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Senate

The Senate met at 12 noon 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.

Eternal Lord God, at a time when people expect much from their leaders, give our lawmakers the wisdom to do the work of legislation, administration, and justice for the common good. When criticism comes from those who expect miracles and look for weakness, give to the Members of the Senate the grace of patience and love.

Lord, brace them in Your strength against the debilitating effects of frustration and futility as you infuse them with confidence in Your providential power. Bless them with love, faith, and perseverance.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

LEGISLATIVE SESSION

NASA ENHANCED USE LEASING EXTENSION ACT OF 2021

Mr. SCHUMER. Mr. President—of the Senate pro tempore, as well—Mr. President, it is my understanding the Senate has received a message from the House of Representatives to accompany H.R. 5746.

The PRESIDENT pro tempore. The Senator is correct.

Mr. SCHUMER. I ask that the Chair lay before the Senate the House message to accompany H.R. 5746.

The PRESIDENT pro tempore. The question is on agreeing to the motion to lay before the Senate the message from the House.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives.

The senior assistant legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 5746) entitled ''An Act to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration.'', with an amendment.

MOTION TO CONCUR

Mr. SCHUMER. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 5746.

MOTION TO CONCUR WITH AMENDMENT NO. 4903

Mr. SCHUMER. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 5746 with an amendment.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment to the Senate amendment with an amendment numbered 4903.

Mr. SCHUMER. I ask that further reading of the amendment be waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays on the motion to concur with an amendment.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4904 TO AMENDMENT NO. 4903

Mr. SCHUMER. Mr. President, I have an amendment to the amendment, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4904 to amendment No. 4903.

Mr. SCHUMER. I ask that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

MOTION TO REFER AMENDMENT NO. 4905

Mr. SCHUMER. Mr. President, I move to refer the House message to accompany H.R. 5746 to the Committee on Rules, with instructions to report back forthwith with an amendment.

The PRESIDENT pro tempore. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] refers the House message to accompany H.R. 5746 to the Committee on Rules with instructions to report back forthwith with an amendment numbered 4905.

Mr. SCHUMER. I ask that further reading be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

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

(Purpose: To add an effective date)

At the end add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall take effect on the date that is 4 days after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4906

Mr. SCHUMER. I have an amendment to the instructions, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4906 to the instructions with the motion to concur.

Mr. SCHUMER. I ask that further reading be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike ''4'' and insert ''5''.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4907 TO AMENDMENT NO. 4906

Mr. SCHUMER. I have an amendment to the amendment, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4907 to amendment No. 4906.

Mr. SCHUMER. I ask that further reading be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 1, strike ''5'' and insert ''6''.

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the motion to concur to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the cloture motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 5746, a bill to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration.

Charles E. Schumer, Jacky Rosen, Cory A. Booker, Richard J. Durbin, Jack Reed, Amy Klobuchar, Jeff Merkley, Tammy Duckworth, Robert Menendez, Chris Van Hollen, Richard Blumenthal, Sheldon Whitehouse, Patty Murray, Benjamin L. Cardin, Elizabeth Warren, Christopher Murphy, Ben Ray Luján.

The PRESIDENT pro tempore. The Senator from New York.

CONGREGATION BETH ISRAEL SHOOTING

Mr. SCHUMER. Mr. President, before I begin the substance of my remarks, I want to offer a few words in reaction to the terrible hostage situation this weekend in Texas.

Saturday's hostage crisis at Congregation Beth Israel was a horrifying reminder that the ancient poison of anti-Semitism continues to this day. I am relieved that all of the hostages made it out alive, and I commend the quick thinking of the first responders and of Rabbi Charlie Citron-Walker, who acted valiantly, and all those present for bringing this crisis to an end.

Moving forward, we must get to the bottom of what inspired the terrorist attack on Saturday but increase our vigilance against all forms of anti-Semitism and racially motivated violence.

Here in Congress, we must continue working to increase our investment in nonprofit security grants to groups that are targets of hate. We need to give our communities the tools they need to protect themselves so they can live without fear of being targeted for just who they are.

On this day, I stand in solidarity with the congregation of Beth Israel, the Jewish community of Greater Dallas-Ft. Worth, and with all Jewish Americans for whom Saturday's attack was a traumatic reminder of the hate we have yet to overcome.

VOTING RIGHTS

Mr. President, this is on defending democracy. The eyes of the Nation will be watching what happens this week in the U.S. Senate.

Just a few days removed from what would have been Dr. Martin Luther King, Jr.'s 93rd birthday, the Senate has begun debate on the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act—for the first time, the first time in this Congress.

Democrats have tried for months to hold a voting rights debate on the floor, but we have been blocked each time by Republicans. We brought commonsense proposals four times on the floor of the Senate and only once did one Senator—LISA MURKOWSKI, to her credit—agree to even begin debate on voting rights. On all three other votes, not a single Republican joined us. Every one of them voted to block even a debate on voting rights.

So, today, we are taking this step by using a message from the House. Now, it is just a step, but an important step moving forward, in that we will finally debate this one issue that is so central to the American people, to our history, and to our democracy.

As we debate these measures, the Senate will confront a critical question: Shall the Members of this Chamber do what is necessary to pass these bills and bring them closer to the President's desk?

Today, we have just taken the first steps that will put everyone—everyone—on the record. Much has been said over the past few days about the prospects of passing voting rights legislation in this Chamber. Senate Democrats are under no illusion that we face difficult odds, especially when virtually every Senate Republican—every Senate Republican—is staunchly against legislation protecting the right to vote.

But I want to be clear. When this Chamber confronts a question this important—one so vital to our country, so vital to our ideals, so vital to the future of our democracy—you don't slide it off the table and say, ''Never mind.'' Win, lose, or draw, Members of this Chamber were elected to debate and to vote, especially on an issue as vital to the beating heart of our democracy as voting rights. The public is entitled to know where each Senator stands on an issue as sacrosanct as defending our democracy. The American people deserve to see their Senators go on record on whether they will support these bills or oppose them. Indeed, that may be the only way to make progress on this issue now, for the public to see where each of us in this Chamber stands. The public deserves to see it, and that is exactly, precisely, what the Senate is going to do this week.

Make no mistake about it. Using Dr. King as an inspiration, Democrats will continue to fight on this issue until we succeed, and I believe history will vindicate us.

Mr. President, the fight over voting rights is as old as the Republic itself. Recently—well, let me say, when the Republic was founded, in many States you had to be a White male Protestant property owner to vote. As is obvious by who is in this Chamber, we have made progress—inexorable progress—in expanding that franchise.

History does not regard those restrictions that occurred early on as worthy, but we must continue the fight. We have not reached the place where every person can vote easily and openly and honestly. So we have to keep it up.

I have been reading the biography of Ulysses S. Grant by Ron Chernow. The No. 1 thing the southern segregationists wanted to take away from the newly freed slaves was the right to vote. Segregationists back then knew that if recently freed Black slaves didn't have the right to vote in the South, they would have no power at all: no power over laws, over resources, over the future of the country. And that was the No. 1 thing segregationists wanted to prevent: the right of the newly freed slaves to vote.

It is why, a century later, Dr. King made a direct appeal to Congress for acting on voting rights: ''Give us the

ballot,'' he said in 1957, ''and we will no longer have to worry the federal government about our basic rights.'' ''Give us the ballot'' and all other rights will follow. With the ballot, he argued, voters could end the worst of racial segregation. They could elect good men and good women to government. They could subdue the dangers of the mob and keep democracy alive. But the ballot had to come first. The ballot had to come first.

Dr. King might as well have been speaking to us, because across the United States, in 2022, ballot access is not being expanded; it is being repressed. And our democracy is not safe; it is under attack.

A year ago, a violent mob incited by the President and his Big Lie attacked this very building in order to reverse the results of a free and fair election. Last week, for the first time, the Department of Justice announced sedition charges against a number of the rioters who were here that day.

A year later, at least 19 States have passed 33 laws that make it harder for people to vote, using the Big Lie—the Big Lie, as false as it is—as a justification. Those States together are home to 55 million Americans, and new laws are certainly coming once the State legislatures return to session this year. And the kind of violence—the threats of violence—we saw on January 6 by that insurrectionist mob is now being threatened increasingly against countless election workers across the country.

Just this weekend, the Houston Chronicle reported that ''County officials in urban areas across the State [of Texas] say they've been forced to reject an unprecedented number of mail ballot applications [thanks to the new Republican voter suppression law.]

And this past Saturday, Donald Trump once again repeated the same conspiracy theories about the 2020 election that have paved the way for voter suppression at the State level.

So, unfortunately, the dangers that face our democracy are alive and well, and the laws that suppress the vote at the State level are being enacted on a partisan basis.

We have seen periods of regression, in terms of voting rights and equality and fairness to people of color. We have seen regression occur. And this seems to be a period of regression in what the legislatures are doing, and fight it we must.

So the Senate must act. We must step in and act. We must do everything to pass voting rights legislation, just as this Chamber has done in the past, just as the Constitution permits us to do. That is why we will vote this week on the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act. And if Republicans choose to continue their filibuster of voting rights legislation, we must consider and vote on the rule changes that are appropriate and necessary to restore the Senate and make voting legislation possible.

As I have recounted already, these laws are urgently needed. We must not—we cannot—allow another period of that regression, which we have seen throughout American history.

Here is what some of the laws would do—our two laws would do:

They would set basic commonsense standards for all Americans for access to the ballot as well as restore preclearance provisions that were passed by this Chamber for decades on a bipartisan basis. They would establish clear and consistent standards for early voting across the country and make it easier for voters to access absentee ballots. They would protect election workers from unlawful intimidation. We are seeing so much of that now. It is disgraceful—disgraceful. They would end the toxic practice of partisan gerrymandering, and they would take new steps to fight the power of dark money corroding our elections. Senate Democrats repeatedly tried, over the last year, to bring Republicans to the table to debate these issues.

I will remind my colleagues that this is not the old Republican Party. I would remind the American people how dramatically the Republican Party has regressed. The Republican Party used to be one that supported voting rights. Presidents Reagan, George H. W. Bush, and George W. Bush worked to renew voting rights bills.

No, sadly, unfortunately, this is Donald Trump's Republican Party. And it is the one now trying to take away the vote from younger Black and Brown, elderly, minority, and low-income voters.

And yet every time we try to engage our Senate Republican colleagues, they resist it. So we have no choice. We are moving ahead on our own.

Once again, no one denies the path ahead is an uphill struggle. Republicans have been clear, they will entertain no bipartisan compromise on voting rights, but long odds are no excuse for this Chamber to avoid this important issue.

Again, Members of this Chamber were elected to debate and to vote. We are going to vote. We are all going to go on the record. And Republicans will have to choose which side they stand on—protecting democracy or offering their implicit endorsement of Donald Trump's Big Lie.

For months, Senate Republicans have come up with excuses and subterfuges to avoid doing what they know is the right thing, just like so many others have come up with similar lame excuses and subterfuges in the past. But as history shows, doing the right thing will eventually prevail. Justice will flow like mighty waters, as the Prophet Amos has said.

The direction of voting rights in America is enough to have shaken the faith of even the most optimistic champion of America—of democracy. Sometimes it seems like for each step forward, the country takes two steps back, but fights like this are not unusual in American history.

The story of our country has been a long, arduous march toward expanding the promise of freedom for all Americans. We find ourselves in such a struggle today.

Dr. King had simple, powerful advice for his followers during moments like this: Keep moving. Keep fighting. The road to justice is often painful and full of setback, but we must keep moving. We must keep moving, he said, against every obstacle and prodigious hilltop and mountain of opposition. Let nothing slow you down. And even after you cross the Red Sea only to find yourself in the desert, just keep moving forward through the wilderness. ''And if you will do that with dignity,'' he said, ''when the history books are written in the future, the historians will have to look back and say, 'There lived a great people.'''

We will keep fighting in the same spirit to protect our democracy in this day and age. And if we do that, I have faith that one day the history books will likewise look back at this generation of Americans and conclude, ''There lived a great people,'' too.

I yield the floor.

The PRESIDING OFFICER (Mr. LUJÁN). The Senator from Vermont.

CONGREGATION BETH ISRAEL SHOOTING

Mr. LEAHY. Mr. President, I applaud the remarks of our distinguished majority leader, and I know it comes from the heart because what he is saying publicly, he has also always said both publicly and privately. And I also join with him in the condemnation of the attack on the synagogue this weekend.

I know, in my State of Vermont, the faith community—the Jewish, Protestant, Catholic—all came together with prayers for the safety of the people in the synagogue. But more than just the safety of what happened then, let us pray, all of us, whatever faith we have, that such attacks do not continue in our country.

We have seen too many attacks against people based on their religion or based on their race or based on their country of origin. That is wrong.

In this country, in this country, especially—I was thinking of this when I led the Senate this morning in the Pledge of Allegiance, and I thought, ''[O]ne nation under God, indivisible, with liberty and justice for all.'' Well, it is a constant battle to make sure that we have liberty and justice for all, and we have to do that.

H.R. 5746

And that leads us to where we are today. We have got to stand up and say people can vote. I remember being here and present when the Voting Rights Act was signed by President Reagan, President George H. W. Bush, and President George Bush. I remember the pleasure on their face, the look of everybody around them, Republicans and Democrats, applauding the President for signing that legislation.

Why did they applaud? Why did Republicans and Democrats applaud? Because we had all voted for it because we all believed in a person's right to vote.

You know, I am the only Democrat ever elected to the U.S. Senate from the State of Vermont, and I remember my first two elections which were quite close. Ninety percent—I would say approximately 90 percent of the election machinery, those who count the ballots and whatnot, were controlled by Republicans.

But I had faith in getting through because I knew two things: One, they could count and, two, they were totally honest.

And I am sure—especially in the vote in my first election, for the vast majority who voted for my opponent, an honorable person, they were happy to have counted the ballots, and the State said where the ballots were. And there was even a recount in my second election, it was so close.

And I remember one of the Republican auditing groups sent out a fundraiser, saying we have to fight the Democratic-controlled election machinery of Vermont. And I reminded them that the ''election machinery'' was 250 town clerks, 80 to 90 percent of whom were Republicans.

And I say again: They can count, and they are honest.

We are fortunate in our State that we encourage everybody to vote. And I remember when the Senators of the other party and the Judiciary Committee said: Well, you want—you want to change the rules so that Democrats would win.

I said: We want, nationally, the kind of rules we follow in Vermont. And, by the way, in last year's election, we elected a Republican Governor and a Democratic Lieutenant Governor. Why? Because our rules do not favor one party over the other. Our rules favor one thing—the right to vote. And we insist on that in our State of Vermont, but we should insist on that throughout the country.

It should not be a case where somebody can be blocked from voting because the voting booths and the places for them are changed so that some communities would have a harder time or a more difficult time to come there or hours change. No. We should be fighting.

If we want America to be the strong, great Nation that we all claim it is and we all believe it is and we all want it to be, it can only be if we say make sure everybody gets to vote—everybody. I don't care whom they are voting for, make sure everybody can vote.

Because what happens when people are blocked from voting and voting drops off, people lose faith in their government. If we lose faith in our government, we lose faith in our country. And if we lose faith in our country, this wonderful experiment in democracy—as some called it a couple hundred years ago—fails.

We can't have that. We can't have that. So I look back on my 48 years here in the Senate, and I think it is not the title; it is not the chairmanships; it is not the President pro tem; it is not being dean of the Senate that I cherish, it is knowing that I can vote. I can vote. I have voted 17,000 times, more than that now.

Can I go back over all those votes and find some where I might think, ''Gee, I should have voted differently,'' of course, I can, but I voted. I can vote. And I call on my colleagues, vote up or down. I would hope that all of us would do as we have in the past, when I have been in the Senate, when we passed the Voting Rights Act 98 to zero. Republican Presidents were signing the Voting Rights Act. Let's go back to that time.

Vote any way you want in a Presidential election. Vote any way you want in gubernatorial, congressional, in local elections, but in this body, this body, which should be the conscience of the Nation, vote to uphold the right to vote, vote to allow every American the ability to vote.

Don't hide behind procedure. Stand on the floor, have the courage and the honesty to say: I am going to vote to allow people to vote or I am going to vote not to allow people to vote. But stand here and say what you are going to do. The last time, 98 of us stood here and voted. We wanted everybody to vote. Republicans and Democrats, we joined together.

Wouldn't that send a wonderful signal to a fractured nation if we did that today and stood up and said: We are going to vote. We are all going to vote. We are going to vote yes or no, but we are going to let people of our State know how we voted. We are going to let the American people know how we voted and say why we voted.

I would wish we voted as we did before to say to all Americans, Republicans, Democrats, Independents, any part of this country: We want you to vote. We will urge you to vote the way we would like, but we want you to have the ability to vote, even if you are voting for our opponents or for a different point of view.

The most important thing, as Americans, as U.S. Senators, is to say we stand for the right of people to vote—every one of us, every single one of us.

I will have more to say on this matter later.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

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

The Senator from Hawaii.

VOTING RIGHTS

Ms. HIRONO. Mr. President, yesterday, we celebrated Martin Luther King, Jr., Day and honored civil rights leaders who fought against inequality and sacrificed so much to move our country closer towards justice for all. But this year, on a day when we should be coming together to commemorate these civil rights achievements and recommit to the road ahead, we are instead fighting a battle we thought was won decades ago.

In 1957, Martin Luther King, Jr., delivered his ''Give Us the Ballot'' address, where he said:

> The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic tradition.

But here we are in 2022 fighting back against hundreds of bills introduced in States across the Nation clearly intended to make it so much harder for certain people to vote.

Twenty-two States have already enacted 47 new laws that make it more difficult to vote by mail, that make it harder to stay on voting lists, that limit the availability of drop boxes for ballots, that limit the number of polling locations, that impose stricter or newer voter ID requirements, and the list goes on. But one of the most insidious is Georgia's law which allows any person to challenge the rights of an unlimited number of voters to cast their ballots.

If someone decides for whatever reason to challenge another person's right to vote, the voter then has to show up to their election office to defend themselves. Imagine being a single mom working two jobs and unable to afford childcare, and now she has to defend her constitutional right just because someone thought she shouldn't be voting at all.

Volunteers are already being recruited to pose these challenges. This isn't voter protection; this is vigilantism. These laws are clearly intended to target communities of color and make it harder for them to vote, period.

Our country's legacy of racial discrimination in voting is undeniable, and it is undeniable that we are witnessing history repeat itself.

In 1890, the House passed historic legislation that would have increased voting protections, particularly for Black voters, but the Senate failed to take up this legislation, failed to act at a critical time when it had the chance, and the results were devastating for decades to come. The Senate's failure to take up this legislation allowed Jim Crow and the plummeting of voter

turnout among Black voters to continue for more than half a century, until the Senate passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965 over 70 years later.

A recent Washington Post analysis said that this current wave of voter suppression bills potentially amounts to ''the most sweeping contraction of ballot access in the United States since the end of Reconstruction.''

Today, these attacks on our freedom to vote are taking us back to the time of Reconstruction.

We cannot wait another 70 years for this so-called deliberative body to act, which is why we need to pass comprehensive voter protection legislation. But not a single Republican supports the Freedom to Vote: John Lewis Act. Many of my Republican colleagues have joined Congressman John Lewis to commemorate the March from Selma to Montgomery, but today they won't even allow the Senate to consider legislation named in his honor and have called this bill radical. There is nothing radical about protecting a person's freedom to vote. What is radical is sending us back to the days of Reconstruction.

This legislation would restore and strengthen the Voting Rights Act, which Congress reauthorized with broad bipartisan support five times—1970, 1975, 1982, 1992—and it passed 98 to 0 in 2006, which included 10 currently sitting Senate Republicans.

This bill would also expand opportunities to vote, prevent voter suppression, and improve election security. We are talking about provisions that would require States to offer early voting and no-excuse vote-by-mail, make election day a public holiday, crack down on voter intimidation, and require postelection audits. Again, I ask, how is any of this radical? What is radical is justifying overt attacks on our democracy by perpetuating the Big Lie of mass voter fraud.

For Republicans, this fight isn't about election security; it is about securing their power, because Republicans have decided that spreading misinformation and rigging elections by preventing people from voting is the only way they will retain their power.

Republicans should come to the Senate floor and tell the American people why they won't protect our freedom to vote. Instead, the Republican leader came to the floor to attack Democrats for fighting to change Senate rules to pass this critical legislation, calling it a power grab.

The Republican leader said that Democrats want to ''permanently damage this institution.'' He went on to say the filibuster is ''about compromise and moderation''—this from the Republican leader who refers to himself as the grim reaper as he prevents dozens of House-passed bills from being considered on the Senate floor; the same person who singlehandedly prevented President Obama from filling a vacancy on the Supreme Court for over a year, denying the will of nearly 66 million Americans who voted to give President Obama a second term in office; the same person who pushed through President Trump's Supreme Court nominee as over 159 million Americans were in the process of voting. So much for compromise and moderation.

Let's not pretend this is about the sanctity of this institution. We cannot sit back and let one political party continue to unravel the threads of our democracy one voter suppression bill at a time. While Republicans do nothing to protect our freedom to vote in the face of mass voter suppression bills enacted across the country, we Democrats cannot sit back and let 2020 be the last free and fair election in our country.

If we don't protect the right to vote, we won't have a democracy. It is that simple. That is the reality. Since the Republicans will not lift a finger to protect voting rights, we have no option but to change the Senate rules in order to pass the Freedom to Vote: John R. Lewis Act. This is something that every single Democratic Senator needs to get on board with.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant 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.

FILIBUSTER

Mr. MCCONNELL. Mr. President, late last week, our Democratic colleagues briefly paused their quest to destroy the Senate's 60-vote threshold just long enough to use the 60-vote threshold themselves to block a bill.

Republicans supported sanctioning the Nord Stream 2 Pipeline that would give Russia even more leverage to bully Europe. Most of our Democratic colleagues bowed to the furious lobbying from the Biden administration to protect Putin's pipeline. There were 55 votes to pass the bill that our friends, like Ukrainian President Zelensky, desperately wanted passed, but Democrats blocked it by denying 60.

Now, many of these same colleagues have spent weeks thundering—literally thundering—that the Senate's 60-vote threshold is an offensive tool of obstruction, a Jim Crow relic, declaring that simple majorities should always get their way. Ah, but late last week, they literally wielded the 60-vote threshold themselves—a useful reminder of just how fake—fake—the hysteria has been.

We already knew Washington Democrats didn't have any principled opposition to Senate rules. Democrats repeatedly filibustered the CARES Act in March of 2020, while insisting on changes. Democrats filibustered and killed Senator TIM SCOTT's police reform bill.

You only have to go back a few years to read vigorous defenses of the filibuster from our Democratic colleagues and their allies.

The Democratic whip, Senator DURBIN, put it this way:

> We need to protect the right of debate in the Senate, preserve checks and balances so that no one party can do whatever it wants. We need to preserve the voice of the minority in America.
>
> DICK DURBIN.

The Democratic leader himself said in 2017 that we need to ''find a way to build a firewall around the legislative filibuster''—build a firewall around the legislative filibuster.

Then, in a letter that same year by 32 Senate Democrats, our colleagues demanded—demanded—that the 60-vote threshold stay right where it was.

Until the last couple of years, Senators on both sides have understood the Senate is not here to rubberstamp massive changes by thin majorities. This institution exists to do exactly the opposite—to make sure major laws receive major buy-in and have major staying power, and, historically, Democratic allies outside this Chamber have recognized this as well.

Let's go back about 15 years ago when Republicans controlled the Senate. A leftwing organization called The Leadership Conference on Civil and Human Rights published a lengthy statement defending—defending—the filibuster, including—listen to this—its relationship to civil rights.

Here is what they had to say when Republicans were in the majority here in the Senate:

> On behalf of the Leadership Conference on Civil Rights, the nation's oldest, largest, and most diverse civil and human rights coalition, with more than 180 member organizations, we urge you to oppose—

oppose—

> any efforts to eliminate the 216-year-old filibuster in the United States Senate.

That is a coalition of 180 member organizations called The Civil and Human Rights Coalition.

They went on.

> The elimination of the rights of the minority as embodied by the filibuster is contrary to the founding fathers' vision of the Senate as a body of equals designed to protect against the tyranny of the majority.

This statement continued.

> The civil rights community has recognized and accepted the value—

The value—

> of the filibuster even when it frustrated efforts to advance civil rights legislative goals. During the 1950's and 1960's, countless civil rights bills were filibustered. The Civil Rights Act of 1964 was not passed until it survived 75 days of the longest filibuster in history and the Senate voted 71–29 to end debate and finally passed the bill. This legislation was enacted because of long, hard work

to build support across partisan, ideological, and regional lines. We worked to bring Americans together—not to push them farther apart.

They concluded:

We never demanded the end of the system of checks and balances. In the end, we won the battle by changing votes and not—

Not—

by breaking the rules.

These were leftwing activists writing less than 20 years ago.

So let's spell this out. Democrats want the American people to believe the filibuster was not a Jim Crow relic in 2005; it was not even a Jim Crow relic in 2020; just miraculously became a Jim Crow relic in 2021; briefly stopped being a Jim Crow relic last Thursday, but it is now back to being a Jim Crow relic this week.

Now, to be clear, the partisan election takeover bills that Democrats want to ram through this week are not—not—in any way successors of the civil rights legislation from the mid-20th century. It has been, is today, and will remain illegal to discriminate against voters anywhere in America because of their race—period. That is the law now.

Targeting Americans' online speech and sending government money to political campaigns is not about civil rights. It is about tilting the playing field. Weakening wildly popular voter ID laws and making it harder to produce accurate voter rolls is not about making voting easier; it is about making cheating easier. Changing the laws so that our partisan Attorney General can rewrite voting laws without even having to win in court is not about promoting justice; it is about short-circuiting justice. This is about one party wanting the power to unilaterally rewrite the rule book of American elections.

Now, interestingly, the Biden administration staff has gone out of its way lately to highlight my—my—long, strong record on real civil rights and real voting rights. The President's Press Secretary explained that I have ''a pretty strong record of supporting voting rights.'' She is right about that. And that is exactly why I have no patience—none—for the unrelated partisan takeover that some Democrats are trying to rebrand with that banner.

The Democratic leader argues that his proposed elections takeover and his efforts to break the Senate are last resorts because of new State laws that passed in 2021. He says it is irrelevant that 2020 saw record turnout and—listen to this—94 percent said voting was easy because this debate is exclusively about what happened in 2021. But Democrats have been pushing these same policy charges in the same Chicken Little rhetoric since 2019, a year and a half before 2020 election, which Democrats now call a high-turnout success.

The Democratic leader gave an interview claiming that evil Republicans were trying to attack voting and disenfranchise people. Of course, when Democrats went on to win the White House, the 2020 election went from presumptively illegitimate to exemplary and unquestionable overnight. Around the same time, mid-2019, Senator SCHUMER began floating a nuclear attack on Senate rules. It is completely untethered from the elections issue. He just thought breaking the rules would make for a livelier stint as majority leader.

Washington Democrats have wanted the power to rewrite the rules for political speech and election laws long, long before the events that are supposed to justify it, and the Democratic leader's effort to break the Senate long predates the latest pretext.

We have strong disagreements about the substance of these bills, but, even more broadly, we see decreasing trust in our democracy among both political sides. We have a sitting President of the United States shouting that U.S. Senators are on the side of Bull Connor and Jefferson Davis for refusing to shatter the Senate.

Was the Senate created to make these kinds of factional fevers worse or to help break the fevers? Does the Senate exist to help narrow majorities double down on divisions or to force broad coalitions to build bridges?

This fake hysteria does not prove the Senate is obsolete. It proves the Senate is as necessary as ever.

Republicans have supported this limitation on the majority's power both when we have been in the minority, which these rules protect, and when we have been the majority, which they inconvenience.

And last week, some of our colleagues across the aisle reconfirmed that they have the courage and the principle to keep their word and to protect the institution as well. But too many of our colleagues across the aisle still want to respond to a 50–50 Senate with a rule-breaking power grab.

Voting to break this institution will not be a free vote or a harmless action, even if their effort fails. An unprincipled attempt at grabbing power is not harmless just because it fails. Voting to break the Senate is not cost-free just because a bipartisan majority of your colleagues have the wisdom to stop you. It is amazing that our colleagues are this in thrall to radical activists.

We have inflation, a pandemic, rampant violent crime, a border crisis, and possibly a war on the European continent. But rather than work on any of that, Senate Democrats want to march their own legacies with a reckless—reckless—procedural vote they know will fail. A faction this desperate for unlimited short-term power is a faction that must be denied it.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Washington.

H.R. 5746

Ms. CANTWELL. Madam President, I care about the future of this institution, but right now, I care more about the future of our democracy. Our country has been the bedrock for democracies around the world. It has been the gold standard by which other countries wishing to achieve transparency and validation of their governments, have asked us to come and witness their elections.

Let's not forget what is great about a democracy. The power rests with the people. And when you have an election, it is the people who have spoken.

So whether it was F.D.R. and the New Deal, or Ronald Reagan declaring ''Morning in America,'' the people had spoken, and the country went about the change that was implemented because of free and fair elections.

Trust me, there are countries who are jealous of this. They obviously run their countries by other means. They are less stable, and they are less egalitarian. And yet, if we think of the many great advantages of a democracy, nothing says it better than the people have spoken.

Yet now, we have a former President of the United States, Donald Trump, who has dared to say and continues to say the people haven't spoken. Donald Trump is not just like the guy at a football game who doesn't like the referee's calls. Donald Trump has taken it to a whole new level of basically, without evidence, saying his team didn't lose the game.

Can you imagine an NFL or college football structure where the coach says, ''I don't like the ref's call. My team didn't lose the game. And I'm going to spend the rest of my time going, marching around to every football game and every community saying my team didn't lose the game.''

Well, thank God college and professional coaches know better. They don't do this. And yet former President Trump keeps saying, I don't like the call of election officials, judges, Federal courts, never mind there were 60 decisions by different courts. I am going to protest the outcome of this election.

Never in the history of our country do I know a major race where someone declared they really didn't lose. What if everybody went around saying, I really didn't lose? What if our system of governments would be affected by that?

Well, it is getting to that level of absurdity. The Republican nominee in the 2020 Washington gubernatorial election lost by over 600,000 votes. Yet he claimed voter fraud. He lost by 56–43. And even though he lost by such a huge margin, he claimed voter fraud. He sued the secretary of state, who happened to be a Republican, in King County Superior Court. He only dropped the election fraud lawsuit after the court threatened his lawyer with making meritless claims.

Do we really understand this danger, the danger of people in our country, to

our economy, to our way of life if these falsehoods continue? We are not here, though, just because a former President cannot accept an election loss. He began sowing these seeds of distrust into our election system the minute he stepped onto the national stage.

We are here because the problem has become so serious that people are now trying to disenfranchise the voting rights of our fellow Americans. Some voter suppression tactics are being put in place because some believe the former President did not like the outcome of the election.

I want to be clear. There are people on both sides of the aisle that do believe in free and fair elections. There are Republicans in key election positions who stood up to the illegal tactics of the President when he tried to change the outcome of the last election. But what our country can't afford right now is the continuation of Trump-think to allow to erode the voting rights of our fellow Americans.

Voting rights have been hard fought and hard won. I know the President presiding understands this—first by women in 1920, then, later, protecting minority groups in 1965 with the Voting Rights Act. In 1970, we updated it, making standards helping to regulate Presidential elections—in 1975, saying we had to protect minorities. Both sides of the aisle agreed to this. And in 1992, we expanded it for bilingual education requirements. That passed with 75–20 votes. And again in 2006, the last time the voting rights was updated, we were in a similar situation. The Supreme Court had two cases and struck down part of the act, and we all came together to renew and reaffirm the constitutional protections for people in the United States of America. It passed 98–0.

There is nothing wrong with the John Lewis Voting Rights law before us. There is nothing wrong with the John Lewis Voting Rights law before us.

It is a bill with bipartisan support that tries to maintain, I think, a Federal minimum assurance that States don't suppress the rights of our fellow Americans. When Martin Luther King was fighting this fight, he said, ''one man, one vote.'' He knew that this was about making sure that everybody had a chance to vote.

The John Lewis Act is a continuation of those rights in upgrading something that has been upgraded numerous times since 1965. That is why my colleagues Senator MANCHIN and MURKOWSKI called for bipartisan reauthorization of the Voting Rights Act, a bipartisan call for reauthorization last spring of the Voting Rights Act. They said, ''Inaction is not an option.'' They continued to say, ''Congress must come together just as we have done in the past time and time again to reaffirm our long-standing bipartisan commitment to free, accessible, and secure elections.''

And that is what we must do now. That is why there are 150 businesses who support the John Lewis Act—companies like Microsoft and Google, Intel and Tesla, Target, PayPal. These are companies who know and understand, they want to do business in a democracy. As Tim Cook said, the right to vote is fundamental to our democracy.

American history is a story of expanding the right to vote to all citizens, and Black people in particular have had to march, struggle, and even give their lives for more than a century to defend that right, and we support efforts to ensure that our democracy and our future is more hopeful and inclusive than the past.

There are others—Best Buy—an election cannot be free or fair if every eligible voter is not given a fair chance to vote or if the law makes it harder to do so.

Now, I disagree with my colleague who was just on the floor because there is a lot of demeaning of the system. I am not going to spend a lot of time on this now because I have another segment here on the floor later, but I come from a vote-by-mail State, and I am proud of what our State has accomplished. So I do not appreciate the disinformation of Newt Gingrich when he says, ''The biggest way with to expand voter fraud is to expand vote-by-mail.''

He is wrong. If I could slash a red line and a red circle through this now, I would do so. But I will spend many minutes later on the floor talking to people why vote-by-mail is part of the solution and not the threat that he thinks it is.

Companies know that when it comes to our economy, we are greatly aided by being in a democracy, and that is why they don't want it eroded. It will cost us if we are a less stable place to do business. So why now do people refuse to engage on the John Lewis Voting Rights Act?

You know, I might be one of those people who would say, ''Don't change the filibuster rule, we can wait.''

Wait? Wait? For what? What are we waiting for? Our Capitol was attacked. We were attacked. People defending us were killed. For what? For what? A big lie, a big lie about our election.

I sat outside the Capitol on January 6 and listened to the President telling these lies I knew weren't true. I knew what he said wasn't correct about our voting laws because I know and understand them, and I certainly know vote-by-mail. But he said many lies that now many court decisions have all said are not true.

But the point is that Donald Trump and his followers keep following and they tell the people the election wasn't fairly decided, and now, they are trying to pass State laws eroding our constitutional rights to protect every American's ability to vote, and some here don't want to act.

Our democracy is under threat, and people are trying to undermine the credibility of our elections, and you don't want to act. Trump supporters are literally trying to hoist a Jolly Roger flag over our democracy because they lost the election, and some people don't want to act. Some percentage of the Republican Party now believe that the election was wrongly decided, and some people don't want to act.

We have to have faith in close elections, and the best way to do that is not to suppress the vote but encourage and empower more people to vote in a safe and secure manner. We need to believe in our voting system, not believe that we can undermine it.

Democracies don't grow on trees. They need to be protected. They need to be defended. They need to be fought for. And with all the challenges we are facing—COVID, a changing economy in an information age, global migration, climate change—I am getting too many questions from my constituents about whether we are becoming a fascist nation.

Why am I answering those questions? Because Trump told a big lie and he got people to attack our Capitol and now he is ramping up fear and anxiety to the point where locals are changing their election laws and eroding our democracy? No, I can't stand by. I will vote to proceed and change. I will not stand by because my parents taught me better.

My father fought in World War II and reminded me constantly when I was growing up that if someone's rights were eroded, you better stand up because if you don't, they are coming after your rights next. And a threat to one was a threat to all.

My mom worked at the polls on election day. When she was a child, she played in her backyard and met an African-American woman who became her friend. When election day rolled around, my mom noticed that her friend had to wait outside in the cold to vote, where the White voters got to go inside and wait. My mom took her friend by the hand inside the polling place and said, ''My friend's not waiting outside.''

It earned my mom the nickname ''Little Eleanor'' after the First Lady of the period.

What might seem surprising is how much my mom liked her fellow Republican precinct committeemen. She felt like they were on the same team—Team Democracy: people who got the vote out. They may not agree on who they were voting for, but they agreed people should vote. And they were willing to live with the consequences. And believe me, my parents had a lot of—a lot of things that they had to keep fighting for, but they believed in democracy.

I remember my mom saying how uneasy she felt when she realized her friends and neighbors, seeing the results of her precinct, didn't support John Kennedy for President of the United States.

My parents were crushed when John Kennedy, Robert Kennedy, and Dr. Martin Luther King, Jr., were all assassinated, but they never lost faith in

the system, and they never said the system was rigged.

