

several months since Sago and Alma became places all Americans know, the persistence of these Senators has been crucial in moving this legislation forward. We can only hope that this bill will prevent future tragedies that could make other coal communities into household words.●

Mr. KENNEDY. I am pleased that the Senate has passed the Mine Improvement and New Emergency Response Act today, and I commend Chairman ENZI, Senator ISAKSON, and Senator MURRAY for their dedication in pursuing these safety protections. I also commend Senator BYRD and Senator ROCKEFELLER, who have been tireless in insisting on improvements in mine safety. This bill is the most significant improvement in mine safety by Congress in a generation.

Today's action was clearly necessary. The year began with the shocking tragedies at the Sago and Alma mines in West Virginia, where 14 coal miners were killed. Tragedy struck again last weekend in Kentucky, where five coal miners were killed at the Darby mine in Harlan County.

We will learn more in the weeks ahead from the ongoing investigations of these disasters. But many lessons are already painfully clear. The miners who died could have survived with adequate oxygen. But, their self-rescue units didn't work, and they had to share precious oxygen with each other.

They also had no realistic way to let rescuers outside know where they were. At Sago, they resorted to banging on pipes with sledge hammers, wasting precious energy and oxygen. This should never have happened and we need to be sure that it doesn't happen again.

The bill requires every company to have a comprehensive emergency response plan, so that companies and miners will know ahead of time how to respond. The bill sets stronger minimum safety standards for oxygen supplies, communications, tracking, lifelines, and training, and also requires companies to continuously reevaluate the safety of their mines. They must adapt their safety response plans to changes in their mining operations and advances in mine safety technology. Safety must no longer be a topic that companies address only in the wake of a disaster or a government directive. Plans to improve safety must be an enforceable day-to-day obligation of every mining operation.

As we saw at Sago and Darby, the time to determine whether a mine's oxygen supply is reliable can't just be after a tragedy. To address the recurring problems with oxygen supplies, the bill requires companies to provide at least two hours of oxygen for every miner, plus additional oxygen along evacuation routes and for trapped miners awaiting rescue. Companies will be required to inspect and replace these units regularly, so that no miner has an oxygen pack that doesn't work.

All mines will be required to have back-up telephone lines immediately

available, and to adopt two-way wireless communications and electronic tracking systems as soon as possible. They will also have to install fire-resistant lifelines, to show miners the best way out in an emergency.

One of the most moving aspects of the Sago and Alma response was the outpouring of support from other miners around the country. They wanted to do everything they could to rescue their brothers and sisters trapped underground. This bill guarantees that every mine in the country will have a person on staff who knows the mine and is trained in emergency response. It strengthens requirements for training mine rescue teams. The teams will practice in the mines they monitor, so that the first time they go into a mine will not be during an emergency.

The bill also reduces the time required for a rescue team to reach a mine to one hour from the current two hours. By providing good Samaritan-type liability protection for mine rescue team members and their regular employers, this bill will encourage more miners to participate in mine rescue teams and more employers to support them.

Even if we don't know why the seal at Sago failed, we know that it did. The initial reports from Darby suggest that a seal also failed there. We don't need another tragedy caused by a failed seal to know that the standard for seals must be improved. Our standards for these protective barriers lag far behind other developed nations. That is why this bill requires the Mine Safety and Health Administration to issue a new regulation in 18 months to improve these standards.

We also need greater incentives to prevent accidents from happening. Too many mining companies have been paying fines that cost less than parking tickets. Under this bill, companies can no longer treat violations of health and safety laws as a cost of doing business. We impose substantial new minimum penalties on companies that put miners at risk and do not take their obligation seriously to provide a safe workplace. These new penalties escalate when companies continue to ignore their safety obligations. The bill also makes clear that MSHA has the authority to shut down a mine that refuses to pay its fines.

Research is an important part of safety. The Navy has technologies to communicate with submarines on the bottom of the ocean. NASA can talk to people on the Moon. It is time to bring mine safety technology into the 21st century too. Our bill creates an inter-agency task force so that NIOSH will have the benefit of the advances made by other industries and agencies. It also creates two competitive grant programs: one to encourage the development and manufacture of mine safety equipment that the private sector might not otherwise find economically viable, and another to educate and train employers and miners to better

identify, avoid, and prevent unsafe working conditions.

This bill is an important step in strengthening the response to mine emergencies. But there is more to be done. We have seen miners in other countries survive because of requirements that their mines have refuge chambers. Our bill requires MSHA and NIOSH to test refuge chambers to see if they should be used here to protect miners in a fire or explosion. It also addresses safety issues raised by ventilating mines with belt air, particularly the problem of fires on mine conveyor belts. The bill requires the Secretary of Labor to report to us on these problems, and I commend Senator ENZI and Senator ISAKSON for agreeing to work together and to hold hearings on these critical issues in the future.

We can't bring back the brave miners who have died this year. Today, however, we honor their memory by passing this legislation and we will honor them even more by following through to see that it is implemented as effectively as possible to make our mines safer.

The PRESIDENT pro tempore. Is there any further debate?

Without objection, the unanimous consent request is agreed to.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2803), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. McCONNELL. Mr. President, I have one further observation on the measure which we just passed.

I again congratulate the Senator from Massachusetts and Chairman ENZI for this important piece of legislation. This has been a tough few years in coal country—in Pennsylvania, West Virginia, and in Kentucky. As everyone knows, we just lost five miners last weekend. This legislation couldn't be more timely.

Again, I congratulate those on both sides of the aisle who made an important contribution to move this legislation out of the Senate and over to the House.

#### COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the Comprehensive Immigration Reform Act of 2006, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

The PRESIDENT pro tempore. Under the previous order, the time until 9:30 will be equally divided between the Senator from Kentucky, Mr. McCONNELL, and the Senator from Nevada, Mr. REID, or their designees.

AMENDMENT NO. 4085

Mr. McCONNELL. Mr. President, I call up amendment No. 4085.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows: The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 4085.

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

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

The amendment is as follows:

(Purpose: To implement the recommendation of the Carter-Baker Commission on Federal Election Reform to protect and secure the franchise of all United States citizens from ballots being cast illegally by non-United States citizens)

At the appropriate place, insert the following:

#### **SEC. . . IDENTIFICATION REQUIREMENTS.**

(a) REQUIREMENT FOR IDENTIFICATION CARDS TO INCLUDE CITIZENSHIP INFORMATION.—Subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively, and by inserting after paragraph (7) the following new paragraph:

“(8) An indication of whether the person is a United States citizen.”.

(b) IDENTIFICATION REQUIRED FOR VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

#### **“SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.**

“(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present before voting a current valid photo identification which is issued by a governmental entity and which meets the requirements of subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

“(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after May 11, 2008.”.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking “and 303” and inserting “303, and 304”.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

#### **“PART 7—PHOTO IDENTIFICATION**

#### **“SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.**

“(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

“(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

“(1) a statement that the State intends to comply with the requirements of section 304; and

“(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

“(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

“(d) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

“(A) the total amount appropriated for payments under this part for the year under section 298; and

“(B) an amount equal to—

“(i) the voting age population of the State (as reported in the most recent decennial census); divided by

“(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

#### **“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

“(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.”.

Mr. McCONNELL. Mr. President, throughout this debate on immigration, we have been discussing what to do about illegal immigrants in the country today and what to do about those who will illegally pass our borders every day in the future. We have heard very valid concerns, which I share with my colleagues, about how best to deal with the security of the Nation. The number of illegal immigrants who currently reside in the United States has been estimated, as we all know, to be about 12 million people.

I rise today to express another area of concern which has not yet been addressed by the amendments thus far—that is voting. The U.S. Constitution secures the voting franchise only for citizens of our country. As close elections in the past have made abundantly clear, we must make certain that each vote is legally cast and counted. Imagine the impact of 12 million potentially illegal registered voters.

This problem was recently tackled by a bipartisan commission on election reform, which was chaired by former President Jimmy Carter and former Secretary of State James Baker. This was referred to as the Carter-Baker commission, named after these two American leaders.

They recognized that clean lists are key, but even more importantly they note that “election officials still need to make sure that the person arriving at the polling site is the same one that is named on the registration list.” They note that “Photo IDs currently are needed to board a plane, enter Federal buildings, and cash a check. Voting is equally important.” Again, those are the words of Jimmy Carter, James Baker, and their bipartisan commission.

Moreover, we not only need to ensure that those voting are those on the rolls but also that they are legally entitled

to vote. As we said when we passed the Help America Vote Act a few years ago, on which I was proud to be the lead Republican, along with my good friend from Missouri, Senator BOND, and Senator DODD, who was chairman of the Rules Committee at the time, the leader on the Democratic side, we want everyone who is legally entitled to vote to be able to vote and have that vote counted but to do so only once. In short, we wanted to make it easier to vote and harder to cheat. The key is to ensure that everyone who votes is legally entitled to do so.

The Carter-Baker commission's recommendations on voter identification are, first, to ensure that persons presenting themselves at the polling places are the ones on the registration list.

