

range of constitutional scholars, voting rights advocates, and Supreme Court practitioners, regarding the need for reauthorization of the expiring provisions of the Voting Rights Act. In addition, the Committee gathered and considered thousands of pages of testimony, articles, letters, and other evidence from these witnesses and other sources discussing these issues. This evidence, along with voluminous evidence gathered in the House—under the leadership of then-Judiciary Chairman JAMES SENSENBRENNER, MEL WATT, JOHN CONYERS and JOHN LEWIS—provided an overwhelming demonstration that Section 5 continues to be an effective and necessary tool for protecting minority voting rights.

At the time the Senate voted, we had before us the House Committee Report, the full debate from the floor of the House of Representatives, including debate surrounding four substantive amendments to H.R. 9 that were all rejected, leading up to final passage of the Voting Rights Act reauthorization. Before we voted, I also provided the Senate with some of the extensive evidence received over several months of hearings in the Judiciary Committee about the persistence of discriminatory practices in Section 5 covered jurisdictions.

The record gathered by the Judiciary Committee included three categories of evidence supporting the continuation of Section 5. First, we found evidence that even with Section 5 in place, covered jurisdictions continued to engage in recurring discriminatory tactics, often in subtle forms that play on racially polarized voting to deny the effectiveness of the votes cast by members of a particular race. Second, we found evidence that Section 5 provides an effective deterrent against bad practices in covered jurisdictions. Finally, we found evidence that Section 5 plays a vital role in securing the gains minority voters have achieved against the risk of backsliding.

Most importantly, of course, at the time we voted, all Senators had before them the detailed findings in Section 2 of the legislation based on the record and all Senators endorsed those findings with their votes. For example, those findings explicitly include:

Evidence of continued discrimination includ[ing] . . . the hundreds of objections interposed, requests for more information submitted followed by voting changes withdrawn from consideration by jurisdictions covered by the Voting Rights Act of 1965, and section 5 enforcement actions undertaken by the Department of Justice in covered jurisdictions since 1982 that prevented election practices, such as annexation, at-large voting, and the use of multi-member districts, from being enacted to dilute minority voting strength; . . . the number of requests for declaratory judgments denied by the United States District Court for the District of Columbia; [and] . . . the continued filing of section 2 cases that originated in covered jurisdiction . . .

By passing the legislation, Congress adopted and reaffirmed these detailed findings, including Congress' determination that:

[t]he continued evidence of racially polarized voting in each of the jurisdictions covered by the expiring provisions of the Voting Rights Act of 1965 demonstrates that racial and language minorities remain politically vulnerable, warranting the continued protection of the Voting Rights Act of 1965.

Now some suggest that Section 5 should be a victim of its success. In my view abandoning a successful deterrent just because it works defies logic and common sense. When Congress finds an effective and constitutional way to prevent violations of the law, the courts must uphold it. In fact, since 1966, whenever the Supreme Court has reviewed or even cited to the Voting Rights Act, it has affirmed the Act as a valid exercise of congressional authority. That is what the Court rightly did again in 2009.

Nothing we have seen in the time since Congress reauthorized the Voting Rights Act in 2006 or since the Supreme Court again upheld Section 5 in 2009 has invalidated Congress' determination to reauthorize that critical remedy for racial discrimination in voting. In fact, the events of last year's election only serve to remind us anew of the continuing need for Section 5. Last year, panels of judges appointed by presidents of both parties found that Texas intentionally discriminated against minority voters in redistricting, and that Texas failed to demonstrate that its voter ID law does not impose greater burdens on minority voters. A separate panel of three Federal judges approved South Carolina's voter identification law under Section 5 starting this year, with judges appointed by Republican and Democratic Presidents noting that South Carolina legislators passed a less restrictive law than they desired specifically in order to comply with the Voting Rights Act. Without Section 5 of the Voting Rights Act, worse laws would be in place and the fundamental rights of many Americans would be diminished.

The Voting Rights Act is one of the most important laws ever passed by Congress, transforming America by ushering the nation out of a history of discrimination into an era of greater inclusion. The Act has been a tremendous source of protection for the voting rights of those long discriminated against and a great deterrent against discriminatory efforts cropping up anew. As we celebrate Black History Month, we should reflect not only on how far we have come, but how far we still must travel to truly secure the guarantees of the Constitution for all Americans.

Ensuring that all Americans are able to vote and have their vote counted should be an issue of concern to Democrats and Republicans, and a matter of conscience for all of us regardless of political party. That is how it was in 2006, when members of Congress, Republicans and Democrats, stood together on the Capitol steps to reaffirm our commitment to full democratic participation by reauthorizing the key expiring provisions of the Voting Rights Act of 1965.

I am confident that this week when the Justices review the substantial record relied upon by America's elected representatives in Congress, they will again do the right thing. Congress is at the height of its power when giving enforceable meaning to the 14th and the 15th amendments. That is what Congress did when passing the Voting Rights Act in 1965, and what we did when we voted nearly unanimously to extend the vital remedies of Section 5 in 2006. Now the Supreme Court is called upon to respect the role of Congress by upholding this vital civil rights legislation as it rightly did in 2009.

There are few things as critical to our Nation, and to American citizenship, as voting. Like the rights guaranteed by the First Amendment, the right to vote is foundational because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our government is dependent on the access all Americans have to the political process. Our democracy and our Nation have been better and richer for the protection of the Voting Rights Act. Now is no time for backsliding. Now is the time to renew our commitment to the right to vote for all Americans.

VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. I have often said, Mr. President, that the Senate is supposed to be, it can be, and often is the conscience of the Nation. Well, we became the conscience of the Nation 2 weeks ago when Senators, both Republicans and Democrats, voted overwhelmingly to pass the Violence Against Women Reauthorization Act and the Trafficking Victims Protection Reauthorization Act. We made protection of these victims our top priority. After compromise and extensive negotiations, we set partisanship aside and came together.

The Leahy-Crapo Violence Against Women Reauthorization Act will provide immeasurable help to all victims of domestic violence and of rape throughout our country and to victims of human trafficking in the United States and around the world. The Senate passed it with an appropriate show of bipartisan unity. A majority of Republican Senators voted for our bill, as did every woman elected to this body and every single Democratic Senator and the two Independents who caucus with the Democrats. My amendment adding significant human trafficking legislation passed with the support of 93 Senators.

Senators from across the political spectrum have shown that stopping domestic and sexual violence in the most effective way possible is an issue above politics. I mention this not to pat ourselves on the back but to say that, in contrast to this action where Republicans and Democrats came together to

protect women in this country, the House leadership is poised to once again take a different route. Tomorrow they are scheduled to substitute our bipartisan bill with a partisan alternative that leaves vulnerable victims without protection and mires our efforts in partisan politics, which delays getting help to victims. I hope they reconsider this ill-conceived approach. The overwhelming bipartisan support in the Senate for the VAWA reauthorization Senator CRAPO and I introduced sent a powerful message to survivors of violence. But this bill is about so much more than sending a message. It includes real, meaningful additions to the law to fill gaps and address needs that law enforcement, victims, and the service providers who work with victims every day have identified for us. None of these provisions are about politics. They are about preventing terrible crimes and helping the survivors of violence.

The Senate-passed bill takes new steps to prevent domestic violence homicides. It will increase the focus of law enforcement and victim service providers on rape and sexual assault crimes that too often slip through the cracks. It will take needed steps to address the horrifying epidemic of domestic violence in tribal communities and to increase protections for vulnerable immigrant victims. It ensures access to services for LGBT victims who experience domestic and sexual violence at rates at least as high as the rest of the population but often have no place to go for help.

Our bill strengthens protections on campuses, where too many students experience devastating violence instead of the wonderful experience of learning and growth that we all wish for our children. It includes new bipartisan measures to ensure that rape kits are promptly tested so that victims no longer live for years in fear when the perpetrators could be identified and taken off the streets. Our bill would give law enforcement and service providers new tools to crack down on sex trafficking and labor trafficking and help the victims of these appalling crimes. These common sense provisions will make a real difference in so many lives.

The poor substitute the Republican House leadership is putting forward once again takes a tragically different approach. Instead of taking up legislation developed over years of work with victims and those who help them, they have presented a version put together by a few here in Washington. For reasons I cannot understand, they have jettisoned the Trafficking Victims Protection Reauthorization Act altogether and stripped provisions developed by Senator CORNYN, Senator GRASSLEY, and me to take meaningful steps to reduce the backlog of untested DNA evidence in rape kits. Those provisions could help victims and could help law enforcement keep our communities safe.

The House substitute drastically weakens protections for vulnerable victims. It eliminates key protections intended to keep college students safer. It fails to include meaningful language to ensure that LGBT victims can get the same help as any other victims. For immigrant victims, the House substitute actually adds new hurdles that would make it harder for victims to help law enforcement and receive assistance. It adds new burdens and loopholes to protections for Native women who experience domestic violence at horrific rates. The House substitute would continue to allow the most aggressive abusers of native women to escape justice since the most that could be charged in tribal courts would be a misdemeanor. That is not justice for the most vulnerable victims of domestic violence.

I have been working on this legislation for years. During the last year we have amended and tweaked its language many times to accommodate the requests of various Republicans who support the effort. I stand ready to work with House leadership and have reached out to Speaker BOEHNER several times. I have not heard from House leadership once this year. I appreciate the efforts of such conservative House Republicans as Congressmen TOM COLE and DARRELL ISSA, who have tried to find common ground with reasonable compromise approaches to the tribal provisions. I know there are many others in the House of Representatives who believe that we must reauthorize and reinvigorate the Violence Against Women Act so that it protects all victims. It is not too late for others in the House to follow their lead and come together to pass a meaningful reform that protects all victims.

The poor substitute the Republican House leadership is proposing will disappoint the community of violence survivors and those of us who are trying to prevent further violence by passing needed protections. If the House leadership were serious about getting the Violence Against Women Act reauthorized and protecting our most vulnerable victims against rape, sexual violence, stalking, and human trafficking, they would simply take up the Senate bill. So many Republicans, Democrats, and Independents here support it and passed that bill.

I don't understand this picking and choosing about who is going to be considered a victim. I have said this so many times on this floor, I almost wonder if anybody hears it, but, as many other Senators have, I had the privilege of being a prosecutor before I came here. I went to a lot of very violent crime scenes at 2 and 3 and 4 o'clock in the morning, and some of them I remember almost as graphically as if it were yesterday, with a victim of severe violence, often dead, there on the floor. The police never said: Well, we have to find out if this victim is gay or straight, if this victim is Native American or an immigrant. No, they

knew that a victim was a victim was a victim. If somebody has been treated that way, a crime has been committed, and the police want to find out who committed the crime and stop them before they do it again.

Back then, we didn't have anything like the Violence Against Women Act—an act which has protected so many people before they could become a victim, and which provides the tools to prevent this sort of victimization. I think of some of the victims I saw, sometimes in the morgue, and I know if we had something like our Violence Against Women Act at that time, they would be alive today.

So let's put aside gamesmanship and let's worry about the real victims in this country. None of us here will face the horrendous things these women go through, but we can help stop these horrendous things from happening to them, and we should do that.

TRIBUTE TO MICHAEL J. MULLIGAN

Mr. REID. Mr. President, I rise today to recognize the important work of Michael J. Mulligan, who retired February 1, 2013. Mr. Mulligan demonstrated great dedication to enhancing the safety and security of the United States Senate, staff, and visitors.

Beginning his career as a combat engineer officer in the U.S. Army, Mr. Mulligan served a 15-year tour at Fort Ritchie, MD, as the Chief of Engineering and Plans. During this time, he directed the largest expansion of facilities, infrastructure, and community planning in the installation's history. While on temporary assignment to the Army Corps of Engineers in Kuwait, Mr. Mulligan led technical advisors to provide engineering assistance to restore two war damaged air bases.

Mr. Mulligan went on to serve as Director of Facilities at the Alternate Joint Communications Center-Site R. He directed operations to sustain facility excellence in engineering, contingency planning, life support, and logistics in support of Continuity of Operations for the senior DOD leadership—a mission which he ably executed on September 11, 2001.

Mr. Mulligan was appointed to the Senior Executive Service in 2011. As a senior leader in the National Security Agency, Mr. Mulligan provided invaluable stewardship of an important classified program that supported the National Security Emergency Preparedness program.

Furthermore, Mr. Mulligan has authored several writings on public administration and leadership and received numerous service medals and commendations for exceptional public service.

I, along with my colleagues in the Senate, congratulate Mr. Mulligan on his well-earned retirement and wish him all the best in his future endeavors.