What we need to do now is to protect our democracy. We need to pass the John Lewis Voting Rights Act. We need to say, as Dr. Martin Luther King, Jr., said, that one man, one vote is what our country stands for, and it is the strength of our Nation.

One thing about January 6 that bothers me the most—it bothers me the most because I think about my father and his brother. My father quit high school to fight in World War II because his brother was already missing or in a POW camp. He knew he had to join the fight against the oppressions, the tyranny, the fascism that existed. He knew he had to join the fight to uphold the democracy of the United States.

This is a picture of what it looked like to be escorted back into this chamber on January 6. All I could think of when I saw this picture is, obviously, yes, support and gratitude for the military who supported us. But all I could think about was my father and his brother who fought in World War II for these rights, to uphold a democracy, so that I could stand for election and that my friends and neighbors could vote for me, and then I would come here in an environment where I was free to walk into the Capitol at any moment and cast a vote on behalf of the people that I represent.

And yet, on one fateful day, that all changed. And we were no different than some other country who had to use military force to support our democracy here in voting. That is not the way it is supposed to be. That is not what we are fighting for. Many Americans have fought to uphold the democracies of our Nation. The least we could do is pass the John Lewis Voting Rights Act. The least we could do is work in a mission together to pass the John Lewis Voting Rights Act and show that our country believes in holding these important values of a democracy as utmost important. Let's vote to get this done. Let's move forward to show our country we believe in voting rights in the U.S Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

H.R. 5746

Mr. GRASSLEY. Madam President, Democrats have shamelessly alleged that a massive Federal takeover of elections is needed because of questions some Republicans raised after the 2020 election, so I come to the floor today to show that this whole argument predates the 2020 election.

(Mr. BOOKER assumed the Chair.)

This Democrat reasoning is despite the fact that their proposal predates the 2020 election. The bill that they want us to pass is a product of concerns that the Democrats had about the 2016 election being stolen from Hillary Clinton—also because of the 2018 elections. And, in fact, the Democrat proposal was designed specifically to double down on false claims that Democrats lost certain elections in 2018 only because of rigged elections.

I have said it before, and I want to say it again: Evidence-free claims of voter suppression are as bad as election-free claims of voter fraud. Both voter fraud and discrimination in voting is illegal. Any claim of voter fraud or violation of voting rights should be resolved in our independent court system with evidence that can stand up in the courts.

And as I have mentioned before, the claims by some Trump supporters that a certain brand of voting machine-switched votes was lifted entirely from the Democrats' 2004 playbook. And you may remember that Democrat House Members challenged the electoral vote count of whether George W. Bush was officially and honestly reelected. And President Trump's questioning of his loss in Georgia was simply following in the footsteps of the losing Democrat candidate for Governor of that State just 2 years before who lost by a much bigger margin and never admitted that defeat.

That makes me wonder if Democrats' professed outrage comes from a sincere concern for Democratic reforms or if they are just upset that President Trump stole their playbook.

If Democrats really want to preserve Democratic norms, they would not be proposing the Federal Government overturning the current electoral process in all 50 States, on a purely partisan basis, with no attempt to even hear out Republicans' legitimate concerns.

The bills that we are talking about this week are being called democracy reform. Does democracy need reform? I support the American democratic system. It does not need a fundamental rewrite. The 240-year history of our great country under this Constitution ought to support that. It works, and it deserves our support. We should not denigrate American democracy for short-term political gain.

President Trump's candidacy in 2016 brought many Americans to the polls who had not voted recently, and there was a record turnout. In 2020, turnout broke the record yet again, both for the Republican Party and the Democratic Party, and President Biden won that election.

In the 2021 election, there were unusually high turnouts for off-year elections to the benefit of Republicans and conservatives. You saw that, particularly in the State of Virginia, where the Republican candidates statewide were victorious, and you saw some surprising turnouts of opposition to Democrats who were reelected in the State of New Jersey.

Democrats accuse Republicans of wanting to keep people from voting. Why would we want to keep people from voting when we have been very successful in many large turnout elections very recently?

Plus, have you seen the polls today that show dissatisfaction with Democrats—a Republican deficit of five or seven points last year, with positive Republican versus Democrat polls this year.

So we ought to stop casting doubt about American elections, stop casting aspersions on commonsense election security measures like ID, supported by overwhelming numbers of Americans of all backgrounds. And by ''all backgrounds,'' I mean even people whom we classify as minorities.

Let's work together to boost the confidence of all Americans in our elections. Let's start rejecting claims that the only way the other party can win is by rigging elections. Let's retire the short-term strategy of falsely claiming that one of the two parties is a threat to democracy. That, in and of itself, is a very undemocratic position to take. This kind of rhetoric damages civil society and erodes faith in our democracy. For the sake of our country, please stop it.

FILIBUSTER

Mr. GRASSLEY. Mr. President, when Democrats last had the majority and proposed blowing up the Senate rules and the historic way that the Senate has worked, I gave a series of speeches explaining how the father of the Constitution, James Madison, intended for the Senate to be a deliberative body; in other words, a break on the hot passions that occur in the House of Representatives. I repeated my deeply held opposition to gutting the Senate process, even when my party took control of all three branches—and it would have been politically expedient in the short term.

I don't know how many times President Trump brought up doing away with what we call the filibuster or the 60-vote requirement. It was even followed by a lot of our Republican Party grassroots wanting to overcome Democrats' use of the cloture rule to block the Republican agenda during those 4 years. But I spoke out strongly against it.

In 2017, over half of the current Democrat Senators signed a letter calling for preservation of the current rules requiring the 60 votes to stop debate for considering the legislation, despite the use of the nuclear option for nominees.

I agree with President Biden's position in 2005. Reflecting on the same understanding that I have of the Constitution and the role of the Senate as envisioned by James Madison, then-Senator Biden said this:

> That is the . . . reason . . . we have the . . . rule. So when one party . . . controls all levers of Government, one man or one woman can stand on the floor of the Senate and resist . . . the passions of the moment.

Even Senator SCHUMER, the majority leader, said, at that time, gutting the cloture rule would be a ''doomsday for democracy''—doomsday for democracy. Now it seems like Senator SCHUMER invites that doomsday.

Senator DURBIN hit the nail on the head as recently as 2018, saying it ''would be the end of the Senate as it was originally devised and created going back to our Founding Fathers.'' I agreed then, and I agree now.

Now the shoe is on the other foot, and Democrats have changed their position, many not for the first time.

Senator DURBIN has now joined the crusade of his Democratic predecessor, Stephen Douglas, of Illinois—famous for debating Abraham Lincoln on the issues of slavery. But that Douglas from Illinois also proposed a Senate rule change allowing a narrow majority to force a final vote on bills.

Hypocrisy is not rare in politics on both sides of the aisle, but the fact that Democrats switched principles on such a consequential matter whenever Senate control changes from one party to the other is particularly glaring.

The party of Jim Crow, which made liberal use of so-called filibuster just over a year ago to block Republicans' agenda, are now saying, falsely, it is a relic of Jim Crow.

I do not see how they can look the voters in the eyes with no sign of embarrassment. I do not understand why the policemen of our governmental system—the media—isn't roasting them for this hypocritical power grab.

I would now like to address a misconception on the cloture motion, the 60-vote requirement. The cloture motion requires 60 votes to bring consideration of legislation to finality. Just because it can be used to block legislation, does not mean that the term ''cloture'' always equals a filibuster.

Cloture cuts off not just debate but the offering of amendments. Voting for cloture, also, is saying that the Senate has voted on enough amendments. Senators who have amendments important to their State that they want to offer should be voting against cloture to preserve their right to offer amendments, as their constituents might desire. Debate and amendments are the hallmark of this democracy, not an obstacle to be swept aside in pursuit of a short-term partisan agenda.

When Democrats last controlled the Senate with 60 votes and thereafter, amendment votes became very rare. Even rank-and-file Democrats lost opportunities to represent their States with amendments important to that State.

Let's look at the cloture issue another way. Also, many people confuse debate over filibuster with talking nonstop to delay. That is a kind of ''Mr. Smith Goes to Washington'' filibuster—the famous movie, you know. This has nothing to do with cloture. People who talk about returning to the so-called talking filibuster are confusing two different Senate rules, both called filibuster.

Senators have never had to talk until they dropped from exhaustion to preserve their right to amend bills. So the talking filibuster rhetoric is nonsense. Democrats have convinced themselves or at least their activist base—and done it falsely—that our democracy is in crisis. And so it is absurd to say only one party, unilateral governance, can save democracy. But once an exception is made—and they are talking about that exception just for this voting rights bill, but once an exception is made to the right of all Senators to debate and to amend legislation, there seems to be no going back.

Democrats learned that in 2013, when they accomplished the 60-vote requirement on district and circuit court judges, and they lived to regret it 4 years later when Republicans did the same thing when we had a Supreme Court Justice up. It is a slippery slope that you should not let come about.

I yield the floor.

Mr. MERKLEY. Would the Senator from Iowa yield for a question?

Mr. GRASSLEY. I will.

Mr. MERKLEY. Thank you very much.

First, thank you for coming to the floor to debate such an important issue as how to make the Senate work well as a deliberative body and how to make our country work well.

I was struck by a couple of things that you mentioned, and that is that you had stood strong fast against striking down the filibuster, and you noted how consistent you were. But you also criticized Democrats for changing position.

But can you help my memory out on this, because did you not vote to strike down the filibuster on Supreme Court nominations?

Mr. GRASSLEY. Yes.

Mr. MERKLEY. So you changed your position, as well you would concede, since previously you had opposed getting rid of the filibuster?

Mr. GRASSLEY. Remember what I said, and I just said this. So you obviously heard me. We warned, in 2013, when I think all Republicans voted against reducing the 60-vote threshold for district court and circuit court judges, so you could pack the DC Circuit Court of Appeals, that you would regret that, and you have regretted it because Republicans were saying in 2017: What is good for the goose is good for the gander. And we voted to reduce it then for a Supreme Court Justice.

Now, I am sure that, from your point of view, you have a Supreme Court that is not very favorable to what you think a Supreme Court ought to be doing, with the three people that Trump put on there. So that is where I am coming from.

Mr. MERKLEY. I do appreciate your response, and it is so rare that we actually have any dialogue on the floor of the Senate. It is one of the things we lost.

I do recall in that moment that, for over a year, we had working groups trying to resolve the extraordinary level—the new level—of cloture motions on President Obama's nominations. It concluded in a meeting in the Old Senate Chamber where the agreement was reached to stop doing that. And then, as you point out, MITCH MCCONNELL came to the floor and said: It doesn't matter the quality of the individual who is nominated. I will not let any judge be considered for these three vacancies.

That is a completely unprecedented new element that is brought in to bear on that particular conversation. That is just to, kind of, illuminate some of the details that were left out.

I was struck by another thing you said, which is that the filibuster is not a relic of Jim Crow. I was struck about that because from 1891 through 1965—so we are talking over 80 years—the only thing that was blocked in the U.S. Senate by filibuster was civil rights for Black Americans. Given that, wouldn't you say it is fair for us to say that the filibuster in that history was, indeed, a relic of Jim Crow?

Mr. GRASSLEY. Do you know who held the Senate during that period of time on the issue you brought up? It was Democratic Senators from the South. Remember when the Civil Rights Act, in 1965, was passed, that there was a higher share—a higher percentage—of Republicans than Democrats that voted for it. The one person that made a difference in getting the Civil Rights Act passed was Senator Dirksen, the Republican leader.

I am going to have to end this discussion with you, but I want to say one thing. Why would you want to expand this precedent that is set by Democrats into legislation and weaken bipartisanship? That is where you have to leave it. It is a slippery slope. You may intend to do it just for a voting rights act, but it is going to go further.

Mr. MERKLEY. Thank you for answering and responding to my questions. I appreciate that.

The PRESIDING OFFICER. The Senator from Oregon.

H.R. 5746

Mr. MERKLEY. Mr. President, I think I will start just by returning to the 1800s and a Senator from Massachusetts, Senator Sumner. Senator Sumner later played a key role in the civil rights debate, which is why I am returning to that story. I think it is a story about the Senate floor.

Sumner gave a speech about Kansas being admitted into the Union, and he was a Republican Senator who called out two Democratic Senators, insulting one of them. And a Representative from the House of Representatives, on the other end of this corridor, came over here. His name was Preston Brooks, and he took considerable offense, and he proceeded to come to the Senate floor and cane Senator Sumner. Senator Sumner was gravely injured, but he did recover—recovering slowly. He served for another 18 years, which leads me to the fact that he proceeded to put forward civil rights legislation in 1875—in 1875—150 years ago—almost 150 years ago, 145 years ago.

And so he argued after the Civil War that our Black Americans were being discriminated against and it needed to end; that anyone should go into any public accommodation and be treated equally here in the United States of America—a Constitution that says: All men—and let's include women—are created equally.

So he put forward this bill, and it said that every person gets equal access to theaters, to public schools, to churches, to cemeteries, equal opportunity to serve in jury duty, and that any suits brought in this regard would be tried in Federal court, not State court, so we could enforce a Federal standard of nondiscrimination across this land.

Sumner died of a heart attack in 1874. He had put forward this originally as an amendment—actually, an introduction in 1870, as a bill. He died before it could be passed. As he was dying, he pleaded with Frederick Douglass and others at his bedside: You must take care of my civil rights bill.

In the months following his death, the Senate did act, and they supported that bill, and it was passed into law in 1875. At that moment, it would be hard to envision that, after I was born, we would still be fighting for equal access to public accommodations. The Senate passed that bill and made it into law in 1875. But the Supreme Court of the United States struck down that law 8 years later. Boom—equal access in America supported by the elected Representatives in the House and the Senate was blown to smithereens by a Supreme Court of the United States of America.

Well, that did set the stage for another civil rights battle, and it was 1890. It was after Benjamin Harrison's successful Presidential campaign, in which he promised election reform and election integrity because, you see, anyone looking at our Republic would know that we are all affected, no matter what State we come from, by the integrity of the elections in the other States. There has to be integrity in all of them for this U.S. Senate to have integrity. There has to be integrity in all of the State elections for that House of Representatives down the hall to have integrity.

So Benjamin Harrison was elected campaigning on this type of reform. And there was a Senator, Senator George Hoar, who championed amendments or an attempt to bolster national protections for Federal elections. It was particularly targeted at stopping voter suppression that had really arisen in the southern part of the United States following the Civil War. So this bill, known commonly as the Lodge bill, also known as the federal elections bill, passed the House of Representatives in 1890.

What did this bill do? It allowed citizens from any district to petition a Federal circuit court to appoint Federal supervisors for congressional elections in case of efforts to suppress the vote by local officials. It permitted the Federal Government to appoint supervisors to oversee all phases of Federal elections, including voter registration and the certification of the election results to make sure there were no shenanigans at the State level that would corrupt the core vision of equal representation, the core foundation of integrity of elections. It is the foundation of the vision of the legitimacy and the production of government of, by, and for the people.

And this bill even enabled Federal election supervisors to request deputy U.S. marshals, as necessary, to protect the ballot box for every citizen to have access. It passed the House of Representatives, and it came here to the Senate, and it failed because they couldn't get unanimous consent to close debate. At that time, there was no cloture motion.

The Senators, in 1805, had gotten rid of the prior question rule, which would have allowed debate to be closed because they had a social contract. That social contract was that we listen to everyone to get their perspectives. People can speak, not once, but twice on a question. They can speak for as long we wanted to listen to everyone and then we take a vote. That was the social contract.

But this filibuster broke that social contract because everyone was listened to, but you couldn't get unanimous consent to close debate and so the bill died. It had the support of the people of the United States of America through their elected representatives down the hall. It had the support of this Senate to protect the fundamental right to vote in our Nation by the majority of this body here in the U.S. Senate. But the social contract was broken to block Black Americans from voting; to allow States and local election officials to rig the registration system so you could never sign up; to allow intimidators to gather at the polls to keep Black Americans from getting through them to put their ballot in the box.

I would like to say that all traces of inequality in voting are gone from America. I would like to say that. And, indeed, that was reasonably true—reasonably true—through the recent years, before the Supreme Court gutted the Voting Rights Act, because any changes in your voting rules had to be preapproved in States that engaged in these intimidating practice. I say ''reasonably true'' because the real fact is there was still a significant blemish in our elections, and that is, on election day, in certain States and certain precincts, there was a game being played to make it harder for some citizens to vote than other citizens to vote.

The game worked like this: If you have an area where you want low turnout, you proceed to create a big precinct so that there are a lot of people who have to go to that one place to vote. And if you have a desire to encourage the people in another precinct to vote, a White precinct, you create smaller precincts so the voting line won't be as long.

And then there were other tricks like, for example, understaffing the voting precinct where it is predominantly Black Americans to make it harder for them to vote and making sure you staff really well the precinct where you want the White Americans to vote.

And there were other tricks, as well. For example, relocating the voting location in the Black precinct so that people go to the wrong place, or putting it where parking is virtually impossible so it is much harder to get to the poll, or putting out false information about the date and the location of the voting.

These things are all wrong. Voter suppression exists today. And it was powerful to see how a couple tools have greatly reduced those tricks and traps.

One of those tools is early voting. If you have an early voting period, it is hard to create long lines. It is hard to sustain wrong information about where to go. It is very difficult to deny people the ability to vote simply by having too few staffers.

Even more so, vote-by-mail is powerful. Now, we have Republican States like Utah that have vote-by-mail, and they love it. And it elects Republicans. You have more blue States like Oregon that have vote-by-mail, and they love it. That is my home State.

I was really struck, when I was first running for the Oregon State Legislature—it was 1998, and we still voted at the precincts' voting polls, except the Republican Party had said: We can increase turnout if we get all the Republicans to sign up for absentee ballots. So they got a high percentage of Republicans to sign up for absentee ballots. Then the Democrats said: Well, OK, yes, we can get Democrats to sign up for absentee ballots. So 50 percent of the electorate in 1998 in Oregon was voting by mail and 50 percent, polls.

As I went door to door in my first race for the Oregon House and asked people what they liked and didn't like, they normally said: What I really hate is that we have too many potholes, and I am not happy with city hall. What I really like is my absentee ballot.

I would say: Well, why is that?

They would say: Well, you know, I don't have to worry about where to park, and I don't have to worry about long lines. Do you know what else? It is a complicated set of issues under the initiative system we have in Oregon, and I can be able to sit at my table, study them, discuss them with my spouse, and have my children come to the table and see what we are doing.

Well, these two tools really opened the doors to the election process in the last election, and the response of my Republican colleagues was: Oh, no, we can't let that happen. We don't want those people to vote. We better rein in vote-by-mail. We better rein in voter registration.

Georgia got rid of voter registration in between the main election and the

runoff because 70,000-plus Georgians registered in that period, and they think it helped Democrats more than Republicans. So, in a prejudicial way, they said: Let's make registration harder.

Well, it is not acceptable in our country to erect barriers for targeted communities—not for Black Americans, not for Hispanic Americans, not for college students, not for young voters, and not for Native American reservations—not for anyone.

But why are those groups being targeted in a surgical way by the strategies in State after State after State with Republican legislatures and Republican Governors? Because those constituencies tend to vote more often for Democrats than Republicans. So they are stealing the vote of millions of Americans. They are corrupting the election process for millions of Americans.

We stand here today in the Senate with the same issue we were debating in 1890 and 1891. The House had set national standards so every American could vote, and the Senate would not give unanimous consent to get to a final vote and contributed to eight-plus decades of discrimination in our country, of corrupted elections in our country—until the Voting Rights Act of 1965.

I see a colleague here preparing to speak, and I haven't even begun my real speech yet. I am going to close to hand the floor to him, my colleague from Maryland, but let me summarize a couple points before I do so.

I believe the Senate is far better off when the minority has the power to slow things down. I think that is value, to be able to have leverage to get amendments; to be able to negotiate a compromise; to be able to make sure a technical bill has been examined by experts and you understand what it really does; to make sure we have seen all the provisions; to make sure the public has seen all the provisions; to make sure the press has been able to investigate the provisions. All of that is incredibly positive, and it is why, whether I have been in the minority or been in the majority, I have argued we need to sustain 60 votes to close debate, and I still hold that position now—60 votes to close debate by a vote.

There have traditionally been four ways that a debate on the floor comes to a conclusion.

The first is a break in the debate. At that point, I was struck when I asked the experts ''Is the Chair allowed to call the question?'' and I was told that not only can they call the question, they have a responsibility to call the question when there is a break in the debate. So a break in the debate is one.

The second is by unanimous consent. Everyone agrees we have been at this long enough. Let's do four more amendments and then go to final passage, and there is a unanimous consent agreement to do that. We still do that quite often.

The third is to have a vote on closing debate, and we have to get 60 votes. It is not a ratio of those who show up to vote. So the irony is, those who want a debate often don't show up. You can have a vote 59 to 5, and the 59 lose. You have to get 60 votes.

The fourth is rule XIX, which says every Senator gets to speak twice. Now, as far as I am aware, there has never been a debate in the U.S. Senate that was finally brought to a close by everyone using up their two speeches, but it always hovers there, saying there is an eventual ability to vote on the question.

These are the four traditional strategies. We need to apply those four strategies to a period of debate addressing final passage of the bill. The cloture motion would still be there. The possibility of a UC would still be there. A break in the debate would still be a break in the debate, and a UC would be a UC. All four tools would still be there, but we would be addressing final passage.

The problem we have—a little kind of behind-the-scenes complexity of Senate rules—is that in the modern Senate, there is always a pending amendment. So you can't actually get to final passage unless you have a period of debate dedicated to final passage, and breaking the debate would call the question on the amendment, not final passage.

This means that those who want more debate could hold the floor for weeks and weeks on something they are determined to keep presenting to the American public, but it brings in the public. It brings in the public. They can weigh in on whether we are heroes or whether we are bums. They can weigh in on amendments we say we are going to bring up the next day. They can help us understand how folks back home feel.

There is no public in the no-show, no-effort, invisible filibuster we have had since 1975. There is no public, and there are no amendments because amendments require a supermajority to close debate. Someone says: Well, I am not going to agree to that until my amendment gets up. There is no longer a social contract: You do your amendment. I will do my amendment. We will all do them. They will be on topic.

It is gone. So the number of amendments has dropped tenfold between the 109th Congress and the 116th Congress. The number of amendments dropped more than tenfold over that time period. Instead, the floor managers negotiate. The leaders negotiate. They produce a list and then ask everyone to agree to that list, and someone objects: You left out my amendment.

So we—a room full of former House Members and industry leaders, former Governors, former speakers of their State house or presidents of their State senate; all of this talent sitting around here—do nothing day after day after day while the invisible, no-show, no-effort filibuster destroys debate in the Senate of the United States of America.

It is our responsibility to restore debate in this Chamber, to restore amendments. The advantages of the restoration are, No. 1, that you have amendments; No. 2, that you have public debate; and No. 3, perhaps the most important, you have an incentive for both sides to negotiate, because under the no-show, no-effort, invisible filibuster that we have had since 1975, the minority of either side says: You know, if I can get 41 of our minority Members to agree not to close debate, and all they have to do is not even show up to vote or show up to vote if they like but vote no, then the majority can never get anything done, and won't that enhance our political power in the minority party?

That is an almost irresistible temptation in the tribal, partisan warfare of today. So each minority is tempted into basically exercising a veto over the majority party's policy agenda. That is ''an eye for an eye makes the whole world blind,'' strategy. The Democrats sabotage the Republican majority. The Republicans sabotage the Democratic majority. But under the public filibuster, not only is the public involved, but the minority has to maintain continuous debate, which can be hard, so they have an incentive to negotiate. The majority, seeing the time burned up that they need for other things, other policy bills and nominations, they have an incentive to negotiate. So you get amendments. You get the public involved. Most important, you recreate an incentive to negotiate. That is the reinvigorated filibuster strategy, the talking filibuster.

Call it the public filibuster or just call it extended debate on final passage of the bill. Whatever you call it, it is better than the paralysis and partisanship that are destroying the Senate's ability to address the questions that face this Nation, and there is no more important question than defending the right of every citizen to vote.

The PRESIDING OFFICER. The Senator from Maryland.

H.R. 5746

Mr. VAN HOLLEN. Mr. President, let me start by thanking our colleague, the Senator from Oregon, Senator MERKLEY, for his leadership in working to restore the functioning of the Senate and to protect our democracy. We need both, and we need them now.

It was just 12 days ago that we marked the 1-year anniversary of the January 6 attack on this Capitol and on our democracy itself. It was a violent attempt to stop Congress from certifying the Presidential election of Joe Biden and to overturn the decision of the American people. It was inspired and instigated by the former President.

While that assault did not succeed in stopping us from counting the vote that day, the Big Lie did not die. In fact, the Big Lie has metastasized. It has spread, and its poison is seeping across the country. It is now taking

the form of Republican-controlled State legislatures enacting laws that erect new barriers to the ballot box. Let's be clear. They are erecting barriers specifically designed to make it harder for people of color and younger voters to cast their ballots.

As we saw in a Federal Circuit Court case a number of years ago with respect to North Carolina, the court found that the State legislature had targeted African-American voters with surgical precision.

Dr. King observed that voting is ''the foundation stone for political action.'' He also observed that when the right to vote is impeded, a tragic betrayal of the highest mandates of our democratic tradition are betrayed.

What we see happening in State legislatures are not just efforts to put up barriers to the ballot box; they are also passing laws to authorize partisan operatives to interfere in the counting of the votes and even to overturn the results after the count. So laws to interfere with the casting of the votes and laws to interfere with the counting of the votes—that is what is happening right now. Nineteen legislatures around the country have already enacted these kinds of laws.

So, yes, our democracy was under attack right here on January 6 of last year, but 1 year later, the evidence is clear: The Big Lie is alive, and our democracy is still under attack. It is under attack by those seeking to implement the Big Lie in State legislatures. It is just the venue that has changed.

When we reconvened here after the attacks of January 6, I said on this floor that what we witnessed is what happens when we don't stand up together as Democrats and Republicans to confront the Big Lie.

Now, over a year later, we have another chance to stand up together. To meet this moment and to protect our democracy, we need to take action here and now. That is what the Freedom to Vote Act does. It establishes minimum standards to ensure equal access to the ballot box across the country. It guards against partisan election meddling. It ends gerrymandering nationwide, and it ends secret money in elections. It contains the John R. Lewis Voting Rights Advancement Act to restore the protections guaranteed in the Voting Rights Act of 1965. That is what it does.

We are well within our rights as Federal lawmakers to write and pass these bills. The relevant portion of article I, section 4, clause 1 of the Constitution—I have that here—clearly states:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations.

The Constitution specifically empowers us to pass these laws to protect voting. So enough of the specious argument I have heard so many times here on the Senate floor that these bills somehow represent an unconstitutional power grab—far from it. The Framers expressly empowered the Congress to protect Federal elections.

Now, all 50 Members of the Democratic majority, the Democratic caucus, support these bills to protect our democracy. I am disappointed that, as of this moment, not one Member of the Senate Republican caucus plans to join us. In fact, we know that there are 16 Republican Senators here today who voted in 2006 to reauthorize the Voting Rights Act. Today, not a single Republican Senator will stand up and support these bills. That is a very sad and bad sign of this moment in our history.

I accept that each and every Senator has the right to cast their vote on bills however they choose. That is the way democracy works. But what is happening now is very different. Republican Senators are using the current version of the Senate rules to block a vote on these vital measures to protect our democracy; to prevent this body from having a final vote on the Freedom to Vote legislation and the John R. Lewis Voting Rights Advancement Act.

So let's step back and look at how the current version of the Senate rules operates in practice, and I say ''current rules'' because the Senate rules have evolved over time, as our colleague from Oregon has mentioned. They have taken many twists and turns over the years. In their current form and practice, they have departed radically from their original purpose and design.

Today, with some exceptions, 41 out of 100 Senators can block the other 59 from voting on legislation that is important to the American people. Over the last year, this Senate rule has been used to block bills that enact commonsense gun safety provisions and provide for equal pay for equal work. Many other bills have been blocked from even getting a vote under the current Senate rules.

So let's unpack this. Let's understand what this means.

Right now, under our rules, it is possible for 41 Senators representing 21 States and 11 percent of the U.S. population to block the will of 50 Senators representing 84 percent of the U.S. population. Think about that. Under our current rules, Senators representing a small percentage of the population—11 percent—can block the will of the majority.

How did this happen? Well, it happened because over time—not at the beginning but over time—Senators decided to empower themselves at the expense of the American people. It wasn't always this way. As I said, in its earliest days, the Senate was founded on two principles. The first was that Senators would have ample opportunity to make their case to their fellow Senators and to the country. If they had the minority position on a particular issue, they had a chance to come here to the floor of the Senate to persuade their colleagues of the merits of their position and maybe in the process have the whole country turn to their side of the debate and influence the ultimate result.

So the Senators were given the opportunity for a prolonged debate to ensure that all opinions were heard and considered before the final vote. In fact, as my colleague from Oregon mentioned, each Senator was able to deliver two speeches on a particular question on a single legislative day. But after all the views were heard, after prolonged debate was ended, the Senate would move to a majority vote. That is how the Senate earned its representation as the world's greatest deliberative body.

Nothing could be further from that truth today. We have very little debate on the Senate floor today—real debate, where Senators engage on the big questions of the day. In fact, the minority of Senators who oppose legislation pending before the Senate can block it without even coming to the Senate floor to debate. They don't even have to come here to make their case to their fellow Senators and the American people, don't even have to show up to debate. We are talking about a Senate rule that was designed to encourage debate. Yet we have it operating today where nobody has to even show up on this floor to make their position known.

It is not that Senators don't even have to show up to debate; they don't even have to show up for the vote to cut off debate. Under our current rules, we could have a vote right here in the Senate of 59 to nothing in favor of moving forward on legislation, and the 41 Senators who didn't even show up would carry the day. They would block the 59 from expressing the will of the American people. How crazy is that? That is what the current Senate rules provide.

That is not what the Founders of our Republic envisioned. In fact, the current version and application of the Senate's rules amount to a total perversion of the constitutional framework. These rules pervert the intent of our Framers, and they undermine the democratic architecture of our Republic.

Our Founders never—never—intended for a minority of Senators—for 41 Senators—to be able to thwart the will of the majority and of the people.

In Federalist 22, Alexander Hamilton asserted that the fundamental maxim of republican government was ''the sense of the majority should prevail.''

Even more clearly right on point was James Madison in Federalist 58, where he directly warned against requiring more than a majority for a decision in the legislature, saying that ''the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority.'' This is James Madison, a key architect of our Constitution and the framework of this Republic.

Now, we know it is true that the Framers of our Constitution knew the dangers of overly powerful majorities, and they wanted to and did guard against that risk in the Constitution itself. That is why the Framers diffused power among the people, among the States, and within the Federal Government—to protect minority viewpoints in the country.

In the Bill of Rights, our Founders clearly said that each American has certain unalienable rights that no government action can take away—not by a vote of this Congress, not by an order of the President, not by anybody in the executive branch. That is the Bill of Rights. Our Founders also created three coequal branches of government constrained by a system of checks and balances. It is all right here in the Constitution. Within the legislative branch, they didn't create one unitary body, like most Parliaments today; they created two separate bodies—the Senate and the House of Representatives—and a totally independent executive branch, with the President directly elected by the people through the electoral college.

Now, I think it is worth pointing out that the Senate contains built-in protections for the minority by its very structure. The 2 Senators from Wyoming represent 578,000 of our fellow Americans, and the 2 Senators from California represent 39 million of our fellow Americans. Two Senators from Wyoming represent 578,000 people, and 2 Senators from California represent 39 million Americans, but here in the Senate, each of those Senators, whether from Wyoming or California, has votes of equal weight. We can do the math, the political math.

People of Wyoming are already exerting influence here in the Senate way out of proportion to their share of the American population. That is in the structure. But if you layer the current version of the Senate filibuster rule on top of the Senate structure and on top of other protections for minority rights enshrined in our Constitution, you further nullify the will of the American people. You nullify the will of the majority of our fellow citizens.

That is why the anti—majoritarian, anti-democratic—small ''d''—Senate rule is nowhere to be found in the Constitution. You can search high and low; it is nowhere to be found here. In fact, as I said, our Founders were very clear about allowing the majority sentiment vote to prevail in the end. And they were very clear in this document, the Constitution, exactly when to require a supermajority vote. It is right here: Two-thirds vote of all Members is required to convict and remove a President; two-thirds vote is needed to expel a Senator; two-thirds needed to override a Presidential veto; two-thirds vote to concur on treaties; two-thirds to amend the Constitution. That is it. That is what is in the Constitution of the United States.

Our Founders did not envision a Senate where the normal course of legislative process and business could be permanently blocked by a minority of Senators. There is nothing in here about needing 60 out of 100 votes to pass legislation like the Freedom to Vote Act. There is nothing in our Constitution about a Senate where 41 out of 100 Senators can routinely block the will of the majority and subvert the will of the American people.

James Madison expressly warned against requiring supermajorities for legislation—yes for treaties, yes for removal of a President, not for the normal course of legislation.

So where did the current Senate rule come from? It is a total invention of Senators that empowers individual Senators by disempowering the overwhelming majority of the American people. That is what it is.

Think about this in the context of the Freedom to Vote Act. The duly elected President of the United States, who won over 80 million votes and in the electoral college, is in favor of it. A majority of the House of Representatives representing the majority of the American people is in favor of it. And 50 U.S. Senators representing 62 percent of the American people are in favor of it. But the bill is being blocked by a minority of Senators representing a minority of the American people.

And think about this. State legislatures around the country, as we gather here, are passing laws to erect barriers to voting by a majority vote. The laws they are passing impact every citizen in this country because they impact the outcome of Federal elections. When State legislatures in Georgia pass laws to disenfranchise voters in Federal elections, they are disenfranchising voters in all of the other 49 States who have a stake in the outcome of Federal elections.

But the current version of the Senate rules prevents the U.S. Senate from casting a majority vote to protect voting for every American, even though the Constitution expressly empowers us to do that—to regulate Federal elections.

So, Mr. President, what arguments do proponents of the current filibuster rule present to justify this self-anointed power to thwart the majority will of the American people?

One claim is that it promotes bipartisanship. Look, I know the Presiding Officer. I know the Senator from Virginia who has joined us. I know the Senator from Oregon. All of us prefer to find common ground to meet the challenges of the day when we can. I am proud to be the author of many bipartisan measures and to sponsor many others, and to vote for many of those measures. But let's not kid ourselves here in the U.S. Senate about the ability of the 60-vote requirement to promote bipartisanship. The Senate we are living in today is the most polarized ever. The claim that this rule promotes bipartisanship flies in the face of the reality we witness every day.

In fact, the filibuster in its current form has become a partisan political weapon. Tim Lau of the Brennan Center notes that, while there have been more than 2,000 filibusters since 1917, about half of them have been in just the past 12 years. Think about that. There were more filibusters in President Obama's second term than in all the years between World War I and the end of the Reagan administration combined. This abuse has led to partisan gridlock, not bipartisan cooperation.

But let's talk about bipartisanship. I had hoped—we had hoped—that action to preserve our democracy would be a bipartisan endeavor. But that isn't where we are today, and that is not new. The battle to protect constitutional rights has been waged along party lines in the past. The Fourteenth Amendment, which guaranteed citizenship to former slaves and guarantees equal protection under the law, was passed by Republicans in Congress with almost no bipartisan support. We salute them for that action. The 15th Amendment guarantees the right to vote to all citizens of the United States, and it was passed by one party and one party alone. Those actions were taken by the old Republican Party that used to be the party of Lincoln. Should we have sacrificed those critical amendments at the altar of bipartisanship? Should we have said to them: Don't pass them because no Democrats at that time supported them? Of course not.

We all strive for bipartisanship, but that goal should not stand in the way of legislative action, especially on issues central to protecting our democracy.

Another argument often made, including by many of our Democratic colleagues, in favor of keeping the current version of the Senate rules and the supermajority requirement, highlights the risk of giving up the ''protection'' of the filibuster on issues that Democrats hold dear and where Republicans hold a different position.

If we eliminate the 60-vote threshold to pass policies that Republicans don't like, won't Republicans be able to use a majority vote to pass policies that Democrats don't like?

That is true. That is the nature of democracy. That is what elections are for—every 2 years for Members of the House, every 6 years for the Senate, and every 4 years for the President. If the American people don't like a law that we have passed, they get to go to the ballot box to render a decision. That is the ultimate accountability in the system, and we should not be erecting artificial rules to protect ourselves from the majority views of the American people.

