

have been subject to sexual assault or other serious crimes get the justice they deserve.

I know that my colleague from Oklahoma, the ranking member of the Committee on Armed Services, reached out to our military chiefs for their thoughts on this bill. While there was, as Army GEN James McConville wrote, recognition “that there are concerns with the way our current process pursues justice for major crimes,” I understand that they also have concerns about this legislation, and I would like to allay those concerns today.

More broadly, the service chiefs’ letters all seem to indicate a misunderstanding of how fundamental this change would be. Marine Corps Gen. David Berger, for instance, wrote that the bill “appears to create a more complex system that could potentially slow the military justice process.” Space Force Gen. John Raymond wrote that “the proposed changes add a layer of complexity that needs to be fully understood.”

This bill would streamline, not complicate, the military justice process. The lawyers who would be making these prosecution decisions under our legislation are already working on these very cases.

Navy ADM Michael Gilday expressed concern that “large scale removal of commanders’ authority could cause sailors to doubt the capabilities of their commanders or to believe that their commanders operate without the full trust of their superiors.”

That worry is unfounded. Iraq and Afghanistan Veterans of America surveyed their members—recent veterans—and 77 percent said that moving a serious crime like sexual assault out of the chain of command would have no impact on their view of the commander’s authority. Nearly 1 in 10 said that the change would lead them to view their commander as more of an authority figure.

I would point out that the IRC Chairwoman, Lynn Rosenthal, said:

The IRC rejects the motion that, by moving legal decisions about prosecution from the command structure, that commanders would have no role. It’s simply not the case. Commanders are responsible for the climates they create. They’re responsible for working to prevent sexual assault and sexual harassment, and they’re responsible for making sure that victims are protected when they come forward to report. So, the idea that they won’t have an interest in solving this problem if they are not making those technical legal decisions, we think, is simply false.

I trust that our commanders will be able to maintain their authority and maintain their investment in the welfare of the troops without being responsible for deciding these serious crimes.

General Berger put it well. He wrote:

I expect commanders to always bear responsibility for their Marines; changes like those in this bill will never relieve commanders of their duty to care for and lead their Marines, including when certain mili-

tary justice processes are removed from their control.

There were also questions about whether or not these changes were needed for all serious crimes. Admiral Gilday wrote that he had “seen no evidence that there is a lack of trust among victims for all crimes for which the punishment exceeds one year of confinement.”

There is evidence. The Department of the Air Force inspector general conducted a survey in 2020 which found that one in three Black servicemembers said they believe the military discipline system is biased against them and that three in five Black servicemembers believe they do not and will not receive the same benefit of the doubt as their White peers if they get in trouble. That level of distrust must be addressed.

General Raymond also suggested a more limited reform, writing that beyond sexual assault, “the other offenses are not as complex and do not require specialized training.” On the contrary. Crimes included in our bill, like murder, manslaughter, fraud, and extortion, all present complex cases, and they deserve to be put in the purview of trained legal experts.

As you know, Mr. President, our bill has a bright line at felonies. To be a felony, it has to be a complex crime. Our bill does not include misdemeanors.

The service chiefs’ letters also included calls to put an emphasis on preventing, rather than prosecuting, these crimes. I, too, would rather see these crimes not happen, which is why this bill includes various provisions on prevention efforts. But given the current reality, prevention is not enough. We must prosecute these serious crimes and show that there are real consequences for anyone who commits them. Doing so not only changes the culture, it will remove recidivists from the ranks, preventing them from committing more crimes.

Right now, there is a deep lack of trust in the current system and whether or not it can or will deliver justice. That is detrimental to our armed services. As General Raymond wrote, “Lack of trust and reluctance to seek justice are, in themselves, readiness issues.”

I remind my colleagues that our job is to provide oversight and accountability over the executive branch, including the armed services, and to ensure that those who serve our country in uniform are being well served by their government.

As Berger noted, if the Uniform Code of Military Justice does not adequately “promote justice” or “assist in maintaining good order and discipline,” then it must change. The current system does not adequately promote justice, and it must change. It is our duty and our obligation to do the work to change it, and this body and every Senator in it deserves to have a vote.

As if in legislative session, I ask unanimous consent that at a time to be

determined by the majority leader in consultation with the Republican leader, the Senate Armed Services Committee be discharged from further consideration of S. 1520 and the Senate proceed to its consideration; that there be 2 hours for debate equally divided in the usual form; and that upon the use or yielding back of that time, the Senate vote on the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection.

Mr. REED. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Donald Michael Remy, of Louisiana, to be Deputy Secretary of Veterans Affairs.

The PRESIDING OFFICER. The Senator from Oregon.