The commission recommends that States require voters to use the REAL ID card which was mandated in a law and signed by the President in May of 2005, just a year ago. The card includes a person's full name, date of birth, a signature captured as a digital image, a photograph, and the person's Social Security number. This card should be modestly adapted for voting purposes to indicate on the front or back whether the individual is a U.S. citizen. States should provide an Election Assistance Commission template identification with a photo to nondrivers free of charge.

Second, the commission said the right to vote is a vital component of U.S. citizenship, and all States should use their best efforts to obtain proof of citizenship before registering voters.

That is precisely what my amendment does—implements the recommendations of the Carter-Baker Commission on Federal Election Reform to protect and secure the franchise of all U.S. citizens from ballots being cast illegally by non-U.S. citizens. Further, for those who cannot afford an identification, I have included a grant program within this amendment to make identifications available free of charge.

Former mayor of Atlanta, Andrew Young, supported the free photo identification as a way to empower minorities and believes, in an era where people have to show identification to rent a video or cash a check, requiring an identification can help poor people who otherwise might be even more marginalized by not having such a photo identification.

This is an issue which an overwhelming majority of Americans support. An April 2006 NBC-Wall Street Journal poll asked for reaction to requiring voters to produce a valid photo identification when they go to vote.

Only 7 percent of Americans oppose requiring photo identification at the polls; 62 percent of Americans strongly favor requiring photo identification at the polls; 19 percent of Americans mildly favor photo identification at the polls; 12 percent are neutral; only 3 percent of Americans mildly oppose requiring photo identification at the

polls; only 4 percent strongly oppose. So collapsing those numbers as we frequently do with polls, 81 percent of Americans favor photo identification at the polls, across the philosophical spectrum in our country.

As the chart indicates, only 7 percent are opposed. Not only is the Carter-Baker commission on record as supporting photo identification at the polls, the American people are overwhelmingly on the side of photo identification at the polls.

There have also, interestingly enough, been some State-based polls conducted which concur that Americans overwhelmingly support requiring photo identification at the polls. In Wisconsin, 69 percent favor requiring photo identification at the polls. In Washington State, 87 percent favor requiring photo identification at the polls. In Pennsylvania, 82 percent favor requiring photo identification at the polls. In Missouri, 89 percent favor requiring photo identification at the polls.

The numbers make it clear the vast majority of Americans support requiring photo identification at the polls. Why wouldn't they? As John Fund pointed out in his piece in the Wall Street Journal a couple of days ago, entitled "Jimmy Carter Is Right, Amend the Immigration Bill to Require Voters to Show ID":

Almost everyone needs a photo ID in today's modern world.

You need photo identification to drive a car, fly a plane, get a gun, catch a fish, open a bank account, cash a check, enter a Federal and some State buildings, and the list goes on and on.

This is not a new concept. Twenty-four States already require some kind of photo identification at the polls. Further, thanks to the Help America Vote Act, photo identification at the polls is required by those who register to vote by mail and don't provide the appropriate information at registration.

Some may ask, if States are doing it, why should the Federal Government get involved? I associate myself with the answer to this question given by Jimmy Carter and James Baker. Here is what they had to say about whether we should simply leave this up to the States:

Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommend a standard for the entire country, Real ID Card.

I urge my colleagues to consider whether the protection of each and every American's franchise, a right at the very core of our democracy, is important enough to accord it equal treatment to getting a library card or joining Sam's Club. Last I checked, the constitutional right to rent a movie or buy motor oil in bulk was conspicuously absent. However, the Constitution is replete, as is the United States Code, with protections of the franchise for all Americans.

I will have three articles printed in the RECORD, but I will take a couple of minutes to highlight some of the very important points raised in these articles.

The first article, entitled "Jimmy Carter Is Right, Amend the immigration bill to require voters to show ID" appeared Monday in the Opinion Journal written by John Fund in which he notes:

Andrew Young, the former Atlanta mayor and U.N. ambassador, believes that in an era when people have to show ID to rent a video or cash a check, "requiring ID can help poor people who otherwise might be even more marginalized by not having one.

Mr. Fund goes on to note:

The Carter-Baker commissioners recognized that cost could be a barrier to some and thus recommended that identification cards be provided at no cost to anyone who needed one. They also argued that photo ID would make it significantly less likely that a voter would be wrongly turned away at the polls due to out-of-date registration lists or for more malicious reasons.

This amendment does just that, provides grants to States so that anyone who wants an ID can get one free of charge.

Lastly, and most importantly for this immigration debate, Mr. Fund states:

The man who in 1994 assassinated Mexican presidential candidate Luis Donaldo Colosino in Tijuana had registered to vote at least twice in the U.S. although he was not a citizen. An investigation by the Immigration and Naturalization Service into alleged fraud in a 1996 Orange County, California congressional race revealed that "4,023 illegal voters possibly cast ballots in the disputed election between Republican Robert Dornan and Democrat Loretta Sanchez.

The second article is written by Andrew Young, former mayor of Atlanta on September 30, 2005 for the Atlanta Journal-Constitution, in which he states:

At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts, which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID. Why not enfranchise the 12% of Americans who don't have drivers' licenses or government-issued photo IDs.

The last article is co-authored by Jimmy Carter and James Baker and appeared in the September 23, 2005, New York Times, in which they observe:

In arguing against voter ID requirements, some critics have overlooked the larger benefits of government-issued ID's for the poor and minorities. When he spoke to the commission, Andrew Young, the former mayor of Atlanta, supported the free photo ID as a way to empower minorities, who are often charged exorbitant fees for cashing checks because they lack proper identification. In a post/911 world, photo ID's are required to get on a plane or into a skyscraper.

I ask unanimous consent those three articles to which I just referred be printed in the RECORD at this point.

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

[From the Wall Street Journal, May 22, 2006]

#### JIMMY CARTER IS RIGHT

Amid all the disputes over immigration in Congress, one amendment is being proposed that in theory should unite people in both parties. How about requiring that everyone show some form of identification before voting in federal elections? Polls show overwhelming support for the idea, and there is increasing concern that more illegal aliens are showing up on voter registration rolls. But the fact that photo ID isn't likely to pass shows both how deeply emotional the immigration issue has become and how bitter congressional politics have become with elections only 5 1/2 months away.

Mitch McConnell, the Senate Republican whip, is proposing the photo ID amendment. He notes that Mexico and many other countries require the production of such identification in their own elections, and that the idea builds on the suggestion of last year's bipartisan election reform commission headed by former president Jimmy Carter and former secretary of state James Baker.

The Carter-Baker commission issued 87 recommendations to improve the functioning of election systems. One called for a national requirement that electronic voting machines include a paper trail that would allow people to check their votes, while another would have states establish uniform procedures for counting provisional ballots.

But the biggest surprise was that 18 of 21 commissioners backed a requirement that voters show some form of photo identification. They argued that with Congress passing the Real ID Act to standardize security protections for drivers' licenses in all 50 states, the time had come to standardize voter ID requirements. Former Senate Democratic leader Tom Daschle joined two other commissioners in complaining that the ID requirements would be akin to a Jim Crow-era "poll tax" and would restrict voting among the poor or elderly who might lack such an ID.

Mr. Daschle's racially charged analogy is preposterous. Almost everyone needs photo ID in today's modern world. Andrew Young, the former Atlanta mayor and U.N. ambassador, believes that in an era when people have to show ID to rent a video or cash a check, "requiring ID can help poor people" who otherwise might be even more marginalized by not having one.

The Carter-Baker commissioners recognized that cost could be a barrier to some and thus recommended that identification cards be provided at no cost to anyone who needed one. They also argued that photo ID would make it significantly less likely that a voter would be wrongly turned away at the polls due to out-of-date registration lists or for more malicious reasons. In any case, the tacit acknowledgment by Mr. Carter and most of the other liberals on the commission that the integrity of the ballot is every bit as important as access to the ballot was a welcome one.

The photo ID issue is being joined with the immigration debate because there is growing anecdotal evidence that voter registration by noncitizens is a problem. All that it takes to register is for someone to fill out a postcard, and I have interviewed people who were still allowed to register without checking the box that indicated they were a citizen. Several California counties report that an increasing number of registered voters called up for jury duty write back saying they are ineligible because they aren't citizens.

The man who in 1994 assassinated Mexican presidential candidate Luis Donaldo Colosio in Tijuana had registered to vote at least twice in the U.S. although he was not a citizen. An investigation by the Immigration

and Naturalization Service into alleged fraud in a 1996 Orange County, Calif., congressional race revealed that “4,023 illegal voters possibly cast ballots in the disputed election between Republican Robert Dornan and Democrat Loretta Sanchez.”

It's certainly true that new ID rules alone wouldn't eliminate all the potential for fraud. Much of the voter fraud taking place today occurs not at polling places but through absentee ballots. In some states party officials are allowed to pick up absentee ballots, deliver them to voters and return them, creating opportunities for all manner of illegal behavior. Other states allow organizations to pay “bounties” for each absentee ballot they deliver, which provides an economic incentive for fraud. The Carter-Baker commission recommended that states eliminate both practices.

In a politically polarized country, photo ID for voting is a rare issue that enjoys across-the-board support among the general public. A Wall Street Journal/NBC poll last month found that 80% of voters favored a photo ID requirement, with 62% favoring it strongly. Only 7% were opposed. Numbers that high indicate the notion has overwhelming support among all demographic and racial groups.

Skeptics argue that in some states the effort to impose such a requirement seems to emphasize the ID requirement while not making a serious effort to ensure everyone has such a document. Robert Pastor, executive director of the Carter-Baker commission, claims that some Republicans supporting voter ID “are not really serious about making sure that voter ID is free for those who can't afford it.”

Some analysts say a photo ID law could pass on the national level only if it is seen to satisfy both sides. “As part of an overall bipartisan package of election reform—which would include universal voter registration conducted by the government—national voter identification makes sense, especially if structured to limit absentee vote fraud, and so that identification can be checked across states,” says Rick Hasen, a professor at Loyola Law School. But he says that excessive “partisan jockeying is not going to increase public confidence in the outcome of elections.”

Sen. McConnell's proposed photo ID requirement is a good idea, but it may be able to move forward only if he puts some real money on the table to ensure that everyone who wants to vote can get an ID. In that, the photo ID issue resembles the immigration debate itself. The only immigration bill that is going to pass both houses is one that combines beefed-up border enforcement with steps that regularize the growing demand for labor from Mexico via some kind of legal guest worker program. But sadly, in the case of both photo ID and immigration, political jockeying appears to be the order of the day. It may take a lame-duck session of Congress after this year's election for members finally to address both issues seriously.

[From the Atlanta Journal-Constitution,  
Sept. 30, 2005]

#### VOTER IDS ONLY PART OF ELECTIONS SOLUTION (By Andrew Young)

There is an understandable, visceral reaction by many people against the use of a photo ID card for voting. But how we vote and voting in general must be seriously examined, and we cannot let partisanship take place over citizenship. America ranks 139th out of 172 countries in voter turnout worldwide.

How do you create a fair voting system, with access to all who deserve it, with a required photo ID without disenfranchising or

penalizing Americans? We know, a photo ID requirement can be used as a latter-day equivalent of the poll tax—that has happened in Georgia, which has added a fee to get the appropriate ID.

So why did I give at least conditional support to the Carter-Baker Commission for its recommendation of a required photo ID?

First, I accepted the two pillars of the commission's own recommendation: There already is a photo ID requirement in federal law—the new Real ID requirement imposed by Congress as part of homeland security policy. If everyone will eventually be required to carry a Real ID card, why not use it to improve the voter registration and election system? Encode the cards with voter data, and that will protect voters from being wrongfully turned away from the polls.

The second pillar is that any required photo ID must be made widely available, easily accessible and free.

Time will tell whether Georgia is effectively executing its plans through its mobile vans and, for the indigent, a waiver of the fee for a photo ID.

At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts, which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID. Why not enfranchise the 12 percent of Americans who don't have drivers' licenses or government-issued photo IDs?

Given these two pillars, I have no objections to an ID requirement, even though I do not believe that fraud is widespread or that the ID is the key to election reform.

But there is another condition: The ID has to be made part of a package that includes bolder solutions that expand access to large numbers of voters who are now seriously handicapped by the way we run elections.

Imagine you are a working poor person. Election Day, Tuesday, comes. You have to be at work at 8 a.m.—your employer doesn't give you time off to vote, and you will have your pay docked or be fired if you are late. You check out your polling place at 7 a.m.—there is already a long line, with many there because they have the same problem. So you go to work, finish at 6 or 7 p.m. and head to the polls again. Another long line awaits, with no guarantee you will get to the front of it before the polls close.

I firmly believe that the surest fix to our anemic turnout is in the calendar, not the cards.

Having Election Day on a Tuesday was a decision made 160 years ago, for reasons that were appropriate to Colonial times but are no longer relevant. According to the 2002 census data and other polls, the inconvenience of Tuesday is the single reason people most cited for not voting.

So I asked the members of the Carter-Baker commission when I met with them, “Why Tuesday?” having personally observed that historic weekend in South Africa when Nelson Mandela was elected president. Regrettably there is nothing in the Carter-Baker report on federal election reform that addresses why Tuesday voting remains a good idea.

If America is to remain the world's beacon of democracy, we can no longer tolerate an evergrowing class of permanent non-voters.

A simple act of Congress moving Election Day to the weekend is what the Rev. Martin Luther King Jr. truly envisioned when he said “the short walk to the voting booth” is the most decisive step for our democracy.

[From the New York Times, Sept. 23, 2005]  
VOTING REFORM IS IN THE CARDS

(By Jimmy Carter and James A. Baker III)

We agreed to lead the Commission on Federal Election Reform because of our shared

concern that too many Americans lack confidence in the electoral process, and because members of Congress are divided on the issue and busy with other matters.

This week, we issued a report that bridges the gap between the two parties' perspectives and offers a comprehensive approach that can help end the sterile debate between ballot access and ballot integrity. Unfortunately, some have misrepresented one of our 87 recommendations. As a result, they have deflected attention from the need for comprehensive reform.

Our recommendations are intended to increase voter participation, enhance ballot security and provide for paper auditing of electronic voting machines. We also offer plans to reduce election fraud, and to make the administration of elections impartial and more effective.

Most important, we propose building on the Help America Vote Act of 2002 to develop an accurate and up-to-date registration system by requiring states, not counties, to organize voter registration lists and share them with other states to avoid duplications when people move. The lists should be easily accessible so that voters can learn if they're registered, and where they're registered to vote.

Some of our recommendations are controversial, but the 21 members of our bipartisan commission, which was organized by American University, approved the overall report, and we hope it will break the stalemate in Congress and increase the prospects for electoral reform.

Since we presented our work to the president and Congress, some have overlooked almost all of the report to focus on a single proposal—a requirement that voters have driver's licenses or government-issued photo IDs. Worse, they have unfairly described our recommendation.

Here's the problem we were addressing: 24 states already require that voters prove their identity at the polls—some states request driver's licenses, others accept utility bills, affidavits or other documents—and 12 others are considering it. This includes Georgia, which just started demanding that voters have a state-issued photo ID, even though obtaining one can be too costly or difficult for poor Georgians. We consider Georgia's law discriminatory.

Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommended a standard for the entire country, the Real ID card, the standardized driver's licenses mandated by federal law last May. With that law, a driver's license can double as a voting card. All but three of our 21 commission members accepted the proposal, in part because the choice was no longer whether to have voter IDs, but rather what kind of IDs voters should have.

Yes, we are concerned about the approximately 12 percent of citizens who lack a driver's license. So we proposed that states finally assume the responsibility to seek out citizens to both register voters and provide them with free IDs that meet federal standards. States should open new offices, use social service agencies and deploy mobile offices to register voters. By connecting IDs to registration, voting participation will be expanded.

Our proposal would allow voters without photo IDs to be able to cast provisional ballots until 2010. Their votes would count if the signature they placed on the ballot matched the one on file, just as the case for absentee ballots. After that, people who forgot their photo IDs could cast provisional votes that would be counted if they returned with their IDs within 48 hours. Some have suggested we use a signature match for provisional ballots

after 2010, but we think citizens would prefer to get a free photo ID before then.

In arguing against voter ID requirements, some critics have overlooked the larger benefit of government-issued IDs for the poor and minorities. When he spoke to the commission, Andrew Young, the former mayor of Atlanta, supported the free photo ID as away to empower minorities, who are often charged exorbitant fees for cashing checks because they lack proper identification. In a post-9/11 world, photo IDs are required to get on a plane or into a skyscraper.

We hope that honest disagreements about a photo ID will not deflect attention from the urgency of fixing our electoral system. While some members of Congress may prefer to block any changes or stand behind their particular proposals rather than support comprehensive reforms, we hope that in the end they will work to find common ground. The American people want the system fixed before the next election, and that will require a comprehensive approach with a bipartisan voice in favor of reform.

Jimmy Carter was the 39th president. James A. Baker III was secretary of state in the George H. W. Bush administration.

Mr. MCCONNELL. What is the remaining time?

The PRESIDENT pro tempore. There is 10 minutes 15 seconds; the minority has 25 minutes.

Mr. MCCONNELL. I retain the remainder of my time, and I reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. We have 25 minutes?

The PRESIDING OFFICER (Mr. BROWNBACK). That is correct.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, last night I offered an amendment dealing with the enforcement of safety provisions to make sure those American workers who work here, and the guest workers, are going to be in safe conditions, that they are going to be safe and secure, that we are going to have the safest workforce possible. And all I heard on the other side is: We can't do this because we haven't had any hearings.

This is an important issue, an important question, and vital, but we can't possibly consider this as a measure that is only tangentially relevant to the immigration issue. I suggest what was sauce for the goose is sauce for the gander. This is a very important issue that deserves consideration.

We have 25 minutes on this side to try and deal with this issue. Obviously, that is inadequate.

I remember 1964. My first amendment in the Senate was in opposition to the poll tax. I lost that vote, 52 to 48. Eventually, we eliminated the poll tax. But we went through to the 1964-1965 Voting Rights Act, and we eliminated not only the poll tax but the literacy test.

Why were those tests put in place? They were put in place to make sure our voting was going to be safe and secure and that we were only going to have people voting who deserved to vote. This is a way to keep our voting clear and to make sure that we are going to preserve the sanctity of the voting box.

So we had those measures, but as we know, they were struck down. Why were they struck down? I will not take the time here, but fundamentally and basically they were unconstitutional.