In fact, it is simply arrogant—arrogant—to invent a rule that blocks the will of the American people. It is simply arrogant to say that we Senators, not we the people, are the guardians of our democracy, and we are going to come up with this rule that is not in the Constitution to do that. That is what our current Senate rules do.

Now, there is one major exception to the 60-vote rule to end a filibuster on legislation. It is called the reconciliation process. I believe that this major exception exposes the absurdity of the current Senate rule itself. Most folks watching this debate may be justifiably confused. They are watching the Senate and they are saying: It was about a year ago that the Senate passed the American Rescue Plan with a majority vote. It was a vote of 50 to 49. It was a major piece of legislation responding to the pandemic emergency. Not a single Republican Senator voted for it, but it passed. During the Trump administration, Senate Republicans passed a major tax giveaway to the rich by a vote of 51 to 48. Not a single Democrat voted for it.

Those laws contained major policy changes, but they could not be blocked by a vote of a minority of 41 Senators. Why is that? It is because in 1974, the Senate carved out a major exception to the supermajority filibuster rule for legislation connected to the annual budget process. That carve-out—that procedure—allowed for the passage of the Trump tax law, for the American Rescue Plan, and earlier for the Affordable Care Act.

So, colleagues, here we are maintaining this carve-out to the filibuster rule that allows Donald Trump and Senate Republicans to pass big tax cuts by a majority party-line vote. You can't block it with a vote of 41. It allows us to pass important things like the American Rescue Plan, using the same procedure.

But our rules don't allow us to pass rules to protect our democracy. That is absurd. Anyone paying close attention to the rules would see how absurd that is in a great democracy, and it needs to change and it needs to change now.

Each day that we maintain the current undemocratic Senate rules that allow 41 Senators to block the will of the majority, we allow State legislatures to continue their assault on democracy and we prevent our own democracy from working the way it was intended.

The American people sent us here to get things done, to move the country forward, and the overwhelming majority are crying out for us to protect the future of our democracy. That is why we must amend the undemocratic rule that empowers 41 of 100 Senators to disempower the majority of the people of our country.

And I support the proposal put forward by our colleague from Oregon, Senator MERKLEY, that takes us back to the original design and intent of the first Senate and the Framers—debate. Everyone gets a chance to make their point. Convince your colleagues and convince the American people. But as James Madison said, at the end of the day, a great democracy must have a majority rule subject to the conditions already applied and set out in our Constitution.

So I urge my colleagues to join us in restoring the Senate to its original purpose and then to pass the Freedom to Vote Act, including the John R. Lewis Voting Rights Advancement Act, to protect our democracy.

I yield the floor.

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

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

H.R. 5746

Mr. SULLIVAN. Mr. President, last week, I gave a long, detailed speech on the topic that was at hand last week and is the topic, right now, that we are focusing on here in the U.S. Senate: voting rights and the majority leader's goal this week, as it was last week, to blow up the legislative filibuster.

I believe it would be the first time in U.S. history that a majority leader would actually seek to do this—to blow up the legislative filibuster—which, in and of itself, says a lot. This would, of course, change the Senate and change the country forever. There will be a lot of speeches on that. There will be many more speeches today, tomorrow, and Thursday on these important topics.

Now, the President of the United States weighed in on these two topics—the filibuster and voting rights—in Georgia, in a speech last week that is already going down as an infamous speech by a President of the United States. Let's just say it really didn't go very well, the President's speech.

I ask all Americans to take a look at it. It is quite disturbing for a whole host of reasons. The President's speech was almost universally panned, on the left even, on the right, and in the center. I have not seen one U.S. Senator come down on the floor, this week, to defend it. It will be interesting, as we debate these issues, if anyone does, but I doubt there will be, and there are many reasons for this.

As a speech by a President, it was remarkably divisive—in essence, calling every Senator, Democrat or Republican, who doesn't agree with him a racist and a traitor. Read the speech. It was historically absurd—invoking the sacrifices of the Civil War and heroes like Abraham Lincoln and villains like Jefferson Davis to present-day circumstances. It was profoundly un-Presidential, as Senator MCCONNELL stated, rhetoric, completely unbecoming of a President of the United States, and in an attempt to get Senators, especially Democrat Senators, to vote the way in which President Biden wants them to vote, it appears to have been a monumental failure. Now, I wonder why. Well, of course, here is why.

Calling someone a racist and a traitor is not the normal, logical route to try to persuade one to come over to your side—neither is claiming that Republican Senators, Republican legislators, States, and Republican State voting laws are so-called Jim Crow 2.0, when your very own State's laws, in terms of voting, are some of the most restrictive in the country. This is a narrative, I hope, our friends in the media will keep an eye on during the debates this week.

What am I talking about?

Well, first and foremost, I am talking about Majority Leader SCHUMER and Joe Biden and their States, New York and Delaware, which have some of the most restrictive voting laws in America. Let me repeat that. Some of the most restrictive voting laws in America come from the majority leader's State and the President of the United States' State. Yet listen to their rhetoric. Listen to their rhetoric: Republicans and Republican States are ''Jim Crow 2.0.''

I was on the floor last week, talking in particular detail about my State's laws. We are all different States here, but I know my State's laws. I know them well as they relate to voting rights. Here is one thing I said last week: On some of the most critical issues, in terms of voting rights legislation—early in-person voting, automatic voter registration, and this chart here of no-excuse absentee voting—the Republican State of Alaska, the great State of Alaska, has voting laws that are significantly more expansive than the laws of New York, than the laws of Delaware, than the laws of Connecticut, than the laws of Massachusetts, than the laws of New Hampshire. It is a long list, a long list. You can see why Senators like me—my constituents, in particular—find it more than just a little bit annoying when you have these smug arguments of Republican States being Jim Crow 2.0.

Let me give you another particular one as it relates to New York, the majority leader's home State.

My State has no-excuse absentee voting. We have had that for many, many years—many years. Now, the State of New York just had a statewide referendum to have same-day voter registration and no-excuse absentee voting to meet the high standards that we have in Alaska. The people of New York recently rejected that. I don't know why. I am not from New York. I am sure they had what they thought were good reasons to do that, but if the majority leader keeps coming down and calling the Republican States that restrict voting Jim Crow 2.0, is he going to go to Times Square and call his own constituents Jim Crow 2.0, relative to my great State—because they just rejected doing this, restricting voting rights—according to the logic of the majority leader and the President of the United States?

There is something really wrong here on these arguments and it is not just New York and it is not just my making these arguments about where other States are. Again, my argument here is

not to say: Well, everybody should be like Alaska. In the Constitution, the Founders gave the States the fundamental right and obligation and responsibility to design their States' laws in terms of voting. What is really difficult to swallow is that so many of the arguments we are going to hear this week and that we heard last week and that we heard from the President of the United States come from elected officials—U.S. Senators and the President, who is a former Senator—who come from States that have some of the most least restrictive voting laws in the country.

Again, it is not just me making this argument. This is an article I submitted for the RECORD, last week, from The Atlantic magazine—not a Republican mouthpiece by any measure. I am going to read extensively from this article, which came out last year, because it really makes the point I am trying to make.

Biden has assailed Georgia's new voting law as an atrocity akin to ''Jim Crow in the 21st century'' for the impact it could have on Black citizens. But even once the GOP-passed measure takes effect, Georgia citizens will have far more opportunities to vote before Election Day than their counterparts in the president's home state, where one in three residents is Black or Latino. To Republicans, Biden's criticism of the Georgia law smacks of hypocrisy. ''They have a point,'' says Dwayne Bensing, a voting-rights advocate with Delaware's ACLU affiliate. ''The state is playing catch-up—

The State of Delaware—

in a lot of ways.''

The article goes on:

Delaware isn't an anomaly among Democratic strongholds, and its example presents the president's party with an uncomfortable reminder: Although Democrats like to call out Republicans for trying to suppress voting, the states they control in the Northeast make casting a ballot more difficult than anywhere else.

I am going to read that again. I am going to read that again because it is an issue that no one is talking about, and it really smacks of hypocrisy when I see some of my colleagues down here making these great arguments about Jim Crow 2.0 in Republican States.

Here it is again, from The Atlantic:

Delaware isn't an anomaly among Democrat strongholds—

Democratic State strongholds—

and its example presents the president's party with an uncomfortable reminder. Although Democrats like to call out Republicans for trying to suppress voting, the states they control in the Northeast make casting a ballot more difficult than anywhere else.

Then the article goes on to say:

Connecticut has no early voting at all—

Holy cow, my State has early voting. We have had it for years—

and New York's onerous rules force voters to change their registration months in advance if they want to participate in a party primary.

And, by the way, New York just rejected what Alaska has. Jim Crow 2.0 in New York? Who knows? Maybe, according to the President's logic.

The article goes on:

In Rhode Island, Democrats enacted a decade ago the kind of photo-ID law that the [Democratic] party has labeled ''racist'' when drafted by Republicans.

Hmm, a little bit of hypocrisy there.

The article goes on:

[T]he State [Rhode Island] also requires voters to get the signatures of not one but two witnesses when casting an absentee ballot (only Alabama and North Carolina are similarly strict).

The article goes on:

According to a new analysis released this week by the nonpartisan Center for Election Innovation and Research, Delaware, Connecticut, and New York rank in the bottom third of states in their access to early and mail-in balloting.

And, as I just said, New York just rejected it again. I really wonder if the majority leader is going to come down and call his citizens Jim Crow 2.0.

This is a very important issue, and here is the bottom line: Before any of my Democratic colleagues come to the floor this week with their insults, with their smug, offensive, inaccurate arguments about Jim Crow 2.0 racist traders, mimicking the President of the United States last week in Georgia, I want my colleagues to come and answer this simple question—a very simple question: Why should we listen to you? Why should any American take you seriously, when so many of you come from States with the most restrictive voting laws in America?

I wonder if any of my colleagues are going to come down to the floor, particularly those like the majority leader, who love to rant about Jim Crow 2.0 when their States are leading the charge in America on restrictive voting.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

H.R. 5746

Mr. DURBIN. Mr. President, this past weekend—and yesterday, in particular—we celebrated Dr. Martin Luther King, Jr. It is likely, if you attended any event in that celebration, that you heard at least part of his ''I Have a Dream'' speech. Many of us in the Chamber happily quoted it because of our respect for him and the eloquence of his language in that moment.

We like to remember the hopeful second half of that speech, as well, because Dr. King imagined a future in which Black children and White children play together, and all people are judged, as he so famously said, ''not by the color of our skin but by the content of our character.''

However, many of us forget—or worse, ignore—the first half of that speech, in which Dr. King noted the painful irony that 100 years after the Emancipation Proclamation—the ''promissory note'' of our Constitution and the Declaration of Independence was for most Black Americans simply ''a bad check which has come back marked 'insufficient funds.' ''

Many Democratic Senators and Republican Senators helped to change that shameful fact. It was here on the floor of this Chamber, in 1965, that the U.S. Senate voted 77 to 19 to pass the Voting Rights Act, outlawing State practices that denied millions of Americans, particularly Black Americans, the right to vote. It is worth noting that it was a strong bipartisan vote and that, percentagewise, a greater percentage of the Republican Caucus voted in support of it, compared to Democrats. The White Democrats from the South were notorious at that time for opposing it and opposing the civil rights movement.

Well, over the next nearly 50 years, the Voting Rights Act was reauthorized five times, and that bipartisanship continued during the entire period. Each new version of the Voting Rights Act renewed the promise and the protections of that law, and each reauthorization was signed into law by a Republican President.

Sadly, in more recent years, things have changed in an awful way. We have witnessed a sustained effort to chip away the protections guaranteed to every American under the Voting Rights Act of 1965.

I grew up in East St. Louis, IL, and a trip to St. Louis was a big deal. I can remember my mother, who was an immigrant to this country, had only an eighth grade education, though she had self-taught herself into a much higher level of learning, but I can remember my mother always pointing out the St. Louis courthouse to me. If you are familiar with the terrain, the arch wasn't there when I was growing up. But where that arch is today, just behind it, is this famous St. Louis courthouse. We would be driving over the Eads Bridge, and she would say to me: Now, do you see that St. Louis courthouse up there? That big white building, do you see it? And do you see all those steps that you can see from here?

Yes.

They used to sell slaves on those steps.

I found it incredible that my mom would say that. She was not a historian or, as I had mentioned, formally educated, but she knew that, and she knew that was the significance of that building. It was also the courthouse where the Dred Scott decision was argued.

I say that because the Dred Scott decision, that infamous decision handed down in 1857, may have been the tipping point when it came to our Civil War. A decision by that court, now viewed as nothing short of outrageous, basically ruled that enslaved people, regardless of where they lived in the United States, could never be treated as American citizens and had no right to sue in the Federal courts of America.

Despite State decisions to have free States and enslaved States, despite the Missouri Compromise, the Supreme Court in the Dred Scott decision basically came down clearly on the side of

enslavement and said, for example, that the Missouri court doctrine of ''once free, always free'' did not help Harriet and Dred Scott, who lived in free States part of their lives.

That decision by the Supreme Court was a seminal decision in the history of our country. It is often noted the role that it played and the events that transpired afterward.

I think of that decision when I think of what has happened in recent years in the Supreme Court. Nine years ago, in 2013, the Supreme Court issued its decision in Shelby County v. Holder. That Supreme Court decision essentially nullified a key provision of the Voting Rights Act: section 5. Prior to the Court's ruling in Shelby County, section 5 required localities disenfranchising people based on race through poll taxes or literacy tests to seek Federal approval to any changes in their voting rules. That requirement is known as preclearance, and it could have—I believe it would have—prevented many of the restrictive voting laws in Georgia and Texas.

The Supreme Court weakened another key section of the Voting Rights Act with its decision in Brnovich v. DNC. With these distorted rulings—distorted rulings—in fact, Supreme Court Justice Elena Kagan wrote, ''In the last decade, this Court has treated no statute worse than the Voting Rights Act of 1965.''

The Presiding Officer knows what has happened across the United States in 19 different States. I think, because of decisions like Shelby and Brnovich, these States have been emboldened. They don't believe that they are going to be held accountable for decisions they are making that restrict the right to vote the way they would have been before those decisions. And those who come to the defense of those States and their practices come to the floor of the Senate and, predictably, argue States' rights, States' rights.

I heard over the weekend on some of the talk shows—I don't know if there is a copy of it here. Oh, there is. I was hoping there would be a copy of the Constitution in this desk, and there is. But article I, section 4 of our Constitution is explicit, for those who question whether or not it is the exclusive province of the States to establish standards for elections. I am going to read it.

> Section 4. ''The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.''

Of course, then the amendments following the Civil War—during and following the Civil War—went even further in terms of voting and the issue of race.

It is very clear to me—and you only have to read those simple words, straightforward and direct in the Constitution, to realize that establishing standards for elections is not exclusively within the province of the State. In fact, just the opposite is true. When it comes to Federal elections for Representatives and Senators, authority is given to us—to us—this Senate and the House of Representatives. And, of course, through the signature of the President, the law is created that can establish standards and regulations.

Yet Members on the other side, Members on the side of President Lincoln's political party, the Republican Party, now come to us at this moment in history and argue nullification and States' rights. What a cruel twist of fate that Mr. Lincoln's party, which took such pride in the progress that was made after the deadly Civil War in establishing civil rights, is now defending the activities of 19 different States that restrict voting rights.

Today, our democracy needs the Voting Rights Act of 1965 restored to its full power and potential. In the past year alone, Republican legislatures in nearly 20 States have enacted laws making it harder for Americans to vote. In total, more than 440 bills with voting restrictions have been introduced in 49 States, and more are on the way as the 2022 State legislative sessions get underway. These efforts represent the most coordinated assault on voting rights since the Voting Rights Act was first passed under President Lyndon Johnson.

The most troubling of these bills, the ones that I just find incredible, grant partisan actors the power to potentially meddle and interfere in election administration. Now, where could they possibly have come up with that idea; that if you lose an election, you would contact the election authorities and ask them to change the results for your favor? Where could they have come up with that idea or notion, that outrageous idea? Perhaps in the recording that we have of the conversation between Georgia election officials and President Donald Trump after he lost the election in 2020. That is exactly what he set out to do. And now, they are setting up a scenario for that same strategy and tactic to be followed in other States if you are disappointed with the outcome of an election.

Arkansas and Kansas have already passed laws that—according to experts from the States United Democracy Center, Protect Democracy, and Law Forward—could be used to shift the power to influence election outcomes to partisan political actors. In those States, they have increased the possibility that the voters won't have the last word.

And legislatures in other States have introduced troubling bills with similar implications. For instance, in the State of Arizona, State legislators introduced three separate bills that, according to the Brennan Center for Justice, ''would have directly empowered partisan officials to reject or overturn election results.'' It is an incredible outcome.

More traditional attacks on the right to vote include efforts in Michigan, for example, where a group of Republican lawmakers are attempting to bypass the State's Governor as well as the State's voters to enact a measure restricting voting rights. And, of course, in Texas, the State enacted a bill known as S.B. 1, which the Brennan Center called ''one of the harshest restrictive voting bills in the country.'' One of the most troubling provisions of the law will make it harder for voters living with disabilities to receive the accommodations and assistance they need to exercise their right to vote.

The Members of this Senate have a constitutional obligation to respond to these State voting laws, and that means ensuring that the constitutional right to vote is protected by Federal law and fully enforceable. It also means establishing nationwide standards that ensure every eligible voter can participate in our democracy. These remedies and protections must be available in every State, red and blue, from New York to Arizona.

Allow me to make one other point, Mr. President. I have heard my Republican colleagues make the argument: Well, take a look at the States across the blue belt of America, States like Delaware and New York; they don't go as far as the law that is being suggested by you Democrats—for example, same-day registration, for those who want to show up and establish their voter registration on the day of the election. This bill is going to require it. The State of New York doesn't have it. The State of Delaware doesn't have it.

Well, my message to them is: Good. Let them get it. It is a good, positive way to expand the opportunity to vote. Many States have done it for years without problems. Those who are lagging, whether they are red or blue, should come into the 21st century. It should be our mission—our singular mission, before anything else—to make sure that every eligible American has the right to vote; that we eliminate the burdens and obstacles, the tricks and traps that have been set up in all these States that make it so difficult. And we ought to be singularly embarrassed as a nation as we look at the film and all the videos and all the programs on election day that show African Americans standing in line, hour after weary hour, to exercise the right to vote while many White voters just scoot through in other localities in the same States. There is something fundamentally wrong here, and it is not just an accident.

Last year, I joined with a bipartisan group of my colleagues to introduce the updated John Lewis Voting Rights Advancement Act. This legislation would restore and strengthen the Voting Rights Act of 1965, one of the most important pieces of legislation in American history. And truthfully, this should, once again, be a bipartisan, unifying endeavor.

It hasn't been that long ago that Republicans and Democrats stood together and agreed that this was the right thing to do—to make sure that there was no discrimination against American voters. The last time we did this was 16 years ago, in 2006, and on a nearly unanimous basis.

One of the Republicans who voted in support of it was the senior Senator from Kentucky, now the Republican leader, who said at that time, when he voted for the reauthorization of the Voting Rights Act in 2006, ''[T]his is a piece of legislation which has worked.''

Well, let's make sure it can keep working. I hope my colleagues will come together, in a bipartisan fashion, and join us in supporting the John Lewis Voting Rights Advancement Act as well as the Freedom to Vote Act. Join us in defending American democracy.

I yield the floor.

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

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

H.R. 5746

Ms. CANTWELL. Mr. President, I was out here a little while ago talking about why it is so important for us to move forward and vote on the John Lewis Voting Rights Act and to uphold the voting rights of American citizens, something I feel very strongly about.

I have had the good fortune to be in the U.S. Senate since the year 2000 and I got here—I should say the election was in 2000; I took the oath of office in 2001. I got here in an election that was decided by 2,229 votes. It took 3 weeks to decide the election. It took recounts. It took verification by counties—and, yes, the vote-by-mail system which was pretty much the majority of votes at that point in time. Not everybody voted that way, but a big portion of votes at that time was a system that was starting to flourish in our State.

And when I think about the year 2000 and the close election, I give thanks to my predecessor Slade Gordon for, even though it was a close election, not contesting the election. If people remember, that was the same year that there was such a close election that people considered what was the outcome in Florida. And yet Al Gore conceded the election to George Bush.

My point is that where have we gotten to today? Because all of those people, George Bush, Al Gore, me, Slade Gordon, even though we had close elections, we had confidence in the outcome of the election, and we moved forward.

We moved forward so much in fact that when our country was attacked just a few months later, we all pulled together to work together to build a more secure nation. We didn't sit around and say—Slade Gordon didn't sit around and say, ''I lost by 2,229 votes.'' Al Gore didn't sit around and say he lost Florida by so many votes and the votes weren't counted.

No, we moved our country forward, and here in the U.S. Senate, we even discussed voting rights, and we discussed our Federal role, and we discussed what reforms we wanted to have in the system to build more confidence in our electoral system. We didn't disintegrate into voter suppression activities. I can't say that there wasn't some.

I now call it nostalgia. There were some who said, ''Oh, yeah, vote-by-mail. Maybe we shouldn't have it.'' I remember one of our colleagues here on the Senate floor, he was saying, ''I so much like to go into the polling place. It is my patriotic duty. I like to sign my name. I like to get on with it. I don't want to get rid of that and I don't like vote-by-mail.''

Well, myself and Senator WYDEN, Senator MURRAY, and others successfully defended vote-by-mail. And we can see today where it has now been more embraced in the United States of America and more than the nostalgia that my friend had.

Trust me, I could say a lot of nostalgia about going into a voting place and voting. My childhood was spent getting the vote out because that is what you did in my family. You spent the day getting the vote out; you helped. I remember 1 year, I said to my father, ''I'd miss too much school, and I didn't want to miss anymore school, and I had to go to school on election day.'' He told me there was no greater education than getting the vote out and that I was going to be doing that. So I can be nostalgic, too.

But right now, I am proud of the 84 percent turnout in the State of Washington in a Presidential election year, thanks to vote-by-mail. And I am proud that vote-by-mail, I think, is the antidote to the accusations that people have about a voting system that they think can be attacked by a foreign government or undermined in an electronic voting system. The fact that when you vote-by-mail, you sign your name, both on the registration form, sign your name on the mail-in ballot, rip off a tab, basically mail in that ballot, and you have proof that you voted. And your signature is the verification. I am going to talk about that in a minute.

Your signature is the verification that that system works. So, yes, I am not very happy that we are here because a lot of the tactics that we are hearing about around the United States of America is about limiting vote-by-mail. It is about trying to stop it or slow it down or raise accusations about how it doesn't work.

And part of the initial establishment of preclearance in the United States in the 1965 Voting Rights Act was about the great disparity that existed in the United States between States, that some States had very different turnouts than other States in a Presidential election, maybe 20 percent or 30 percent different. And so people were starting to say, ''How are you affecting us if some States aren't really empowering their citizens to vote, and the consequences is suppressing voter activity?''

I definitely believe in the John Lewis Voting Rights Act. I definitely believe that, starting in 1965, we had disparity in States and the way they voted, and we did something about it. And we did something about it because people were being discriminated against, and that was the premise of the law, stop the discrimination.

Stop the discriminatory tactics that States were using to discriminate against people so that their votes couldn't be cast. And now, we have updated that law many times over the last several decades in a bipartisan fashion, most of the time signed into law by Republican Presidents. So I don't get the stumbling block here. I don't get the stumbling block why people won't come to the table and help us write the next version of the 1965 Civil Rights Act that is just called the 2022 Civil Rights Act. I don't get it. I don't get why people aren't coming to the table to do that. But I know this, that one of the big lies out there, and the Republicans—I see my colleague was here from Alaska, and I do feel a great affinity.

People may not understand the relationship between the State of Alaska and the State of Washington, but it is a very true affinity. We come from the same part of the world. Our economies are integrated. We have many people who live in both places. We share commonality of culture, of our environment. And my colleague from Alaska was here talking about their vote-by-mail system.

And so the fact that people are telling lies and trying to suppress the vote by suppressing vote-by-mail or calling it fraudulent is very frustrating. It is very frustrating, and it is one of the reasons we should come together in a bipartisan way and support vote-by-mail. We should be empowering people, and particularly in a pandemic, to cast a vote so that we know their voting is counted, so that we can have confidence we had an election and people spoke.

Here, we have Newt Gingrich who said numerous times now, ''The biggest way to expand voter fraud is to expand vote-by-mail.'' Now, he said that on FOX News. It has been quoted in the paper—not once, he said it several times—or maybe they keep reading the same clip over and over again.

Then his next line, which I didn't put on a chart, is, ''And the Democrats want universal access to vote-by-mail.'' Well, I am not sure what is wrong with vote-by-mail. We are going to talk about that because I am not sure what is wrong with vote-by-mail.

Seriously, I have seen it over the 20 years I have been in office expanded in our State and in Oregon and now used as the majority of the way that people vote. And so I don't take kindly to his comments or to the former President's comments that somehow this is a fraudulent system. It is not.

(Ms. BALDWIN assumed the Chair.)

Madam President, first of all—I have got a lot of charts here, so you will have to excuse us.

First of all, when you get a voter registration form for vote-by-mail, it says right on the form you must be a citizen of the United States of America to vote. You must be 18 years of old the next election, or—yeah, or 18 before the special election. That is what it says right on the form. There is no mistaking about it. There is no ifs, ands, or buts about it.

You are going to sign your name and attest to these issues. In fact, the attestation basically says, ''Knowingly providing false information about yourself or the qualifications for voter registration is a class C felony, punishable by imprisonment or a fine up to $10,000, or both.'' That is a pretty hefty fine. That is a pretty serious issue. I don't think most people are going to say, ''Oh, I want to help perpetrate voter fraud because I want to go to jail or I want to pay this fine.''

And the notion that somebody illegally in the United States is going to sign up for this—most of these people are just trying to earn an income and stay on a low profile. I don't think any of them—if you are an illegal immigrant and you sign up for vote-by-mail and you vote-by-mail, you will be deported. You will be deported.

So I don't think people are out there doing this voluntarily because they think this is some great way to gain the system. In fact, the statistics just done by a major report shows that there is less than 1 percent of voter fraud in this system. It is not really this notion that the former President would like to perpetrate.

Well, the biggest reason why vote-by-mail works is what is here, but you don't see it. I guess I should sign my name—because right here, I declare the facts on this registration form are true. I am a citizen of the United States. I live at this address, for at least the last 30 days before the election which I am going to vote in. I am old enough to vote in that election, and I understand the jurisdiction of the Department of Corrections; you can't currently be serving a sentence for a felony conviction or incarcerated for a federally or out-of-state Federal conviction.

OK. Right there, you have to sign your name right below that. So this attestation and requirement—oh, by the way, part of the requirement on the form that you get is you also have to put in your driver's license or an I.D.

Now, in many States, you are moving to this enhanced driver's license requirement, which you have to prove you are a citizen of the United States. Not every application you get at a driver's license office you have to prove that, but this is the information on your voter registration card that you have to prove that you are attesting to the fact that you are a citizen of the United States. It is information that can be searched.

So, now, we come to the actual ballot. I don't know if we have a copy of the ballot here. Well, we will have to go grab one of those. But on your ballot, you do the same thing. You get a ballot. Your ballot has to have that signature on it. You vote who you say you are going to vote for. You put it in a privacy envelope. You stick it in another envelope. And you mail it in. So at the county auditor, they match that signature that you signed on your voter registration card with the signature on that ballot. And that is how they know you are who you say you are.

Now, that is no different, really, from most of the way voting has worked in our country for decades. When you go into the polling place, they ask you for your name. You go to a book, if you noticed, your name and address were there, in a blank space. And they say, Sign your name.

Most Americans probably never noticed at the top of that page was also an attestation that said, ''If you are lying about who you are, yeah, you are going to pay a fine, and you are going to jail.''

So when you went to a polling place and you signed your signature, they went back and saw it was the signature that you had on your registration card. So vote-by-mail is replicating that same system. An application card matched to a signature on your ballot. And that is what happened.

Now, that is not to say there isn't attempts at fraud, not to say that there isn't attempts at monkey business, because there is. But it says the system is based on something that is safe and secure and can be validated. I am going to shock some people, I am sure, by saying this, but when I went to vote in the last election, somebody had requested several ballots in my name—several ballots in my name. I am sure it was ill intent. There was nothing good about it.

And when I looked to see that they hadn't counted my ballot, even though I had voted very early in the process, I became alarmed and called the auditor and said, ''Why haven't you counted my ballot?''

And he said, ''Several people have filed ballots under your name.''

I am sure there was ill intent and monkey business by somebody. So I decided I am going down to the courthouse to see what this was all about. But by the time I got there, the auditor had sorted it out and said, ''I found the one signature that matches your signature, and we have counted your ballot.''

So if they hadn't done that, they probably threw it in a pile—''Oh, we got 10 ballots under this name''—whatever it was. Why did that happen? I don't know. But I know the system worked because he pulled them all aside and, when he got to it, they matched my name with the ballot that existed.

Now, for us in Washington, because we have had some very close elections, the vote-by-mail system has got a lot of scrutiny. We got a lot of scrutiny in a Governor's race a few years after I got elected, and the race got down to several hundred votes, really, I think in the end. It was several hundred votes.

And we had people admitting that they had voted for dead spouses. We had all sorts of things at the end, when people knew that the level of—most elections aren't that close. But when you are down to hundreds of votes and you know that there is going to be scrutiny, the system works. It doesn't mean there won't be a mistake somewhere and that you won't have to redo the count and find it. It doesn't mean that there is absolutely zero, zero, zero, zero fraud.

It means that there is a system based on a safe and secure measure and that you can go back and check it. Now, I love our vote-by-mail system, and the voters are proving it, at 84 percent turnout in the last Presidential election. Sometimes, in off-year elections, we get as high as 70 percent turnout. So it is working in off-year elections.

Who is not for empowerment and enfranchisement of people? Apparently, Newt Gingrich isn't because he thinks it is a mastermind theory or some scenario where we are going to try to take over the world when, in reality, I would say it is the next phase of voting, particularly in an era of pandemic and that we need to have our elections be more secure.

I would say that if people are going to fool around and create distrust in your election system, have a system where you get to tear off a tab and keep it at home and know that your ballot was cast and know that you can count it and know that you can count it again.

In my election when I won by 2,229 votes, the tallies weren't the same each time. They weren't. It changed. It didn't mean they were wrong. It just meant that various mistakes were made, they verified their work, and they were corrected. But my predecessor did not undermine the U.S. democracy by claiming he lost. He didn't go out and try to pass voter suppression laws. He came back here and worked on the 9/11 commission with all of us and tried to defend our country.

But that is not where we are today. We are here with Mr. Trump—President Trump—and on January 6, I sat outside and listened to the President. I really thought, ''I am going to go ahead and give a speech that night.'' I had no idea what was going to happen to us.

I thought I was just going to speak on the floor that night. I thought that

was it. I had no idea that we were going to face an insurrection. So I was taking notes, I thought I was going to give the speech. Turns out, I didn't get to give that speech. We had kind of a truncated session that night. We give a few speeches. A few people talked. But I didn't give a big speech.

I have been waiting to give this speech for a long time. I have been waiting to repudiate what the President said at his rally for a long time. And the reason is because I cannot stand to have our election system, the basis of our democracy, the basis of our country, why we are the gold standard around the world—I am not sure anybody should go on a codel anymore to witness an election in another country until we get our election system right here.

What are you going to say when you get there? What are you going to say if you are going to go to another country and witness their election? ''We know how to do it in the United States''? Because right now we are not proving that. We are showing that we can't move forward on the John Lewis Voting Rights Act.

Let's go over what President Trump said that night because President Trump claimed that—his first claim that the Michigan secretary of state flooded the State with unsolicited mail-in ballots sent to everybody on the rolls in direct violation of State law. That is what he said last, that is what he said. That is what he said at his rally. ''Go down there. Go down there.''

You know, there is moments in this craziness when you realize there are people who will stand up. And I am not trying to embarrass anybody, but I was probably the last person to leave this Chamber, and the Parliamentarian refused to let anyone touch the ballots, even though she could barely walk down the hall, even though she could barely carry all those supplies.

She knew that allowing anybody else to touch these certifications of the election would give somebody the claim that, somehow, somebody had interfered. So people were doing their job, and in this case, the secretary of state, in response to a 2018 vote by the people of Michigan, they approved, in a vote by the people, a no-excuse absentee voting law. That is what the people of Michigan voted for.

So the secretary of state sent out ballots. Some people didn't like that. Some people challenged it. And in September of 2020, the Michigan court of appeals upheld the decision that the secretary of state, citing the Constitution and their authority over elections, that they had the authority to mail those ballots.

The supreme court of Michigan didn't take up that case. They didn't refute it. So it is false. He is trying to say mail-in ballot applications were illegally sent. It is not true. The people voted for it. The secretary of state did her job. The courts upheld it.

He tried to say 17,000 ballots were cast by deceased voters. OK. I mean, to say nothing of the fact that there are probably a lot of people with the name of John Brown in Michigan, there are a lot of people by the same name. But there is a system that uses the Social Security Administration to flag death of deceased voters. And ballots in this case of those who have died are not counted in the Michigan election.

In the State of Washington, if you cast a ballot and you mailed it and you die 2 days later and the election is not until the next week, your vote counts. Now, your spouse can't cast it after you die and say, ''My wife intended to vote for so-and-so.'' No, no, no.

But once you fill the ballot out and you put it in the mailbox or ballot box, your vote is good, even if you die the next day. That is our State—in Michigan, no. So they did not do this. They did not have this claim that the President had.

And then he claimed the turnout in Wayne County was 137 percent of registered voters—or 139 percent, somewhere in there—also not true. In Wayne County, it was 61 percent of the vote of more than 1.4 million registered voters. So all that he said about Michigan that night was false. It was false. And the courts upheld it. It was just a big lie.

Let's go to the Presiding Officer's State. Let's go to Wisconsin. Trump claimed 170,000 absentee ballots were counted without a valid absentee ballot application. Now, the President knows that her State is infamous—famous, appreciated, for the same-day voting. And in Milwaukee and Dane Counties, a total of 170,000 people did vote absentee ballot, in person in the 2020 election.

They filled out an absentee ballot application, located in the envelope like I showed, and sent in the ballot. So they know who those people are. They know that they were legitimate voters. They didn't vote without an application. They filled out the application as well. So this, too, is part of the Big Lie.

And then Trump claimed that 100,000 ballots were backdated by U.S. Postal workers. That is what he claimed. The U.S. Postal Service Inspector General investigation to the allegations in all of the USPS workers and contractors refuted these allegations. There was no evidence—there was no evidence. There was no evidence that that occurred.

And then the famous thing that the other side of the aisle constantly talks about—which I just don't—I don't understand—ballot harvesting. They think that, somehow, this is going to lead to ballot harvesting.

So Donald Trump claimed that Madison had 19,000 ballots collected by human dropboxes. I don't even know what a human dropbox is. I don't know what he means by a human dropbox or operatives. Well, facing influx, Madison and the city clerk held a pair of events in which people could go to a park and drop off their absentee ballots at stations set up and staffed by poll workers.

What is wrong with us if we are trying to make it harder to vote in America? What is the premise? If the premise is that you want to certify that people are actual citizens of the United States, great. We have a system. If you want to certify they live there, great. We have a system. We have a fine. We have a penalty. We have a way to investigate them. We have a way to catch fraud.

So what is it? You just want to make it harder to vote? No, no, no. Democracies are about enfranchising the vote. It is a constant effort. The same things we did in 1920 don't apply in 2020. In 2020, it is an information age, and we had a pandemic.

What is wrong with making the vote available to people? So the ballot harvesting, that he claims, did not happen. That is also part of his speech that night. He went on for 45 minutes. He went on for 45 minutes, whipping people up to come down here and attack the Capitol based on these lies that weren't true—big lies that weren't true.

Then he went on to Georgia. He claimed over 10,000 ballots in Georgia were cast by individuals whose names and birth dates matched Georgia residents who died in 2020 prior to the election. He later revised that down. He was like, ''Oh, wait. No, that is too high.'' He said it was 5,000. And the State election board in Georgia conducted a comprehensive investigation of deceased voters submitting ballots and found four cases—four cases. Four cases.

Again, I don't know what Georgia's law is. I don't know if it is like Washington, I don't know if it is like Michigan's, I don't know what it is like but they found four people. But it wasn't 5,000; it wasn't 10,000. Trump claimed that there were 66,000 people that were under the age of 18 who voted.

I think this has gotten a lot of attention because I think there is been some public accounting of this in the press. I think the secretary of state refuted this several times. But in general, the secretary of state said that there were zero individuals under 18 who voted in the election based upon a comparison of people who voted in the 2020 election in Georgia to their full birth dates. So that also was refuted.

