

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

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

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

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

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

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

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

So I urge my colleagues to join us in restoring the Senate to its original

purpose and then to pass the Freedom to Vote Act, including the John R. Lewis Voting Rights Advancement Act, to protect our democracy.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

H.R. 5746

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

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

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

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

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

Calling someone a racist and a traitor is not the normal, logical route to try to persuade one to come over to

your side—neither is claiming that Republican Senators, Republican legislators, States, and Republican State voting laws are so-called Jim Crow 2.0, when your very own State's laws, in terms of voting, are some of the most restrictive in the country. This is a narrative, I hope, our friends in the media will keep an eye on during the debates this week.

What am I talking about?

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

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

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

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

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

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

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

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

The State of Delaware—in a lot of ways."

The article goes on:

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

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

Here it is again, from The Atlantic:

Delaware isn't an anomaly among Democrat strongholds—

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

Then the article goes on to say:

Connecticut has no early voting at all—

Holy cow, my State has early voting. We have had it for years—and New York's onerous rules force voters to change their registration months in advance if they want to participate in a party primary.

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

The article goes on:

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

Hmm, a little bit of hypocrisy there.

The article goes on:

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

The article goes on:

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The majority whip.

H.R. 5746

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

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

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

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

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

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

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

Yes.

They used to sell slaves on those steps.

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

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

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