

legal community. As with any position in the judicial branch that comes with a lifetime appointment, the Senate must deliberate carefully; and we did and gave all the thought to this nominee, as was shown, clearly demonstrated by a unanimous vote for confirmation. You do not see this very often, but you saw it with Judge Bacharach.

So I appreciate the opportunity to support him today and to have been able to call and be the first to congratulate him in this new part of his career, of which we are going to be very proud. I can assure the Presiding Officer and all the rest of us this is a guy of whom we will always be proud.

So I say congratulations to Judge Bacharach. You are going to do a great job. We will depend on that, and we will be watching to make sure that happens.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

VOTING RIGHTS ACT

Mr. LEAHY. Less than 7 years ago, Republicans and Democrats in the Senate and in the House of Representatives joined together to reauthorize key expiring provisions of the Voting Rights Act of 1965. We explained and documented our findings that this landmark civil rights law was still needed because of continuing discrimination and to preserve the progress that had been made. Because of this extensive record and the acceptance of the Voting Rights Act's importance in our country, our 2006 reauthorization of this crucial law was marked by Members of Congress from both parties and from every corner of the Nation coming together to renew one of the cornerstones of American Democracy.

It is a sad irony that on the same day we will be honoring Civil Rights icon Rosa Parks by unveiling her statue in the U.S. Capitol, the first full statue of an African American to stand in the halls of Congress, across the street the Supreme Court will be hearing arguments from those challenging the constitutionality of the Voting Rights Act reauthorization named in part for her. In the pending case, the challengers seek to strike down Section 5 of the

Voting Rights Act even though that critical section has protected constitutional guarantees against discrimination in voting where 100 years of prior civil rights laws failed. The Supreme Court got it right four years ago when it upheld the constitutional authority of Congress to reauthorize Section 5 against a similar challenge. Neither the words of the Constitution nor the importance of these critical provisions for protecting the right to vote has changed in the last four years. Under the specific words of the 14th and 15th Amendments, Congress has the power to remedy discrimination and enforce the Amendments by enacting laws that address racial discrimination in connection with voting. That is what we did nearly unanimously less than 7 years ago. And over the past year lower courts have repeatedly upheld both its constitutionality and its protections. In light of the lengthy court findings from just the last year, there can be no doubt that the operation of the Voting Rights Act is continuing to protect American voters from discrimination.

In his historic "I Have a Dream" speech, Martin Luther King, Jr. proclaimed: "When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir." The Voting Rights Act is one of our most important means for enforcing this promise and upholding the Constitution's guarantee of equal rights and equal protection of the law. Reauthorizing and restoring the Voting Rights Act was the right thing to do, not only for those who fought and bled for its passage but also for those who come after us—our children and our grandchildren. We owe it to them to continue our commitment to this vital Act. No one's right to vote should be abridged, suppressed or denied in the United States of America.

As we celebrate Black History Month and the significant progress we have made as a Nation, let us not forget the promissory note to future generations and the continuing need for civil rights laws such as the Voting Rights Act.

Our Nation has grown stronger since its Founding as more Americans have been able to exercise their right to vote. The actions taken by previous generations—through a Civil War, through Constitutional amendments, and through the long struggles of the civil rights movement—have worked to break down barriers that stood in the way of all Americans participating in our Democracy.

It has not been an easy road. The pervasive discriminatory tactics that led to the original Voting Rights Act were deeply rooted. As a nation, this effort to ensure equal protection dates back more than 140 years to the ratification of the 15th Amendment in 1870, the last of the post-Civil War Reconstruction amendments. Yet, it took 95 years from the passage of the 15th Amendment and

a historic struggle for civil rights for people of all races to begin the effective exercise of the rights guaranteed by that Amendment. The struggle reached a crucial turning point on March 7, 1965, on the Edmund Pettus Bridge in Selma, AL, when state troopers brutally attacked JOHN LEWIS and his fellow civil rights marchers who were trying to exercise their civil rights. The events of that day, now known as "Bloody Sunday," were a catalyst to the passage of the landmark Voting Rights Act, which finally ensured a century after the enactment of the Civil War amendments that the Constitution's guarantees of equal access to the political process, regardless of race, would not be undermined by discriminatory practices.

Prior to the Voting Rights Act, minorities of all races faced major barriers to participation in the political process, through the use of such devices as poll taxes, exclusionary primaries, intimidation by voting officials, language barriers, and systematic vote dilution. Section 5 provides a remedy for unconstitutional discrimination in voting by requiring certain jurisdictions with a history of discrimination to "pre-clear" all voting changes with either the Justice Department or the U.S. District Court for the District of Columbia. This remedy combats the practice of covered jurisdictions shifting from one invalidated discriminatory voting tactic to another, which had undermined efforts to enforce the Fifteenth Amendment for nearly a century.

In 2006, congressional leadership stood together on the steps of the Capitol to introduce a bill to reauthorize and reinvigorate the Voting Rights Act—an historic announcement in an era of intense partisanship. We came together in recognition that there are few things as critical to our Nation, and to American citizenship, as voting. In sharp contrast to the tremendous resistance and bitter politics which met the initial enactment of the Voting Rights Act, our efforts in 2006 overcame objections through discussions, the hearing process and by developing an overwhelming record of justification for extension of the expiring provisions. The legislation contained specific findings about the need for reauthorization and concluded that without reauthorization the gains we have made would be undermined. Our efforts reached completion when President Bush signed the bill into law after a unanimous vote in the Senate and nearly unanimous vote in the House.

At that time, I was the ranking member of the Senate Judiciary Committee and the lead Democratic Senate sponsor of the reauthorization. Over the course of 19 hearings, the Senate and House Judiciary Committees developed a comprehensive record supporting the continuing need for a reauthorized and reinvigorated Voting Rights Act. In the Senate Judiciary Committee alone we received testimony from 46 witnesses, including a

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