And then Trump claimed—I showed you that attestation on the Washington ballot, the certification that you have to sign, what it says. You can't vote if you are incarcerated or a felon. So Trump claimed that there were 2,500 ballots cast by incarcerated felons in Georgia prison. So there was no mass incarcerated voting of felons.

They did investigate and did find 74 potential felons who they think could have cast a ballot. And guess what happened? They pulled them, so they weren't counted. That is how the system works. That is how the system works. That is what you are supposed

to do. That is why you have the system. So just like the other States—no, those voter claims were false.

OK. Let's go to Arizona, also another claim. He has made a lot of claims since then, but I am just focusing on the ones mostly from that evening because that is what sent people down here and, now, that is what sent us on where we are with candidates all across America pledging Trump-think to run for office, which is undermining our election system and undermining our democracy. And all I want is our colleagues to work together on the John Lewis Voting Rights Act. That is all I want.

This can't be more tumultuous than 1965. I am not saying that the former President isn't stirring up a lot. He is. But I have got to believe that we can work together. So he said 36,000 ballots were illegally cast by noncitizens.

Why am I going through this? Because I get a little tired of everybody just saying, ''Oh, the courts decided. The courts decided. He was wrong, the courts decided. He was wrong.''

No, no, no. People need to have faith in the system. We need to work to build faith in the system. We need to work in a bipartisan fashion to build faith in the system, and we need to stop the discrepancies between States.

The 2020 turnout in Washington was 87 percent; Alaska, 60 percent; West Virginia, 63 percent; Georgia, 66 percent; and Wisconsin, 72 percent. I don't know. I think it is probably a little higher. I don't know. Preclearance was based on that there was 20 percent difference in States voting; 20 percent difference still exists today. How are we working to protect our democracy and enhance voting rights if we are here trying to suppress those rights through these various State actions?

So in Arizona, the President said 36,000 ballots were illegally cast by noncitizens. Well, I showed you that attestation that you have to sign that basically says you are going to jail or you are going to be deported or you are going to pay a fine. And in Arizona, the Supreme Court basically had previously struck down a law requiring that proof, and so they did submit proof of their—they do submit and attest to their citizenship. So they do attest to their citizenship, and since then, Arizona has further enhanced their laws.

And 22,000 ballots were returned that were scheduled to be mailed out. I love this all the time—I love this all the time, this notion that, somehow, somebody leaked a bunch of ballots, as if they all don't have a barcode on them. They all have a barcode on them that you know where they are. They have a number attached to them.

But because we have so many people who vote overseas or vote even here in the Washington, DC, area—some of my staff here get a ballot earlier than I would get a ballot at my home in Edmonds, WA, and the reason is because they know that they live here and it takes a long time to get the ballot and get it back to the secretary of state.

So they are probably referring to ballots that were being mailed out. The claim was really just a misreading of data that parties that mailed in the ballot on the first day that literally could have been overseas ballots before the ballots actually went out because a previous batch of ballots were already sent.

There was a claim that there were more than 11,000 ballots cast, the numbers of registered voters in the same State in the 2020 election. The secretary of state reported 3.4 million votes were cast out of 4.3 million registered voters for a turnout of 79 percent.

So there weren't more—there might have been at some moment. I mean, one of the things that you see in close elections, particularly in our State because it takes a long time to count vote-by-mail, because, again, you are doing the verification of signatures, is counties will list how many ballots that they have left. No county ever overestimates how many ballots they have.

They don't know because you are still getting them in because of the vote-by-mail. Nobody says they have more ballots than they do because then everybody is going to say, ''Where are those ballots,'' so people underestimate the number of ballots. The consequence is you have different numbers that come in every day.

It doesn't mean there is something wrong with the system—the system, again, based on your signature, on your registration, on your attestation. Again, it is not to say there won't be less than a decimal percent of 1 percent fraud. There will be some things that happen, but it is not pervasive to the system. And there is a way to catch them. There is a way to penalize them.

And 150,000 voters were registered in Maricopa County without voter registration deadline—after the deadline had passed. And a Federal judge, basically, in that case, cited the impact of the COVID–19 pandemic, and there were 20,000 ballots that basically were registered after October 5. The court legally extended that deadline because of COVID–19.

So the notion that these were all illegal, you may not have liked the court decision—I know the former President does not like the court decision, but this is what the court decided in these cases. These are what voters decided, what States decided. He just doesn't like the outcome of the system.

And the reason why we are here today on the John Lewis Voting Rights Act and to try to pass these laws is because our country, based on a democracy, knows that enfranchisement, voter enfranchisement, is something that we have to constantly be working for. I talked about a couple of companies earlier. I would like to talk about a few more, if I could.

The reason I am saying this is because, right now, we need to unite the free press, the business community, the general public, everybody we can, to say, Let's get behind free and fair elections. Let's get behind the verification of the system. And let's strengthen the democracy we have in the United States of America.

But what did Best Buy say? They support the John Lewis Act. They say, ''An election cannot be free or fair if every eligible voter is not given a full chance to vote or if the law exists that make it harder for them to do so.''

Michael Dell basically said, ''Those rights, especially for women, communities of color, have been hard-earned. Government should ensure citizens have their voices heard. HB–6 does the opposite, and we are opposed to it.''

PayPal, an organization, said, ''The passage of the John Lewis Voting Rights Advancement Act of 2021 is pending now in the U.S. Senate and will be an important step towards making free and fair access to voting a reality for all.''

These are all corporations who know the importance of doing business in the United States, the importance of a democracy, and they have to be scared about what they are seeing. They got people coming up on stages in rallies all over the United States basically saying, ''I will overturn the 2020 election.''

Do you think people want to do businesses in countries like that? No. People want to do business in stable countries where you have a free and fair election and you keep going. That is the beauty of the democracy—the people have spoken, as I talked about earlier.

Microsoft, they are really trying to rally everybody: ''We hope that companies will come together and make it clear that a healthy business requires a healthy community. A healthy community requires that everyone have the right to vote conveniently, safely, and securely.''

So they obviously get it. They know what this is about.

Salesforce, another organization, they basically have said, ''As voting rights have come under attack in places like Georgia and Texas, we have used our platform to advocate for the right to vote based on nonpartisan principles and action.''

Let's go, the Greater Phoenix Leadership—GPL—''Disenfranchising voters is not election reform. These efforts are misguided and must be defeated.''

And this was in an op-ed opposing Arizona Senate bills 1485, 1593, and 1713. And it was signed by 50 Arizona business leaders. The reason I am saying this is because these businesses right now are leading the charge on efforts to try to stop these voter suppression tactics in States, and they are trying to tell us, ''Hey, you guys do the same thing here, please. You guys please join the effort and do the same thing here, please.''

There is another—well, Coca-Cola, I think they have been pretty clear, although we should see what they say.

This is a statement on Georgia's voting legislation. They say, ''We want to be crystal clear and state unambiguously that we are disappointed in the outcome of Georgia's voting legislation. Our focus is now supporting Federal legislation that protects voting access and addresses the voter suppression across the country.''

Major League Baseball, they have been pretty clear on this. There is been quite a debate about this. It happened—you know, I don't know what is going to happen this week. I don't know what is going to happen. But I know when we raised questions about the Washington Football Team and spoke directly to the team, we said, ''This is the wrong approach. You need to change.'' They said, ''We don't want to.''

In the end, the business community, supported by many Native American organizations, the business community told the Washington team it was time to change. So the business community is telling us here, Do not suppress the rights of voters in the United States of America.

So we may not be successful here, but I guarantee you the business community will continue to be loud about this because they know that voter suppression and undermining democracy is undermining healthy communities here in the United States.

So ''Major League Baseball fundamentally supports the rights for all Americans and opposes restrictions at the ballot box.''

And the Black Economic Alliance, this was a statement on the Georgia voting legislation signed by 72 Black economic and business leaders: ''While the use of police dogs, poll taxes, literacy tests and other overtly racist voter suppression tactics are a thing of the past, Georgia and other States are rushing to impose new and substantial burdens on voting laws following an election that produced record turnout for both parties. The disproportionate racial impact of these allegedly 'neutral laws' should neither be overlooked nor excused. The stakes for our democracy are too high to remain silent or on the sidelines.''

So all of these organizations—I want to just end with one last one, the Civic Alliance. The Civic Alliance is an organization signed by 1,200 member companies that basically said: ''If our government is going to work for us, for all of us, each of us must have equal freedom to vote, and elections must reflect the will of the people. We cannot elect leaders in every state capital and Congress to work across the aisle. We call on elected leaders in every capital and in Congress to work across the aisle and ensure that every eligible American has the freedom to easily cast their ballot and participate fully in our democracy.''

So these are the statements of people who are ringing the bell of concerns about voter suppression across the United States of America. These are the people who are saying it is time for us to act. They are not saying, Figure it out in a few years. They are not saying, This is something you can deal with later. They are asking us to act now.

Usually, the business community doesn't get that involved in stating legislation by House and Senate bill numbers. They usually don't do that. They are usually a little more reticent. They are not reticent now because they know doing business in a democracy is way better than in some scenario of voter suppression.

So I ask my colleagues to join us in getting this done. I see my colleague who has been the leader on this effort overall, the Senator from Minnesota, and I thank her for her leadership on this issue. This has been a hard-fought battle and something she has put a lot of energy into, and I want to personally thank her for that leadership and continuing to fight this fight.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Minnesota.

H.R. 5746

Ms. KLOBUCHAR. Madam President, I first want to thank my colleague from the State of Washington, Senator CANTWELL, for her passion for people and the rights of people to vote, and her willingness to actually go through the details of the groups outside of this Congress that feel so strongly about this, including businesses, as pointed out, that understand that you can't do business overseas—having just come back from Ukraine, from which I just arrived an hour ago—and uphold democracies overseas, if we are allowing our democracy to go to shambles by allowing voter suppression laws to pass, as they have in numerous States across the country.

Just this week, we marked the life and legacy of Dr. Martin Luther King, Jr., and, today, we are considering legislation that goes to the very heartbeat of the democracy—the freedom to vote—that so many have fought and died for.

We are here because a flood of State laws to roll back voting has surged up since the 2020 elections, when in the 2020 elections, in the middle of a pandemic, more Americans cast a ballot than ever before. They were willing to take those risks, and the laws were changed in red States and blue States and purple States to allow them to do that.

But now what do we see? A rollback. A rollback in the Presiding Officer's great State of Wisconsin. We see rollbacks attempted across the Nation in places like Montana, with same-day registration in place for 15 years. And 8,000 people took avail of it in the last election to either change their address or register that way.

So then what happens? Well, say the Republican legislature in Montana says: Why don't we get rid of something we have had in place for 15 years? Why don't we do that?

Guess what that creates, my friends. Maximum confusion and ultimate voter suppression.

With that core freedom of voting now at stake, it is on us to stand up and to take up the torch that Dr. King and so many brave Americans carried decades ago and acted to preserve the foundational right of our democracy. And while that may sound like an ambitious task, it is one within our reach. By passing the Freedom to Vote: John R. Lewis Act, we can meet these challenges and turn back the tide.

Today, I want to address a topic that has loomed large over this historic debate, and that has to do with the very rules of this Chamber.

This week, every Member of the Senate will have a chance to cast a vote that will determine if this is a legislative body that will rise to meet a test. The test is participation and voting. The test is actually being able to take on the issues of our day.

It won't be the first time. Indeed, four times already this Congress, our Republican colleagues have blocked us from even considering legislation to protect the freedom to vote. But we are here again this week. We are here because, to quote Ella Baker, a granddaughter of slaves from Virginia who worked alongside some of the great leaders of the civil rights movement, ''We who believe in freedom cannot rest.''

So while much has been made of our colleagues who have not committed to join us in this effort to change the Senate rules, we must remain steadfast in the truth that the right to vote in this country is not negotiable. We must forge ahead.

I want to start by responding to some of the points that have been raised as reasons not to move forward with legislation at this watershed moment, as reasons not to do what it takes when it comes to protecting this most sacred of rights—the right to vote.

Some have argued that allowing voting rights legislation to pass the Senate without clearing a 60-vote threshold would be a mistake that would open the door to somehow leading to wild swings in Federal policy. I am trying to imagine this place ever being involved in such a thing given how slowly we go and how many people understandably want to make sure we are careful in how we pass laws, but that is one of the things that have been raised for why we need some kind of a 60-vote threshold, which, of course, is not in the Constitution. The words ''filibuster'' and ''cloture'' are not in the Constitution. In fact, legislatures across this land, some of which do very good things, do not use a 60-vote threshold. In fact, democracies across the world do not use a 60-vote threshold.

The truth is this: We have tried for months to persuade our Republican colleagues to join us in supporting legislation, to work with us, to debate it,

but what they do is they throw a wrench into the process and then basically walk out that door and go home. We don't have that debate that allows us to have amendments and allows us to ultimately have a vote on the bill. It is cut off from a vote.

When you look at the past when it comes to voting rights, it has been bipartisan not even that long ago. But this time—this time—even reauthorizing the Voting Rights Act, something that has been law of the land and supported on a bipartisan basis, as the President of the United States pointed out when he was in Atlanta—this time, no. Only one Republican, Senator MURKOWSKI of Alaska, was willing even to allow the John Lewis bill to come up for a vote.

But if our colleagues across the aisle will not work with us, it does not mean—it cannot mean—that we should simply give up. A simple look at history makes that clear.

As Representative CLYBURN has noted in recent weeks, there have been moments in our history when this most fundamental of rights has not been extended or defended on a bipartisan basis; that is, the right to have these bills come up. He pointed to the 15th Amendment. That, as he said, was a single-party vote that gave Black people the right to vote. That fact does not make the 15th Amendment any less legitimate.

I would also say to my colleagues that the real threat facing our country isn't too much legislation; it is the gridlock and the stalemate in which this Chamber is stuck.

A number of us were just in Ukraine standing up for democracy, standing up for the right of people across the world to be able to debate issues and make decisions on the most pressing issues of this time. Now we are back here in this Chamber, and we have to have that opportunity as well.

This misses another key point in the arguments made against changing the rules. When politicians actually have to vote on stuff, voters can hold them accountable for these votes.

We know that the policies in the Freedom to Vote: John R. Lewis Act enjoy strong support among the American people. They have been adopted in red, blue, and purple States.

Look at places like Utah, where for years there has been mail-in balloting. Yet, in other States, sadly, it is really hard to do. In other States, you have to get a notary just to get an application or you have to get a witness just to get an application even if you have COVID and you are in a hospital. Yet, in many States—red, blue, purple—this is in place.

We believe—those of us who support the Freedom to Vote Act—that in keeping with the Constitution that says Congress can make or alter the laws regarding Federal elections, that this should be the law of the land. It is constitutionally supported, and Americans, no matter what their ZIP Code, should have the right to vote in a safe way that is best for them.

Arguing that Senate rules are more important than the right to vote ignores the very history of this Nation. As Senator ANGUS KING has reminded us, in 1890, Henry Cabot Lodge introduced a bill to ensure African Americans in the South were not disenfranchised. The bill was passed in the House but was blocked by the Senate with a filibuster. Lodge argued that the Senate should get rid of the filibuster, saying:

> To vote without debating is perilous, but to debate and never vote is imbecile.

I think that kind of says it all quite directly.

The Senate chose not to change its rules, and due to repeated filibusters in the years that followed, Congress couldn't pass legislation to enforce the 15th Amendment until nearly 70 years later through the Civil Rights Act of 1957.

We have also heard that allowing one party to insist on virtually unlimited debate so that you can't vote is an essential part of the Senate, but experts from both parties have said this isn't true.

Marty Gold, a respected expert on Senate rules who worked for Republican Leader Howard Baker and was staff director of the Senate Rules Committee, has written:

> The possibility that a minority of Senators could hold unlimited debate on a topic against the majority's will was unknown [in] the first Senate.

Those are his words.

Others have argued that requiring a supermajority, as this filibuster does now, to pass legislation was an intentional effort to foster compromise, but, again, the historical record simply doesn't back that up.

The Constitutional Convention heard but did not adopt a proposal to require a supermajority for legislation. The Framers explicitly decided to reserve supermajority requirements for things like constitutional amendments, treaties, and impeachment.

To quote one of them, Benjamin Franklin wrote that a system where ''the minority overpowers the majority'' would be ''contrary to the common practice of assemblies in all countries and ages.''

Thomas Jefferson wrote in a letter to James Madison:

> It is my principle that the will of the majority should always prevail.

James Madison was a fierce defender of minority rights, but in 1834, even he wrote:

> The vital Principle of Republican Government is . . . the will of the majority.''

Listening to those words, does it really seem like the Framers of our Constitution envisioned a system where a minority of Senators could stand in the way of legislation and stop it altogether—stop the vote, stop the consideration, throw a wrench into the process, take it off the rails—and then just walk out the door and go home? That is not what they envisioned.

I also want to be clear. Updating the Senate rules to meet the needs of this moment isn't some radical break with past precedence. Throughout the Senate's history, when faced with unrelenting obstruction from the minority, the majority has, in fact, changed the Senate rules to allow matters to conclude, to be voted on, not to hang in abeyance in perpetuity. In fact, since it was first established in 1917, the cloture rule has been revised multiple times to make it easier to end debate and to force a vote.

Now, for friends watching at home, this is what it means: A cloture motion is what allows Senators to bring something to a vote, and under the current rules, it takes 60 Senators to open debate or to pass a bill.

Here are some examples of how the cloture rule has changed over time:

In 1949, cloture was extended to cover all issues pending before the Senate, not just bills.

In 1975, the vote threshold for cloture was reduced to three-fifths of all Senators.

In 1979, total postcloture debate was limited to 100 hours, and then it was limited again to 30 hours in 1986.

In the past decade, the cloture rule has been further reduced for various kinds of nominees, most recently by our Republican colleagues across the aisle. This isn't something from 100 years ago. This isn't something from before we had cars and people were arriving here on horseback. This just happened.

In addition to changes to the cloture rule itself, the Senate has put in place exceptions to the rule. In fact, over time, the Senate has established over 160 processes and statutes that allow a final vote without requiring 60 votes for cloture to end debate; in other words, you get to a vote without the 60 votes.

As a result, we have expedited procedures, including—get this—reconciliation to pass spending and tax legislation; the Congressional Review Act to block regulations; disapproval of arms sales. I guess someone decided that was OK to do for less than 60 votes. Even approving compensation plans for commercial space accidents doesn't require 60 votes, my friends.

But while the 60-vote threshold was carved up 160 times so Senators could pass things like tax cuts under President Trump, block regulations, and confirm Supreme Court Justices, when it comes to voting rights, we are told that tradition and comity mean that we should hug it tight—this old rule—throw voters under the Senate desks, and go home.

It is no wonder that our Republican colleagues support for the 60-vote threshold rings hollow when their priorities, such as tax cuts and a Supreme Court nominee, can be passed with a simple majority.

Time and time again, the majority in the U.S. Senate has had to change the

rules to help pass major legislation. As Senator MERKLEY has noted time and time again, bills we have passed after the majority has modified the rules include the Natural Gas Policy Act in 1977; funding for the Selective Service System in 1980; deficit reduction legislation in 1985; a moratorium on listing new species under the Endangered Species Act in 1995; and a change made by the majority in 1996 to the reconciliation process, which paved the way for the 2001 and 2003 Bush tax cuts and the 2017 Trump tax cuts. When circumstances change, Senators have changed the rules time and time again.

All of this history clearly shows that the Senate rules are not chiseled in stone. That is probably a good thing because the people out there need us to do our jobs. And maybe that is more important than some archaic rule that someone is now abusing. They are not an outside force, these rules, over which we have no control. They are our rules—the Senators' rules, yes, but also the people's rules—written and changed over the years by Senators representing the people of this country, just like the ones sitting in this Chamber today.

As we move forward, I want to make clear that I agree with my colleagues who have said that we must keep the history of this institution in mind. By the way, I just gave you the history of this institution—160 carve-outs; time and time again when the rules have changed. That is the true history of this institution.

History plainly allows for just this type of action that our democracy now demands. If we acknowledge the stakes when it comes to protecting the freedom to vote, the cornerstone of our democracy, and we acknowledge the history of the rules of this body, I am left with a simple conclusion: We must update, change, and improve our rules to restore the Senate and meet the moment of our times.

Our Nation was founded on the ideals of democracy, and we have seen for ourselves in this building how we can't afford to take that for granted. I certainly saw that this weekend in Ukraine. We cannot afford to take any democracy for granted.

The world is watching us—watching to see how America is taking on the challenges of the 21st century, including the threats to our democracy. Around the globe, there are those who see weakness as an opportunity. They see weakness in our democracy as an opportunity for them. Those who are hoping that gridlock and paralysis are the defining features of America—they are out there, and you can imagine what world leaders I am thinking of right now.

To put it simply, if we are going to effectively compete with the rest of the world, we need a Senate that can do more than just respond to crises. We are pretty good at that—tornadoes, hurricanes, floods, tsunamis, financial crises, pandemics. OK. We respond to that. But what about the long-term challenges that slowly but surely are eroding this democracy with voter suppression? There is so much at stake here. We must get this done.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that following the remarks of Senator PORTMAN, the Senate recess until 6:15 p.m.

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

The PRESIDING OFFICER. The Senator from Ohio.

FILIBUSTER

Mr. PORTMAN. Mr. President, I was asked recently what I think is the No. 1 issue facing America. It is a tough question, and I have had a lot of issues race through my mind: inflation, the debt, workforce issues, the crisis at our southern border, the explosion of COVID cases, the deadly opioid epidemic, a warming planet, Russia and China flexing their muscles and creating more volatility around the world. We have got plenty of challenges, don't we? But do you know what I landed on, what I think is our biggest problem? It is the increasing division—even polarization—of our politics and our country. It is what makes it so hard to address all of those other issues that I named that are so important to the families whom we represent.

Last week, on the Senate floor, my Democratic colleague from Arizona, Senator SINEMA, called it a disease of division. Well put. When we are together, this country can achieve great things and has over the years. It can provide a beacon of hope to a troubled world, but as Lincoln warned, ''a house divided against itself cannot stand.'' In this body, we should be figuring out how to come together to help America stand—and stand strong—to address our many challenges.

That is why I am so discouraged about what I see playing out on the U.S. Senate floor again this week. I have seen an attempt by Democratic leadership to fan the flames of distrust. I see an attempt to further divide an already splintered country, both by exaggerated arguments being made to advance controversial legislation opposed by every single Republican regarding the tough issue of voting and then to try to achieve this purely partisan objective by changing a foundation of the Senate to dismantle the one Senate rule—the legislative filibuster—that works to bring us together rather than pull us apart.

Equally troubling to me is that this seems to be a purely political exercise now in that the conclusion seems predetermined. Apparently, the Senate is being dragged through this divisive and ugly partisan debate, knowing that it will not achieve a legislative result but only a deepening and hardening of the political lines in each camp.

Here in the Senate, most Republicans and most Democrats say they want to bring the country together. I think they are sincere about that. This message was an explicit part of President Biden's campaign for President. Yet there is nothing about the harsh, partisan rhetoric from the President's speech on this topic in Atlanta last week or from much of the floor debate this week and last week that does anything but push our country further apart.

First is the substance of the legislative fight. Democrats have been highly critical of those Republicans who refuse to accept the results of the 2020 election, pointing out accurately that dozens of lawsuits failed to show adequate fraud to change the result. They have attacked some Republicans because they have said that the election was rigged and for questioning the State-by-State certification process that has led to deeper rifts in our Nation and a significant number of Republican voters questioning the legitimacy of the election. I get that.

So why now are Democratic leaders and President Biden using the exact same language, literally saying the elections are rigged—literally saying that? Why are they perpetrating their own election narrative that does not fit the facts but serves to push both sides deeper into their own camps and, in particular, now leads Democrats to think that elections are illegitimate?

Majority Leader SCHUMER claims ''Republicans are pushing voter suppression and election nullification laws.''

President Biden has compared State efforts to tighten up election administration to Jim Crow laws. He has compared Republicans to notorious racists in our history. These attacks are overwrought, exaggerated, and deeply divisive.

Here is what the nonpartisan and respected group called No Labels has said about the Democratic attacks:

> If you dig into these [state legislative] proposals you find most entail tightening up procedures pertaining to registration, mail-in absentee voting and Voter ID [laws] that were loosened in 2020 in the name of making it safer for people to vote amid the COVID pandemic. Many leading Democrats and liberal commentators have taken to describing these measures as Jim Crow 2.0, which is to say they are somehow worse than the original Jim Crow era, which entailed poll taxes and literacy tests, violent intimidation of Black voters by the KKK, and even outright prohibition on Black voters participating in party primaries in southern States. To suggest that any voting measures being debated today in America are somehow worse than this is simply irresponsible demagoguery.

That comes from No Labels, which is a nonpartisan group, Democrats and Republicans, trying to find that middle ground.

Now, to be fair, this group has been critical of Republican claims of widespread election fraud that cannot be backed up. So what are the actual facts?

First, the Constitution guarantees all citizens 18 years of age or older the

right to vote in elections regardless of race or gender—period.

The Federal Voting Rights Act reaffirms that right and makes it enforceable in Federal court. In 2006, Congress voted in a bipartisan way to reauthorize this important law for 25 years, through 2031. I voted for and strongly support the Voting Rights Act and have long supported other commonsense efforts to increase voter confidence in our elections.

In fact, there is a bipartisan effort underway right now to deal with a real problem: to ensure that after the fact, certified elections are respected. This will require making overdue reforms to the Electoral Count Act and some other reasonable updates to Federal election procedures. I am happy to be working with a small group of Senate Democrats and Senate Republicans on those efforts. That is how the system should work. We are not going to agree on everything, but we can sit down and talk and find common ground to address problems.

What Republicans and most Americans don't support is an unprecedented Federal takeover of our election system, which is what the overly broad party-line bills proposed this week by the Democrats will do.

Let me be clear. Despite what Democratic leaders are saying to jam these bills through Congress, our democracy is not, as they say, in crisis because it is too hard to vote. We just had a national election in 2020 with the highest voter turnout in 120 years. Ninety-four percent of voters said it was easy for them to vote. This is according to the Pew Research Center—94 percent. That is good.

Some have said drastic changes are needed at the Federal level because the States are now enacting voter restrictions. Some point to the liberal Brennan Center, which reports that 19 States have enacted laws which it characterizes as restricting the right to vote. As noted above—again, by the nonpartisan No Labels group—when you really look at these laws, the truth is that they largely make modest changes in election law administration, such as the date that voters may apply for mail-in ballots or ensuring voters are who they say they are through voter ID and other signature requirements—something, by the way, the vast majority of Americans support.

Some of the laws return to State practices closer to the status quo before the pandemic. As an example, some laws reduced the number of ballot drop boxes in cases where there were no ballot drop boxes before COVID. And many of the States the Democrats criticize for improving their elections process are enacting laws similar to those that have long been in place in States represented by Democrats, so-called blue States.

For example, under its new law, Georgia has a limit of 17 days of in-person early voting, 17 days. New Jersey and New York have 9 days of in-person voting. Connecticut doesn't have any early voting. Georgia has also added one extra Saturday of early voting. Georgia's new requirement that voters provide their driver's license or State ID numbers when applying for mail-in ballots, which Democrats have criticized, is the same as laws in Maryland and Pennsylvania. Rhode Island enacted a voter ID law a decade ago. And with regard to President Biden's home State, The Atlantic has noted that ''few states have more limited voting options than Delaware.''

I, frankly, have not heard Democratic leadership calling out any of these Democrat-majority States for pushing what they deem to be voter suppression.

I don't know anyone who doesn't believe it should be easy to vote and hard to cheat. Every State has to find that balance, but they have to find it while not violating the Voting Rights Act.

I don't agree with every policy every State has in place. I find some too restrictive. As an example, I support no-fault absentee voting, as we do in Ohio. It works well. You don't have to have a reason; you can vote absentee. I would like to see every mailbox, in a sense, be a ballot box, in essence. I find that some of the laws in some of the States lack adequate security, on the other hand. For example, I think some form of ID is smart, as do the vast majority of Americans.

But in our Federal system, within the guardrails of the Voting Rights Act and consistent with the Constitution, that decision is left up to State legislators, closer to the people and accountable to the voters. That is just a fundamental philosophical difference we have here on the Senate floor. We see it play out on lots of issues and now on this one.

I am very proud of the job that my State of Ohio and our bipartisan election officials in every county do in our elections. In the last election, we had a record 5.97 million Ohioans cast a vote—more voters than ever. It represented 74 percent of eligible voters in our State, the second highest percentage in the history of Ohio. Despite the challenges of running the highest turnout election in our State's history, during an unprecedented pandemic, it was widely regarded as the most secure and most successful Ohio election ever.

Now is not the time to take the responsibility away from Ohio State and local officials. Article I, section 4 of the Constitution clearly assigns that authority over elections to the States. Alexander Hamilton acknowledged in Federalist 59 that only in extraordinary circumstances should the Federal Government become involved in election law, explaining that allowing the Federal Government to run elections would have been a ''premeditated engine for the destruction of State governments.''

We are not in extraordinary circumstances right now. In general, it has become easier and easier to vote in America, and that is a good thing. And it has become easier to vote in America than many other democracies around the world, and that is good too—easy to vote, hard to cheat.

Despite all the fiery speeches on the floor stating the contrary over the past week, according to a recent survey from Morning Consult, only 33 percent of American adults think it is too hard for eligible voters to vote. A larger share—44 percent—actually think current rules aren't strict enough. Having heard the debate, this is what voters think.

Not only are Democrats attempting a Federal takeover of our election system, but because they have chosen to change the constitutionally based election system in a purely partisan way, they don't have the 60 votes necessary to get something passed here in the U.S. Senate. That is why instead of reaching out to find a bipartisan way forward, they are also proposing to fundamentally change the longstanding rules of the Senate. Specifically, they are proposing to do away with what is called the legislative filibuster in order to advance their Federal election takeover bills by a simple majority instead of the normal 60 votes.

This 60-vote margin, the legislative filibuster, is the one tool left to encourage bipartisanship not just here in the Senate but in our system, in the House and at the White House. Yes, it provides important minority rights in the Senate that protect the country from legislation that is too far out of the mainstream, and it helps pass good legislation, like Medicare or Social Security with big votes, big margins, that mean those programs can be sustained, and they can be relied upon. That is good for our country.

Most importantly to me, the legislative filibuster is the one thing that encourages us to work in a bipartisan way. The successful passage of the bipartisan infrastructure law last year is a good example. I was in the middle of those negotiations. We knew we had to achieve 60 votes in a 50–50 Senate. What did that mean? That meant that we had to find common ground. We had to make concessions on both sides in order to get to 60 votes. As a result, we got well over 60—into the seventies—and a good piece of legislation was able to pass the House and be signed into law and is now in place, again, as sustainable, reliable legislation.

Did I agree with everything in it? No, nor did anybody else. But to get to those 60 votes, we all had to make certain concessions.

Although it is a Senate rule, the legislative filibuster also requires Members of the House of Representatives to come up with more bipartisan solutions because they know their legislation has to pass the Senate if they want it to become law. Just as I have been a committed, bipartisan legislator here in the Senate for the past 11 years, the same was true in the House

for 12 years, where I regularly used the fact that we needed 60 votes in the Senate to force colleagues on both sides of the aisle to come together and find a way to pass legislation in a bipartisan manner. When I was in the executive branch in two Cabinet-level jobs in the Bush 43 administration and as Director of the Office of Legislative Affairs for Bush 41, that 60-vote necessity in the Senate calmed the passions within the administration and forced us to find common ground to work in a more bipartisan manner, resulting in more effective results that last the test of time. I know the benefits to our country of requiring more than a bare Senate majority that shifts back and forth because I have lived it in the House, in the Senate, and in the White House.

And it is not just me or other Republicans now saying that the legislative filibuster is good for our Federal system. Less than 5 years ago, 32 Senate Democrats, including then-Senator and now-Vice President Kamala Harris, joined with me and other Republicans in signing an open letter insisting the legislative filibuster should not change. This was at a time when there was a Democrat in the White House, but Republicans controlled the Senate. It appears that those 32 Democrats were happy to defend the filibuster as good for the country when they were in the minority but not now when the country is even further divided, and they have a majority. All but a couple of those Members have shifted their views.

I would encourage my Democratic colleagues to reread their own letter, which makes such a compelling case that this is about the country, not about one political party or another.

Back in 2005, Senator SCHUMER called abolishing the filibuster ''a temper tantrum by those on the hard, hard right'' who ''want . . . their way every single time.'' That was in 2005. Now he is majority leader, and he has changed his tune.

This seems shortsighted to me, since the history of the Senate is to change the majority regularly. We don't know who is going to be in the majority in the next Senate.

Could the Senate rules be improved to allow more debate and more progress on legislation? Absolutely. There is bipartisan interest in this, and we should turn it to something constructive. After this political exercise we are going through right now, we should turn to the issue of reforming the rules around here. Let's have each leader choose a few interested Members. Let's hammer out a bipartisan proposal that allows more amendments and makes it easier to get legislation passed. It is not that hard. But eliminating the one tool that forces us to come together makes it harder to address those many challenges we face. It makes it harder to pass legislation, broadly supported and sustainable, to actually help the people we represent. That is what we were elected to do. That is our job—not inflame the passions of our most committed and hardline supporters but achieve results. And as I said at the outset, between inflation, and COVID, our southern border, and more, we have got plenty to do.

I urge my Democratic colleagues to step back from the brink, to think twice before trying to destroy what has made the U.S. Senate such a unique and valuable part of the world's longest lasting and most successful democracy. And I urge my colleagues on both sides of the aisle to support sensible rules changes and recommit to use the 60-vote margin responsibly to generate consensus and find that elusive common ground that will best serve those we represent and that will keep our great Republic the envy of the world.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 6:15 p.m.

Thereupon, the Senate, at 5:30 p.m., recessed until 6:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PETERS).

MORNING BUSINESS—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

H.R. 5746

Mr. BLUMENTHAL. Mr. President, I have just come back from a trip to Ukraine with six of my colleagues, a bipartisan group organized very ably by Senator PORTMAN and Senator SHAHEEN, to express our solidarity with the people of Ukraine in their fight for freedom and democracy against Russian aggression.

They need us to stand with them as they stand strong for their country's independence against Vladimir Putin's effort to intimidate them, potentially to invade their country, but, assuredly, in a hybrid war consisting of misinformation, cyber attack, and military action that is designed very simply to destabilize, demoralize, and degrade their country's governance.

And as we stood with them, meeting with the President, Mr. Zelensky, and the top leadership, I couldn't help but think of this country and how grateful we should be for our strength, our freedom, our democracy.

All of us, when we return from travel abroad, I think, express our gratitude to be Americans, to live in a country where these freedoms and our independence are assured but where we, too, need to be strong and ever vigilant and vigorous in protecting those freedoms.

We are the greatest Nation in the history of the world, the strongest and most freedom-loving on the planet. We are still an imperfect nation, still struggling to do better and a work in progress, but we are proud to confront our imperfection and move forward in a way that demonstrates that we can broaden access to opportunity and to the right of people to determine their own destiny.

No freedom or right is more important than the right to vote. That is why we are here today and why I am so proud to have helped to lead the John Lewis Voting Rights Advancement Act and to support the Freedom to Vote Act, which are designed to safeguard Americans' right to vote and secure the sanctity of our elections.

And, today, just as Ukraine faces a threat to its independence and freedom, we too, in America, face a threat, not from Vladimir Putin directly, although he has sought to destabilize and degrade our democracy and continues to do so through cyber attacks and misinformation. Certainly, 2016's interference in our elections is a warning bell, an alarm, that we need to be stronger against foreign interference.

But within, the threat is equally, if not more, alarming because what we are seeing across this great country in State after State are efforts to suppress the vote and restrict the franchise. Last year, more than 440 restriction bills were introduced in 49 States, and 19 of those States successfully enacted 34 laws that made it harder for people to vote. These laws make mail-in voting and early voting more difficult. They manipulate the boundaries of districts to reduce minority representation and have led to a purge of 3.1 million voters from the rolls in areas that were once covered by the Voting Rights Act preclearance requirement. We are seeing a tidal wave of voter suppression that continues even as we speak today on this floor.

The vote today comes in a week where we celebrate the legacy of Reverend Dr. Martin Luther King, Jr. For the first time in my memory, I was out of the country on that day. But it was ever present in my mind and heart, and it should animate us today, that memory and legacy which were so powerfully expressed on August 6, 1965, when President Lyndon Johnson signed the Voting Rights Act into law. He called it ''a triumph for freedom as huge as any victory that has ever been won on any battlefield''—a triumph for freedom.

And it followed a mere 7 months after Dr. King launched a Southern Christian Leadership Conference campaign based in Selma, AL, with the aim of supporting voting rights legislation. It was a great day for America. It is one that has, rightly, received a paramount place in our history. It is taught to our children.