#### VOTING RIGHTS

Mr. MERKLEY. Mr. President, this is a critical time for America. It is a moment in which the actions we take or don’t take will affect the very design of our government for generations to come.

Our Founders had a vision that we all are created equal. In our initial Constitution, it wasn’t fully manifested, but we have worked through several hundred years to come to that point that we recognize that every American should be able to participate in the direction of their country. We had some key moments in that national debate.

I was always fascinated that when my father was born in 1919, women couldn’t vote in America. We had all kinds of other barriers for communities of color—for Black Americans, for Native Americans—and those barriers we struck down time after time after time.

Then we came to 1965, and we said there are still so many ways that communities are trying to keep every citizen from participating in voting, and we are going to make sure that ends from this point forward.

President Johnson said that the power of the vote is the most significant tool ever developed to strike down injustice. It is a powerful tool. It is really the beating heart of our Republic, that ballot box, the ability to say: This is what I like, and this is what I don’t like. This is who I like, and this is who I don’t think will carry the policies I believe in.

At its heart, this is a vision of power flowing up from the people, not down from the powerful, but here is the problem: The powerful don’t like that vision of America, so they have many, many strategies designed to try to override that founding vision of participation. They have legions of lawyers, and they have legions of lobbyists. There are three drug lobbyists for every single Member of Congress. They

have the ability to fund mass media campaigns to try to change the way that issues are framed. They have the ability to participate with dark money in elections that manifests itself in those endless attack ads you see on social media and on television.

They have all of these abilities, but the thing they really fear is the ballot box, and right now in America, they are going after the ballot box. We have to decide if we are going to defend it or not. That is the challenge that faces us, and it is a challenge that shouldn't be that difficult because every single one of us in this Chamber took an oath to the Constitution. The Constitution lays out the power, the vision of government of, by, and for the people. It starts off in the Constitution "we the people," not "we the powerful"—"we the people."

This assault has now spread to 18 States and 35 new, restrictive voting laws. These laws attack the ability to vote, and they are targeting Black Americans, communities of color, poor Americans, and college students. They make it harder to register. They make it easier to purge voters off the voting rolls. You can't vote if you are not on a voting roll. They attack early voting. They attack vote by mail. They attack curbside voting. They make it hard to drop off your ballot. They make it hard for people with disabilities to fill out their ballots.

In some cases, they are creating a strategy of voter intimidation by allowing poll watchers to essentially hover over you as you vote and challenge your legitimacy to vote. They have even decided, in some cases, to make it so that, if you are in line to vote and it is a hot day, nobody can give you a drink of water. All of these strategies are about biasing America in its process so the powerful will run this place rather than the people.

I would love to hear a Senator come to this floor and defend these attacks on the right to vote because, if you are not defending the right to vote, you are not defending the Constitution, and every one of us took an oath to that Constitution.

We also have a challenge with the courts. It is the Supreme Court that said that it is OK to have hundreds of millions of dollars of dark money—and nobody knows where it came from—in our elections. Now, if you or I donate \$100 to someone, it has to be disclosed. Everyone knows I made that donation. Yet if a powerful corporation or a billionaire puts \$1 million or \$100 million into an election, he can do it and remain in complete secrecy. That is why it is called dark money, and that is what the Court unleashed with its Citizens United decision.

Then the Court said: That is not enough. We are going to go after voting rights by undermining the 1965 Voting Rights Act, even though this Chamber has reauthorized that act on a bipartisan basis time after time after time.

First, the Court said in *Shelby County v. Holder* that preclearance no

longer applies. So a State that had been routinely attempting to block citizens from voting no longer had to have new changes in its voting laws precleared to make sure it did not have a prejudicial effect against a targeted group of voters. Within days, chambers in this country were plotting about how to stop people from voting. The Supreme Court was maybe just so idealistic that they said nobody would ever do this again in America and that no chamber would ever do this in America. If that were right, if that were their thought, they were wrong because, within days, those plots unfolded.

Then we have the most recent Supreme Court decision of *Brnovich v. DNC*, and Alito says that making voting inconvenient doesn't make access unequal. Well, let's just explain to this Justice, who apparently knows nothing about how voting really works, that when you make it inconvenient for a targeted group, you make access unequal. It is exactly the intent of these laws to make access unequal. Elena Kagan, in her dissent, said of the equal chance to participate in our democracy—referring to the 1965 Voting Rights Act—that this law, of all laws, should never be diminished by this Court.

