights Act, but let's change the law if we have to. Let us march for our liberties and the people who were there, and said ''ain't I a man'', later calling on the words ''ain't I a woman''.

So it is important now more than ever to hold that dream of Dr. King in our hearts. Let's remember the history that was written here 50 years ago. And just as we marched then, we need to march today. Together we can end injustice. Together we can break down barriers to equality, so that all people regardless of race, faith or gender can live in a country that never promised anything less than their undeniable rights to life, liberty and the pursuit of happiness.

SERVICEMEMBER STUDENT LOAN AFFORDABILITY ACT

Mr. DURBIN. Mr. President, we've made a lot of progress over the past couple weeks helping our Nation's students borrow at reasonable costs for their higher education needs. This year alone, students are projected to borrow $21 million in federal student loans. Borrowers currently carry about $1.1 trillion in student loan debt.

Several Federal programs help borrowers having trouble keeping up with student loan debt. Two programs in particular are designed to recognize the sacrifice made by those who serve our country—whether it's in the military or through public service.

The Servicemember Civil Relief Act protects our servicemembers from interest rates above 6% on all loans—including student loans taken out preservice—while they are on active duty. The Public Service Loan Forgiveness program encourages people to become public servants by forgiving student loan debt after 10 years of public service—including military service. Under this program borrowers must enroll in a qualifying repayment plan and make 10 years of payments while working in public service before the loan is forgiven.

To be eligible, borrowers with Perkins or Federal Family Education Loans must consolidate their loans into a Direct Consolidation Loan to be eligible for the Public Service Loan Forgiveness program. However, there's an unintended consequence at play here.

Once a servicemember consolidates his or her preservice loans to qualify for the Loan Forgiveness program, those loans no longer qualify for the 6 percent rate cap under the Servicemember Civil Relief Act. This is because consolidation or refinancing of old debt is considered a new loan under the Servicemember Civil Relief Act.

Unfortunately, this forces servicemembers to choose between the 6 percent rate cap now while they are on active duty and enrolling in a program that will forgive their loans after 10 years of service and steady payments. Furthermore, this quirk in the law prevents servicemembers from taking advantage of historically low interest rates by refinancing. A lower interest rate could save borrowers thousands of dollars over the life of the loan.

Congress' intent was to help servicemembers burdened with student loan debt, and the Servicemember Civil Relief Act and the Public Service Loan Forgiveness Programs have done that. But forcing servicemembers to give up the rate cap today for a chance to earn loan forgiveness in the future is not what Congress intended, and we should fix it.

This week I introduced the Servicemember Student Loan Affordability Act. This bill would allow preservice private or Federal student loan debt to be consolidated or refinanced while retaining the 6 percent rate cap. This tweak to the law would allow servicemembers to participate in both beneficial programs. My bill is supported by the:

Center for Responsible Lending, National Consumer Law Center, National Guard Association of the United States, NGAUS, the Retired Enlisted Association, TREA, Veterans of Foreign Wars VFW, and Woodstock Institute.

We have made substantial progress for students in recent weeks, and more work is ahead as we address the rising student loan debt. This is a small change to the law, but it will have a big impact on servicemembers with large student loan debt. Congress continues to try to address the financial challenges facing our nation's middle class, working families, and students. This fix is one of many steps toward that effort.

I urge my colleagues to consider a simple solution to help servicemembers, and I hope they will support the Servicemember Student Loan Affordability Act.

TRIBUTE TO DAVID F. VITE

Mr. DURBIN. Mr. President, I am honored today to pay tribute to my