The Voting Rights Act represents the best of America, and its commitment to guaranteeing that members of every racial group would have equal voting opportunities stands as one of the best days in this country. But it was no layup for the civil rights movement. It

culminated a hard-fought campaign, and it was a hard-won victory of civil rights leaders like Dr. King and John Lewis, who committed themselves—literally, committed their bodies, their physical well-being—to advance the rights of others in the face of violent opposition. They were beaten, sometimes near death.

And, for decades, the Voting Rights Act remained a crucial bulwark. It was retained and defended against insidious efforts to roll back the clock until—until—the U.S. Supreme Court did that work for opponents. In 2013, in Shelby County, the U.S. Supreme Court gutted the highly effective preclearance regime, thereby jeopardizing the progress that the Voting Rights Act made over the course of half a century in protecting against those voter suppression efforts throughout the country.

Justice Ginsburg said it best in her powerful dissent in Shelby County when she wrote that Congress enacted the Voting Rights Act preclearance requirement ''to cope with this vile infection'' of racial discrimination which ''resembled battling the Hydra. Whenever one form of voting discrimination was identified and prohibited, others sprang up in its place.''

And the time to protect those voting rights is before they are restricted, and that is why preclearance was so important and why the John Lewis Voting Rights Advancement Act now must be enacted into law.

We come here after a year that has seen the most destructive legislative session for voting rights in generations, with States and localities returning to the ''conniving methods,'' as Dr. King called them—''conniving methods'' of voter suppression that block people from getting to the polls and making their votes count—and undermines our democracy because, as the Founders sought to do, representative government means representing the people who are affected by these policies enacted by the Federal Government. And that means representation that enables every person to vote and to have that vote count.

There are no guarantees that rights will be protected in this country. The fight for voting equality has faced continuous, often violent resistance and enormous opposition, including from within this Congress, and now by a rule, a filibuster that will prevent the majority from protecting those rights.

The effort to change the filibuster is very simply an effort to convert it from a secret to a public debate mechanism—secret to public. We will vote tomorrow on a rules change that provides for a means to make majority rule count—not to abolish the filibuster but to make it public instead of secret.

As my distinguished colleague Senator WARNOCK posed the question in this Chamber last month, we want it to be bipartisan but, as he said, ''bipartisanship at whose expense?'' And as he also said, clearly in this country, ''some people don't want some people to vote.'' And the filibuster is a handy means of preventing reforms that secure the right to vote.

Historic denials of individual basic liberties and political freedoms have long garnered bipartisan support and have required courage and conviction to overcome, and that is why we must change the rules tomorrow.

Dr. King never quit. He never stopped fighting. As he said—I think I am quoting him correctly—disappointment is finite, but hope is infinite. And so, even if we are defeated tomorrow, we will continue this effort to eliminate dark money, to provide for disclosure, to stop State legislatures from eliminating districts in a way that knocks Representatives out of their seats and results in gerrymandering that is antidemocratic.

For decades, Members of this Chamber have deployed the filibuster to delay and block legislation that would have promoted voting rights by ending poll taxes and literacy tests, safeguarded against workplace discrimination, and advanced civil rights in this country. The filibuster has been used to block those kinds of efforts to promote voting rights.

The longest filibusters in this Chamber's history were deployed to stop the Civil Rights Act of 1957 and 1964, a testament to this tool's history as a weapon against the advancement of civil rights. And Dr. King himself lamented that ''tragedy [of] . . . a Senate that has a minority of misguided Senators who will use this filibuster to keep the majority of people from even voting.''

We cannot continue to allow these kinds of procedural tactics to stand in the way of defending against a new era of hostility toward voting rights of people in this country. We must protect the right to vote. It should not be a partisan issue.

In fact, voting rights are widely supported throughout American society. Those civil rights measures were supported by bipartisan majorities in those years of 1957 and 1964 and in the renewal since then. Photographs showing Members of both parties at bill signing attest powerfully to the bipartisan support this cause has enjoyed throughout its history.

Since the original inception of the Voting Rights Act in 1965, overwhelming, bipartisan majorities of both Houses of Congress have reauthorized the Voting Rights Act five times.

For nearly a century after the Civil War and before the Voting Rights Act, the scourge of racial discrimination in voting challenged our Nation's core commitment, our basic value as a country.

From that century of sacrificing and suffering, so embodied by Dr. King, came the Voting Rights Act and its extraordinary commitment to realizing our Nation's highest ideals, the best in America. For decades, it worked. In one decision and its progeny, the U.S. Supreme Court undercut and undermined those rights, and now we face this tsunami of voter suppression bills crashing against America.

We must defend America. We must secure those rights and liberties, just as we come to the aid of countries like Ukraine that resist attack on their independence. We must renew our Nation's commitment to protecting voting rights in this country. And tomorrow, we will do it. Tomorrow, we will vote. Members will be held accountable. We will be on record. And I hope my colleagues will do the right thing for America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

H.R. 5746

Mr. CASEY. Mr. President, I rise tonight to speak about the voting legislation that we are debating on the floor. Like so many of my Democratic colleagues, I rise along with those Democratic colleagues in calling for comprehensive Federal legislation to turn back the avalanche of voter suppression legislation in various States, all of it—all of it—animated by the Big Lie about the 2020 election. We will talk more about that in a moment.

It is clear to me that Republican politicians across the Nation in State capitals and even here in Washington are attempting to make it harder for tens of millions of Americans to register to vote, to cast their vote, and they are even making it harder, of course, for every vote to count.

This is a subversive threat. It is a subversive threat to our democratic institutions. I believe it is a clear and present danger to our elections and also a clear and present danger to our stability as a nation, and, of course, it is a clear and present danger and a direct threat to our democracy itself.

Just by way of a significant example, consider what happened in just one State in the last couple of years, in Pennsylvania. I will start with a historical backdrop.

Pennsylvania, like a lot of States, had a high-water mark of voting in 1960 in the election between John F. Kennedy and Richard M. Nixon, and then in 1964, the numbers were very high as well. So in 1960, about right at—almost exactly 70 percent of the voting-age population voted, but after 1960 and 1964, you had a precipitous drop that occurred every 4 years. Some years, it would go up a little higher; other years, it would go back down. But we never got, in 60 years, to that level again.

For example, just the most recent two elections before 2020 in Pennsylvania—in the 2012 election, 5.74 million

people voted. That was 57 percent of the voting-age population, so down from that high-water mark of 70 percent in 1960. Twenty-sixteen was a big turnout in our State.

The year 2016 was a big turnout in our State. We had more voters than 2012. It was 6.1 million voters, and it went from 57 in 2012 to 61, so it got over that 60 mark, but, of course, 61 is not 70—so we got nowhere near, even in 2016, when you look at the percent of the voting age population. That is the backdrop of 2016: big turnout but not the turnout level we saw in 1960 or 1964 or a few other years.

Then, in October of 2019—this is just an example of why the voting measures we are debating here are important in a positive way for helping people to vote. In October 2019, Governor Tom Wolf, in Pennsylvania, signed Act 77. This was a historic and comprehensive election reform bill that sailed through the general assembly with strong bipartisan support.

Consider this: 133 Republicans voted for this bill, when you add up the number who voted in the State senate for this bill who were Republicans and then you add them to the number in the State house who were Republicans who voted for the bill. When you look at it across the whole general assembly—both parties, both houses—about 70 percent of the general assembly voted for it. So there is a lot of give-and-take and a lot of compromise, and they voted on a strong election reform bill.

Remember, that was October of 2019, well before the onset of the pandemic. But thank goodness we had that bill in place during the pandemic. In addition to enhancing election security, the Pennsylvania law, so-called Act 77, established ''no excuse'' absentee voting, better known today as mail-in voting. That applied to all voters. Finally, we had a mechanism that people could vote by mail, especially in a pandemic.

But, of course, when they voted on the bill in 2019, no one could have predicted how useful this legislation would be just a year later. This law was passed before COVID, but, of course, it was in the face of a once-in-a-century pandemic during the runup to the 2020 election, but it proved to be, of course, particularly important.

Now we get to 2020. We have had—over many, many years, many, many Presidential elections—nowhere near the percent of the voting-age population voting in the Presidential election compared to 1960 and 1964.

What happened in 2020? In the middle of a pandemic, when everyone was predicting, not just in my home State of Pennsylvania but other places as well, that turnout is going to be low because people are worried. They are worried about—and this is, of course, before vaccines. They are worried about contracting the virus. So they won't vote; the turnout is going to be low; and we will see what happens. Well, it didn't happen that way.

In Pennsylvania, in 2020, 6.9 million people voted—6.9 million people. That is an increase of roughly 800,000 votes from just 4 years earlier, and that was a pretty good turnout, a really good turnout in 2016. That 6.9 million votes amounted to 71 percent of the voting-age population of Pennsylvania, which was a point higher than 1960. No one—no one—thought that was possible. The only way it was possible was because we had better voting procedures in place.

In other words, if you look at it not just from 2016 to 2020 but even from the most recent election before 2016—2012, the 2012 election—the 2020 election from the 2012 was a 20-percent increase in voter turnout. So there can't be any dispute that Pennsylvania's record-setting 71-percent turnout was made possible only through expanding opportunities to vote for all voters—all voters young and old and so many others in between. Mail-in voting enabled almost 3 million Pennsylvanians to safely and securely cast their ballot.

By any measure, Pennsylvania should be celebrated as a success story of why these voting provisions help people vote. I hope that we never fall below that 71 percent of the voting-age population. That ought to be the standard for voting in a pandemic or not. In fact, that number should go higher when we are outside of the pandemic because people have different ways to vote.

A Republican-controlled legislature and a Democratic Governor came together and enacted strongly supported bipartisan election reform legislation to increase election security and ballot access.

Unfortunately, we know that the story doesn't end there. We all know what happened in the next chapter, and it is not unique to Pennsylvania. In response to the 2020 election, we have seen a new chapter, one focused on election subversion and voter suppression written in statehouses across the country. Again, it is attributable to the Big Lie about the 2020 election.

I want to note for the record that when we voted here on January 6, the evening of January 6, 2020—after the violent insurrection in the Capitol where we had people marching through this building, calling for the death of the Vice President, trying to locate Members of Congress to bring them harm, and also the whole effort was directed at stopping the counting of the electoral votes—but I want to note for the record that a number of Republican Senators, in fact, most Republican Senators, stood up on January 6 that evening to vote to certify the election.

Unfortunately, since January 6 of 2020, despite having voted the right way for democracy that night, a lot of these Republican Senators since then have only validated the Big Lie. They may have voted the right way that night for our democracy, but since that time, they haven't disputed the Big Lie enough—some of them, not all of them, but some of them. And, of course, now they have at least turned a blind eye to efforts at the State level that I just spoke of.

I think it is also important for the record to note—I won't read all of this—but to note what the Associated Press found about the election of 2020. Here is a copy.

Mr. President, I ask unanimous consent to have printed in the RECORD this Associated Press story titled: ''Far too little vote fraud to tip election to Trump, AP finds,'' dated December 14, 2021, by Christina A. Cassidy.

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

[From the Associated Press, December 14, 2021]

FAR TOO LITTLE VOTE FRAUD TO TIP ELECTION TO TRUMP, AP FINDS

(By Christina A. Cassidy)

ATLANTA (AP).—An Associated Press review of every potential case of voter fraud in the six battleground states disputed by former President Donald Trump has found fewer than 475—a number that would have made no difference in the 2020 presidential election.

Democrat Joe Biden won Arizona, Georgia, Michigan, Nevada, Pennsylvania and Wisconsin and their 79 Electoral College votes by a combined 311,257 votes out of 25.5 million ballots cast for president. The disputed ballots represent just 0.15% of his victory margin in those states.

The cases could not throw the outcome into question even if all the potentially fraudulent votes were for Biden, which they were not, and even if those ballots were actually counted, which in most cases they were not.

The review also showed no collusion intended to rig the voting. Virtually every case was based on an individual acting alone to cast additional ballots.

The findings build on a mountain of other evidence that the election wasn't rigged, including verification of the results by Republican governors.

The AP review, a process that took months and encompassed more than 300 local election offices, is one the most comprehensive examinations of suspected voter fraud in last year's presidential election. It relies on information collected at the local level, where officials must reconcile their ballots and account for discrepancies, and includes a handful of separate cases cited by secretaries of state and state attorneys general.

Contacted for comment, Trump repeated a litany of unfounded claims of fraud he had made previously, but offered no new evidence that specifically contradicted the AP's reporting. He said a soon-to-come report from a source he would not disclose would support his case, and insisted increased mail voting alone had opened the door to cheating that involved ''hundreds of thousands of votes.''

''I just don't think you should make a fool out of yourself by saying 400 votes,'' he said.

These are some of the culprits in the ''massive election fraud'' Trump falsely says deprived him of a second term:

A Wisconsin man who mistakenly thought he could vote while on parole.

A woman in Arizona suspected of sending in a ballot for her dead mother.

A Pennsylvania man who went twice to the polls, voting once on his own behalf and once for his son.

The cases were isolated. There was no widespread, coordinated deceit.

The cases also underscore that suspected fraud is both generally detected and exceptionally rare. ''Voter fraud is virtually nonexistent,'' said George Christenson, election clerk for Milwaukee County in Wisconsin, where five people statewide have been charged with fraud out of nearly 3.3 million ballots cast for president. ''I would have to venture a guess that's about the same odds as getting hit by lightning.''

Even in the state with the highest number of potential fraud cases—Arizona, with 198—they comprised less than 2% of the margin by which Biden won.

Trump has continued to insist that the election was fraudulent by citing a wide range of complaints, many of them involving the expansion of mail voting because of the pandemic. As the Republican weighs another run for president in 2024, he has waded into some GOP primary contests, bestowing endorsements on those who mimic his ''Stop the steal'' rhetoric and seeking to exact revenge on some who have opposed his efforts to overturn the results.

Trump's false claims of a stolen election fueled the deadly Jan. 6 attempted insurrection at the Capitol, have led to death threats against election officials and have become deeply ingrained within the GOP, with two-thirds of Republicans believing Biden's election is illegitimate. Republican lawmakers in several states have used the false claims as justification to conduct costly and time-consuming partisan election reviews, done at Trump's urging, and add new restrictions for voting.

The number of cases identified so far by local elections officials and forwarded to prosecutors, local law enforcement or secretaries of state for further review undercuts Trump's claim. Election officials also say that in most cases, the additional ballots were never counted because workers did their jobs and pulled them for inspection before they were added to the tally.

''There is a very specific reason why we don't see many instances of fraud, and that is because the system is designed to catch it, to flag it and then hold those people accountable,'' said Amber McReynolds, a former director of elections in Denver and the founding CEO of the National Vote at Home Institute, which promotes mail voting.

The AP's review of cases in the six battleground states found no evidence to support Trump's various claims, which have included unsupported allegations that more votes were tallied than there are registered voters and that thousands of mail-in ballots were cast by people who are not on voter rolls. Dozens of state and federal courts have rejected the claims.

White House spokesman Andrew Bates said the AP's reporting offered further proof that the election was fairly conducted and decided, contrary to Trump's claims.

''Each time this dangerous but weak and fear-ridden conspiracy theory has been put forward, it has only cemented the truth more by being completely debunked—including at the hands of elections authorities from both parties across the nation, nonpartisan experts, and over 80 federal judges,'' he said.

Experts say to pull off stealing a presidential election would require large numbers of people willing to risk prosecution, prison time and fines working in concert with election officials from both parties who are willing to look the other way. And everyone somehow would keep quiet about the whole affair.

''It would be the most extensive conspiracy in the history of planet Earth,'' said David Becker, a senior trial attorney in the Justice Department's Civil Rights Division during the presidencies of Bill Clinton and George W. Bush who now directs the nonprofit Center for Election Innovation & Research.

Separate from the fraud allegations are claims by Trump and his allies that voting systems or ballot tallies were somehow manipulated to steal the election. Judges across the country, of both parties, dismissed those claims. That includes a federal judge in Michigan who ordered sanctions against attorneys allied with Trump for intending to create ''confusion, commotion and chaos'' in filing a lawsuit about the vote-counting process without checking for evidence to support the claims.

Even Trump's former attorney general, William Barr, said a month after the election that there was no indication of widespread fraud that could change the result.

For its review, AP reporters in five states contacted roughly 340 election offices for details about every instance of potential voter fraud that was identified as part of their post-election review and certification process.

After an election is over, officials research voter records, request and review additional information if needed from the state or other counties, and eventually decide whether to refer potential fraud cases for further investigation—a process that can take months.

For Wisconsin, the AP relied on a report about fraud investigations compiled by the state and filed public records requests to get the details of each case, in addition to prosecutions that were not initially reported to the state elections commission. Wisconsin is the only one of the six states with a centralized accounting of all potential voter fraud cases.

A state-by-state accounting:

—ARIZONA: Authorities have been investigating 198 possible fraud cases out of nearly 3.4 million votes cast, representing 1.9% of Biden's margin of victory in the state. Virtually all the cases were in Pima County, home to Tucson, and involved allegations of double voting. The county has a practice of referring every effort to cast a second ballot to prosecutors, something other offices don't do. In the Pima cases, only one ballot for each voter was counted. So far, nine people have been charged in the state with voting fraud crimes following the 2020 election. Six of those were filed by the state attorney general's office, which has an election integrity unit that is reviewing an undisclosed number of additional cases.

—GEORGIA: Election officials in 124 of the state's 159 counties reported no suspicious activity after conducting their post-election checks. Officials in 24 counties identified 64 potential voter fraud cases, representing 0.54% of Biden's margin of victory in Georgia. Of those, 31 were determined to be the result of an administrative error or some other mistake. Eleven counties, most of them rural, either declined to say or did not respond. The state attorney general's office is reviewing about 20 cases referred so far by the state election board related to all elections in 2020, including the primary, but it was not known if any of those overlapped with cases already identified by local election officials.

—MICHIGAN: Officials have identified 56 potential instances of voter fraud in five counties, representing 0.04% of Biden's margin of victory in the state. Most of the cases involved two people suspected of submitting about 50 fraudulent requests for absentee ballots in Macomb, Wayne and Oakland counties. All the suspicious applications were flagged by election officials and no ballots were cast improperly.

—NEVADA: Local officials identified between 93 and 98 potential fraud cases out of 1.4 million ballots cast, representing less than one-third of 1% of Biden's margin of victory. More than half the total—58—were in Washoe County, which includes Reno, and the vast majority involved allegations of possible double voting. The statewide total does not include thousands of fraud allegations submitted to the state by local Republicans. Republican Secretary of State Barbara Cegavske has said many of those were based ''largely upon an incomplete assessment of voter registration records and lack of information concerning the processes by which these records are compiled and maintained.'' It's not known how many remain under investigation.

—PENNSYLVANIA: Election officials in 11 of the state's 67 counties identified 26 possible cases of voter fraud, representing 0.03% of Biden's margin of victory. The elections office in Philadelphia refused to discuss potential cases with the AP, but the prosecutor's office in Philadelphia said it has not received any fraud-related referrals.

—WISCONSIN: Election officials have referred 31 cases of potential fraud to prosecutors in 12 of the state's 72 counties, representing about 0.15% of Biden's margin of victory. After reviewing them, prosecutors declined to bring charges in 26 of those cases. Meagan Wolfe, administrator of the Wisconsin Elections Commission, said the number of cases in 2020 was ''fairly run of the mill.''

AP's review found the potential cases of fraud ran the gamut: Some were attributed to administrative error or voter confusion while others were being examined as intentional attempts to commit fraud. In those cases, many involved people who sought to vote twice—by casting both an absentee and an in-person ballots—or those who cast a ballot for a dead relative such as the woman in Maricopa County, Arizona. Authorities there say she signed her mother's name on a ballot envelope. The woman's mother had died a month before the election.

The cases are bipartisan. Some of those charged with fraud are registered Republicans or told investigators they were supporters of Trump.

Donald Holz is among the five people in Wisconsin who face voter fraud charges. He said all he wanted to do was vote for Trump. But because he was still on parole after being convicted of felony drunken driving, the 63-year-old retiree was not eligible to do so. Wisconsin is not among the states that have loosened felon voting laws in recent years.

Holz said he had no intention to break the law and only did so after he asked poll workers if it was OK.

''The only thing that helps me out is that I know what I did and I did it with good intentions,'' Holz said after an initial court appearance in Fond du Lac. ''The guy upstairs knows what I did. I didn't have any intention to commit election fraud.''

In southeast Pennsylvania, 72-year-old Ralph Thurman, a registered Republican, was sentenced to three years' probation after pleading guilty to one count of repeat voting. Authorities said Thurman, after voting at his polling place, returned about an hour later wearing sunglasses and cast a ballot in his son's name.

After being recognized and confronted, Thurman fled the building, officials said. Thurman's attorney told the AP the incident was the result of miscommunication at the polling place. Las Vegas businessman Donald ''Kirk'' Hartle was among those in Nevada who raised the cry against election fraud. Early on, Hartle insisted someone had unlawfully cast a ballot in the name of his dead wife, and state Republicans seized on his story to support their claims of widespread fraud in the state. It turned out that someone had cast the ballot illegally—Hartle,

himself. He agreed to plead guilty to a reduced charge of voting more than once in the same election. Hartle's attorney said the businessman, who is an executive at a company that hosted a Trump rally before the election, had accepted responsibility for his actions.

Additional fraud cases could still surface in the weeks and months ahead. One avenue for those is the Electronic Registration Information Center, a data-sharing effort among 31 states aimed at improving state voter rolls. The effort also provides states with reports after each general election with information about voters who might have cast ballots in more than one state.

In the past, those lists have generated small numbers of fraud cases. In 2018, for example, Wisconsin used the report to identify 43 additional instances of potential fraud out of 2.6 million ballots cast.

Official post-election audits and other research have shown voter fraud to be exceptionally rare. A nonpartisan audit of Wisconsin's 2020 presidential election found no evidence of widespread fraud and a Republican lawmaker concluded it showed that elections in the state were ''safe and secure,'' while also recommending dozens of changes to how elections are run. In Michigan, Republican state senators issued a report earlier this year saying they had found ''no evidence of widespread or systematic fraud'' in the 2020 election.

Not only do election officials look for fraud, they have procedures to detect and prevent it. For mail voting, which expanded greatly last year because of the pandemic, election officials log every mail ballot so voters cannot request more than one. Those ballots also are logged when they are returned, checked against registration and, in many cases, voter signatures on file to ensure the voter assigned to the ballot is the one who cast it. If everything doesn't match, the ballot isn't counted.

''Often, we don't get to fraud,'' said Jennifer Morrell, a former local election official in Utah and Colorado who advises election officials on security and other issues. ''Say we have evidence that something might not be correct, we ask the voter to provide additional documentation. If the person doesn't respond, the ballot isn't accepted. The fraud never happened.''

If a person who requested a mail ballot shows up at a polling place, this will become apparent when they check in. Typically, poll workers either cancel the ballot that was previously issued, ensuring it's never counted, or ask the voter to complete a provisional ballot that will only be counted if the mail ballot is not.

In Union County, Georgia, someone voted in person and then election officials found their ballot in a drop box. Since the person had already voted, the ballot in the drop box was not counted and the case was referred to the state for investigation, Deputy Registrar Diana Nichols said.

''We can tell pretty quick whenever we pull up that record—wait a minute, this person has already voted,'' Nichols said. ''I'm not saying it's foolproof. We are all human, and we all make mistakes. But as far as the system is set up, if you follow the rules and the guidelines set up by the state, I think it's a very good system.''

The final step is the canvassing process in which election officials must reconcile all their counts ensuring the number of ballots cast equals the number of voters who voted. Any discrepancies are researched, and election officials provide detailed explanations before the election can be certified.

Often, an administrative error can raise questions that suggest the potential for fraud. In Forsyth County, Georgia, election officials were asked by Arizona investigators for records confirming that a voter had also cast a ballot in Georgia last November. It turns out that voter didn't cast a ballot but was listed as having done so because their registration number was mistakenly associated with another voter's record in the county's system, according to a letter sent by county election officials.

In other cases, it could be as simple as a voter signing on the wrong line next to another person name in a paper pollbook at their polling place. Once researched, it quickly becomes clear no fraud occurred.

Republican lawmakers have argued there are security gaps in the process, using concerns of fraud to justify restrictions on voting laws. This has happened even in places where Republican lawmakers have pushed back against Trump's false claims and said the 2020 election was valid.

The review by Republican lawmakers in Michigan that found no systemic fraud cited various claims they had investigated. For example, senators were provided with a list of over 200 voters in Wayne County who were believed to be dead. Of these, the report noted, only two instances involved actual dead voters. The first was due to a clerical error in which a son had been confused with his dead father and the second involved a 92-year-old woman who had died four days before the election.

And yet, Republicans in the state are collecting signatures for a citizen initiative that would allow the GOP-controlled legislature to approve voting restrictions and bypass a veto by the Democratic governor. Republicans say mail voting needs to be more secure as more people embrace it.

''These bills will restore confidence in our elections,'' said GOP Rep. Ann Bollin, chairwoman of the Michigan House Elections and Ethics Committee and a former township clerk. ''Voters want to know their vote will count and that they, and only they, are casting their own ballot.''

Overall, 80% of counties in the six states reviewed by the AP reported no suspicious activity after completing their post-election reviews. This was true of both small and large counties, something experts said was to be expected given how rare voter fraud has been.

Limited instances of fraud do occur, as the AP review illustrates, but safeguards ensure they are few and that they are caught, said Ben Hovland, a Democrat appointed by Trump to serve on the U.S. Election Assistance Commission, which supports the state and local officials who administer elections.

''Every credible examination has shown there was no widespread fraud'' in the 2020 presidential election, Hovland said. ''Time and again when we have heard these claims and heard these allegations, and when you do a real investigation, you see that it is the exception and not the rule.''

Mr. CASEY. Mr. President, I will just read the first paragraph of this Associated Press story dated December of this past year:

An Associated Press review of every potential case of voter fraud in the six battleground states disputed by former President Donald Trump has found fewer than 475—a number that would have made no difference in the 2020 Presidential election.

And, of course, Pennsylvania was one of those States that they looked at. We know what happened in the election, and we know why we can say with certainty that the Big Lie is nothing but a lie. After the election of 2020, in June of 2021, Pennsylvania's Republican-controlled legislature became one of the many legislatures across the Nation passing a voter suppression law. Here is what they would have done if they were successful. If they would have passed it, this bill would have imposed unconstitutional voter ID restrictions, restricted mail-in voting—the mail-in voting they just voted in favor of in 2019, the same legislators—and this bill would essentially have eliminated the use of drop boxes. Furthermore, it rolled back several successful provisions of the bipartisan Act 77, including reducing the number of days permitted to register to vote, and eliminating an option to opt in to receive an annual mail-in ballot.

While this bill was, fortunately, vetoed by Governor Wolf, the threat to suppress the vote in Pennsylvania remains ever present as the legislature continues to work on another omnibus election bill.

Once again, the Big Lie animates the work of Republican politicians in Pennsylvania and throughout the country. It is not simply a lie; it is a lie that engenders fear. Sometimes fear of losing your election in a primary—we understand that fear. We have seen it play out here as well. But sometimes the fear is deeper than that; that your own security will be at risk if you don't espouse the Big Lie.

In light of these efforts, it is fair to question, How did Pennsylvania go from a shining example of bipartisan election reform in 2019 to ground zero in the fight against voter suppression and election misinformation in 2021 and continuing into 2022?

In the months leading up to the 2020 general election, the former President led an assault on our election system, sowing seeds of division, and, without evidence, questioning the legitimacy of voting methods, including mail-in voting, which has been utilized in the Nation for decades. By the way, mail-in voting allowed us to set a turnout record, as I said before, in Pennsylvania, for the first time in 60 years to go that high—of the voting-age population.

The former President lost his election to President Joe Biden, but instead of honorably conceding the race, he created the Big Lie that the election had been stolen from him by raising unfounded allegations of voter fraud, election irregularities in Pennsylvania and across the Nation. Of course, there is simply no evidence to justify these claims of widespread voter fraud or irregularities, as suggested in the AP story and in their investigation that undergirds their conclusions that support that.

The Big Lie is the fraud. If you want to talk about fraud, that is where it is. That is the fraud. The Big Lie is the falsehood and the con job. It is a deliberate, ongoing attempt to sow instability. We know that over 60 cases in court after court—from State courts to district courts, to circuit courts, to the U.S. Supreme Court—all those courts refused to indulge the unprecedented,

loopy, legal arguments and false conspiracy theories that were put forward by the President's campaign and some Republicans after the election.

Despite the lack of any evidence to support claims of widespread fraud, we continue to hear these baseless conspiracy theories in calls to roll back Pennsylvania's Act 77 for one reason and one reason only: to disenfranchise voters. So in order to please one man, rather than support positive reforms that worked in Pennsylvania, that increased turnout in Pennsylvania exponentially like no other law has, lawmakers have introduced, all over the country now, some 400 voter suppression bills.

There are three types of corrupt proposals that I would like to summarize. No. 1, shifting election authority; that is one measure of a corrupt practice. No. 2, attacking election workers; that is corrupt, and that is what they are trying to do. And No. 3, restricting mail-in voting.

First and foremost, many of the bills attack the most fundamental foundational element of our democracy: administering our elections.

According to a report from Voting Rights Lab, in September of 2021, more than 180 of the bills introduced across the country are an effort to subvert our current election administration. Some of these bills would allow the legislature or other partisan actors—really, purveyors of the Big Lie—to exert greater control over elections and interfere with local election administrators.

For example, Georgia's SB 202, which has already been enacted into law—not just proposed—this law will allow a partisan State election board to remove and replace local election administrators. The new law empowers the State legislature—the State legislature—to appoint the chair of the election board, ensuring that the majority of the board reflects the partisan will of the legislature.

We have also seen numerous lawmakers, including in Pennsylvania, initiate or attempt to initiate partisan election ''audits'' into the 2020 election results without any evidence of fraud. The better word for this type of approach is ''fraudit.'' That is what it is. It is a fraudulent attempt, and it is nothing more than a ''fraudit.''

These efforts fueled by the Big Lie have wasted millions of taxpayer dollars, money solely in an attempt to further call into doubt the 2020 election and create instability in our elections. Republican effort to shift election authority undermines people's faith in elections, and it injects partisanship into our election administration.

The second area of corruption we have also seen in some of these bills is efforts to pass legislation that create or increase civil and criminal penalties against election workers. Election officials across the Nation—Republicans and Democrats alike, from blue counties and red counties—should be accorded the respect and commendation they deserve. These are public servants. They should not be subjected to threats, either legal or otherwise. In the middle of the pandemic, these same Americans risked their own health and their families' health to ensure that the elections were conducted safely and efficiently. These Americans—Republicans and Democrats and Independents—did their job honorably. Rather than receiving appreciation for their efforts, they and their families have been threatened with threats of violence, fueled by the deliberate falsehoods of which I spoke before.

The same falsehoods spread by politicians here in Washington and in State legislatures across the country. These threats were particularly relevant in my home State of Pennsylvania when then-Philadelphia Commissioner, Al Schmidt, a Republican, his family, and his colleagues were subjected to death threats—death threats—for doing their job.

This is a Republican elected official in Philadelphia subjected to death threats after election day, simply because he was trying to fulfill—and the others who worked with him were trying to fulfill—an essential part of their basic duty, which is counting the votes in that city.

So despite the widely reported threats against our election officials and concerns about mass resignations due to the stresses on our democratic institutions, Republican legislatures have enacted laws that further threaten these officials with felony prosecutions, and they also threaten civil penalties for not complying with the election rules, even inadvertent or technical mistakes.

We have never seen this before in America, but that is what we are talking about today. So these attacks are a clear attempt to further undermine our democracy and counter the efforts of many election officials to help make voting safer and easier during the COVID–19 pandemic.

Finally, the third issue, which I would consider a corrupt practice that is embedded into these bills, is the question of mail-in voting. As I have already shared, Pennsylvania's record turnout in 2020 was a direct result of the bipartisan efforts, 133 Republican legislators voting for mail-in balloting, so that we would have universal mail-in voting, and early voting in addition to mail-in voting.

Rather than embracing its success, Republican lawmakers in Pennsylvania and across the country have worked to greatly restrict or eliminate—or eliminate—mail-in voting through a variety of methods. Seven States have reduced the timeframe in which voters can request mail-in ballots. Another four States limited the use of ballot drop boxes.

Some States have gutted or tried to gut the ability of voters to automatically register to receive a mail-in ballot for every election they are eligible to vote in.

Republican politicians just keep on lying about the 2020 election. Not a single Republican politician has come forward with evidence of the type of widespread systemic voter fraud that would necessitate any of the changes that these laws are predicated on and these proposals are predicated on.

In reality, these changes are about one thing and one thing only—making it more difficult to cast a ballot.

Every single American should be alarmed by these efforts. If we allow voter suppression efforts to go unchecked, they will, eventually and simply, impact everyone.

I think it was Martin Luther King who talked about injustice—an injustice that would be validated by these corrupt proposals. ''Injustice anywhere is a threat to justice everywhere.''

Voter suppression efforts would make it harder. Here are just a couple of examples from my home State, and this is true of a lot of States. Voter suppression laws make it harder for a 90-year-old living in rural Pennsylvania who can't get to her county election bureau to vote or to a polling place. She will have a harder time voting in Pennsylvania and in every other State, if Pennsylvania goes in the direction of some of these other States.

Pennsylvania has over 800,000 veterans who fought for our freedoms, including the right to vote, the freedom to vote. Shouldn't that veteran continue to have the option to vote early or to vote by mail? After they have served our Nation, shouldn't they continue to have that option? Or should we just go back to the old ways where that veteran is limited to one day a year, for a certain number of hours a year, to vote in a general election?

So these proposals—these voter suppression and subversion proposals—will impact everyone. It will impact a farmer in Pennsylvania who might have a very busy day on election day and can't get to vote for one reason or another.

So, if they are not able to vote, their vote gets cancelled out because we decided not to have early voting, which we have now; we decided not to have mail-in ballots, which we have now? All in the service of one man and one Big Lie, that is what this is all about.

So we can't go back to those days.

How about just another example from Pennsylvania? We have had a long tradition where men and women serving overseas have voted by absentee ballot. Guess what an absentee ballot is? An absentee ballot is a mail-in ballot. It is the same thing. We just broadened the category of folks who could use that same method.

So do we want to go back to a time when we can't have the kind of mail-in ballots that we had in 2020 that led to that great turnout? And it is entirely possible that we could go back to a time when even the votes of men and women serving overseas would be put at risk, because when you eliminate

mail-in ballots in a State like Pennsylvania, you are eliminating absentee ballots, as well, by doing that.

So I don't think we want to do that to our fighting men and women. So we can't go back to the days when farmers and small business owners and veterans and busy moms juggling their kids' schedules and seniors who may have trouble voting and need another option to vote—we can't go back to those days when they couldn't vote if they didn't have the time on that one single day.

It is one of the reasons why we had such low voter turnout, even in Presidential elections, for all these years in Pennsylvania and in so many other States. So we know what we have to do. We have to go back to our founding principles. And voting is a foundational pillar of our democracy. And, as elected officials, it is our responsibility to do all we can to expand voter access and remove institutional barriers to voting.

But we have got to be clearer about what is happening. Our democracy, by virtue of these suppression bills, is under siege right now. The attack here on January 6 continues. What was a violent attack on that day is now in the form of legislation to attack our elections, to attack the right to vote, to make it harder to vote.

So attacking democracy at an earlier stage was always met by the right response. Today, that right response—the correct response—is to pass the Freedom to Vote and the John Lewis Act to prevent these kinds of attacks on voting rights.

It would protect election officials by criminalizing intimidation, threats, or coercion of election officials. It would mandate systematic, nonpartisan, risk-limiting audits to combat against the unfounded partisan approaches by Republicans.

It would create national standards for early voting, mail voting, voting restoration, voter identification, and voter registration. It would also include some of the provisions of my bill—the Accessible Voting Act—to create an accessible voting experience for every voter, ensuring that the needs of people with disabilities are met.

That is another category of Americans whose votes will be suppressed—people with disabilities—if these Republicans get their way.

This bill we are trying to pass reflects feedback from State and local officials to ensure that people responsible for implementing these reforms can do so effectively.

And, furthermore, it would restore the full strength of the Voting Rights Act of 1965 after the Supreme Court gutted several of the Voting Rights Act provisions in recent years.

These provisions work hand in hand to improve access to the ballot and protect against election subversion. We should restore the Senate at the same time, by allowing plenty of time for debate, as well as a robust amendment process, so the minority party in the Senate has full opportunity to debate issues like voting rights.