Section 2 is the most recent section attacked by the Supreme Court, and it bars procedures that result in the denial or abridgement of the right of any citizen of the United States to vote on account of one's race or color. Well, one of the issues was from Arizona. It was a situation wherein you had no easy places to drop off your ballot in large Native American reservations. So by banning the ability of people to collect ballots and drop them off, you essentially make it extraordinarily difficult for this targeted community to vote, and that was the intent. That was the intent.

Now, this law, section 2, didn't say anything about intent. It said the result. It didn't say it had to be a denial. It said an abridgement—in other words, an infringement—on the ability to cast a ballot, but Alito doesn't care. The majority on the Supreme Court doesn't care about defending the right to vote, the pulsating heart of our Republic.

So where does that leave us? It leaves us as the critical factor to defend the Constitution. The Supreme Court won't do it. The States are undermining it. It is our responsibility—our responsibility—to set out those basic standards that defend the ability of every American to vote. That is why I am here on the floor tonight, talking about the For the People Act.

It is called S. 1. Why? Because defending the right to vote is our No. 1 responsibility. That is the challenge we face, and if we fail in this challenge, then across this country, in State after State after State, communities are being targeted to make it hard for them to vote, and it will be harder for them to vote. It will change the out-

come, and it will destroy the idea of equal representation. We cannot let that happen.

Today, I met with members of the Texas Legislature. They have come here in order to stop the Texas House of Representatives from passing these types of laws that are targeted at stopping specific groups from voting.

What are the types of laws that are being considered by the Texas Legislature right now? One is they don't like the idea of Christian communities voting on Sundays and getting in buses to go to the polls together. They call it Souls to the Polls. So they said: Do you know what? It will be against the law for more than three of you to get in a car and drive together to the polls. Are you kidding me? Has anybody heard of the right of association? Are any Senators here caring about defending the right of association in our Constitution?

Can you imagine something so diabolical as to say: "All three of you can get in a car but not four," and "Do you know why? Because we want to stop you from using vans or buses to go vote"? That is crazy. It is as crazy as the Georgia effort to stop people from passing out water in long voter lines.

What else is the Texas Legislature trying to do?

It is infringing on overnight voting, voting for people who have long hours, who are working during the day. Overnight voting really made the ballot accessible.

They are attacking drive-through voting. They are attacking online registration. They are attacking assistance to disabled Americans. They are making it easier to purge voters off the lists of voters, the registration lists.

They even have in that bill stopping election workers from sending out absentee ballot applications. Is it a crime to be able to help your fellow citizen apply for a ballot? Yes, if Texas passes that law.

They are also engaged in a process of voter intimidation by allowing partisan poll watchers to freely intimidate voters. That is wrong on so many levels. Intimidation is something that has a long history in our country. It is a very racist history. I remember one of the stories after the Civil War. You had a situation wherein you formed a group of horses surrounding a ballot poll place to prevent Black Americans from being able to get to the polls to vote.

There are all kinds of other voter intimidation strategies. They were racist strategies. These efforts to stop Black Americans from voting are racist strategies. It is simply, simply wrong, and we have the responsibility to end these practices. The effort to silence the voices of the American people, to stop them from having a say through their votes, is just fundamental to the vision of a government of, by, and for the people.

Citizens wonder why it is they are hearing that billionaires don't pay any taxes and that some of the most profitable corporations in America don't pay

any taxes. Well, it goes back to the many advantages the wealthy have in influencing the outcomes. Those reams of liars, those platoons of lobbyists, those media campaigns, that dark money, and now the effort to block the ballot box, that is how afraid the powerful are that the voice of the people will say: Invest in American families rather than tax breaks for billionaires. Tackle healthcare and housing and education. Create living-wage jobs rather than new tax cuts for the already wealthy and influential.

What we have is a battle between the powerful and privileged holding onto their lever of power, trembling at the idea that American voters can get to the polls and determine to block it. They are afraid that, if voters can get to the polls, they might elect people who are fighting for Main Street rather than Wall Street. They are afraid they might invest—those elected individuals—in quality, affordable healthcare—and healthcare should be a right, not a privilege—that we might invest in housing because there is a tremendous housing shortage across America and that we might invest in education because education is the path to success in our complex society.

So how do we address this? We pass S. 1, the For the People Act. We do it by following the example of men and women who sat in this Chamber half a century ago and used their power to pass the 1965 Voting Rights Act to give every American a full opportunity to vote.

Once again, this more than half a century later, we are called upon to fight to defend our Constitution, to defend the “we the people” vision and ensure that every American can freely and fairly cast a ballot.

This bill sets out basic national standards for how elections are conducted in accordance with the constitutional power specifically stated for Congress to be able to so set such standards to ensure that every American has equal freedom to vote, equal opportunity regardless of who they are, the color of their skin, or where they live. It ensures this access by protecting vote-by-mail, early voting, and fairness on ballot drop boxes.