Now the Senator suggests: Let's go there and put in a new process. That sounds very good. The poll tax sounded very good when it was initially offered. So did the literacy test. Now we have a new idea that is going to be offered. The first question we have to ask ourselves is, Is there a problem?

We have heard anecdotal comments from the Senator from Kentucky—not studies, not reviews, but anecdotal studies—about whether there was real fraud out there. Is this a problem in the United States of America? There has not been any evidence that this is the result of hearings. We have not had any hearings.

The study of the 2002 and 2004 Ohio elections found there were 9 million votes cast and 4 were found to be fraudulent according to the League of Women Voters of Ohio; 4 votes found to be fraudulent according to the League of Women Voters of Ohio, the most comprehensive study that has been done recently in terms of elections.

The Secretary of State of Georgia stated she was not aware of a single case or complaint of a voter impersonating another voter at the polls in almost a decade. That was sworn testimony of the Secretary of Georgia. She was much more concerned about absentee ballots than the question of fraud.

A 12-State study by Demos, a non-profit organization, not a Democrat or Republican organization, concluded election fraud was very rare. They found no evidence suggesting fraud, other than a minor problem. That is the best information we have. We have not had any hearings. All of the relevant studies indicated that is the situation. So we have a solution where there really isn't a problem.

The Senator from Kentucky says he is basically following the recommendations of the Carter-Baker commission of some time ago. That is not exactly the case. In the Carter-Baker proposal they have a number of recommendations on implementation. First of all, they say it should not be implemented until January 2010. This is to be implemented in May of 2008, the middle of the Presidential primaries.

Why did the Carter-Baker commission say 2010? They said it because the States are not prepared to deal with it prior to that time. What is the date of the Senator from Kentucky? What date do they select? May 2008, in the middle of the Presidential primaries, for 110 million Americans who vote, to drop this in on the States?

This is unworkable. The denial of one of the most sacred rights of an American citizen, the right to vote, is going to be heavily compromised if we accept this.

A second proposal of the Carter-Baker commission indicates it has to be free identifications. This is the language in the McConnell amendment:

... the Election Assistance Commission shall make payments to States to—[what, make them all free? No]—promote the issuance to registered voters of free. . . .

It does not even guarantee the funding. It was guaranteed in the Carter proposal.

Finally, it also indicated that, should there be States that refuse or fail to have a process, there is a backup system to ensure the right to vote. That does not exist in this particular proposal.

So this does not even meet the bare requirements of the Carter-Baker proposal. It does not even meet those bare requirements. It accelerates the timing, which was deferred, for very good reasons, after a prolonged discussion during the debate.

Finally, and most importantly, when the courts recently considered a very similar proposal to the one we have here, which was a similar voter identification proposal, in *Common Cause v. Georgia*—which is a 2005 case; virtually an identical kind of a proposal to that which is offered by the Senator from Kentucky—it pointed out that it violated the equal protection clause because it unduly burdened the fundamental right to vote for several classes of citizens.

Sure, you need a photo identification to get a video because the video shop wants the video back. Sure, you have a photo identification to rent a car because the people who rent the cars want the car back, and for insurance purposes. Sure, you have a video when you buy a gun, for the obvious reasons. But as to the right to vote, we want to encourage people to vote. This is what the circuit court said, with virtually an identical proposal that came before them.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. KENNEDY. Mr. President, I will take another 2 minutes.

That is what the circuit court said in response to a similar proposal which became before them.

The amendment violates the Equal Protection Clause because it unduly burdens the fundamental right to vote for several classes of people. The court in the Georgia case found the voter identification requirement "most likely to prevent Georgia's elderly, poor, and African-American voters from voting."

The amendment violates the 24th amendment because it amounts to an unconstitutional poll tax. The Supreme Court found that the 24th amendment not only bars poll taxes, but also bars their "equivalent[s]" and found this kind of identification was an equivalent.

The McConnell amendment requires that the Election Assistance Commission make funds available only "to promote the issuance of free photo identification," but does not mandate and provide that.

This is an unwise amendment on an immigration bill.

Mr. President, I see our friend from Connecticut, who was the floor manager of the earlier legislation, and my colleague from Illinois, who also wishes to speak.

The most sacred right guaranteed in our democracy is the right to vote. We want to promote people voting. We want our elections safe and secure. But this issue deserves more than 45 minutes on the floor of the U.S. Senate on an immigration bill.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Sixteen minutes.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for up to 5 minutes.

Mr. OBAMA. Thank you very much, Mr. President.

Let me echo Senator KENNEDY's strong opposition to the amendment offered by the Senator from Kentucky.

There is no more fundamental right accorded to United States citizens by the Constitution than the right to vote. And the unimpeded exercise of this right is essential to the functioning of our democracy. Unfortunately, history has not been kind to certain citizens in their ability to exercise this right.

For a large part of our Nation's history, racial minorities have been prevented from voting because of barriers such as literacy tests, poll taxes, and property requirements.

We have come a long way in the last 40 years. That was clear just a few weeks ago when Democrats and Republicans, Members of the Senate and the House, stood on the Capitol steps to announce the introduction of a bill to reauthorize the Voting Rights Act. That rare and refreshing display of bipartisanship reflects our collective belief that more needs to be done to remove barriers to voting.

Right now, the Senate is finishing a historic debate about immigration reform. It has been a difficult discussion, occasionally contentious. And it has required bipartisan cooperation. After several weeks, and many, many amendments, we are less than an hour away from voting for cloture. Considering our progress and the delicate balance we are trying to maintain, this amendment could not come at a worse time.

Let's be clear, this is a national voter identification law. This is a national voter identification law that breaks the careful compromise struck by a 50–50 Senate 4 years ago. It would be the most restrictive voter identification law ever enacted, one that could quite literally result in millions of disenfranchised voters and utter chaos at the State level.

Now, I recognize there is a certain simplistic appeal to this amendment. After all, why shouldn't we require people to present a photo identification card when they vote? Don't we want to ensure that voters are actually who

they claim to be? And shouldn't we at least make sure that noncitizens are not casting ballots and changing the outcomes of elections?

There are two problems with that argument. First, there has been no showing that there is any significant problem of voter fraud in the 50 States. There certainly is no showing that noncitizens are rushing to try to vote. This is a solution in search of a problem. The second problem is that historically disenfranchised groups—minorities, the poor, the elderly and the disabled—are most affected by photo identification laws.

Let me give you a few statistics. Overall, 12 percent of voting-age Americans do not have a driver's license, most of whom are minorities, new U.S. citizens, the indigent, the elderly, or the disabled. AARP reports that 3.6 million disabled Americans have no driver's license.

A recent study in Wisconsin found that white adults were twice as likely to have driver's licenses as African Americans over 18. A study in Louisiana found that African Americans were four to five times less likely to have photo identification than white residents.

Now, why won't poor people be able to get photo identifications or REAL IDs? It is simple: Because it costs money. You need a birth certificate, passport, or proof of naturalization, and that can cost up to \$85. Then you need to go to a State office to apply for a card. That requires time off work, possibly a long trip on public transportation, assuming there is even an office near you.

Imagine if you only vote once every 2 or 4 years, it is not very likely you are going to take time off work, take a bus to a far-off government office to get an identification, and pay \$85 just so you can vote. That is not something most folks are going to be able to do.

The fact of the matter is, this is an idea that has been batted around, not with respect to immigration, but with respect to generally attempting to restrict the approach for people voting throughout the country. This is not the time to do it.

The Carter-Baker Commission on Federal Election Reform found that in the 2002 and 2004 elections, fraudulent votes made up .00003 percent of the votes cast. That is a lot of zeros. So let me say it a different way: Out of almost 200 million votes that were cast during those elections, 52 were fraudulent. To put that in some context, you are statistically more likely to get killed by lightning than to find a fraudulent vote in a Federal election.

This is not the appropriate time to be debating this kind of amendment. We have a lot of serious issues to address with respect to immigration. I ask all my colleagues to reject this amendment so we can move on to the important business at hand.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, do we have 11 minutes? Am I correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes. The Senator from Connecticut has 5.

Mr. KENNEDY. So 6 and 5 is 11.

I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am glad our math is good here this morning. I appreciate that early in the day.

Mr. President, I thank my colleague from Massachusetts for his leadership on this bill and his eloquence this morning on this amendment being offered by our colleague from Kentucky. I commend our colleague from Illinois as well for his eloquent comments about the problems associated with this amendment.

Very bluntly and very squarely, if the McConnell amendment is adopted in the next 20 minutes, then roughly 142 million people in our country would have to have a new—a new—photo identification, one which does not exist yet, that complies with REAL ID by the elections in 2008. Otherwise, you could not vote a regular ballot in the 2008 Federal elections without this new identification.

My colleague cites polling data that indicates that 62 percent of Americans believe a photo identification may be necessary. They were not asked whether or not they knew they would have to have a completely new identification, which I presume they would have to pay for, and if they don't have it with them by election day 2008, then they would not be allowed to show up and vote a regular ballot in person for presidential and other federal candidates across the country. So 142 million people could be disenfranchised by this amendment if we end up requiring a new photo identification.

Now, it has been said over and over again this morning—it needs to be repeated—it was Patrick Henry who said, more than 200 years ago: The right to vote is the right upon which all other rights depend. It is the essential right. The idea we would somehow exclude people who are elderly or disabled or people who, for a variety of reasons, do not have or cannot get this new photo identification from having access to the ballot because of some anecdotal evidence that people may show up and pretend to be someone else—because that is the only set of circumstances we are talking about here.

Absentee ballots present a unique set of problems. This does not cover the absentee ballots. It does not cover the situations where people mail in votes under a different set of circumstances in some of our States. This amendment only addresses the situation in which someone shows up to vote claiming to be someone else, when, in fact, they are a different individual.

So I would hope our colleagues, recognizing the tremendous problems this



amendment could afford us, would reject this amendment. We had this debate 4 years ago when we adopted the Help America Vote Act. What we said is, if you register by mail, then the first time you show up at the polls, you need some form of identification, and, in fact, a photo identification may be one of them. But it is not the only thing that can be a source of identification for first time voters who registered by mail. There may be a variety of other criteria that States would adopt.

In a sense, we are going to nationalize and Federalize every single State by this approach. States, as we have historically said, determine the specific requirements of registration. Some States require very little. That is their judgment. Other States require more. We stayed away from dictating to States exactly what they had to do in the Help America Vote Act. If you adopt this amendment, why not consider an amendment for national registration? Many advocate that.

I think it may be a sound idea to move to a national registration. The HAVA bill moved from local registration to Statewide registration, which is a major step forward. But here we are saying you are going to have to have one size fits all, one identification, and we do not even know what it looks like yet—it does not exist at all—which has to comply with the REAL ID requirements between now and election day 2008. And if you do not have it, then you could be refused a regular ballot and forced to vote provisionally.

Obviously, access to the ballot has been critical for us. We have balanced that right to try to ensure, to the extent possible, that the ballot is going to be secure. But if we err on any side of that equation, it has been historically to err on the side of access to make sure people are encouraged to participate. Thus, the reason, in the HAVA bill, why we have provisional balloting—for the first time that will exist—it is so that if you show up and there is a contest as to whether or not you have the right to vote, the law says you should be able to cast a provisional ballot, so that after the election, after the ballots are cast, or the polling places are closed, if, in fact, you, the voter, were right, the ballot counts. If you were wrong, obviously, it does not, but you have a right to find out why it was not counted in order to be able to correct the problem.

Provisional ballots are making it possible for people to vote who believe they have the right to vote, to cast a ballot. That right has not existed in the past. That is the direction we are heading in as a country, not going backwards, not retreating, and not creating obstacles and hurdles to cast those ballots. That, unfortunately, would be the outcome if the McConnell amendment were adopted.

Every major civil rights organization, every leading organization defending the disabled and the elderly are

opposed to this amendment and are very worried about what it could mean if it were adopted.

So I urge my colleagues, at this early hour in the morning: Please, when you come here, this is not the place for this amendment on an immigration bill. There is a time and opportunity to go back and revisit election issues. I hope we do that at some point. But to cherry-pick a provision that would set us back decades would be a mistake.

The right to vote is one of the most fundamental civil rights accorded to citizens by the United States Constitution. The right of all Americans to vote, and to have their vote counted, is the cornerstone of our democratic form of government. It is at the heart of all we do here, and precedes other rights because it is the means by which we choose those who represent us. The free and unencumbered exercise of the franchise is a core pre-condition of a government that is of the people, by the people and for the people.

This amendment would jeopardize efforts to balance the traditional requirements of ballot access and ballot security; impinge unnecessarily on those fundamental rights; create a disparate impact on whole classes of our citizens; and effectively impose a new form of poll tax on millions of American voters.

Public confidence in the integrity of final election results is likely to be judged to a large extent by how well our laws balance the twin goals of expanded ballot access and enhanced ballot security, a fact that should remain foremost in our minds as we move forward on this debate in the coming days.

This amendment would dangerously undermine that delicate balance. Where difficult questions on these issues arise, my bias has always been to err on the side of expanded ballot access for all eligible voters. That should be no surprise to anyone who has been in the Senate or watched its deliberations in recent years, including the debate three years ago on the Help America Vote Act.

We must do all we can to ensure that the fundamental right to vote can be exercised freely, even while taking appropriate precautions to prevent usually isolated acts of individual voter fraud.

The McConnell amendment before us would effectively mandate a one-size-fits-all voter identification solution for every voter, every State, and the territories regardless of their circumstances, resources or preferences.

Every American citizen who is eligible to vote today in a Federal election would be effectively rendered ineligible to vote in the Presidential election of November 2008 by this amendment. Under this amendment, even those Americans who were born in this country and have been voting in every election since they turned 18 would be unable to vote in the November 2008 Presidential election, unless they first ob-

tain a new REAL ID/citizenship card, or its equivalent.

This is a sea change in the rules of access for voters to every polling place in the United States. Under this amendment, everyone, every voter would have to present a REAL ID/citizenship card to vote a regular ballot at the polls.

My colleagues may remember the stories of dogs and dead people voting in the 2000 Presidential election. To respond to individual fraud in election registration, Congress adopted a measured, two-part response: a new identification for first time voters who register by mail and a computerized statewide voter registration system. Under HAVA, the States must have the computerized voter registration system in place this year. And the States are working diligently to accomplish that.

But this amendment goes much farther and without any justification, without any evidence of widespread fraud, effectively disenfranchises every single American voter who is eligible to vote in Federal elections today.

The only fraud that this amendment purports to address is the situation in which a voter appears, in person, at the polls and claims to be someone else. During all of the hearings that the Rules Committee held on election reform following the debacle of the 2000 Presidential elections, including the hearings held by my distinguished friend, the author of this amendment—who was Chairman of the Rules Committee at the time—not one witness testified to widespread fraud by individuals appearing in person at the polls claiming to be someone they were not.

And Congress isn't the only body which failed to find more than anecdotal evidence of such fraud.

Just last year, the bipartisan Carter-Baker Commission on Federal Election Reform, co-chaired by former President Jimmy Carter and former Secretary of State James Baker, also failed to find the fraud that this amendment is designed to address.

Let me quote from the September 2005 Carter-Baker Commission Report:

There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both could occur, and it could affect the outcome of a close election.

So even though neither Congress, nor the esteemed private Carter-Baker Commission, could find the type of fraud that would justify a national citizenship voting card, this amendment would literally jeopardize the voting rights of every single American citizen in order to combat this phantom fraud.

And yet the fraud that the bipartisan Carter-Baker Commission was concerned about—that of fraud committed through absentee balloting—is not even addressed by this amendment.

Again, quoting from the 2005 Carter-Baker Commission Report:

Absentee ballots remain the largest source of potential voter fraud.

But does this amendment apply to absentee balloting or vote by mail?

No—it applies only to those American citizens who make the effort to get up on election day and go to the polls, stand in line—sometimes for hours—and publicly present themselves to vote.

This amendment would change the law to effectively federalize what has always been a State and local determination. It would establish a one-size-fits-all Federal REAL ID/citizenship card, based on a law that has itself not been fully implemented.

It mandates that every State implement a system which uses these new cards by May 11, 2008—less than two years from now, and during a period when we will almost certainly face a hotly contested Presidential election. If this amendment is adopted, the resulting chaos will undermine the results of the 2008 Presidential election to the point that not even the Supreme Court will be able to determine the winner.

No one in this Chamber can say with any certainty how this is going to work, if at all, or that it will not further disenfranchise vulnerable voters. In my view, it almost certainly will.

This is not the time, nor the vehicle, to be debating election reforms that will most assuredly disenfranchise American citizens, particularly the poor, minorities, the elderly, and the disabled.

These voting issues are important, and as I have said, I would welcome a full and comprehensive debate on how to expand access for all Americans to enable them to more effectively and easily register and vote in Federal elections, while preserving ballot security.

I have introduced legislation on that issue in this Congress, and would like to have it considered soon. We could and should have a full debate on how best to balance the twin goals of expanded ballot access with appropriate ballot security. But now is neither the time nor the place for that debate. This is not what we should be doing on this bill.

I am also concerned about amending HAVA now. I intend to oppose any amendment that would open up the Help America Vote Act before the law is fully implemented in time for the fall Federal elections in 2006.

We have already had over 10 primaries and we are less than six months prior to the general mid-term elections. States are working hard to come into compliance with the new requirements of accessible voting systems and statewide voter registration list. Voters are working hard to understand the new circumstances and new technologies they will be facing in the 2006 elections, and are being educated on how to exercise their rights to ensure an equal opportunity for all to cast a vote and have that vote counted.

Many of us know that no single law is the comprehensive and perfect fix for a number of problems which have existed for decades in our decentralized

election system. HAVA was a landmark law, the next step in a march which included the Voting Rights Act, NVRA legislation, and other measures. HAVA made appropriate changes to the law in the wake of the 2000 election debacle, and did so with broad, bipartisan support.

And I am sure there are a host of improvements that could be made to HAVA. I have some in mind myself. But HAVA deserves to be fully and effectively implemented before taking the next steps toward broader reform.

If this Senate wishes to debate election reforms, I am prepared to do so for days to come. There are numerous reforms which the Senate should be considering.

If we are prepared to impose a universal voting ID on Americans, then we should also establish a universal Federal registration requirement for voting. If we are going to preempt the rights of States to determine who is eligible to vote in a Federal election, then perhaps we should preempt the rights of States to decide whether or not they will count that Federal ballot.

If we are going to federalize identification requirements for voting, then perhaps we should federalize eligibility requirements for absentee voting.

If we want to ensure that the vote of every eligible American citizen has equal weight, then maybe we should federalize the administration of Federal elections.

But that is not the approach that my colleague, Senator MCCONNELL, and I took in developing the bipartisan Help America Vote Act. And that is not the approach that the Congress and President Bush took in passing and signing into law the Help America Vote Act. And nothing in the intervening 3½ years has changed to suggest that either HAVA isn't working, or that the American people support the kind of sea change that this amendment creates.

HAVA was a carefully crafted balance between the twin goals of making it easier to vote and harder to defraud the system. This amendment destroys the necessary balance between ballot access and ballot security—a balance that is key to ensuring the integrity of Federal election results.

If we are equally concerned about both access to the ballot box and potential fraud, then we should not enact an amendment which, by operation of its provisions, will potentially prevent every single eligible citizen from voting in the 2008 Presidential election.

And if we are truly concerned about potential voting fraud, then we should give the States the opportunity to complete implementation of HAVA and allow that new law to work before we enact a new requirement which on its face will disrupt the delicate balance HAVA created.

HAVA needs to be allowed to work. And for that reason, a broad Coalition of civil rights and voting rights groups, and organizations representing State

and local governments, oppose this amendment.

This Coalition letter makes clear that in their view, the six-month period prior to Federal mid-term elections, as we are implementing HAVA, is not the time, nor is the immigration bill the vehicle, to attempt to make highly controversial changes to the way voters qualify for access to the ballot box. Specifically, the Coalition letter rejects this amendment because, and I quote:

The amendment raises voter identification issues without deliberation, further complicates unrealistic implementation deadlines for the REAL ID Act, creates a mandate for an identification tool not yet available, and undermines the continuing efforts of the States to enfranchise every eligible voter through the Help America Vote Act of 2002, "HAVA".

Mr. President, any amendment which attempts to impose additional new Federal election reforms must include proposals which balance the competing goals of expanded ballot access and ballot security. My hope is that the Senate will make clear that effective election reform is not just about one of those aspects, but must address both. Some in this body have maintained a continuing misplaced emphasis on security at the expense of access. It is the duty of this Congress to ensure that both goals are protected and preserved for all Americans.

I urge rejection of the McConnell amendment.

THE PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. How much time do I have remaining?

THE PRESIDING OFFICER. The Senator from Kentucky has 10 minutes.

Mr. MCCONNELL. I yield 5 minutes to the distinguished Senator from Missouri.

THE PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Mr. President, elections are the heart of democracy. They are the instrument for the people to choose leaders and hold them accountable. At the same time, elections are a core public function upon which all other Government responsibilities depend. If elections are defective, the entire democratic system is at risk. Americans are losing confidence in the fairness of elections. We need to address the problems of our electoral system. Those are the words of the cochairmen of the Commission on Federal Election Reform, former Secretary of State Jim Baker and former President Jimmy Carter.

Most people know Jimmy Carter, the former President. I happen to know him as a Governor. We served together. We also know him as a lion in the world of free and fair elections. He has traveled the globe, faced down dictators, watched over petty potentates, all in the name of free and fair elections. He believes we need a real voter identification.

We took steps in the HAVA to make sure that somebody who had a right to



vote was not unjustifiably denied that right by being refused an opportunity to vote at the polls. That is why we supported it, and it was a great idea to have a provisional ballot. But you can lose your vote just as surely and as effectively when somebody who is not eligible to vote casts an illegal vote that cancels your vote. That is a silent and more insidious way of losing your vote—if your vote is canceled by an illegal vote cast by someone who is not eligible to vote or somebody who has voted more than once.

My colleague from Illinois has raised the question of why we need it because there isn't any vote fraud. That is a monumental announcement from somebody who comes from a State that has Chicago in it, but I think that St. Louis has outdone Chicago. In the 2000 election we had people filing to keep the polls open because they had been denied the right to vote. It turns out when they looked into the situation, the first plaintiff had trouble voting because he had been dead for 14 months.

They said: The real plaintiff is a guy whose name is very similar. That plaintiff had voted earlier that afternoon in St. Louis County. But when we started looking into voter fraud in St. Louis, news reports were rife with fraudulent voting. Thousands of votes were apparently cast by dead people, or with fraudulent addresses, large numbers voting from vacant lots, dozens of people voting from a single-family residence. Voter fraud was so bad in the elections that even a very liberal newspaper in St. Louis carried a cartoon showing St. Louis voting.

Here is the voting booth. Here is a casket where people were trying to vote in St. Louis. You can accept voting in these two places, but the coffin is not a place you expect people to cast a vote from.

How would a picture identification requirement help the situation? As you can imagine, a picture of a dead person would certainly be noticeable. Assuming the dead person was not the one actually voting, there would be a mismatch between the voter and the photo. I don't imagine that opponents of this amendment actually are fighting to have dead people vote, but that is the result when they block amendments such as this.

Another result is seen in this registration card. I suppose I shouldn't keep it up too long because somebody will want to copy the address and send Ritzky Mekler a campaign solicitation. Why does Ritzky's registration matter? How would a picture identification address her situation? A picture identification of Ritzky Mekler would instantly have indicated the problem because Ritzky is a 13-year-old cocker spaniel.

Mr. MCCONNELL. I yield another minute to the Senator from Missouri.

Mr. BOND. These are not isolated instances. The Missouri Secretary of State conducted an investigation after

the 2000 vote and found significant voter fraud. Subsequent criminal proceedings confirmed that fraud is still a problem and must be monitored in Missouri. A 2004 report by Missouri's State auditor found over 24,000 voters registered who were either double registered, deceased, or felons. These are problems we want to clean up, and a voter identification requirement will help us.

The amendment we have before us requires voters to present identification for the 2008 election. It will be the same requirement that citizens face every time they take the train or fly on an airplane. It will be the same requirement they face when cashing a check.

For those concerned that some voters need help getting a picture ID so they can vote, I agree 100 percent. This amendment will also provide new grant funds to States so that everyone who needs an ID can get one free of charge.

There should be no barriers to voting in this country. There also should be no barriers to a free and fair election.

We will not be alone in this requirement. Voters in nearly 100 democracies use a photo identification card. Maybe that international experience is what helped convince President Carter that this was an important idea. So important that the Commission on Federal Election Reform he cochaired included this recommendation.

That commission's executive director note that polls indicated that many Americans lack confidence in the electoral system, but that the political parties are so divided that serious electoral reform is unlikely without a strong bipartisan voice.

That is why President Carter joined in the election reform effort, and that is why I urge my colleagues to join this effort—so that we can restore faith in our elections, so that we know that citizens who have the right to vote are voting, so that even new citizens who were immigrants have a free and fair election to vote in. I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, Senator MCCONNELL has proposed an amendment to the immigration bill to modify the Help America Vote Act of 2002, "HAVA", by mandating that all States require government-issued photo identification from voters at polling places. Senator MCCONNELL's amendment raises serious concerns by putting the policy ahead of the groundwork necessary to determine how and whether such a step should be taken.

I do not see his justification for attaching that proposal to this measure or to get ahead of the implementation of the REAL ID Act or recommendations by the Carter-Baker commission. The REAL ID Act has given us a great many problems, and there are a number of aspects that need to be adjusted or fixed. If the Rules Committee wants to take a comprehensive look at it and if Senator DODD supports that effort, I will be very interested in what they

have to say. I do not think it is wise to expand the purpose of the REAL ID Act without due deliberation. This is not the right time, nor is this bill the right place, to make hasty changes to Federal voting laws without the careful consideration such modifications deserve.

The Senate is currently considering the reauthorization of the Voting Rights Act and is doing so in a deliberate, considered, and bipartisan manner. We should take the same approach to any enhancement of HAVA, which should include the considered input from the States, their election officials and citizens. HAVA expressly provides for State involvement in carrying out the improvements in the law. Senator MCCONNELL's amendment would seem to undermine HAVA by preventing the States from performing their legislative role in devising voter identification procedures. The States play an integral role in carrying out the improvements in the Act, and we should let them perform this function without the undue interference.

Any proposal for federally standardized identification cards should be subject to hearings and debate beyond the constrained environment of the amendment process for the immigration bill. Before we vote on proposals for the use of a national identification card in our voting system, we must undertake a national debate about the technology, implementation, and the implications for the privacy rights of American citizens and the risks that required forms of voter identification have sometimes been used to intimidate minority voters or suppress their participation.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts has 6 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes and yield the last 3 minutes to the Senator from Connecticut.

This is an extraordinarily important amendment. It deserves the full consideration of this body because, as has been pointed out, it reaches the essence of our democracy, which is the right to vote. If we are going to take action on an immigration bill that is going to have an impact on 120 million Americans in the 2008 Presidential campaign, we should not be doing that in the 50 minutes before a cloture vote on the immigration bill.

I have pointed to recent courts of appeals decisions on measures that are virtually identical to this where they have struck it down because they believed that it was going to effectively discriminate against large groups of Americans, primarily the poor, the disabled, and the elderly. The court of appeals made that judgment in the Georgia ID case, not those on this side of the aisle. It was the court's decision.

It seems to me, having so clear a judicial determination on this measure and such a wide separation between what this measure is and what was recommended by the Carter-Baker commission, it is not wise for the Senate to

adopt what would be a major rewriting of our national election laws in the 50 minutes prior to a cloture vote on an immigration bill. It is unwise for the Senate. If we are not successful in defeating it, this potentially could have a most dramatic adverse impact in terms of American voting in the next national election. I don't think that is what this legislation is really about. I don't think we should take that step. If we are going to debate this issue, we ought to have the opportunity to have hearings and a review to make a judgment. Now is not the time, and this is not the legislation.

I yield my remaining time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me again quote from the Carter-Baker commission report regarding the very proposal that is before us:

There is no evidence of extensive fraud in U.S. elections or of multiple voting. It could occur and it could affect the outcome, but there is no evidence that exists today.

What is true is if this amendment were adopted, there are clearly people who will show up to vote who will not be allowed to vote a regular ballot because, under this legislation, in May of 2008, if you don't have this nonexistent voter card, you will not be allowed to vote. I don't care how long you have lived here, how many elections you have participated in, this is a national requirement that will exist in May of 2008. And out of 142 million people who have a right to vote, there is likely to be a substantial number who would be disenfranchised. This is the wrong direction to be going based on an anecdotal piece of evidence about people who show up to vote and claim to be someone else.

And that is why the Carter-Baker Commission recommendations on voter ID included a number of other reforms to provide a failsafe against this result. These additional components of the voter ID recommendation include allowing affidavit voting, with signature verification, until 2010. Thereafter, the Commission recommends that voters who did not have their ID could return to the appropriate election official within 48 hours of voting and provide the ID. But those failsafe provisions are not included in the amendment offered by the Senator from Kentucky.

Absentee balloting is an area that could take some work when it comes to addressing fraud, but even the Carter-Baker Commission concluded that fraud could not be documented in the case of in-person voting. To take this immigration legislation we have worked months to craft, and include the consideration of this ID proposal—and we rejected it only 4 years ago—to open up just this part of the Help America Vote Act, disregarding everything else, is the wrong step to take on an immigration bill.

Again, I emphasize, every civil rights organization, every group representing

the elderly and disabled is urging colleagues to reject this amendment. This would be a major step backwards when it comes to election reform.

At the proper time I will offer a motion to table. My colleague from Kentucky wants to be heard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 4 minutes 12 seconds.

Mr. McCONNELL. Mr. President, there is a great debate going on in the Democratic Party on this issue. We have Jimmy Carter and Andrew Young on one side and, from the comments I have heard this morning, I gather colleagues from Massachusetts and Connecticut and Illinois on the other. It is an interesting debate among Democrats as to whether we should have this important ballot integrity measure.

My good friend from Massachusetts mentioned Georgia. They have photo identification in Georgia. That might explain why there were no reported cases by the Georgia Secretary of State of a problem. My good friend from Illinois declared that voter fraud was not a problem in America. I am sure he is familiar with Cook County in his own State, as Senator BOND has discussed regarding St. Louis and his State.

Let me take anyone who may doubt to eastern Kentucky. Voter fraud is a significant problem in America. And with a lot of new people coming in, many of them illegal, it raises the stakes to protect the integrity of the vote in this country. Every time somebody votes illegally, they diminish the quality and the significance of the votes of American citizens. This is not just Republicans making this point. This is some of the most significant Democrats in America today. President Jimmy Carter and former Atlanta Mayor Andrew Young believe that photo identification is absolutely critical.

With regard to the suggestion that there have been no hearings, we had numerous hearings in the Committee on Rules prior to passage of HAVA in 2002. The Baker-Carter commission had 21 members, 11 staff members, 25 academic advisors, 24 consulted experts in the field, two public hearings, advice from 22 witnesses, followed by three meetings and presentations spanning the country from LA to the District of Columbia, all of which produced a 104-page report in encapsulating 87 detailed recommendations to improve elections. There have been plenty of hearings on this subject.

The question is, on a measure which will guarantee that the number of illegals in America will continue to increase unless we are serious about border security, do we care about the franchise and diminishing the significance of the franchise of existing American citizens. We have engaged in a good discussion this morning on what this

amendment does and does not do. It gives States the flexibility to design an identification to be shown at the polls to protect and secure the franchise of all U.S. citizens from ballots being cast illegally by non-U.S. citizens. Yes, the content standards of the REAL ID are the template but just the template.

And, last, the Federal Government will pay for any low-income Americans who do not have a photo identification, which is exactly the point that Andrew Young was making about how important that was for low-income Americans to finally have a photo identification so they can function in our society, which increasingly requires photo identification for almost everything—check cashing, getting on a plane, getting a fishing license, you name it, photo identification is required. It is nonsense to suggest that somehow photo identification for one of our most sacred rights, the right to participate at the polls, to choose our leadership, should not be protected by a requirement that is increasingly routine in almost all daily activities in America today.

If you support this amendment, then that puts you in the same camp with Jimmy Carter, James Baker, Andrew Young and 81% of legally registered Americans who seek to preserve and protect their Constitutionally guaranteed franchise from being disenfranchised by vote dilution and vote fraud. Mr. President, I urge that the motion to table, which Senator DODD has indicated he is going to make, be opposed.

Mr. President, has all time been yielded back?

The PRESIDING OFFICER. All time has expired.

Mr. DODD. Mr. President, I ask unanimous consent that a letter from State and local coalitions and civil rights groups be printed in the RECORD.

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

MAY 22, 2006.

DEAR SENATORS: We, the undersigned national organizations, urge you to reject an amendment to be introduced by Senator MITCH McCONNELL (R-KY) to the Comprehensive Immigration Reform Act of 2006. The McConnell amendment would require, by May 11, 2008, that voters at polling places show federally mandated photo identification, pursuant to the "REAL ID Act of 2005" (P.L. 109-13), prior to casting a ballot.

The amendment raises voter identification issues without deliberation, further complicates unrealistic implementation deadlines for the REAL ID Act, creates a mandate for an identification tool not yet available, and underlines the continuing efforts of the states to enfranchise every eligible voter through the Help America Vote Act of 2002 (HAVA).

The undersigned groups have, for several years, been part of a coalition focused on educating Members of Congress about the importance of fully funding the Help America Vote Act. However, in this case, we have come together to oppose this amendment.

Our organizations are working to implement HAVA so that voters' rights are guaranteed, and so that states have the flexibility needed to implement required reforms

to the nation's multi-jurisdictional system of election administration.

Throughout the life of HAVA, both the House and the Senate have sought input from all of the organizations in this coalition and have worked hard to balance the needs and interests of all parties. This amendment, however, has not gone through any of the normal information gathering or deliberative processes. For example: hearings have not been held in committee; interested organizations and individuals have not had an opportunity to comment, and election officials have not been given the opportunity to address how this provision would be administered.

In addition, issues like voter identification have been highly divisive. HAVA expressly recognized the states' right to address the voter ID question through the state legislative process, in a manner consistent with federal and constitutional law. The McConnell amendment would undermine the intent of HAVA in this area. Also, with growing uncertainty at the state level about implementing the REAL ID program in its current form, it is irresponsible to alter and expand the original purpose of the REAL ID's reach as contemplated by the Congress.

For the above reasons, we urge you to reject the McConnell amendment. Thank you for your consideration. If you have any questions, please feel free to contact Susan Parmis Frederick of the National Conference of State Legislatures at (202) 624-3566, Rob Randhava of the Leadership Conference on Civil Rights at (202) 466-6058, or any of the individual organizations listed below.

Organizations Representing State and Local Election Officials:

Council of State Governments; National Association of Counties; National Conference of State Legislatures; National Association of Latino Elected and Appointed Officials Educational Fund.

Civil and Disability Rights Organizations: AARP; Alliance for Retired Americans; American Association of People with Disabilities; American Association on Mental Retardation; American Civil Liberties Union; American Council of the Blind; American Federation of State, County and Municipal Employees, AFL-CIO; Americans for Democratic Action; Asian American Justice Center; Asian American Legal Defense and Education Fund; Asian and Pacific Islander American Vote.

Asian Law Caucus; Association of Community Organizations for Reform Now (ACORN); Brennan Center for Justice at NYU School of Law; Center for Civic Participation; Center for Community Change; Common Cause; Consumer Action; Demos: A Network for Ideas and Action; Fair Immigration Reform Coalition; Friends Committee on National Legislation; Immigrant Legal Resource Center.

Japanese American Citizens League; Judge David L. Bazelon Center for Mental Health Law; Lawyers' Committee for Civil Rights Under Law; Leadership Conference on Civil Rights; League of Rural Voters; League of Women Voters of the United States; Mexican American Legal Defense and Educational Fund; NAACP Legal Defense & Educational Fund, Inc.; National Association for the Advancement of Colored People (NAACP); National Center for Transgender Equality; National Congress of American Indians.

National Council of La Raza; National Disability Rights Network; National Korean American Service and Education Consortium; People For the American Way; Project Vote; Service Employees International Union; The American-Arab Anti-Discrimination Committee; The Arc of the United States; United Auto Workers; United Cerebral Palsy; U.S. Student Association.

Mr. DODD. Mr. President, I move to table the McConnell amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 143 Leg.]

#### YEAS—48

Akaka	Durbin	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Chafee	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
DeWine	Levin	Sununu
Dodd	Lieberman	Voinovich
Dorgan	Lincoln	Wyden

#### NAYS—49

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Roberts
Bennett	Frist	Santorum
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Burns	Hagel	Snowe
Burr	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

#### NOT VOTING—3

Cochran	Enzi	Rockefeller
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The motion was rejected.

Mr. ALEXANDER. Mr. President, although I share some of the concerns of the senior Senator from Massachusetts, I voted against tabling the McConnell amendment because I believe we need a voter identification card to reduce voter fraud. I support an appropriate identification card for Americans but did not support the REAL ID Act because I was concerned it would impose an unfunded mandate on the States and that the deadline for compliance was unattainable for most States. I still hold those concerns, but it is clear now that the REAL ID is to become the Federal standard. I hope the Senator from Kentucky and others will work to address these concerns in conference—and during the appropriations process—so that a realistic deadline can be set and sufficient funding

provided to the States so that they may comply with this federal mandate.

Mr. KENNEDY. Mr. President, what is the business before the Senate at the present time?

The PRESIDING OFFICER. The next order of business is a vote on the cloture motion.

The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that following the cloture vote, the Senate stand in recess until 12 noon to accommodate the joint meeting with the Prime Minister of Israel and that the time count postcloture.

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

Mr. LEAHY. Mr. President, I hope that this morning we will begin to draw to a close the Republican filibuster against comprehensive immigration reform. I have been encouraged that since our return to this legislation this month, the President has spoken out in favor of comprehensive immigration reform with an essential component being a realistic path to earned citizenship for those who work hard, pay their taxes, and contribute so much to our American way of life. When Republicans filibustered against two cloture votes last month, including one on a motion by the Republican Leader, I was disappointed. I had hoped we would recognize the lawful, heartfelt protests of millions against the harsh House-passed criminalization measures. While they waved American flags, some of those fueling anti-immigrant feelings burned flags of other countries. I hope that through this debate we have been able to convince enough Senate Republicans to join us in our efforts and to appreciate the contributions of immigrants to our economy and our Nation.

This bill is not all that it should be. Yesterday we short-circuited efforts to make it more flexible for those persecuted around the world. This country has had a history of being welcoming to refugees and those seeking asylum from persecution. Yesterday the Senate turned its back on that history by refusing to allow the Secretary of State the flexibility needed after restrictive language was added by the REAL ID Act to our laws. I hope Senators will reconsider these issues with more open minds and hearts and a fully understanding of the lives being affected. Sadly too, many were spooked by false arguments.

I have made no secret that I preferred the better outline of the Judiciary Committee bill. The bill the Senate is now considering is a further compromise. Debate and amendments have added some improvements and some significant steps in the wrong direction. Besides the failures yesterday to readjust its asylum provisions to take into account the realities of oppressive forces in many parts of the world, I was most disappointed that the Senate appeared to be so anti-Hispanic in its adoption of the Inhofe English amendment. Yesterday Senator SALAZAR and

I wrote to the President following up on this provision and the comments of the Attorney General last week and weekend. We asked whether the President will continue to implement the language outreach policies of President Clinton's Executive Order 13166. A prompt and straightforward affirmative answer can go a long way toward rendering the Inhofe English amendment a symbolic stain rather than a serious impediment to immigrants and Americans for whom English is a second language. I ask consent that a copy of our letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. LEAHY. There are growing rumors that some who oppose comprehensive immigration reform will not be deterred by a supermajority vote for cloture and are considering various procedural points of order to delay or derail Senate action in the Nation's interest. I hope they will reconsider and join with us in a constructive way to enact comprehensive immigration reform. We do not need more divisiveness and derision. This bill is not the bill I would have designed. It includes many features I do not support and fails to include many that I do. Nonetheless, I will support cloture and will continue to work to enact bipartisan, comprehensive immigration reform.

#### EXHIBIT 1

U.S. SENATE,  
Washington, DC, May 23, 2006.

Hon. GEORGE W. BUSH,  
The White House,  
Washington, DC.

DEAR PRESIDENT BUSH: Last week over my objection the Senate adopted an amendment to the comprehensive immigration bill that seeks to place restrictions on the Government and its communications in languages other than English. I was extremely disappointed that your Administration did not speak out against the divisive amendment and help us work to defeat it.

Attorney General Gonzales said after the fact that you have "never been supportive of English only or English as the official language." The Attorney General indicated over the weekend that his reading of the Inhofe amendment "would not have an effect on any existing rights, currently provided under federal law." I note that you continue to use Spanish on the official White House website, indeed you include a translation into Spanish of the radio address you gave last Saturday on immigration.

I write to ask whether you intend to continue to adhere to Executive Order 13166 if the Inhofe amendment is enacted into law. This Executive Order was adopted by President Clinton in August 2000 to improve access to federal programs and activities. In 2002, your Assistant Attorney General for Civil Right reaffirmed support for the Executive Order and indicated that your "Administration does not plan to repeal Executive Order 13166." What would be the effect, if any, on Executive Order 13166 and its implementation if the Inhofe language adopted by the Senate were to become law?

Respectfully,

PATRICK LEAHY,  
Senator.

KEN SALAZAR,  
Senator.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The 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 Calendar No. 414, S. 2611: a bill to provide for comprehensive immigration reform and for other purposes.

William H. Frist, Arlen Specter, Larry Craig, Mel Martinez, Orrin Hatch, Gordon Smith, John Warner, Peter Domenici, George V. Voinovich, Ted Stevens, Craig Thomas, Thad Cochran, Judd Gregg, Lindsey Graham, Norm Coleman, Mitch McConnell, Lamar Alexander.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 2611, the Comprehensive Immigration Reform Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The yeas and nays resulted—yeas 73, nays 25, as follows:

[Rollcall Vote No. 144 Leg.]

#### YEAS—73

Akaka	Feinstein	McConnell
Alexander	Frist	Menendez
Baucus	Graham	Mikulski
Bayh	Gregg	Murkowski
Bennett	Hagel	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Hatch	Nelson (NE)
Boxer	Hutchison	Obama
Brownback	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Chafee	Kennedy	Salazar
Clinton	Kerry	Sarbanes
Cochran	Kohl	Schumer
Coleman	Kyl	Smith
Collins	Landrieu	Snowe
Conrad	Lautenberg	Specter
Cornyn	Leahy	Stabenow
Craig	Levin	Stevens
Dayton	Lieberman	Thomas
DeWine	Lincoln	Voinovich
Dodd	Lott	Warner
Domenici	Lugar	Wyden
Durbin	Martinez	
Feingold	McCain	

#### NAYS—25

Allard	Crapo	Santorum
Allen	DeMint	Sessions
Bond	Dole	Shelby
Bunning	Dorgan	Sununu
Burns	Ensign	Talent
Burr	Grassley	Thune
Byrd	Inhofe	Vitter
Chambliss	Isakson	
Coburn	Roberts	

NOT VOTING—2

Enzi

Rockefeller

The PRESIDING OFFICER (Mr. VITTER). On this vote, the yeas are 73, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that I now be recognized to use my leader time and following my comments the Senate recess under the previous order.

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

Mr. FRIST. Mr. President, for the information of our colleagues, we will be having the joint session shortly, after which, with cloture successfully invoked, we will begin the 30 hours of debate on the immigration bill. I am pleased with the outcome of the vote that we just took. We are on a glide-path to complete the immigration bill, a comprehensive bill. Still, we will have the opportunity to have a number of amendments. In fact, there are a lot of amendments to be considered over the course of the day.

#### WELCOMING ISRAELI PRIME MINISTER EHUD OLMERT

Mr. President, today the Congress does have the pleasure in a few moments of welcoming Israeli Prime Minister Ehud Olmert to address a special Joint Session of Congress. This is his first visit to Washington as Prime Minister, and he will be only the fourth Israeli Prime Minister ever to address both Chambers.

The honor is mutual. We look forward to listening to his remarks in a few moments. Following his speech, the Speaker of the House, Speaker HASTERT, and I, along with a number of our colleagues, will host the Prime Minister for a bipartisan bicameral leadership lunch.

Ehud Olmert was sworn in as the 12th Prime Minister of Israel on May 4 after a tragic stroke incapacitated Prime Minister Ariel Sharon in January. In late March he assumed the leadership of Ariel Sharon's Kadima party, and led it to victory in Israel's national elections. His party won the largest share of seats in the Israeli Knesset, elevating Mr. Olmert to the Prime Ministership with responsibility for governing Israel's next coalition government. His Cabinet was sworn in this month and includes members of the largest opposition party, the Labor Party. I spoke with the Prime Minister in April to congratulate him on his and the Kadima party's victory.

Today it is my privilege to welcome him to the United States Capitol.

Since its founding nearly 60 years ago, Israel and the United States have enjoyed a special and exceptionally strong relationship. Shared historical and cultural ties have bound our countries together. For nearly six decades,