So we have got to do more than just simply move a bill forward tomorrow on voting rights. We should also change the Senate rules appropriately to allow that bill to be passed by a majority after we have a robust debate. Debating voting rights has never been more important. The time to do that is now.

I yield the floor.

The PRESIDING OFFICER (Ms. HASSAN). The Senator from Utah.

H.R. 5746

Mr. ROMNEY. Madam President, I have enjoyed the discussion which has been going on with regard to this legislation and have a couple of comments. One is, given the interest and the priority of and the importance of elections, it would have been helpful, prior to preparing this legislation for a vote, if those that were the drafters of this legislation actually invited a Republican—any Republican—to sit down and perhaps negotiate and see if we could find some common ground.

But instead, the Democrat leadership dusted off what they had written before on an entirely partisan basis and then are shocked—shocked—that Republicans don't want to support what they drafted.

Now, I note that political overstatement and hyperbole may be relatively common, and they are often excused. But the President and some of my Democratic colleagues have ventured deep into hysteria. Their cataclysmic predictions for failing to support their entirely partisan election reform—worked out entirely by themselves, without any input whatsoever from any single person on my side of the aisle—they are far beyond the pale.

Now, they are entirely right to call out Donald Trump's Big Lie about the last election being stolen. But in the same spirit of honesty, they should not engage in a similar lie that Republicans across the country are making it much harder for minorities to vote and, thus, that the Federal government must urgently displace centuries of constitutional practice that give States primary control over elections.

So dire are the consequences, they claim, that this must be done by shredding the rules of our senior legislative body. They point to Georgia as evidence of political election villainy. The President went there to deliver his crowning argument. But, as has been pointed out by many before me, it is easier for minorities—and everybody else for that matter—to vote in Georgia than it is in the President's home State of Delaware and in Leader SCHUMER's home State of New York.

In Georgia there are more days of early voting, and in Georgia there is no-excuse absentee voting by mail.

They do decry Georgia's prohibition of political activists approaching voters in line with drinks of water, but the same prohibition exists in New York. And why? So that voters don't get harassed in line by poll activists.

Just like Georgia and New York, many States keep poll activists at length from voters. My Democrat colleagues conveniently ignore the fact that the 1965 Voting Rights Act prohibition of any voting practice or procedure that discriminates against minorities is still in effect. Even today, the Justice Department is suing two States under that law.

Protection of minority voting is already required by law. Protection of minority voting is a high and essential priority for me and for my Senate colleagues on both sides of the aisle.

To be clear, I want an election system that allows every eligible citizen in every State to be able to exercise their right to vote in every single election.

So, putting aside the hysteria, let me explain why I don't support the Democrats' bill. First, their bill weakens voter ID. I, along with a great majority of voters of all races, favor voter photo ID. Their bill makes it easier to cheat by accommodating unmonitored vote collection boxes. Their bill opens the gates to a flood of lawsuits pre- and post-election, and it weakens the safeguards of voter registration.

There are other things in the Democrats' bill that I don't support. I am not in favor of Federal funding for campaigns. I also don't think States should be required to allow felons to vote.

Most fundamentally, I think by reserving election procedures to the States, the Founders made it more difficult for a would-be authoritarian to change the law for voting in just one place—here in Washington—to keep himself in office.

Let me add that I think the Democrats' bill is insufficiently focused on the real threat, and that is the corruption of the counting of the ballots, the certification of elections, and the congressional provisions for accepting and counting a slate of electors. This is where the apparent conspirators were focused in their attempt in the last election to subvert democracy and prevent the peaceful transfer of power.

Now, I respect Democrats who disagree with my point of view. I hope they will offer me the same respect. People who want voter ID are not racists. People who don't want Federal funding of campaigns aren't Bull Connor. People who insist that vote drop boxes be monitored aren't Jefferson Davis.

The PRESIDING OFFICER. The Senator from California.

H.R. 5746

Mr. PADILLA. Madam President, just yesterday, we, the Nation, celebrated the moral vision and exceptional courage of the Reverend Dr. Martin Luther King, Jr.

Born and raised under the violent oppression of Jim Crow segregation, Dr.

King deeply felt the lasting wounds of slavery and segregation. Yet he believed in the promise of America's highest ideal: a system of democracy that we are all created equal; democracy that recognizes that we are all created equal.

In 1957, Dr. King told a crowd of civil rights leaders:

Our most urgent plea to the federal government is to guarantee our voting rights.

He went on to say:

Give us the ballot and we will creatively join in the freeing of the soul of America.

Time and again, from a bridge in Selma to the steps of the Lincoln Memorial, Dr. King and the civil rights movement collectively forced this country to confront the brutal injustice of White supremacy.

Dr. King kindled a movement of peaceful protests, of voter registration, and a legal revolution. His leadership helped secure the passage of the Voting Rights Act in 1965—a monument to freedom and a guardian of our multiracial democracy.

As important a step as that was, Dr. King also understood that the path of progress, the road to freedom, would not be linear, it would not be direct, and it would be threatened by setbacks. Recent years have illustrated just how right Dr. King was. The clock is turning back on voting rights, and far too many people both inside this Capitol and outside it are ignoring or denying the alarm bells.

To truly honor Dr. King, we must rededicate ourselves to the cause of freedom and equality. We cannot wait for a convenient season to act. We cannot wait for another Bloody Sunday. Look around. This is our moment. The threats to democracy today may look different than Bull Connor with the bullhorn, but they are no less real.

Now, when Republicans claim that this is all hyperbole or hysteria, as Senator ROMNEY just referenced, consider this: In the year since our Nation's most secure election ever, with record voter turnout, Republican State legislatures have passed 34 laws, not expanding access to the ballot, restricting access to the ballot and also threatening election security.

Just look at Georgia—yes, Georgia—where Republicans passed an elections bill, SB 202, on a purely partisan basis this last spring. In the 2020 election, Georgians voted in record numbers. Many voted by mail or used early voting options to be able to cast their ballots safely and securely in the midst of this once-in-a-century global health pandemic. Guess what happened. Those ballots were processed, counted, audited, and the results certified.

So how did Georgia Republicans respond? They wrote SB 202 to cut the number of early voting drop boxes in Atlanta by more than 75 percent to make it harder—not easier but harder—for voters who mistakenly go to the wrong polling place to cast their ballots and have their votes in statewide contests counted; to stop new voters from being able to register to vote in a runoff election if there is one. Now, make no mistake, Republicans will deny the intention, but the effect is clear: These changes disproportionately disenfranchise the votes and the voices of people of color.

When voters end up standing in line for hours to cast their vote on election day, as voters of color disproportionately do, SB 202 prevents volunteers from offering them food or water.

Now, Senator ROMNEY said that these provisions are in place to prevent the harassment of voters waiting to vote. Look at what other States have done. There is a clear distinction between somebody harassing a voter, interfering with the electoral process, versus offering a thirsty neighbor a drink. So outlaw harassment. I think it kind of is. The general public knows the distinction. So think about that—someone standing in line outdoors, with weather, for hours to do their patriotic duty, and Georgia Republicans make it a crime to give that person a bottle of water.

SB 202 isn't about election security or voter fraud. The data on that is clear. Voter fraud is exceedingly rare in Georgia and across the country. SB 202 is about erecting barriers for low-income voters, for voters of color, for younger voters to participate in our democracy.

As a member of the Senate Rules Committee, I traveled to Georgia last summer with my colleagues for a field hearing on voter suppression. Just last week, I was invited to join President Biden and Vice President HARRIS in Georgia as well. So when Minority Leader MCCONNELL tries to tell you that no State in America is making it harder to vote, he is wrong. The people of this country deserve to hear the truth, and not just from Georgia but in Texas, where a new law empowers partisan poll watchers to threaten election officials with lawsuits; in Arizona, where a new law will unnecessarily cut tens of thousands of voters—eligible voters—from the permanent early voting list.

Thirty-four new laws in this past year alone will raise obstacles for people who simply want to cast their ballot, and that is nothing to say of the hundreds more that have been proposed that will surely be reintroduced in future years and future sessions if we do not act.

The clock on Dr. King's victory is already turning back. The alarm bells of our democracy are ringing. They have been ringing since the year 2013, when the Supreme Court gutted the Voting Rights Act. Yes, it may still be in place, but the preclearance requirement—the strongest protection within the Voting Rights Act that stood to prevent discriminatory election laws for nearly five decades—was undone by the Supreme Court in their decision in Shelby v. Holder. Yet the Senate has failed three times this last year to even debate a voting rights bill. We failed to debate because of the filibuster rule, which allows a minority of Senators to obstruct the voice of the American majority.

Republican Senators claim that our legislation, the Freedom to Vote Act, is partisan and divisive, but what goal could be more American than securing the fundamental right to vote for all eligible Americans?

If Republican Senators are sincere about opposing partisan changes to election laws, then they should join us in condemning partisan voter suppression in Georgia, in Texas, in Arizona, and across the country. Instead, Senate Republicans only complain about and obstruct our efforts here in the Senate to respond to these laws, and in doing so, they leave Democrats no choice. We must change the filibuster rule to protect voting rights for every American.

The Senate exists to serve American democracy, and the Senate rules exist to help the Senate serve American democracy. When those rules endanger our democracy, the answer is simple: We must change them.

It is not unprecedented. The Senate changed the filibuster in 1917 to protect our Nation from the threat of World War I. The Senate changed the filibuster in 1975 to try to restore the function of this body. In recent decades, the Senate has made more than 160 exceptions to the filibuster to do what is best for the Nation. Today, it is time for us to do so once again.

With all due respect to the history and the traditions of the Senate, our job is to protect the future of this country, beginning with our democracy. As Martin Luther King once told us, ''America is essentially a dream, a dream . . . yet unfulfilled.''

Today, it falls on each of us to take up Dr. King's lifelong struggle. This is our moment. This is our moment to debate. This is our moment to vote. We must work together to pass a voting rights law that secures the vote for every American regardless of race, religion, ability, or gender.

Sometimes progress requires that we change the rules, as we did last month when we changed the filibuster to protect our economy. Sometimes progress requires that one party act alone, as the courageous architects of the 15th Amendment did a century and a half ago.

Look around this Senate, and think how surprised the men who created the filibuster in the early 1800s would be to see a Senator WARNOCK, a Senator BALDWIN, myself, and others serving in this Chamber today, but change that strengthens our democracy is change for the better.

Colleagues, we must rise to meet this general moment of challenge in the spirit of Dr. King and pass these voting rights bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

H.R. 5746

Mr. KAINE. Madam President, one of the things that I sometimes regret about this body—and especially after hearing such an eloquent presentation from my colleague from California—is that we don't do enough dialogue here; it is a lot of monologues. Often, some of the best speeches that I have heard in this Chamber have been delivered to nearly empty Chambers because we don't sit and listen to one another, answer questions, engage, find the greater wisdom.

I am excited that tomorrow will give us an opportunity to do that. I expect 50—hopefully, 60, 70, 80, 90, 100—Senators on the floor for a discussion about voting rights, which we have not been able to have since I joined the Senate in January of 2013. This is an enormously important topic. We have not had a floor debate on any voting rights bill since I came to the Senate in 2013.

In this spirit of dialogue, I wanted to basically come and talk about Senate rules to respond to a question or a challenge that Republicans were making on the floor last week. They pointed out that I, along with a number of Democrats, had signed a letter in 2017, arguing, in their view, that we should not change the filibuster on legislation. They cited that, and they said: How can you stand on the floor now and contemplate changes to the filibuster rule?

So what I wanted to do tonight is come to the floor and talk about 2017, talk about things that have happened since 2017, and, frankly, explain why I haven't really changed the position that I articulated in the letter, but I have changed my views about whether the filibuster accomplishes the objective or cuts against it.

Finally, what I want to do at the end of that, of answering their question about that letter, is to reassure them—to reassure them that what we will reach for tomorrow is not a blowing up of the filibuster.

I heard my colleague from Alaska today say we wanted to blow up the filibuster. No. Let me reassure all Republicans that that is not what they are going to be asked to vote on tomorrow. They are going to be asked to restore the filibuster to what it was during the vast majority of the history of this body.

Here is the operant quote from the letter of 2017 that I signed. It was in April of 2017, shortly after the Republicans had changed the Senate rules to ram through Neil Gorsuch after they had refused to even entertain the nomination of Merrick Garland to the Supreme Court. It was a bipartisan letter. ''We are united in our determination to preserve the ability of Members to engage in extended debate when bills are on the Senate floor''—''extended debate when bills are on the Senate floor.''

Well, what has happened since that letter was written in April of 2017?

First, those of us in the room know, as for extended debate on the Senate floor, are you kidding? It almost never happens. The filibuster rule that some of us hoped might facilitate that has become an obstacle to it. In fact, you can't even get a bill on the Senate floor because the filibuster requirement, which was initially something about final passage, has been now imported even into proceeding to legislation. So when a majority of Members of the greatest deliberative body in the world decide they want to talk about a topic, they can't. It is like the 21st century's version of the gag rule, which prohibited discussions in Congress on items related to slavery during the 1830s and 1840s. There has been a gag rule prohibiting discussions of the voting rights bill and other civil rights legislation and other important priorities because you can't even get on the bill, much less have extended debate about it.

When you do get on the bill, how many bills around here do we have extended debate on? Mostly, we are in a Chamber like this, with three people, and there is no real debate that is going on because the abuse of the filibuster leads a party to say: Well, gosh, if they can't get 60 votes for something, we don't even have to show up. The old public filibuster of ''Mr. Smith Goes to Washington'' days has now turned to a secret, private filibuster where people can stay in their offices and never show their faces on the floor.

So that notion of naive Senators like me in 2017, wherein we are determined to preserve the ability of Members to engage in extended debate when bills are on the Senate floor, has been undermined by the filibuster by making it hard to get bills on the floor and then guaranteeing, when they are on the floor, that nobody needs to show up.

Other things have happened since 2017. I needn't go over them at length, but I will go over them.

I didn't imagine that we would have a President who would lead an assault on American democracy, who would lie and claim he won the popular vote in 2016 when he didn't, who would claim there was massive fraud in the Virginia election in 2016 when there wasn't, and who would go to a foreign country and try to dig up dirt on a political opponent he feared in 2020. I didn't imagine that those things would happen.

I didn't imagine that the President, having lost an election in November 2020, would encourage his followers to gather in DC to be wild. I didn't imagine that he would call the head of the Georgia elections and say: You have to find me thousands of votes so I can win. I didn't imagine those things.

I didn't imagine that there would be a violent attack here that would injure 150 police officers, that there would be an effort to disenfranchise 80 million Americans and disrupt the peaceful transfer of power. I didn't imagine those things.

I didn't imagine that States would do what my colleague from California has suggested: Look at what happened in 2020, embrace the Trump Big Lie, and decide then, boy, we have really got to carve this back. We have got to carve this back dramatically and make it harder for particular groups of people who live in particular cities or counties, based on whom they vote for, to vote. I didn't imagine those things.

I will tell you something else I didn't imagine. I didn't imagine that we wouldn't get any help from the Republican Party in addressing these problems. The Republican Party throughout most of its history has been a great voting rights party. The 14th Amendment and the 15th Amendment only passed with Republican votes to guarantee people equal access to the ballot. When the 19th Amendment was passed, guaranteeing women the right to vote, it was in a Democratic administration, the Wilson administration, but Republicans were solidly on board. When the 26th Amendment passed to give the franchise to 18-year-olds, it was in the Nixon administration, and Democrats and Republicans were on board.

The Republican Party, from its origins, right before Lincoln was President, was always on the march and, frankly, usually leading the march to expand people's ability to participate in voting. There is no example that is more dramatic than the passage of the 1965 Voting Rights Act.

There was a 60-day filibuster here on the Senate floor. At the end, it was broken. Republicans voted for the Voting Rights Act near unanimously. Democrats were strong but not as solid as the Republicans were. Then, over and over again in the years between 1965 and up through 2006, Republicans would vote unanimously or near unanimously to reauthorize the Voting Rights Act. But something changed between 2006 and 2013. Something changed at about the time that Barack Obama was elected President of the United States.

When the Supreme Court of the United States, in the Shelby case, gutted the preclearance provisions of the Voting Rights Act but told Congress ''You can fix it'' and we went back to all of the Republicans who had supported the Voting Rights Act from 1965 to 2006 and said ''OK. The Supreme Court says here is what is wrong, and we can fix it,'' we have not been able to find any—any—Republican support save LISA MURKOWSKI of this Chamber, who is a cosponsor of the John Lewis Voting Rights Act, the restoration of preclearance.

When I signed the letter in 2017, I could not have imagined that we could not have found any Republican support on any voting rights issue.

I heard my colleague from Utah, Senator ROMNEY, talk a second ago, and he said: Well, how come Democrats didn't do it? I started working with Republicans in July—months before we filed the Freedom to Vote Act. Could you do it this way? Could you do it that way? What about if we completely gave up the idea of any rule or filibuster reform. Would you then engage with us?

How about unlimited amendments? How about give us a counterproposal?

I have been in these discussions with Republican colleagues for months. Again, save Senator MURKOWSKI on the John Lewis bill, there has been no help forthcoming to save our democracy, to save voting.

So, when colleagues ask, ''Well, you signed a letter in 2017, and that letter said that we should preserve the ability of Members to engage in extended debate when bills are on the Senate floor. So why are you now contemplating rules changes?'' my answer to them is that I am contemplating rules changes to do exactly that. We don't have extended debate on the Senate floor. You can't get bills on the Senate floor. Our democracy is under attack, and voting is under attack. Contrary to the previous 150-year history of your party, you won't lift a finger to protect voting rights or protect the integrity of our elections, but because you won't doesn't mean we should not. In fact, if you won't, the burden is on our shoulders even more.

Here is something else, I will be honest, that I have come to understand more about the filibuster since 2017. Then I want to conclude by offering some words of reassurance to my Republican colleagues.

The fact that the filibuster is now used indiscriminately against everything does not cleanse it of the stench of its predominant use in our history to block civil rights legislation. I mean, now we use the filibuster to block what might be a nonconsequential appointment. We use it for everything. However, when the history of the filibuster is written in this Chamber, the pivotal, epic moments that will get remembered are Robert Byrd's 14-hour-and-13-minute speech to try to filibuster against the Civil Rights Act of 1964, Strom Thurmond's massive filibuster against civil rights laws, and Senators from Virginia—Senators who held the seat that I now occupy—filibustering against civil rights laws.

You don't cleanse the stench from the filibuster by just suddenly using it for everything. You still have to acknowledge it has played a particular role in the Senate. Sadly, that role has usually been to the detriment of the kinds of people who couldn't see anybody who looked like them in the Senate.

I occupy a seat that was occupied for 50 years by Harry Byrd, Sr., and Harry Byrd, Jr. It is called the Byrd seat in the Senate because the Byrd machine ran Virginia politics, and they kind of owned it. Harry Byrd, Sr., was Governor in the 1920s and came to the Senate when Carter Glass died in 1933 and stayed until he died in 1966. His son, Harry Byrd, Jr., was then appointed to the Senate until 1983. For 50 years, the Byrds held the seat I now occupy.

I was at the inauguration of our new Governor in Richmond on Saturday, and I walked by an empty place on the Capitol Square where, just 6 months ago, there was a statue of Harry Byrd, Sr.—the Governor who was a great highway builder and infrastructure guy; the Governor who came up with the idea and worked with President Roosevelt to build the Shenandoah National Park; the Governor who then, as Senator, led this Byrd machine and was viewed as the dominant figure in Virginia political life during the 20th century, together with his son, Harry Byrd, Jr.—but the statue was taken down. The statue was taken down 7 months ago.

The middle school that was named for Harry Byrd, Sr., in Henrico County was renamed 5 years ago to Quioccasin Middle School. Why was that? Highway builder, park developer, dominant political figure, his statue was taken down because of what he did in the U.S. Senate; that he would write the southern manifesto to rally Senators against Brown v. Board; that he would encourage Virginia public school systems—again, this is as a Senator, not as a Governor; he encouraged Virginia public school systems—to shut down rather than integrate; that he would engage in one filibuster after the next against civil rights legislation, including the Voting Rights Acts, and never apologized, never admit he was wrong, unlike Robert Byrd, who was a Klansman before he was in the U.S. Senate and who filibustered famously against civil rights legislation until he had an epiphany in 1968 when he voted for the Fair Housing Act and apologized for the rest of his life and became a civil rights champion. Harry Byrd, Sr., used the filibuster for, frankly, what it has been used for around here—to exclude people from the democracy. And the tributes to Harry Byrd and the statues and the school names are all coming down.

Even at the university in his own hometown, Shenandoah University in Winchester, which had named its business school after Harry Byrd, Jr., they wiped that name off, because the filibuster is not just like a Senate rule that can be used like anything else. It has been used for a particular purpose, and we can't be blind to that.

But let me just say this, as I conclude. I want to offer my colleagues a reassurance—those who have asked why we are contemplating rules changes, those who signed the letter with us, because it was a bipartisan letter. It was led by Senators COONS and COLLINS, and many Republicans signed it. ''We are united in our determination to preserve the ability of Members to engage in extended debate when bills are on the Senate floor.'' For the first time in my Senate career, there is a voting rights bill on the Senate floor, and we will have a rules adjustment vote at the end of the day tomorrow, in all likelihood. And what will that vote be? Will the vote be to eliminate the filibuster? No. Will the vote be to abolish the filibuster? No. Will it be to weaken the filibuster? No.

Here is the vote that we will vote on tomorrow: Should we change the secret filibuster that allows Members to just sit in their office and not take the floor and not explain their opposition to their colleagues and not have to face the American public? Should we change that secret filibuster into a public filibuster, the way it was done during the vast majority of Senate history, where Senators who went to block action by a majority should at least have to do the work, should at least have to come to the floor and explain to their colleagues and the American public why the majority should not act?

For everyone on the Republican side who signed that letter saying we should have extended debate on the Senate floor and it should not be curtailed, we are giving you a chance to do exactly what you pledged to do. For every one in our own caucus who has expressed reticence about weakening or diminishing the filibuster, we are giving you exactly the thing that you said you wanted—an opportunity to have full debate that could go on for a very long time and not be curtailed. And the only thing we will require is that that debate actually happen in the view of the American public and your colleagues, a fundamental opportunity for all of us to do the right thing by Senate rules to accomplish the right thing for our democracy. I so welcome the chance to finally have this debate on the floor of the U.S. Senate.

With that, I yield the floor.

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

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

H.R. 5746

Mr. MERKLEY. Madam President, voting rights are really at the heart of our ''We the People'' Constitution.

I will tell you, every time I look at a printed copy of the Constitution and I see those three words in supersize font, ''We the People,'' I think, you know, it is a beautiful thing that our Founders, when they were writing the Constitution, reminded us of the heart of what it is all about: not power that flows down from Kings or dictators but power that flows up from the people of the United States.

And how does that power flow? It flows through elections. So if you don't have integrity in the elections, then, you really don't have government of, by, and for the people.

Now, over the course of our Nation, we know that we have worked to expand the vision the Nation was founded on, but it wasn't reached in the beginning. It was often the case that only White Protestant male landowners got to vote in the beginning.

And we recognized that every person created equal needs to have an equal

part of the franchise, and so we have, through battles over more than 200 years, fixed those challenges. And there have been some dramatic debates over this, and it hasn't been easy.

But I want to take us back specifically to the debate of 1890–1891. Now, this was during a period when, in the Southern States, more and more clever strategies were being developed to prevent people from voting, either through the registration process or through the polling process.

Now, in the registration process, there would be things like: Explain what this letter of the Constitution means or how many beans are in this jar of jelly beans or other ridiculous questions, to which those at the registrar's office could say: We are sorry. You can't register.

And if you got registered, then you would have actually the possibility of intimidation at the polling place. There was one case where men on horseback formed a circle around the ballot box so, essentially, a Black American couldn't get to the ballot box, but for a White American, the horses would part and let them vote—voter intimidation.

Well, those crude barriers are part of history. They are in the dustbin. Great. But, unfortunately, there are many modern strategies designed to get to the same result, strategies to make it hard to register to vote. Sometimes it is very prejudicial ID requirements or multiple ID requirements designed to fit the profile that members of one party are more likely to have than members of another party to bias the outcome.

Sometimes it is taking and saying: We are going to be able to have a private contractor purge the voting rolls of people who haven't voted in the last few elections—knowing that it is being done specifically because the members of one party are a little worse at turning out every single election than the members of the other party.

Now, these strategies on registration are at one stage, and then there are the strategies at the polling place, all designed to undermine ''We the People.'' And they are mostly election-day strategies.

What are those strategies? Well, take a—have a really large precinct with a single voting location in places you don't want people to vote because so many people have to get into that precinct voting place that there will be a long line or understaff it so the movement through the polling place is slow or put in machines that don't work really well or put it in a location where there is no parking, which makes it really hard for people to get to the polls.

You might think that these strategies don't still exist, but I am sorry to report to you they absolutely do exist.

A member of our caucus today, CORY BOOKER, was noting that, across America, the average wait time for Black Americans is twice as long as the average wait time for White Americans. But in Georgia—in Georgia—in the last election, the average wait time was, by numbers that I have, 5 times as long or, excuse me, 10 times as long: about 5 minutes in a predominantly White precinct, 80 percent-plus White, and about 50 minutes in a predominantly Black precinct—about 10 times as long.

So along comes a couple strategies to really enable people to vote without that type of intimidation. One is vote-by-mail, and one is early voting.

Now, my State of Oregon is quite proud of being the first vote-by-mail State. So let's talk about that for a moment. Back in the 1990s, the Republican Party said: You know, we have noticed that people who have requested absentee ballots have a higher turnout rate than those who vote on election day.

It makes sense because they receive the ballot in the mail and have plenty of opportunity to fill it out, mail it in; whereas, on election day, well, life happens: You were planning to vote, but you had to go pick up your child from daycare. You were planning to vote, but your boss asked you to work late. You were planning to vote, but you went by the polling place, and it had been moved from the previous 2 years—another trick—and you didn't know where it was. You went by the polling place, but you saw a long line, and you knew you didn't have 3 hours to stand in that line.

So the Republicans in my State said: You know what, we will have an advantage if we get all the Republicans—or as many as we can—to ask for absentee ballots. And so they did. Then the Democrats said: That is pretty smart. We will do the same thing.

So the first year I was running for the State house of representatives, 50 percent of the people in the State were voting by mail by getting on a list to ask for an absentee ballot.

So everyone said: This is such a good idea; why don't we do this for everybody and not make people request absentee ballots. So in the next election, which was the 2020 election, essentially, it was all vote-by-mail. And people loved it.

I found out going door-to-door—I always kind of had a nostalgic point in my heart for election day when we all go to the polls together. And I would go door-to-door in my first campaign in 1988, and I would say: What do you like or what do you not like? And people would generally say: The thing that I am really frustrated about—and it would be some issue for transportation. It would be some problem, including just simply the potholes in the street.

And I would say: Well, that is a city issue, but I am running for the State legislature. But maybe the State can help get more money to the municipality. But what do you like?

Oh, we love voting by mail because we can sit at the kitchen table and talk over the issues. We are not trying to make decisions in the heat of the moment in a voting booth.

We have complicated ballot measures in my State.

We can read through the pros and cons. And—you know what—we can invite our children to the kitchen table and discuss it with them.

They really loved vote-by-mail, and we went to that system. But it wasn't something driven by Ds or Rs. In fact, Republicans controlled the house and senate of the legislature in the State of Oregon at that time. They controlled both chambers.

Utah went to vote-by-mail. Utah is a reliably Republican State. Again, it wasn't to advantage one party or the other; it was to ensure that the franchise is available for every single American and that there are no shenanigans on election day. And shouldn't that be what we are all about? Because if you really want to look at where voting is compromised, where essentially votes are stolen from our citizens, it is the shenanigans on election day, which means vote-by-mail and early voting are very important to address that.

So what do we see now in some 19 States across our country? In those 19 States, there are strategies being implemented to make it harder to register and easier to purge the registration lists. There are strategies to make it harder to vote by mail, including saying: There will be no permanent vote-by-mail list; you have to sign up every single time. There are strategies to limit and curtail early voting.

Every State is a little different, but those 19 States that are passing laws, those laws are targeted with strategies specifically focused on things that they think will hurt the turnout of Democrats rather than Republicans, and it is just wrong. We need to be blind to party divisions when we are protecting the ballot box for all Americans. We need to be blind to race.

Now, folks say: Surely, there is still not a racial component in this effort to keep people from voting. And I would like to affirm that that is the case, but these strategies often target predominantly precincts that are high minority populations: Hispanic or Black precincts.

And other strategies target the young and college students. Why? Because they tend to vote a little bit more to the Democratic side of the ballot.

And some of these are targeted specifically at Native American reservations to make it so those on reservations have to drive an hour to 2 hours to drop off their ballot, and they won't vote in the same numbers as if you have a voting location on the reservation or they can vote by mail.

So we have struggled. Going back to the debate of 1890, down the hall in the House of Representatives, the conversation was initiated by Henry Cabot Lodge, and Lodge put forward a voting rights bill that said: You know what, things are going wrong in America, and we need to protect the right to register, the right to vote, and the right to

have those ballots fairly counted. So he basically said that jurisdictions could appeal to the district courts to get Federal supervision on the three critical stages of registering citizens, of conducting the election, and of counting the ballots afterward—those three phases. And it passed in the House of Representatives.

And at that time, it was the Republican Party that backed this fundamental right for all Americans. You know how many Democrats voted for Henry Cabot Lodge's bill? Zero. Zero. Every vote for it came from the Republican Party. That was the Republican Party in 1890.

In 1891, the bill was here in the Senate. Well, what happened in the Senate? Well, a group of Senators said: We don't want the Senate to ever vote on this bill. So they spoke at length, refused to give unanimous consent to get to a final vote.

Now, why do we call that a filibuster? So, at our founding, the whole vision that our Founders laid out was that you hear everyone speak, and then you vote and you take the path the majority favors over the minority.

Now, they really emphasized—this is important—that you shouldn't have a supermajority because they wrote the Constitution while they were under the Confederation Congress. The Confederation Congress had a supermajority. And because of that supermajority, they couldn't get anything done. They couldn't raise the money to take on Shays' Rebellion. The Senate was paralyzed over policymaking.

So the Founders said: Whatever you do, do not have a supermajority because it paralyzes the body, and the body ends up taking the path the minority prefers, who are obstructing a final vote, rather than the majority.

Let's just look at some of the comments that our Founders made. James Madison:

> In cases where justice or the general good might require new laws . . . or [new] measures . . . the . . . principle of free government would be reversed.

He is speaking to a supermajority because it would no longer be the majority that would decide; it would be transferred to the minority. And he went on to say the damage that would be done if that happened: The basic principle of free government would be assaulted if the minority makes the decision instead of the majority.

What possible logic could there be to say the path that most people think is the wrong path is the path we will take? That is what happens when the supermajority blocks a final simple majority vote.

And we have Hamilton. Of course, Hamilton gets a lot of attention with the play done on Hamilton and his general supersized role in the early stage of our Republic.

Again, Hamilton was very aware of how the Confederation Congress was polarized before we got our Constitution in 1787. He, again, refers to the supermajority: It would be, in practice, as if you need everybody; and the history of any establishment that takes this principle is the result of impotence, perplexity, and disorder. He is referring to the supermajority requirement of the Confederation Congress.

What else did he say? Well, Hamilton said—and he uses some language we don't really use today: ''If a pertinacious minority can control the majority . . . tedious delays; continual negotiation and intrigue; contemptible compromises of the public good.''

I sometimes think that sounds like a description of the Senate today—tedious delays, intrigue, contemptible compromises of the public good. The public good is compromised when the Senate is not able to debate issues that face the United States of America.

He went on to say: ''The supermajority's real operation is to embarrass the administration, to destroy the energy of the government.''

''Destroy the energy of the government''? Doesn't that ring somewhat true of what we have gone through in trying to get to a vote on Build Back Better over this last year, any components of it, and trying to get a vote to protect our fundamental right and freedom to vote? And it has gone on all year. We are a year into the administration now.

So in modern times, we now are facing, again, what was faced in 1890. And I didn't really tell you the outcome of that 1890 debate. The House passed it. All Republicans came over here, and a number of Senators said: We are not going to give consent to get to a final vote.

They broke the contract—the social contract that you listen to everybody, and then, having heard all the ideas, having had a debate that maybe stretched many, many days or maybe weeks, you vote.

So the newspapers started to call this tactic, way back in the mid-1800s—they called this tactic—''piracy,'' because the core principle was being violated by people taking over the Senate—pirates taking over the Senate. And the common term for pirates, ''freebooters''—freebooters, that is where ''filibuster'' comes from. It is a corruption of the term ''freebooter.''

The pirates are taking over. They are breaking the deal of America. They are breaking the design of the Senate. It is supposed to be that after you listen to everyone—everyone has made their points—you vote by simple majority.

Now, we have had a particular development over the last three decades in which the Senate has become more and more dysfunctional. I had the chance to see this evolve because I first came here as an intern in 1976. And up in the staff Gallery, I would go up and watch each amendment being debated.

And there was no television. So Senators couldn't see what was going on. Staff back in the offices couldn't see what was going on. There was no cell phone. There was no fax machine. And so each Senator had a staff member watching the debate. And then when the vote came, you would rush down to those elevators that are outside that door. And when the Senators came up from the subway train that comes over from the office buildings, you would meet your Senator, and you would describe the debate that had happened. And if it was your particular topic area, you would describe what people back home were saying or what you had understood was the key question. And then the Senator would come in and vote.

And then, when the vote was tallied, there would be 6 or 12 Senators, generally clustered here, and they would all say ''Mr. President,'' because whomever got called on first got the next amendment. There was no set of amendments lined up on the Tax Reform Act of 1976, which is what I was staffing for Senator Hatfield.

I was very intrigued by the functioning of our government. So I went back to college and then dropped out 3 months later to come back here for the start of the Carter administration to watch what was going on in our government with a new Presidency. I waited tables. I volunteered for nonprofits. I went door to door for the Virginia Consumer Congress, working on issues related to renewable energy or energy efficiency. But I watched the Senate, and what I saw was a Senate that could debate issues in that year of 1977.

Then I came back here after graduate school, and I was planning to go overseas to work on issues of economic development in very poor countries—fundamental issues of healthcare, fundamental issues of education. But I was offered an opportunity to work on something here in DC as a Presidential fellow, to work on the issue of ''How do you decrease the threat of blowing up the world with nuclear weapons?''

So I went to work for the Secretary of Defense, Caspar Weinberger, under President Reagan. Then I went to work for the Congressional Budget Office, after 2 years of working for President Reagan and Caspar Weinberger. The Congressional Budget Office works for Congress, and I did studies and did briefings here on the Hill, watching the Senate. And the Senate started to have troubles, but it was still pretty functional.

Nothing prepared me for arriving here as a U.S. Senator in 2009, January, and seeing the utter decay and dysfunction of my beloved Senate—your beloved Senate, the Senate once called the greatest deliberative body in the world.

So I started to have conversations with colleagues about what had happened, and I saw that we had cloture motions—that is a motion to close debate—one after the other after the other and very few amendments.

Now, on the amendment side, this is a chart that shows the decline in amendments from the 109th Congress to the 116th. The 116th Congress is the

one that just ended. There is a tenfold reduction in the number of amendments over those 14 years—a tenfold reduction in amendments, a steady line downwards.

Well, that is one symptom of the problem, but then there was another piece of this problem, which was more and more motions to close debate. And those motions are designed to be rare. So they take—after you make the motion—a day plus. You have to have an intervening day, and then the second day after you make the motion, you can hold a vote on closing debate, because it is supposed to be such a rare moment, once or twice a year.

Then, if you succeed in getting the votes to close debate, it is 30 hours of debate. Well, that takes 2 or 3 days to get 30 hours of debate in and then an extra hour for any Senator who didn't have the chance to speak. So there is that factor. And then, finally, you can get to the final vote.

Those cloture motions eat up entire weeks. So you come in, and, on Monday, you file a motion to close debate. On Wednesday, you vote on actually closing debate because you have to have that intervening day of Tuesday. Then you have 30 hours, which takes the time up of the normal day of Wednesday and Thursday, and maybe on Friday you get to vote.

That is what I am saying: Every cloture motion takes up a week. Well, the Senate is normally only here 30 to 40 weeks a year. So if you have 30 or 40 cloture motions, you have essentially taken up all the Senate's time. But the Senate has an incredibly complex, extensive agenda. It needs to address so many issues in healthcare and housing and education, good-paying jobs, the environment. How do you take on climate? How do you take on international trade? How do you take on human rights in foreign countries like China, which are conducting genocide? So many issues around the world, plus it has so many nominations that have to be addressed.

I am told—I haven't double-checked this yet—that there were four Cabinet positions that required confirmation in the first Congress—four. Then you had Ambassadors, and you had judges. But you had a pretty small number of nominations in those positions. Now, we have well over a thousand positions—well over a thousand—and we have a nomination process in which people are nominated to have a higher rank in the military or advancement to certain ranks in the civil service. And so you have extensive lists that need to go through as well.

So let's take a look at what happened with the growth of cloture motions. This is the history going back to 1910. We actually only had cloture starting in 1917. And, in 1917, you see that there were very few cloture motions in a decade—3 in a decade, 10 in a decade, 5 in a decade, 8 in a decade, 3 in a decade—less than 1 per year.

Well, that intervening day kind of made sense because they were less than one time per year. It was supposed to be a rare moment in which you would address the fact that some Senators were not going to let the Senate proceed as our Founders envisioned, which was, after hearing everybody, to conduct a vote.

Then you start to see in the 1970s a big change. I think we have a chart that shows it year by year. We don't. Well, this will give you some sense of it. So we have—divided by 10, since these are by decade—we had growth in the 1980s to more than 20 per year; a growth in the 1990s to more than—well, an average of 35 to 36 a year. In the 2000s, an average of 45 per year. In the 2010 decade, an average of over 100 per year, taking up an entire week of the Senate's time.

So how did this unfold? Well, let's think a little bit about the fact that that filibuster that occurred in 1891 was about blocking Black Americans from having power—the power to vote—because if you have the power to vote, you have the power to weigh in. That means you have a lot of power in our society. So there was a deep determination to keep Black Americans from voting.

That was the filibuster of 1891. And its failure in the Senate—remember, it passed by a majority in the House, and it had majority support in the Senate, but the filibuster was used to crush this.

Now, that process meant that, from 1891 through 1965, when we passed voting rights in this Chamber, the filibuster was used for one thing: crushing the political rights of Black Americans.

Now, someone will say: Well, that is not quite right. There was an episode in 1917 in which the issue wasn't civil rights or voting rights. The issue was whether to arm our commercial ships against potential attacks by the Germans.

And that is partly true.

In March of that year, 1917, we weren't yet in the war, World War I. And there was a group of Senators who said: If we arm these ships and they deployed depth charges against German submarines or so forth, we are going to be in the war, and we will not have had a declaration of war. We will be pulled into the war by essentially this process of arming ships.

So they spoke at length during the last week of Congress, and time ran out, and the bill died. And the next week, the new Congress started. This is back when the transition happened in March. And the new Congress immediately said: We can close debate with 67 votes or two-thirds of the Senate. Actually, it was two-thirds; we didn't have 100 Senators here—two-thirds of the Senate, showing up to vote and close debate. So that was the first time that we had a motion to close debate since 1805.

And the reason I say it is since 1805, is that our original rules had a motion called the previous question. And on the previous question, there is a little bit of uncertainty of exactly how it was used. It sometimes said that, basically, you got to speed things up so we can get to the final vote. Other times, it has been interpreted as ''No, the previous question means we vote; we vote on the question before us.'' But it was never actually used, and it wasn't used because there was a social contract.

The Senate said: We can listen to everybody, and, then, having heard everybody, we can vote.

Fair enough. Fair deal. Square deal.

So in 1805, when Aaron Burr was in charge of rewriting the rule book, he said: We don't use this rule. We don't need this rule. We have a social contract. We listen to everybody and then have a simple majority vote, as our Founders designed the Senate. No need.

So we hadn't had a rule that essentially enabled this body to come to a vote in that period from 1805 through 1917. So it is true that the bill was delayed for 1 week. But the new Congress immediately came in, created a new rule to close debate, closed debate on that bill, and passed a bill to arm ships. So the only real thing that was crushed in those years from 1891 through 1965 was voting rights for Black Americans because the idea that you would prevent a simple majority vote, as our Founders intended, was piracy.

Well, in 1965, we passed voting rights, and the national consensus was we are putting that behind us; we are putting the discrimination behind us; we are putting the manipulation on election day behind us. We are going to have a fair opportunity for everybody to vote in this country. So the filibuster lost some of its taint because it was no longer primarily an instrument to crush the political rights of Black Americans.

People started saying: You know, maybe I can use this on something other than civil rights or something other than voting rights.

By the way, it had been used almost entirely on final passage of bills.

Maybe I can use it on nominations, to prevent nominations from going through expeditiously. Maybe I can use it on amendments. Maybe I can use it on motions to proceed.

Let's take a look at the issue of amendments. Prior to the sixties, one time, there had been a cloture motion on an amendment.

You know that vision that I saw in 1976 where one amendment was debated, and then when it was done, there were no pending amendments, so the next person would say: ''Wait''—they would always say ''Mr. President'' because there was always a man in the Chair at that point; I am now glad to say ''Madam President''—''Madam President,'' and whoever got heard first would put up the next amendment.

Well, that world started to change along the way. People started to obstruct not just final passage but obstruct amendments. There has been

steady growth in that over time. We are now up, in the last decade, to about 14 times per year or 143 times in the decade.

Then we have the question of the motion to proceed. You would think—we have a legislative calendar, and that calendar has a list of bills eligible to consider. Someone says: I want to make a motion—normally the majority leader—to go to a particular item, a particular bill on that calendar. You would think that it would be like ''Hey, we are going to go to the election bill. Do I have majority support to do that?'' You would have a 15-minute debate and vote. You decide to go to that bill or not.

Why would you take up a lot of the Senate's precious time debating whether to debate a bill? But that logic has not prevailed, so we have a continuous increase in the attack on the ability to get a bill to the floor. Well, in the sixties, about one per year; in the seventies, about one per year; four times per year in the eighties; more than 10 in the nineties—it escalates.

Here is the thing: To get a bill to the floor, if a group is intent on forcing a cloture motion, you have to have a motion, an intervening day, 30 hours of debate, and then you have to be able to have an additional hour for any Senator who wasn't able to speak in those 30 hours. In other words, it takes an entire week to decide whether to actually debate a bill. That is absolutely insane.

If you want the U.S. Senate to be unable to address issues, then allow unlimited debate until there is a cloture motion on the motion to proceed. I think most Senators agree that that should go. But here is the problem: Whichever party is in the minority doesn't want to make things easier for the majority. And this really goes to a core challenge of our highly tribal parties.

In the Senate that I first saw, the philosophies of the two parties—if you were doing a bell curve of each party, they overlapped. They overlapped a lot. There were Republicans who voted more like Democrats and Democrats who voted more like Republicans. There was a lot more, therefore, bipartisan work. Now, if you do those same two bell curves on how people vote, there is a chasm. If you do a bell curve where the Democrats are and a bell curve where the Republicans are, there is a deep valley, a chasm in the middle.

We have become more intensely tribal in ways that are absolutely reinforced by social media, all those commentaries on various Instagrams or a tweet reinforcing the idea that the other side is evil, that the two sides are far apart, which leads the minority in this Chamber to say: Since the other side is evil, we will just prevent them from ever getting to a bill. If 41 of us—and right now, there are 50 desks on this side of the aisle, and there are 50 desks on that side of the aisle—if 41 of us proceed to say we will not vote to close debate on a motion to proceed, you can never get to a bill.

We have had that happen multiple times this year in which my Republican colleagues voted to prevent us from debating voting rights, the protection of voting rights. What a change from 1890, when, in the House of Representatives, every vote cast for the bill to defend the right to vote in America was a Republican vote. Now, every vote against debating the issue has come from the Republicans. What a swap over the time period.

This, essentially, is a strategy to kill bills in the cradle before they are debated on this floor.

Both caucuses, by the way, have done this. When I speak of voting rights, it is now my colleagues across the aisle who are deliberately blocking it from being debated time and again, but on other issues and when the Democrats have been in the minority, we have done the same thing. It needs to end.

You know, I had conversations with a whole group of Republicans last year saying: Next year, we have no idea who will be in the majority. We have no idea. So let's just have 1 hour at most, evenly divided, to discuss whether a bill comes to the floor, and then we will vote. Instead of an intervening day and 30 hours, plus extra hours if you didn't get to debate, you have 1 hour evenly divided. If one side yields back its time, that means in 30 minutes, we can then decide to get on the bill or not.

Thirty hours, an intervening day, or 30 minutes. That makes a lot more sense. We have to end this.

I have had this conversation with nine of my colleagues across the aisle and said: Let's do this. Let's fix the motion to proceed and guarantee germane amendments on the floor.

They were interested. Some said they would go and take it to their policy team, some said they would take it to their caucus, and some said they would take it to their leadership. Then they all said ''Sorry'' because their leadership said ''No way are we going to have kind of the ordinary Senators who aren't in leadership have a movement to fix the Senate.''

MITCH MCCONNELL told them: No. We will make changes depending on what is best for our caucus. And if we are in the majority, that is different than if we are in the minority.

So those efforts failed, and people keep saying to me: Hey, wouldn't it work if you draw up rules and implement them with the next Congress?

Well, we have tried that. My colleague Tom Udall, who is now our Ambassador to New Zealand, was there, coming in with my class in 2009. He had followed this as well. So we teamed up, and we worked on these conversations, but ultimately we couldn't make it happen.

We need to fix the Senate. We need to guarantee germane amendments. When I say ''germane amendments,'' I mean amendments that are on the topic.

When I was staffing that tax bill for Senator Hatfield, every amendment was on taxes. Should we proceed to increase or rein in the tax credit that goes—or the tax deduction that goes to deducting the cost of your home office if you are a teacher in our public schools? It was one I heard in a lot of letters. There were a ton of letters from teachers in Oregon about that.

I remember that another amendment was on employee stock ownership plans, which enable you to be able to enable your workers to own a share of the company. How do we make those ESOPs work better? and so on and so forth, one tax issue after another—nothing to do with highly polarizing social issues on a tax bill because people knew that when another bill came on healthcare, they could put healthcare issues on that. When one came on transportation, they could put their transportation amendments on it.

Now the assumption is, hey, if there is a bill that is going to pass, we better throw in every idea we ever had because that is like the only bill that will get through the Senate. The result is these massively thick bills, which are an insult to democracy because in a 1,000- or a 2,000-page bill, you are talking about thousands of ideas, of new laws, of new ideas being embedded.

There is no way the citizens can hold us accountable when we are voting on a bill that is yea thick. There are a bunch of things that are good. There are a bunch of things that are bad. Plus, we can't even figure out what some of them are before we have to vote because when the deal is struck off the floor because we can't do amendments and because there is no debate, well, we are stuck with a big bill being delivered and described to us. That is not the way it should work. That is not good for us. That is not good for the citizens.

Let's note that what is happening in those 19 States puts us at an absolutely critical moment. You can think of democracy as a flickering flame or a flame that has to be maintained and nurtured from one generation to the next. Now, it is our challenge—our challenge—because laws are being passed on registration, laws are being passed on the process of voting, and laws are being passed on the process of counting that are designed to manipulate the outcome, to basically cheat Americans out of a fair election and, in many cases, cheat them out of the opportunity to vote at all or if they can vote, not have their vote fairly counted. So it is our responsibility to act.

I see my colleague from Massachusetts has come to the floor. I think she is ready to speak.

I just want to sum up with this notion: The failure of this Senate to act in 1891 led to three generations in which civil rights for Black Americans were suppressed in our country. If we fail to act—if we fail to act this year, 2022, and allow the authentic integrity of elections—then we may see three generations in which we lose government of, by, and for the people.

You see, voting rights are the critical component because if those who are elected break the laws or go off track, you throw them out through fair elections, but if they go off track and there are no fair elections, they increase their power.

You have to have fair elections to maintain government of, by, and for the people. That is the reason we must act this week to pass the John Lewis Voting Rights Act and the Freedom to Vote Act that are before this Senate right now.

I yield to my colleague from the great State of Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Madam President, I want to say a very special thank-you to my colleague, the Senator from Oregon. Senator MERKLEY has worked harder and more persistently on questions about the filibuster and the procedures of the U.S. Senate for years now and tried to lead us to a more functional situation than we are in right now. I want to thank him for his leadership.

I know that tonight must be frustrating for him because he has tried so hard to get us to a better place. But I very much appreciate all that he has done, and to the extent we make progress, we make progress in no small part because of his leadership.

Thank you.

H.R. 5746

Ms. WARREN. Madam President, I rise today to urge the Senate to take action to protect voting rights and to defend our democracy. Voting is foundational to our democracy. In a strong, functioning democracy, the playing field is level. Citizens have a right to vote, and neither one side nor the other has the right to block those voters from the ballot box or from getting their votes counted.

That basic premise no longer holds in America. Let's be blunt. American democracy is under attack from Republican politicians. In the past year alone, Republican State legislatures have passed laws in nearly 20 States to restrict American citizens' right to vote.

The Republican nominees to the Supreme Court have destroyed longstanding protections against dark money in politics; they have given the green light to partisan gerrymandering; and they have gutted the Voting Rights Act. Republican dark money networks are bankrolling voter suppression efforts with hundreds of millions of dollars in lobbying and advertising.

And for years and years, Republican Donald Trump and Republican politicians have spread lies about the integrity of our elections. Last January 6, a Republican President, backed up by Republicans right here in this Senate, provoked a deadly insurrection at our Nation's Capitol.

And in the intervening year, Republican leaders have refused to accept evidence of President Biden's 7 million-vote victory over Donald Trump. Instead, they have fed conspiracies and lies that further undermine our democracy.

Yes, American democracy is under attack, and, today, 50 Democratic Senators agree on the right response to this attack. The Freedom to Vote Act would guarantee that every American citizen can easily vote and get their vote counted.

The act would defend against attempts to overturn the will of the people; the act would reform our broken campaign finance system and help root out dark money; and, critically important, the act would ban partisan gerrymandering by either side.

The companion bill, the John Lewis Voting Rights Advancement Act, would restore historic protections against State laws that have the purpose and the effect of discriminating on the basis of race.

Unfortunately, Senate Republicans would rather destroy our democracy than have free and fair elections, and so they support those around the country who are trying to block access to voting and who are trying to rig how votes get counted.

Elections are about the will of the majority, but the Republicans in the Senate don't want what a majority of Americans want. In fact, the 50 Republicans in the Senate, together, represent 41½ million fewer Americans than the Democratic majority, but instead of taking a simple vote to protect American citizens' access to the polls, they want to stop legislation to defend the very foundation of our democracy from even getting a vote on the floor of the Senate.

Let me be clear. My view on this is that the filibuster has no place in our democracy. Our Founders believed deeply in protections for the minority, and those are enshrined in the Constitution and in the structure of Congress. But our Founders made it clear that, after extended debate, the majority could always get a vote. And that final vote—except in the case of treaties and impeachment—would always be by simple majority. The Founders did not add a filibuster. With two exceptions, they insisted on plain old majority rule.

When the Senate changed its rules a decade later, the filibuster became the favored tool of racists and segregationists. The filibuster preserved Jim Crow laws and stalled civil rights legislation for decades. The filibuster helped block the passage of anti-lynching legislation for over 100 years. The filibuster nearly stopped Congress from passing the most important voting rights law in our Nation's history—the Voting Rights Act of 1965.

Today's filibuster does not foster bipartisanship and compromise. In fact, the exact opposite is true. The filibuster has been weaponized to intensify partisan division.

The filibuster is a wicked tool used to kill legislation supported by the majority of Americans of all political parties, and that is true for protecting the right to vote and gun safety legislation and immigration reform and codifying Roe v. Wade.

The filibuster thwarts the will of the people. Today's filibuster doesn't encourage debate; it promotes power. Senators can torpedo bills without saying a single word in public or even stepping to the floor of the U.S. Senate. This is not how a so-called deliberative body should operate.

Senators should be required to talk and vote instead of hiding behind a rule. They should have to put skin in the game. If Republicans are fine with the wave of anti-voter laws being enacted in State after State, then they should have to come to the floor and make that clear. If Republicans oppose reinstating the Voting Rights Act that passed in this Chamber unanimously in 2006, their constituents and the historical record should know exactly where they stand.

Instead, because of how today's filibuster works, we have two sets of rules in our country, one for Democrats, who want to promote civil rights and liberties, and another set for Republicans, who want to take them away. Republicans who want to close polling places, who want to limit voting, who want to pass gerrymandered maps are hard at work doing that right now with simple majorities in State legislatures all across this country. They face no filibusters to stop them. It is majority rule all the way.

And here in Washington, when Republicans want to pass massive tax cuts for billionaires and rig our Tax Code to favor big businesses, an exception to the filibuster lets them do just that with a simple majority.

Republicans who want to pack the Supreme Court with extremists Justices who roll back fundamental rights and who disregard the rule of law can do that with a simple majority right here in the U.S. Senate. But a majority of Democratic Senators—again, Democrats who, together, represent over 40 million more Americans than the Republican Senators—a majority of Democrats cannot pass legislation to improve the lives of Americans.

Democrats want to raise the minimum wage; Democrats want to lower the cost of prescription drugs and healthcare; and Democrats want to protect the right to vote. But too often we cannot achieve these goals because the filibuster gives the minority party an almost total veto over legislation, including the legislation we need to save our American democracy.

We can't ignore Republicans' attempts to rig free and fair elections in this country. We can't roll over when Republicans want to make it harder for Black Americans to vote. We can't look the other way when Republicans want to make it tough for Latinos and Asian Americans to vote.

We can't be silent when Republicans make voting harder on Tribal lands. We can't shrink back when Republicans work to keep students from voting. We can't turn away when Republicans try to keep working-class people or anyone who might be more inclined to vote for Democrats—keep them away from the polls. That is not how democracy works.

In a democracy, the most votes win—period. In a democracy, the Senate debates, and then the Senate votes. And in a democracy, the people—not the politicians—decide who will lead the Nation.

This week, the eyes of the Nation and the entire world are on the U.S. Senate. We can choose to protect the tool of Jim Crow and segregation that is found nowhere in the Constitution or we can choose to defend the sacred right to vote.

I urge the Senate to protect our democracy and to protect the right of every American citizen to vote and to have their vote counted.

Some of our Republican colleagues have made the dishonest claim that there is no voter suppression crisis, and there is no need for Federal voting rights legislation. So I would like to enter into the RECORD a series of articles that demonstrate the voter suppression taking place in State after State in this country.

I will start by reminding everyone that the Supreme Court—led by Chief Justice John Roberts—opened the door to all of these anti-voter tactics by gutting preclearance from the Voting Rights Act and by turning its back on equal justice under law.

So first I will read excerpts from an article published in Vox on July 21, 2021, entitled: ''How America lost its commitment to the right to vote.''

The Supreme Court, Justice Elena Kagan lamented in a dissenting opinion earlier this month, ''has treated no statute worse'' than the Voting Rights Act.

She's right.

The Voting Rights Act is arguably the most successful civil rights law in [all of] American history. Originally signed in 1965, it was the United States' first serious attempt since Reconstruction to build a multiracial democracy—and it worked. Just two years after President Lyndon Johnson signed the Voting Rights Act into law, Black voter registration . . . in the Jim Crow stronghold of Mississippi skyrocketed from 6.7 percent to nearly 60 percent.

And yet, in a trio of cases—Shelby County v. Holder [in] (2013), Abbott v. Perez [in] (2018), and Brnovich v. DNC [in] (2021)—the Court drained nearly all of the life out of this landmark civil rights statute.

After Brnovich, the decision that inspired [Justice] Kagan's statement that the Court has treated the Voting Rights Act worse than any other federal law, it's unclear whether the Supreme Court would rule in favor of voting rights plaintiffs even if [the] state legislature tried to outright rig an election.

These cases are the culmination of more than half a century of efforts by conservatives who, after failing to convince elected lawmakers to weaken voting rights, turned to an unelected judiciary to enact a policy that would never have made it through Congress. All of this is bad news for minority voters in America, who are [the] most likely to be disadvantaged by many of the new restrictions currently being pushed in statehouses across America, and for the country's relatively young commitment to multiracial democracy. And there are at least three reasons to fear that decisions like Shelby County and Brnovich foreshadow even more aggressive attacks on the right to vote.

The first is that Republican partisans can use race as a proxy to identify communities with large numbers of Democratic voters. In 2020, according to the Pew Research Center, 92 percent of non-Hispanic Black voters supported Democrat Joe Biden over Republican Donald Trump—and that's after Trump slightly improved his performance among African Americans compared to 2016.

That means that state lawmakers who wish to prevent Democrats from voting can do so through policies that make it harder for Black voters (and, to a lesser extent, most other nonwhite voters) to cast a ballot. And Republican lawmakers haven't been shy about doing so. As a federal appeals court wrote in 2016 about a North Carolina law that included many provisions making it harder to vote, ''the new provisions target African Americans with almost surgical precision.''

An even starker example: Georgia recently enacted a law that effectively enables the state Republican Party to disqualify voters and shut down polling precincts. If the state GOP wields this law to close down most of the polling places in the highly Democratic, majority-Black city of Atlanta, it's unclear that a Voting Rights Act that's been gravely wounded by three Supreme Court decisions remains vibrant enough to block them.

The second reason to be concerned about decisions like Brnovich is that the Supreme Court's attacks on the Voting Rights Act are not isolated. They are part of a greater web of decisions making it much harder for voting rights plaintiffs to prevail in court.

These cases include decisions like Purcell v. Gonzalez [in] (2006), which announced that judges should be very reluctant to block unlawful state voting rules close to an election; Crawford v. Marion County Election Board [in] (2008), which permitted states to enact voting restrictions that target largely imaginary problems; and Rucho v. Common Cause [in] (2019), which would ban federal courts from hearing partisan gerrymandering lawsuits because the Court's GOP-appointed majority deemed such cases too ''difficult to adjudicate.''

Finally, decisions like Shelby County and Brnovich are troubling because the Court's reasoning in those opinions appears completely divorced from the actual text of the Constitution and from the text of federal laws such as the Voting Rights Act. Shelby County eliminated the Voting Rights Act's requirement that states with a history of racist election practices ''preclear'' any new voting rules with officials in Washington, DC. It was rooted in what Chief Justice John Roberts described as ''the principle that all States enjoy equal sovereignty,'' a principle that is never mentioned once in the text of the U.S. Constitution.

In Brnovich, the Court upheld two Arizona laws that disenfranchise voters who vote in the wrong precinct and limit who can deliver an absentee ballot to a polling place. [Justice] Alito purports to take ''a fresh look at the statutory text'' in this case. But he imposes new limits on the Voting Rights Act—such as a strong presumption that voting restrictions that were in place in 1982 are lawful, or a similar presumption favoring state laws purporting to prevent voter fraud—[qualifications] which have no basis whatsoever in the law's text.

As [Justice] Kagan writes in dissent, Brnovich ''mostly inhabits a law-free zone.''

That doesn't necessarily mean that this Supreme Court will allow any restriction on voting to stand—under the most optimistic reading of cases like Brnovich, the Court might still intervene if Georgia tries to close down most of the polling places in Atlanta—but it does mean that voting rights lawyers and their clients can no longer expect to win their cases simply because Congress passed a law protecting their right to vote.

The rules in American elections are now what [Justice] Roberts and his five even more conservative colleagues say they are—not what the Constitution or any act of Congress has to say about voting rights.

Mr. President, Republicans are not just content with making it harder to vote. They are also passing State laws allowing them to replace local election officials with those who will administer elections in their favor. Unsurprisingly, they are targeting areas with huge Black populations, like Atlanta, that helped determine the outcome of the 2020 election cycle.

And they are targeting smaller places, too. As described in an article published in the Atlanta Journal-Constitution on December 29, 2021, entitled ''New Election Board in Lincoln County Seeks Central Voting Site,'' a replacement elections board is planning to close all seven polling places in Lincoln County, north of Augusta, requiring in-person voters to report to one centralized location. The poll closures would reduce voting access for rural residents, who would have to drive 15 miles or more to cast a ballot in a county with no public transportation option, leading to opposition from voting rights advocates.

The plan is moving forward after a State law passed this year abolished the previous county elections board and gave a majority of appointments to the Republican county commissioner. Now, Lincoln is one of six counties where the Republican-controlled Georgia General Assembly reorganized local elections boards.

''This is about the powerful flexing their muscles and saying, 'We can do whatever we want to do and who is going to stop us?' '' said the Reverend Denise Freeman, who is organizing Lincoln voters to oppose the poll closures. She goes on to say: ''In Lincoln County, it's always been about power and control.''

The remade board is the same as before, with one exception: A Democratic Party appointee was replaced by an appointee of the county commission, whose five members are all Republicans. The elections board could vote on the poll closure plan on January 19.

''Folks should have access to their polling locations. They should be able to vote without having to drive 30 minutes to get there,'' said Cindy Battles of the Georgia Coalition for the People's Agenda, a civil rights group that has been collecting voter signatures for a petition drive to try to stop the closures.

There is no public transportation available in Lincoln County, nor are

there taxis, Uber or Lyft. Anyone who wants to vote would have to drive or walk to a polling place, or return an absentee ballot. Turnout decreases when voters have to travel farther to cast a ballot, according to a statistical analysis by the Atlanta Journal-Constitution.

Polling places can be closed by a majority vote in Lincoln County, and the Federal Government has no oversight role. A 2013 U.S. Supreme Court decision removed the requirements of the Voting Rights Act for States with a history of discrimination, including Georgia, to obtain Federal preclearance before making changes to voting practices and locations.

And what happened?

County election boards closed 214 precincts across Georgia between 2012 and 2018. That is nearly 8 percent of the State's total polling places, according to a count by the Atlanta Journal-Constitution.

Mr. President, Republican efforts have already succeeded at disenfranchising voters, especially Black voters. So I now want to share the impact that limiting polling places had on voters during the last Presidential election in Georgia, using an excerpt from an NPR article published on October 17, 2020, entitled ''Why Do Nonwhite Georgia Voters Have to Wait in Line for Hours? Too Few Polling Places.''

Here is the story:

Kathy spotted the long line of voters as she pulled into the Christian City Welcome Center about 3:30 p.m., ready to cast her ballot in the June 9 primary election.

Hundreds of people were waiting in the heat and rain outside the lush, tree-lined complex in Union City, an Atlanta suburb with 22,400 residents, nearly 88% of them Black. She briefly considered not casting a ballot at all, but she decided to stay.

By the time she got inside more than five hours later, five hours later, the polls had officially closed and the electronic scanners were all shut down. Poll workers told her she would have to cast a provisional ballot, but they promised that her vote would be counted.

''I'm now angry again, I'm frustrated again, and now I have an added emotion, which is anxiety,'' said Kathy, a human services worker, recalling her emotions at the time. She asked that her full name not be used because she fears repercussions from speaking out. ''I'm wondering if my ballot is going to count.''

By the time the last voter finally got inside the welcome center to cast a ballot, it was the next day, June 10.

The clogged polling locations in metro Atlanta reflect an underlying pattern: the number of places to vote has shrunk statewide, with little recourse. Although the reduction in polling places has taken place across racial lines, it has primarily caused long lines in nonwhite neighborhoods where voter registration has surged and more residents cast ballots in person on Election Day. The pruning of polling places started long before the pandemic, which has discouraged people from voting in person.

In Georgia, which is considered a battleground State for control of the White House and U.S. Senate, the difficulty of voting in Black communities like Union City could possibly tip the results on November 3. With massive turnout expected, lines could be even longer than they were for the primary, despite a rise in mail-in voting and Georgians already turning out by the hundreds of thousands to cast ballots early.

Since the U.S. Supreme Court's Shelby v. Holder decision in 2013 eliminated key federal oversight of election decisions in states with histories of discrimination, Georgia's voter rolls have grown by nearly 2 million people, yet polling locations have been cut statewide by nearly 10%, [this is] according to an analysis of state and local records by Georgia Public Broadcasting and ProPublica. Much of the growth has been fueled by younger, nonwhite voters, especially in nine metro Atlanta counties, where four out of five new voters were nonwhite, according to the Georgia secretary of state's office.

The metro Atlanta area has been hit particularly hard. The nine counties—Fulton, Gwinnett, Forsyth, DeKalb, Cobb, Hall, Cherokee, Henry and Clayton—have nearly half the state's active voters but only 38% of the polling places, according to the analysis.

As a result, the average number of voters packed into each polling location in those counties grew by nearly 40%, from about 2,600 in 2012 to more than 3,600 per polling place as of October 9. In addition, a last-minute push that opened more than 90 polling places just weeks before the November election has left many voters uncertain about where to vote or how long they might have to wait to cast a ballot.

The growth of registered voters has outstripped the number of available polling places in both predominantly White and Black neighborhoods. But the lines to vote have been longer in Black areas, because Black voters are more likely than Whites to cast their ballots in person on Election Day and they are more reluctant to vote by mail, according to U.S. census data and recent studies. Georgia Public Broadcasting/ProPublica found that about two-thirds of the polling places that had to stay open late for the June primary to accommodate waiting voters were in majority-Black neighborhoods, even though those neighborhoods made up only about one-third of the State's polling places.

An analysis by Stanford University political science professor Jonathan Roddin of the data that was collected by the Georgia Public Broadcasting/ProPublica found that the average wait time after 7 p.m. across Georgia was 51 minutes in polling places that were 90% or more nonwhite.

That is 51 minutes in polling places that were 90 percent or more non-White, but only 6 minutes in polling places that were 90 percent White.

Georgia law sets a cap of 2,000 voters for a polling place that has experienced significant voter delays, but that limit is rarely, if ever, enforced. Our analysis found that, in both majority Black and majority White neighborhoods, about 9 out of every 10 precincts are assigned to polling places with more than 2,000 people.

A June 2020 analysis by the Brennan Center for Justice at the New York University Law Center found that the average number of voters assigned to a polling place has grown in the past 5 years in Georgia, Louisiana, Mississippi, and South Carolina—all States with substantial Black populations that, before the Supreme Court's Shelby decision, needed Federal approval to close polling places under the Voting Rights Act, and though dozens of States have regulations on the size of voting precincts and polling places or the number of voting machines, the analysis found that many jurisdictions simply do not abide by them.

Georgia's State leadership and election officials have largely ignored complaints about poll consolidations, even as they tout record growth in voter registration. As secretary of state from 2010 to 2018, when most of Georgia's poll closures occurred, Brian Kemp, now the Governor, took a laissez-faire attitude toward county-run election practices, save for a 2015 document that spelled out methods officials could use to shutter polling places to show ''how the change can benefit voters and the public interest.''

Kemp's office declined to comment Thursday on the letter or as to why poll closures went unchallenged by State officials. His spokesperson referred to his previous statements that he did not encourage officials to close polling places but merely offered guidance on how to follow the law.

The inaction has left Black voters in Georgia facing barriers reminiscent of Jim Crow laws, said Adrienne Jones, a political science professor at Morehouse College in Atlanta, who has studied the impact of the landmark Shelby decision on Black voters. Voter suppression ''is happening with these voter impediments that are being imposed,'' Jones said. ''You're closing down polling places so people have a more difficult time getting there. You're making vote-by-mail difficult or confusing. Now we're in court arguing about which ballots are going to be accepted, and it means that people have less trust in our state.''

Despite false Republican claims to the contrary, voter ID laws disproportionately harm people of color, rural Americans, and poor Americans.

I now want to read an article from ABC News. They published it on October 5, 2021. It tells the story of Texas voter ID laws, and it is entitled ''Black woman in rural Texas struggles with process to vote, advocates say system is unfair.''

While voters across Texas submitted voter registration applications on Monday, October 4, ahead of the Nov. 2 statewide election, 82-year-old Elmira Hicks worried she would not be able to have her vote counted.

The Oakwood, Texas, native said she hasn't been able to renew her driver's license for more than a year because she has been unable to present the required birth certificate needed to verify her identity.

In the Lone Star State, election laws require voters to present a driver's license, passport, military identification card, citizenship certificate, state election identification certificate or a personal identification card to cast a ballot in person.

A person does not need an ID to register to vote, or to vote by mail in the state of Texas.

For voters ages 70 and over, an otherwise valid form of ID may be presented when casting a ballot, even if it's expired, according to the office of the . . . Secretary of State.

If a voter does not possess or cannot reasonably obtain one of the seven acceptable forms of photo ID, the voter may file a Reasonable Impediment Declaration and present a supporting form of ID, [like] a bank statement, current utility bill, paycheck or government check.

Hicks and her daughter, Jonita White, said they were unaware of the RID process, and that without a driver's license and limited transportation, it's difficult for Hicks to participate in state and federal elections.

''My voice does not count.'' Hicks told ABC News. ''It's very important. People have died just to vote, people have stood in line, in the rain, women fought to vote and now I can't vote.''

Like many Black elders in the South, Hicks was born at a time when records weren't kept. She never had a birth certificate. Her daughter has helped her apply for one. The pair even went to court over the issue, and said a judge ruled in their favor. Still, they said the Office of Vital Statistics rejected Hicks because she filled out an outdated form.

''I do feel like the laws right now are targeting my mother and other African Americans in this country,'' White said.

Eight state constitutional amendments ranging from taxes to judicial eligibility will be up for a vote on Nov. 2, in an election that, as of now, Hicks [cannot] participate in.

Advocates warn that potentially thousands of predominantly minority voters could be disenfranchised due to voter identification requirements, which could have large implications during next year's midterm elections for state and congressional races.

''It's often very common for people of a certain age not to have a birth certificate. I want to emphasize it's not as uncommon as people might believe,'' said Franita Tolson, the vice dean for faculty and academic affairs and a professor of law at the University of Southern California Gould School of Law.

''In this country, race correlates to a lot of different characteristics. So, for example, if you take voter identification laws . . . people of color, so African Americans, Latinos, will be less likely to have the underlying documents that you need in order to get the ID in the first place in order to get a driver's license,'' Tolson [said].

Texas recently passed the Election Integrity Protection Act, one of the most restrictive voting laws in the country. It bans drive-thru voting, enlists new regulations for early voting and enacts new ID requirements for mail-in voting.

While Tolson does not believe all voter identification requirements are discriminatory, she called Texas' voter ID measures ''racist'' during a Congressional Subcommittee hearing on September 22 because she believes they disproportionately impact voters of color.

''Texas has very restrictive voter ID law,'' Tolson said. ''If you read it, it doesn't seem racist on its face, but if you think about how it operates in practice, as well as the intent behind it, it is fairly racist. For example, Texas' law only allows voters to have a certain limited amount of IDs. You have to have a driver's license, you can have a . . . handgun license, you can have a military ID, but you can't have a federal ID, or you can't have a student ID, which are types of IDs that people of color are more likely to have.''

White said obtaining an election identification is not so easy for an 82-year-old woman who lives in a rural area without the convenient ability to drive herself to the Department of Public Safety.

''My challenge is it's taking so long to get this done,'' White said. ''And to send my mother through all of these hoops at this age to go get documents notarized, to go get her Social Security application, We're having to look for high school records and baptism information . . . To send her through such a process, it really is ridiculous.''

Latino communities have also been at the forefront of the fight for social, racial, and economic justice, but Republican gerrymandering is silencing these communities as described in the following article, published by the Brennan Center, on November 14, 2021, entitled ''It's Time to Stop Gerrymandering Latinos out of Political Power.''

In 2020, Latinos made up just 1 percent of all local and federal elected officials, despite being 18 percent of the population.

In fact, the 2020 census results show that Latinos made up over half the country's population growth from 2010 to 2020, adding 11.6 million people to their total numbers—more by far than any other ethnic group in absolute terms. Latinos are already the largest minority group in 21 states, and in California and New Mexico they have already surpassed non-Latino whites as the largest single ethnic group in the state. In Texas, they are poised to do the same.

In states where growth among Latinos and other people of color threaten the political status quo, lawmakers are already beginning to gerrymander Latino communities out of their political voice, packing them into fewer and fewer districts to circumscribe their electoral power or dispersing Latino communities across multiple districts in order to dilute their voting strength. In Texas, for example, lawmakers recently passed a new congressional map that reduced the number of Latino-majority districts—despite the fact that the state has actually added 2 million Latinos since 2010.

This isn't a new tactic. Last decade, Texas failed to create any new electoral opportunities for Latinos despite rapid and concentrated Latino growth, leading to years of drawn-out litigation over the discriminatory scheme. Likewise, successful litigation in Florida demonstrated that lawmakers packed Latino voters into already heavily Democratic districts to shore up Republican districts at the expense of Latino voters. Even in states under Democratic control, like Illinois and Washington, Latinos are often shuffled between different districts to bolster safe Democratic seats and denied the equal opportunity to elect representatives of their choice.

Even with record turnout in 2020, Latino voters were, by many accounts, neglected by Republican and Democratic campaigns alike. This comes at a time when Latino communities are in particular need of responsiveness from lawmakers. Over the course of the pandemic, Latinos have been 2.8 times more likely to die of COVID–19 and suffered more economic and job losses than other Americans. And since the pandemic began, Latino adults were more likely to get evicted and their children more likely to fall behind in school than their white peers.

But rather than address the concerns and desires of this growing body of constituents, many states, like Texas and Florida, have instead created new barriers to the ballot box. Anti-Latino redistricting practices are occurring amid the biggest voter suppression push in decades—much of it aimed at diminishing the growing power of Latino communities.

These attacks on Latino voters have deep roots in historical prejudice and violence going back over a century. Often erased in U.S. history books, violent mobs are estimated to have killed thousands of people of Mexican descent in the early 20th century. Forgotten too is the campaign by state and local officials to ''repatriate'' (that is, forcibly move to Mexico) an estimated 2 million Mexican Americans during the Great Depression, many of whom were U.S. citizens. Later, even the Voting Rights Act of 1965 failed to initially protect Puerto Ricans from English literacy tests at the New York polls—''language minorities'' weren't included in the law until 10 years after its passage.

Though the Latino population has grown and grown more diverse over the past 50 years, the pattern of discrimination remains strikingly unchanged. Every day, lawmakers across the country are recycling the bad map-drawing practices that have stymied Latino political opportunity for decades. Voters and advocates can challenge these maps in court, but they will be hampered by courts' restrictive interpretation of voting rights laws and the ability for map drawers, after the Supreme Court green-lighted partisan gerrymandering, to claim that Latinas were targeted for partisan reasons, not for their ethnicity. And that is why it is more urgent than ever that Congress repair and strengthen the Nation's voting rights laws by passing the John R. Lewis Voting Rights Advancement Act and the Freedom to Vote Act.

Asian-American voters are turning out at record levels, and it is no coincidence that Republican State legislatures are responding with new laws to suppress their voices.

I will now read from an NBC News article from March 31, 2021, about the effect of Georgia's recently enacted voter suppression law on Asian-American voters. This is entitled ''Asian American voter rights in Georgia hit record high. How voting bill threatens progress.''

While new data shows Asian Americans had record turnout in Georgia in the last election, a new law that restricts voting in the state threatens their participation in the political process, particularly at a time when they also have the highest rates of absentee voting, critics say.

The new legislation, passed with the overwhelming support of Republicans in the state Legislature last week, adds restrictions to absentee and early voting, among other forms of balloting. Critics say the law could disproportionately affect communities of color, including Asian Americans, whose voting population already confronts significant barriers to civic engagement.

The bill, activists say, is particularly alarming in light of a recent analysis by the policy nonprofit AAPI Data on turnout in battleground states that showed a historic 84 percent vote gain in Georgia by Asian Americans from 2016 to 2020—a result, in part, of aggressive community outreach.

''Voters of color, including Asian American voters, have shown their electoral power in Georgia,'' Phi Nguyen, a litigation director for Asian Americans Advancing Justice-Atlanta told NBC. . . . ''And now some elected leaders want to try to suppress those voices rather than be accountable to a diverse, multiracial, multiethnic electorate.''

Critics said that the bill—which was fast tracked through the state House and Senate and signed by Republican Gov. Brian Kemp in just over an hour—was passed without public notice to advocates or voters. The sweeping legislation criminalizes ''line warming,'' the practice of offering food and water to voters waiting to vote, and allows the Georgia Legislature to take power from local boards of election.

In regards to absentee and early voting, the earliest date a voter can request a ballot is 11 weeks ahead of an election, less than half the time before the law [before the law was passed]. And the deadline to complete the ballots has been moved up as well. Both requesting and returning ballots requires identification, such as a driver's license number, state ID number or a copy of an acceptable voter ID.

The restrictions on absentee voting, Nguyen said, are particularly concerning given that Asian Americans voted by mail at the highest rate compared to all other racial groups in the general election. Voting data from November showed that in 13 of the most contested battleground states, including Georgia, AAPI early and absentee voting rose almost 300 percent from 2016 [to 2020].

Nguyen further pointed out that any laws that make voting more challenging have a particularly amplified impact on those who are limited English proficient, or people who have difficulty communicating in English. The Asian American population has some of the highest rates of limited English proficiency. And according to Pew Research, Asian Americans are the only group made up of a majority of naturalized immigrants, who account for two-thirds of the electorate.

With a high immigrant population, Asian Americans face barriers beyond just language, Karthick Ramakrishnan, [an] associate dean [for] the University of California Riverside School of Public Policy and founder of AAPI Data, said. Because the majority of the electorate is foreign born, most Asian Americans most likely did not grow up in a [Democratic] or [a] Republican household, he said. For those who were able to get college degrees, they probably attended universities in their home country, which influenced their knowledge of the political process.

''What that means is that the political awakening and consciousness and even information about where the party stands on issues and where candidates stand on issues—the barriers are pretty high beyond the language barriers,'' he said. ''You combine that with the fact that parties and candidates traditionally have not reached out to them. It's asking a lot for someone to make a decision when they don't have all that background information, and no one is reaching out to them.''

Given the added work that is required by immigrants to seek out this information, Nguyen noted that ''they are more likely to give up or feel intimidated in the face of additional hurdles or hoops.''

Within the Asian American community, those who tend to vote at higher rates also tend to be more proficient in English, and have higher incomes and higher education. . . . Many are also homeowners as opposed to renters. Voter suppression laws . . . would result in a distorted representation of the Asian American population.

''All of these factors matter. . . . They disproportionately hurt populations that are lower income, lower education, renters, younger people''. . . . ''You get a skew in terms of communities of color less likely to be represented. Even within those communities you will get a class skew and an age skew in terms of who has a voice.'' . . .

Ultimately, people should be pushing for more ways to make voting easier and pull more people toward civic engagement . . . adding that even if lawmakers are genuinely concerned about voter fraud, it occurs far more infrequently than voter suppression, of which there are widespread examples.

Previous research suggests that there is little to no voter fraud and a Harvard study on double voting, one of the most frequently cited examples of fraud, suggests . . . it's ''not . . . carried out in such a systematic way that it presents a threat to the integrity of American elections.''

''This is a serious reminder of how important political and civic education is for our most vulnerable communities.''

For far too long, Native communities have faced massive challenges in exercising their right to vote. Voter suppression efforts in Montana, as illustrated by this Mic article from July 6, 2021, are just one example of recent efforts to disenfranchise Native voters. The article is entitled ''Montana is ground zero for Native American voter suppression—and the fight against it.''

The Voting Rights Act of 1965 banned discriminatory voting practices and gave Native American communities the right to vote, in theory. Most of us know now that even with the Voting Rights Act in place, voter suppression is still going strong. In Montana, Native Americans are fighting new Republican laws that further restrict their ability to vote.

This year, Montana Democratic Governor Steve Bullock, who served for 8 years, was replaced by Republican Greg Gianforte. With a Democrat no longer holding veto power, State Republicans took advantage of the Governor's election by passing two new voting law bills—house bill 176, which eliminates same-day voter registration, and house bill 530, which makes it illegal for people to distribute or collect mail-in ballots if they are being paid to do so.

Per the National Congress of American Indians, the turnout rate amongst Native voters is up to 10 percentage points lower than any other racial group. In 2019, the Brennan Center reported that restrictive voting laws throughout the country continued to disproportionately impact Native communities.

On the surface, preventing people from being paid to collect ballots might seem like an OK idea, but in Montana, local nonprofits like Western Native Voice and Montana Native Voice pay people to collect and distribute ballots as an important part of their voting strategy. Without this practice, many people would be unable to cast their ballots at all.

For example, the New York Times reported the story of Laura Roudine, a resident of the Blackfeet Indian Reservation, who had emergency open-heart surgery only a week before the 2020 election. Because of the risks that coronavirus posed, neither Roudine nor her husband could vote in person. Home delivery wasn't an option either because it doesn't exist in her area of the reservation. Instead, the Times reported, the couple relied on Renee LaPlant, a Blackfeet community organizer with Western Native Voice, who took applications and ballots back and forth between their home and one of the only two satellite election offices located on the 2,300-square-mile reservation. The new laws signed by Gianforte would make this practice illegal.

Native American communities in Montana are organizing against these voter suppression efforts. In May, the ACLU of Montana and the Native American Rights Fund sued on behalf of several Native voting rights organizations and four Montana Tribal communities, stating that the new laws will disenfranchise Native voters in the State.

I know I am running low on time. I will not be able to speak to the question of the student vote and how Republican legislatures are doing all they can to keep young voters from voting because they are more likely to vote Democratic or to speak on felon disenfranchisement and what that means in our democracy. I am not able to speak on these, but it does not mean that I do not think they are important; it just reminds us of the magnitude of this problem.

Voter suppression laws have devastating consequences for real Americans every day, so I want to conclude my remarks today with the story of Crystal Mason, which is told in the New York Times on April 6, 2021, in an article entitled ''Crystal Mason Was Sentenced to Five Years Behind Bars Because She Voted.''

Whenever you hear Republican rants about widespread voter fraud supposedly undermining Americans' faith in the integrity of their elections, remember the story of Crystal Mason.

Ms. Mason, a 46-year-old grandmother from the Fort Worth area, has been in the news off and on since 2016, when Texas prosecutors decided she was a vote fraudster so dangerous that justice demanded she be sentenced to five years behind bars.

Her offense? Visiting her local precinct on Election Day that year and casting a provisional ballot for president. Ms. Mason was not eligible to vote at the time because she was on supervised release after serving a prison term for federal tax fraud. Texas, like many states, bars those with criminal records from voting until they have finished all terms of their sentence.

Ms. Mason, who had only recently returned home to her three children and had gone to the polls that day at the urging of her mother, said she did not realize she wasn't allowed to cast a ballot. When poll workers couldn't find her name on the rolls, they assumed it was a clerical error and suggested she fill out the provisional ballot.

Provisional ballots are a useful way to deal with questions about a voter's eligibility that can't be resolved at the polling place. Since 2002, Congress has required that states offer them as part of the Help America Vote Act, a law passed in the aftermath of the 2000 election debacle, when millions of ballots were disqualified. Ms. Mason's ballot was rejected as soon as the search of the database determined that she was ineligible. In other words, the system worked the way it was intended to.

Tarrant County prosecutors went after her for illegal voting anyway. They said she

should have known she was not allowed to vote. The state had sent her a letter telling her so back in 2012, shortly after she had been sentenced in the tax fraud case. The letter was delivered to her home even though she had already begun serving her sentence behind bars. ''They sent it to the one place they knew she was not going to be,'' said Alison Grinter, Ms. Mason's lawyer.

The prosecutors also pointed out that when she cast her ballot in 2016, she signed an affidavit [saying] that she had completed all the terms of her sentence.

Ms. Mason said she had not read the fine print; she was focused on writing down her address in exactly the form it appeared on her driver's license. She was convicted after a one-day trial and sentenced to five years behind bars for casting a ballot that was never counted.

''It's a surreal experience to be in a courtroom for these trials,'' said Christopher Uggen, a professor of law and sociology at the University of Minnesota who has studied the impact of felon disenfranchisement for decades, and has testified as an expert in prosecutions of people charged with illegal voting.

''You've got the judges, you've got the lawyers. You've got somebody who often is a model probationer called in, and what's at issue is whether they voted. I have overriding sense of, gosh, don't we have other crimes to prosecute? It really should be a consensus issue in a democracy that we don't incarcerate people for voting.''

Mr. Uggen said that there is a stronger case for criminal punishment of certain election-law offenses like campaign-finance violations or sabotaging voting machines, that can do more widespread damage to our election system. But in his own work he has found that the people who get punished are more likely to fit Ms. Mason's description: female, low-level offenders who are doing relatively well in the community. ''These are not typically folks who represent some great threat to public safety,'' he said.

You wouldn't get that sense from how Ms. Mason has been treated. After her voting conviction, a federal judge found she had violated the terms of her supervised release, and sentenced her to 10 extra months behind bars. That punishment, which she began serving in December 2018, earned her no credit toward her five-year state sentence.

Ms. Mason has continued to fight her case, but so far she has lost at every step. In March 2020, a three-judge panel on a state appellate court rejected her challenge to her sentence. The court reasoned that she broke the law simply by trying to vote while knowing she was on supervised release. It didn't matter whether she knew that Texas prohibits voting by people in that circumstance.

This appears to be a clear misapplication of Texas election law, which criminalizes voting only by people who actually know they are not eligible, not those who, like Ms. Mason, mistakenly believe that they are. It's as though Ms. Mason had asked a police officer what the local speed limit was, and he responded: ''Beat's me. Why don't you start driving and see if we pull you over?''

Last week, the Texas Court of Criminal Appeals, the state's highest court for criminal cases, agreed to rule on Ms. Mason's appeal. It's her last chance to avoid prison for voting. Tossing her conviction would bring a small measure of justice to a woman whose punishment should have been limited to, at most, not being able to cast a ballot.

But it wouldn't give her back the last four years of fear and uncertainty she has endured for no good reason. Ms. Mason's first grandchild was born a few months ago, another reminder of how much she would miss if she were to lose the appeal and end up back behind bars. ''This is very overwhelming, waking up every day knowing that prison is on the line, trying to maintain a smile on your face in front of your kids and you don't know the outcome,'' Ms. Mason told The Times in an interview. ''Your future is in someone else's hands because of a simple error.''

Identifying errors like these is the whole point of offering provisional ballots: The crazy quilt of voting rules and regulations that Americans face from state to state can trip up even the best-informed voters, and honest mistakes are common. By prosecuting Ms. Mason, just one of more than 44,000 Texans whose provisional ballot in 2016 was found to be ineligible, the state is saying that you attempt to participate in democracy at your own risk.

That risk is almost always higher for people of color. Texas' attorney general, Ken Paxton, likes to brag about the 155 people his office has successfully prosecuted for election fraud in the last 16 years—an average of fewer than 10 per year. What he doesn't say out loud is what the A.C.L.U. of Texas found in an analysis of the cases he has prosecuted: almost three-quarters [of those cases] involved Black or Latino defendants, and nearly half involved woman of color, like Ms. Mason.

At this point you might be wondering why Ms. Mason was ineligible to vote in the first place. She had been released from prison, after all, and was trying to work her way back into society. As more states are coming to understand, there is no good argument for denying the vote to people with a criminal record, and that's before you consider the practice's explicitly racist roots. There is even a strong case to be made for letting those in prison vote, as Maine, Vermont and most Western European countries do. And yet today, more than five million Americans, including Ms. Mason, are unable to vote because of a criminal conviction. That has a far greater impact on state and national elections than any voter fraud that has ever been uncovered.

Given the disproportionate number of Black and brown people caught up in the criminal justice system, it's not hard to see a connection between cases like Ms. Mason's and the broader Republican war on voting, which so often targets people who look like her. The nation's tolerance of prosecutions for the act of casting a ballot reveals complacency about the right to vote, Mr. Uggen said, and a troubling degree of comfort with voting restrictions generally. ''There's a slippery slope: If you start exempting individuals from the franchise, it's easy to exempt other individuals by defining them outside the citizenry,'' he said. ''What is shocking to me is that people view this as acceptable in a political system that calls itself a democracy.''

Mr. President, these efforts to subvert our democracy cannot be allowed to stand. Congress must pass the Freedom to Vote: John R. Lewis Act immediately to protect free and fair elections across this Nation. And if Senate Republicans will not join us, then we must reform the filibuster. We must pass this vital legislation. Our democracy depends on it.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Massachusetts.

MEASURES PLACED ON THE CALENDAR—S. 3452, S. 3453, S. 3454, S. 3455, S. 3456, S. 3457, S. 3458, S. 3459, S. 3460, S. 3461, S. 3462, S. 3463, S. 3464, S. 3465, S. 3466, S. 3467, S. 3468, S. 3469, S. 3480, and S. 3488

Ms. WARREN. Mr. President, I understand that there are 20 bills at the desk due for a second reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3452) to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

A bill (S. 3453) to prohibit the payment of certain legal settlements to individuals who unlawfully entered the United States.

A bill (S. 3454) to clarify the rights of Indians and Indian Tribes on Indian lands under the National Labor Relations Act.

A bill (S. 3455) to prohibit the implementation of new requirements to report bank account deposits and withdrawals.

A bill (S. 3456) to enact the definition of ''waters of the United States'' into law, and for other purposes.

A bill (S. 3457) to codify the temporary scheduling order for fentanyl-related substances by adding fentanyl-related substances to schedule I of the Controlled Substances Act.

A bill (S. 3458) to amend Title 18, Unites States Code, to provide enhanced penalties for convicted murderers who kill or target America's public safety officers.

A bill (S. 3459) to prohibit a Federal agency from promulgating any rule or guidance that bans hydraulic fracturing in the United States, and for other purposes.

A bill (S. 3460) to prohibit local educational agencies from obligating certain Federal funds when schools are not providing full time in-person instruction.

A bill (S. 3461) to provide that the rule submitted by the Department of Labor relating to ''COVID–19 Vaccination and Testing; Emergency Temporary Standard'' shall have no force or effect, and for other purposes.

A bill (S. 3462) to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

A bill (S. 3463) to impose sanctions and other measures in response to the failure of the Government of the People's Republic of China to allow an investigation into the origins of COVID–19 at suspect laboratories in Wuhan.

A bill (S. 3464) to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

A bill (S. 3465) to clarify the treatment of 2 or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

A bill (S. 3466) to prohibit the use of Federal funds for the production of programs by United States companies that alter political content for screening in the People's Republic of China, and for other purposes.

A bill (S. 3467) to withhold United States contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and for other purposes.

A bill (S. 3468) to provide for a limitation on the removal of the Government of Cuba from the state sponsors of terrorism list.

A bill (S. 3469) to establish a review of United States multilateral aid.

A bill (S. 3480) to prohibit the use of funds to reduce the nuclear forces of the United States.

A bill (S. 3488) to counter the aggression of the Russian Federation against Ukraine and Eastern European allies, to expedite security assistance to Ukraine to bolster Ukraine's defense capabilities, and to impose sanctions relating to the actions of the Russian Federation with respect to Ukraine, and for other purposes.

Ms. WARREN. In order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard. The items will be placed on the calendar under rule XIV.

VOTE EXPLANATION

Mr. HAWLEY. Mr. President, had there been a recorded vote, I would have voted no on the motion to lay before the Senate the House Message to accompany H.R. 5746.

S. 2972

Mr. GRAHAM. Mr. President, on Friday I was made aware that due to an administrative error, Senator WARREN was mistakenly added as a cosponsor to S. 2972, my bill to repeal section 230 of the Communications Act of 1934. The error was made through no fault of Senator WARREN or her staff. I am working with the cloakroom to ensure her name is removed from the bill as soon as possible.

RECOGNIZING 20 YEARS OF THE VILLAGE MOVEMENT

Mr. WYDEN. Mr. President, I wish to honor a dedicated and creative organization serving communities throughout Oregon and the Nation, celebrating 20 years of allowing senior citizens to stay in their homes while providing access to affordable care and community. The Village Movement is founded on the principle of neighborliness and provides comfort, care, and affordability while maintaining dignity.

This wonderful movement started in 2002 with a group of community-dedicated friends who did not want to leave their community in retirement. Intent upon staying, the friends launched the Beacon Hill Village in Massachusetts to provide residents who were 50 and older practical support and confidence to stay in their homes and live their lives independently.

This idea soon caught on, with similar villages springing up all over the country, including in Oregon. There are now 14 villages throughout Oregon bringing services to senior citizens in the comfort of their own homes. The Movement supports what is often called ''aging in place'' by developing a nurturing network of volunteers and access to services and social opportunities that are both sustainable and community-based.

Every village is member-driven and self-governing, allowing them to respond to the needs of each community. The Movement has also expanded to include adults of all ages living with disabilities, preserving the humanity and dignity that is so important in every stage of life.

I have long viewed aging in place as a bedrock principle for improving quality of life for seniors and those with disabilities. Years ago, I started the Independence at Home Program, which helped primary care providers visit frail seniors in their homes. This helped them avoid unnecessary and potentially dangerous travel and remain in their homes longer than they would have otherwise.

I have also been proud to lead legislation as a part of the Build Back Better agenda that would put home care on a more even playing field with institutional care. These important efforts can build on one another, alongside organizations like the Village Movement, to create a rich tapestry of health and social supports for Americans as they age.

Without a doubt, the Village Movement has set a fine example of how communities can help support their neighbors. It is an honor to recognize the Village Movement for its service to the United States—and Oregon in particular.

TRIBUTE TO ANDY BRUNELLE

Mr. CRAPO. Mr. President, along with my colleagues Senator Jim Risch, Representative MIKE SIMPSON and Representative RUSS FULCHER, I congratulate Andy Brunelle on his remarkable career in government service. Andy is retiring on January 31, 2022, after 27 years with the U.S. Forest Service.

For more than 20 years, Andy has worked with our offices in his position as the Capitol City Coordinator for the U.S. Forest Service. In this position, he has represented both the U.S. Forest Service Region 1 and Region 4 and the seven National Forests in Idaho as he has served as a liaison working with State and local government officials, Agency directors, Idaho's congressional delegation, and interest groups in Idaho on issues of statewide concern. Given the importance of the natural resources and species habitat on the more than 20 million acres of Federal forested land in Idaho he has acted on behalf of, Andy has worked on many challenging issues over the years. This includes working closely with our delegation concerning improving and extending the Secure Rural Schools Program, a vital resource for Idahoans. We thank him for his thoughtful, helpful, and pragmatic work for the betterment of our great State and country.

Andy began working for the U.S. Forest Service in 1995 after serving as special assistant for natural resources in the Office of Idaho Governor Cecil D. Andrus. From 1988 to 1995, he was the Governor's key staff person on a wide variety of natural resource issues, including challenging issues such as water quality, Federal lands management, and protection of Snake River salmon. Additionally, he served on the Northwest Power Planning Council, Boise City Planning and Zoning Commission, and City of Boise advisory committees. Andy also dedicates considerable time to serving on boards of nonprofit organizations, including the Boise WaterShed Exhibits Environmental Education Center, Idaho Environmental Forum, Ted Trueblood Chapter of Trout Unlimited, and Harris Ranch Wildlife Mitigation Association.

As we wish Andy well in his well-earned retirement, we express our deep gratitude for dedicating so much of his time and talents to enhancing, sustaining, and conserving such an essential part of our State's treasures. Thank you, Andy, for your decades of dedicated work and skilled problem-solving on behalf of Idahoans, and congratulations on your retirement.

TRIBUTE TO LINDSAY NOTHERN

Mr. CRAPO. Mr. President, I congratulate Lindsay Nothern, a cherished member of my staff who is retiring from Senate service.

In Ralph Waldo Emerson's famous poem about how to measure success, he concludes, ''to know that even one life has breathed easier because you have lived. This is to have succeeded.'' I am among the many who have breathed easier because of Lindsay. He has represented me, spoken for me, written for me, and provided outstanding counsel. He has aptly communicated the needs of Idahoans and kept Idahoans informed about the happenings in Congress. For example, this includes him taking a direct interest and involvement in advocating for Idaho domestic violence victims and Idahoans affected by Cold War era above-ground nuclear testing, often referred to as ''downwinders.'' He has taken on each challenge with great compassion and persistent optimism.

Prior to joining my staff, Lindsay was a journalist and worked in news management. He also served as press secretary for former Idaho Governor Phil Batt and campaign press secretary for Representative MIKE SIMPSON. Lindsay has been with me since I began my Senate service in 1999. I am so grateful my then communications director insisted on waiting until Lindsay was available to bring onto the staff. Lindsay has been with me ever since, moving from press secretary to communications director in 2011. Throughout, Lindsay has been patient, kind, empathetic, a great listener, and a trusted adviser.

Thank you, Lindsay, for your service to this extraordinary branch of our government, and, most importantly, your service on behalf of the great people of Idaho. I understand you have said you have had two of your three wish-list jobs—bartender, radio disc

jockey, and cabdriver—and you still have one job on your list left to do. Thank you for diverging from that list to be such a valuable part of my staff for all these years. I hope that in your retirement, you may reach all your dreams and more. You have certainly earned it. Thank you for your outstanding help and guidance, and congratulations on a very successful career.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3452. A bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

S. 3453. A bill to prohibit the payment of certain legal settlements to individuals who unlawfully entered the United States.

S. 3454. A bill to clarify the rights of Indians and Indian Tribes on Indian lands under the National Labor Relations Act.

S. 3455. A bill to prohibit the implementation of new requirements to report bank account deposits and withdrawals.

S. 3456. A bill to enact the definition of ''waters of the United States'' into law, and for other purposes.

S. 3457. A bill to codify the temporary scheduling order for fentanyl-related substances by adding fentanyl-related substances to schedule I of the Controlled Substances Act.

S. 3458. A bill to amend title 18, United States Code, to provide enhanced penalties for convicted murderers who kill or target America's public safety officers.

S. 3459. A bill to prohibit a Federal agency from promulgating any rule or guidance that bans hydraulic fracturing in the United States, and for other purposes.

S. 3460. A bill to prohibit local educational agencies from obligating certain Federal funds when schools are not providing full time in-person instruction.

S. 3461. A bill to provide that the rule submitted by the Department of Labor relating to ''COVID–19 Vaccination and Testing; Emergency Temporary Standard'' shall have no force or effect, and for other purposes.

S. 3462. A bill to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

S. 3463. A bill to impose sanctions and other measures in response to the failure of the Government of the People's Republic of China to allow an investigation into the origins of COVID–19 at suspect laboratories in Wuhan.

S. 3464. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 3465. A bill to clarify the treatment of 2 or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

S. 3466. A bill to prohibit the use of Federal funds for the production of programs by United States companies that alter political content for screening in the People's Republic of China, and for other purposes.

S. 3467. A bill to withhold United States contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and for other purposes.

S. 3468. A bill to provide for a limitation on the removal of the Government of Cuba from the state sponsors of terrorism list.

S. 3469. A bill to establish a review of United States multilateral aid.

S. 3480. A bill to prohibit the use of funds to reduce the nuclear forces of the United States.

S. 3488. A bill to counter the aggression of the Russian Federation against Ukraine and Eastern European allies, to expedite security assistance to Ukraine to bolster Ukraine's defense capabilities, and to impose sanctions relating to the actions of the Russian Federation with respect to Ukraine, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2906. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spinetoram; Pesticide Tolerances'' (FRL No. 9123–01–OCSPP) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2907. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticides; Certification of Pesticide Applicators; Extension to Expiration Date of Certification Plans'' (FRL No. 9134–02–OCSPP) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2908. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bicyclopyrone; Pesticide Tolerances'' (FRL No. 9199–01–OCSPP) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2909. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Various Fragrance Components; Exemptions from the Requirement of a Tolerance'' (FRL No. 9226–01–OCSPP) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2910. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Robert D. Sharp, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–2911. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC–2912. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13219 with respect to the Western Balkans; to the Committee on Banking, Housing, and Urban Affairs.

EC–2913. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13466 with respect to North Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–2914. A communication from the Senior Congressional Liaison, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Home Mortgage Disclosure (Regulation C) Adjustment to Asset-Size Exemption Threshold'' (12 CFR Part 1003) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Banking, Housing, and Urban Affairs.

EC–2915. A communication from the Senior Congressional Liaison, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Truth in Lending Act (Regulation Z) Adjustment to Asset-Size Exemption Threshold'' (12 CFR Part 1026) received in the Office of the President of the Senate on January 11, 2022; to the Committee on Banking, Housing, and Urban Affairs.

EC–2916. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act Regulations'' (RIN1557–AF12) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Banking, Housing, and Urban Affairs.

EC–2917. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Computer-Security Incident Notification Requirements for Banking Organizations and Their Bank Service Providers'' (RIN7100–AG06) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Banking, Housing, and Urban Affairs.

EC–2918. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''2022–2024 Single-Family and 2022 Multifamily Enterprise Housing Goals'' (RIN2590–AB12) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Banking, Housing, and Urban Affairs.

EC–2919. A communication from the Sanctions Regulations Advisor, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weapons of Mass Destruction Trade Control Regulations'' (31 CFR Part 539) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Banking, Housing, and Urban Affairs.

EC–2920. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Managing Transmission Line Ratings'' ((RIN1902–AF84) (Docket No. RM20–16–000)) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Energy and Natural Resources.

EC–2921. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety of Water Power Projects and Project Works'' ((RIN1902–AF71) (Docket No. RM20–9–000)) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Energy and Natural Resources.

EC–2922. A communication from the Administrator of the Environmental Protection

Agency, transmitting, pursuant to law, a report entitled ''Report to Congress on the Prevalence Throughout the U.S. of Low- and Moderate-Income Households Without Access to a Treatment Works and the Use by States of Assistance under Section 603(c)(12) of the Federal Water Pollution Control Act''; to the Committee on Environment and Public Works.

EC–2923. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Report to Congress on Alternative Decentralized and Centralized Wastewater Treatment Technology''; to the Committee on Environment and Public Works.

EC–2924. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Great Lakes Restoration Initiative Report''; to the Committee on Environment and Public Works.

EC–2925. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Guide (RG) 1.26 Rev 6, 'Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants''' received in the Office of the President of the Senate on January 10, 2022; to the Committee on Environment and Public Works.

EC–2926. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Guide (RG) 1.244 Rev 0, 'Control of Heavy Loads at Nuclear Power Plants'' received in the Office of the President of the Senate on January 10, 2022; to the Committee on Environment and Public Works.

EC–2927. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Guide (RG) 1.244 Rev 0, 'Control of Heavy Loads at Nuclear Facilities'' received in the Office of the President of the Senate on January 10, 2022; to the Committee on Environment and Public Works.

EC–2928. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Guide (RG) 1.78 Rev 2, 'Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Hazardous Chemical Release'' received in the Office of the President of the Senate on January 11, 2022; to the Committee on Environment and Public Works.

EC–2929. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Connecticut; 2015 Ozone NAAQS Interstate Transport Requirements'' (FRL No. 8916–02–R1) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Environment and Public Works.

EC–2930. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Massachusetts: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 8892–01–R1) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Environment and Public Works.

EC–2931. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Hawaii; Interstate Transport for the 2015 Ozone NAAQS'' (FRL No. 9001–02–R9) received in the Office of the President of the Senate on January 10, 2022; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PAUL (for himself, Mr. SCOTT of Florida, Mr. LANKFORD, Mr. WICKER, and Mr. CRAMER):

S. 3514. A bill to repeal COVID–19 vaccination requirements imposed by the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VAN HOLLEN (for himself and Mr. CARDIN):

S. 3515. A bill to direct the Secretary of the Interior to remove the bronze plaque and concrete block bearing the name of Francis Newlands from the grounds of the memorial fountain located at Chevy Chase Circle in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SASSE:

S. 3516. A bill to require the Secretary of Health and Human Services to provide emergency use authorization with respect to certain COVID–19 diagnostic tests approved for use in the European Union; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 190

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 190, a bill to amend chapter 44 of title 18, United States Code, to require the safe storage of firearms, and for other purposes.

S. 203

At the request of Mr. WARNER, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 203, a bill to amend the Internal Revenue Code of 1986 to establish a new tax credit and grant program to stimulate investment and healthy nutrition options in food deserts, and for other purposes.

S. 474

At the request of Mr. BRAUN, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 474, a bill to prohibit the Export-Import Bank of the United States from providing financing to persons with seriously delinquent tax debt.

S. 1558

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1558, a bill to amend chapter 44 of title 18, United States Code, to ensure that all firearms are traceable, and for other purposes.

S. 1748

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1748, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 2238

At the request of Ms. MURKOWSKI, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. 2238, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Spectrum Disorders Prevention and Services program, and for other purposes.

S. 2562

At the request of Ms. STABENOW, the names of the Senator from Kentucky (Mr. PAUL) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 2562, a bill to amend title XVIII of the Social Security Act to improve extended care services by providing Medicare beneficiaries with an option for cost effective home-based extended care under the Medicare program, and for other purposes.

S. 2952

At the request of Mr. PAUL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2952, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow manufacturers and sponsors of a drug to use alternative testing methods to animal testing to investigate the safety and effectiveness of a drug, and for other purposes.

S. 2967

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 2967, a bill to establish an Assistant Secretary of State for Arctic Affairs.

S. 2972

At the request of Mr. GRAHAM, the name of the Senator from Massachusetts (Ms. WARREN) was withdrawn as a cosponsor of S. 2972, a bill to repeal section 230 of the Communications Act of 1934.

S. 3018

At the request of Mr. MARSHALL, the names of the Senator from Montana (Mr. TESTER), the Senator from North Carolina (Mr. TILLIS) and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to establish requirements with respect to the use of prior authorization under Medicare Advantage plans, and for other purposes.

S. 3213

At the request of Mr. VAN HOLLEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3213, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 3292

At the request of Mrs. GILLIBRAND, the name of the Senator from Maine

(Mr. KING) was added as a cosponsor of S. 3292, a bill to require the Secretary of Agriculture to initiate hearings to review Federal milk marketing orders relating to pricing of Class I skim milk, and for other purposes.

S. 3407

At the request of Mr. RISCH, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 3407, a bill to promote security partnership with Ukraine.

S. 3488

At the request of Mr. MENENDEZ, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 3488, a bill to counter the aggression of the Russian Federation against Ukraine and Eastern European allies, to expedite security assistance to Ukraine to bolster Ukraine's defense capabilities, and to impose sanctions relating to the actions of the Russian Federation with respect to Ukraine, and for other purposes.

S. 3494

At the request of Mr. OSSOFF, the names of the Senator from Georgia (Mr. WARNOCK), the Senator from New Mexico (Mr. HEINRICH) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 3494, a bill to amend the Ethics in Government Act of 1978 to require Members of Congress and their spouses and dependents to place certain assets into blind trusts, and for other purposes.

S. 3495

At the request of Mr. SCOTT of South Carolina, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 3495, a bill to create a point of order against spending that will increase inflation unless inflation is not greater than 4.5 percent, and for other purposes.

S. RES. 342

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 342, a resolution expressing the sense of the Senate regarding the practice of politically motivated imprisonment of women around the world and calling on governments for the immediate release of women who are political prisoners.

S. RES. 489

At the request of Mr. SCOTT of Florida, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. Res. 489, a resolution commending the actions of Cuban human rights and democracy activist Jose Daniel Ferrer Garcia, and all prodemocracy and human rights activists, in demanding fundamental civil liberties in Cuba and speaking out against Cuba's brutal, totalitarian Communist regime.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4903. Mr. SCHUMER proposed an amendment to the bill H.R. 5746, to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration.

SA 4904. Mr. SCHUMER proposed an amendment to amendment SA 4903 proposed by Mr. SCHUMER to the bill H.R. 5746, supra.

SA 4905. Mr. SCHUMER proposed an amendment to the bill H.R. 5746 , supra.

SA 4906. Mr. SCHUMER proposed an amendment to amendment SA 4905 proposed by Mr. SCHUMER to the bill H.R. 5746, supra.

SA 4907. Mr. SCHUMER proposed an amendment to amendment SA 4906 proposed by Mr. SCHUMER to the amendment SA 4905 proposed by Mr. SCHUMER to the bill H.R. 5746, supra.

TEXT OF AMENDMENTS

SA 4903. Mr. SCHUMER proposed an amendment to the bill H.R. 5746, to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration; as follows:

At the end add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 4904. Mr. SCHUMER proposed an amendment to amendment SA 4903 proposed by Mr. SCHUMER to the bill H.R. 5746, to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration; as follows:

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

SA 4905. Mr. SCHUMER proposed an amendment to the bill H.R. 5746, to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration; as follows:

At the end add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall take effect on the date that is 4 days after the date of enactment of this Act.

SA 4906. Mr. SCHUMER proposed an amendment to amendment SA 4905 proposed by Mr. SCHUMER to the bill H.R. 5746, to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration; as follows:

On page 1, line 3, strike ''4'' and insert ''5''.

SA 4907. Mr. SCHUMER proposed an amendment to amendment SA 4906 proposed by Mr. SCHUMER to the amendment SA 4905 proposed by Mr. SCHUMER to the bill H.R. 5746, to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration; as follows:

On page 1, line 1, strike ''5'' and insert ''6''.

ORDERS FOR WEDNESDAY, JANUARY 19, 2022

Ms. WARREN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m. on Wednesday, January 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the House message to accompany H.R. 5746, the legislative vehicle for the voting rights legislation; further, that the cloture motion on the House message to accompany H.R. 5746 ripen at 6:30 p.m.

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

RECESS UNTIL 10 A.M. TOMORROW

Ms. WARREN. Mr. President, if there is no further business to come before the Senate, I ask that it stand in recess under the previous order.

There being no objection, the Senate, at 10:01 p.m., recessed until Wednesday, January 19, 2022, at 10 a.m.