Why are early voting and vote-by-mail so scary to the powerful? Here is why. On election day, there are so many ways to stop people from voting. First of all, you reduce the number of precincts in the communities you don't want to vote, so there are fewer places to vote. Then you put them in places where there is no parking. That makes it harder. Then you reduce the number of precinct workers in those locations, so there are really long lines. You have heard about those lines—3 hours, 4 hours, 5 hours, 6 hours, 7 hours. Then you tell people you can't even give people a glass of water to those who are waiting in those lines. Then you intimidate people by allowing partisan poll watchers to hover over people while they vote or one single person to

challenge the legitimacy of the right to vote of every single person who walks in that door, because that is another one of the bills that is being passed in State after State.

Election day can be easily manipulated, and there are even more ways to do it. One is—and this happens—you send out false information about what day is election day. You send out texts that say: So sorry you missed the election last Tuesday. Hope you make it to the polls next time.

So people think they missed the vote. They are, like, well, I thought it was next Tuesday, but I got this text, so it was last Tuesday.

You put out false information about where the voting location is. You proceed to make sure you change the location from the previous time so people get confused about where to go and vote in the wrong precinct, and then you make it illegal for their vote to be counted if they voted in the wrong precinct.

Election day is easy to manipulate. The antidote is early voting and vote-by-mail, and that is why the powerful are attacking early voting and vote-by-mail.

Now, my State, Oregon, was the first State to adopt vote-by-mail. It did so when we had a Republican house and a Republican senate in my State. Utah was a major early State to do vote-by-mail. It is considered a red State, a Republican State. This isn't blue or red. This is American. This is our Constitution.

A second thing that the For the People Act does is stop billionaires from buying elections with dark money. You know, no matter if you poll Republicans, Independents, or Democrats, they all believe billionaires shouldn't be able to buy elections with dark money. They know that if a billionaire can create the equivalent of a stadium sound system that drowns out the voice of the people, that that is just wrong.

Think about how Americans thought of those early debates in the town square. Everyone got their chance to stand up and have their say. You didn't allow someone to erect a big sound system to drown out the people you didn't want to speak. No. Give everyone—that is kind of the heart, isn't it, of our First Amendment? Free speech. Everyone should be able to have their voice heard and not be drowned out by advertisements by anonymous billionaires buying elections.

The third thing this act does is it ends partisan gerrymandering. It creates independent Commissions—equal numbers of Republicans, Democrats, Independents—and therefore fights for the vision of equal representation.

Now, I have heard some folks salivating over increased gerrymandering, hoping to influence that other institution down the hall, saying: Hey, we have an extra 15 votes we shouldn't have right now. Let's get 25 with increased gerrymandering.

Well, it is just wrong to attack the principle of equal representation. You don't have equal representation if the system is rigged so that politicians choose their voters rather than voters choosing their politicians.

The fourth thing the For the People Act does, it takes on ethics reforms and targets corruption. Again, whether you ask Democrats, Republicans, or Independents, they want the corruption out of our system. They want to ensure that public officials serve the public, not some private cause or serve themselves; that we are going to do the people's business, not the business of some outside billionaire or some outside corporation.

These principles are widely supported across the country. The people sometimes say: Why don't you have any Republican sponsors on this bill? Why don't Republicans support this bill?

Across this Nation, Republicans overwhelmingly support these four principles in this bill. It is incredibly bipartisan. But not here in this Chamber because here is where the powerful speak, and the minority leader has said: I am going to lock down my Senators from supporting these efforts to defend our Constitution.

I would be embarrassed—I would be embarrassed if a leader of a caucus said it is going to lock me down to prevent me from defending the Constitution. I would be more than embarrassed; I would be alarmed. I would be outraged, as should every Member of this body across the aisle—should be outraged that they are being told they are locked down from defending the Constitution.

Next month, America will celebrate the 56th anniversary of the 1965 Voting Rights Act, the most powerful, significant advancement this Nation has ever made to realize that “we the people” vision of America.

Lyndon Johnson called August 6, 1965—the day he signed that law—“a triumph for freedom as huge as any victory that has ever been won on any battlefield.” He said: “The heart of the act is plain. Wherever, by clear and objective standards, States and counties use regulations, or laws, or tests to deny the right to vote, then they will be struck down.”

Well, that is our job, to do what President Johnson thought was accomplished when he signed the Voting Rights Act—to strike down regulations, laws, or tests designed to deny the right to vote to targeted groups of Americans across this country. So let's do our job. Put this bill on the floor, and get it passed.

Thank you, Mr. President.

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#### LEGISLATIVE SESSION

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#### MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate