United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, THURSDAY, JULY 20, 2006 No. 96

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The PRESIDENT pro tempore. Today's prayer will be offered by the Reverend Ed Sears, Grace Baptist Temple, Winston-Salem, NC.

The guest Chaplain offered the following prayer:

Let us pray together.

Our Father and our God, as we assemble today in the Senate Chamber, we do so with a keen sense of awareness of our special need of You. Our Nation has a rich history of Your many blessings, and we ask for those blessings to continue upon us. May Your presence be felt, and may Your hand of divine provision be realized.

In this awesome assembly today, give to each person wisdom and understanding for the times that are at hand. With the rich bounty of our history and the awesome opportunities of this present hour, may we move into this day with a special sense of Your call.

With our confidence in You and our responsibility to each other, we invite Your guidance and direction in the affairs of state this day. In times of debate and difference, may we remember that at the end of the day we are, indeed, ''one nation under God.''

Protect those who serve the cause of freedom around our world, especially those serving in our Armed Forces.

May the love of God the Father, the grace and mercy of the Lord Jesus, and the communion of Thy spirit rest upon the Members of this Senate as they gather to conduct our Nation's business. In Jesus's Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDENT pro tempore. The Senator from North Carolina.

REVEREND ED SEARS

Mr. BURR. Mr. President, it is my honor and pleasure to welcome our guest Chaplain this morning, the Reverend Ed Sears of Winston-Salem, NC. Reverend Sears is from my hometown, and it is an honor to have him in Washington today blessing the Senate.

Reverend Sears is the senior pastor at Grace Baptist Temple in Winston-Salem. He has faithfully served Grace Baptist's congregation of over 1,000 members for the past 25 years. Reverend Sears first heard his call to serve in 1971 and has since used his faith to minister and lead. In addition to his service to his church and his community, Reverend Sears holds the distinction of blessing both the House of Representatives and the Senate. In 2003, Reverend Sears was the guest Chaplain in the House and now honors us this morning in the Senate. Grace Baptist Temple, the city of Winston-Salem, and I appreciate his faith and fellowship.

Reverend Sears has been happily married for 39 years. His wife's name is Linda, and they have three daughters, Kelly, Millicent, and Heather. I would also like to congratulate Reverend Sears on the newest addition to his family, his youngest granddaughter, Anna Claire Walker.

Mr. President, it is our privilege to have Reverend Ed Sears lead the Senate in its opening prayer.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 9, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 9) to amend the Voting Rights Act of 1965.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we are proceeding directly to H.R. 9, the voting rights reauthorization bill. We have a unanimous consent order that provides for up to 8 hours of debate today, although I do not expect all that time will be necessary. We will proceed to a vote on passage of H.R. 9 whenever that time is used or yielded back, and therefore that vote will occur sometime this afternoon, and I expect passage of that voting rights reauthorization bill.

There are several circuit and district court judges that will require some debate and votes today. We will have a unanimous consent agreement on those debate times shortly, and we will likely consider those judicial nominations following the passage of the Voting Rights Act.

We have been working on an agreement on the child predator legislation for a short debate and vote, which will occur today, and we hope to have that agreement as well.

Finally, we have an order to proceed to the child custody protection bill today, and we have Senators who would like to speak on this issue later today as well.

Having said that, the schedule will require votes over the course of the day—possibly into the evening—in order to finish. Although there is a lot to do and people have requested time

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

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to be set aside, I think a lot of that time can be yielded back over the course of the day and we will be able to complete the schedule as I have laid out.

In a few moments, after the chairman makes his opening statements on the Voting Rights Act reauthorization, I will return with an opening statement as well. It has been a process we have expedited in many ways because the importance and significance of this legislation is very clear. So I am delighted that we are moving to it this morning and that we will be passing it later this afternoon.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Are we prepared to proceed at this time with the consideration of the Voting Rights Act?

The PRESIDENT pro tempore. That is correct.

Mr. SPECTER. Mr. President, this is a historic day for the Senate and really a historic day for America as we move forward with Senate action to reauthorize the Voting Rights Act. This action, coming from the Judiciary Committee in our executive session yesterday afternoon, passed unanimously—18 to 0—moves the Senate toward completion of this reauthorization today and for submission to the President and for the formal signing next week.

In an era where many have challenged the ability of the Congress to function in the public interests and in an era where there is so much partisan disagreement, it is good to see the two parties in the House and the Senate coming together to reauthorize this very important legislation.

I thank and congratulate the members of the Senate Judiciary Committee for pulling together and moving ahead at this time, with a prodigious amount of work, to bring this important matter to the floor. The committee has proceeded with 9 hearings. We have had 46 witnesses. We have had 11 leading academics come to testify from such distinguished institutions as the Yale Law School, Stanford University, the University of Pennsylvania Law School, New York University Law School, and others.

The House of Representatives held 12 hearings to gather evidence on voting discrimination, featuring testimony from some 46 witnesses.

We have had some of the leading luminaries in the Nation testify, such as Professor Chandler Davidson, coauthor of the landmark book on the Voting Rights Act ''Quiet Revolution in the South;'' Theodore Shaw, Director-Counsel and President of the NAACP Legal Defense and Education Fund; Fred Gray, veteran civil rights attorney who began his career in the midst of the civil rights movement in the 1950s and has represented such civil rights leaders as Dr. Martin Luther King, Jr., and Mrs. Rosa Parks.

We have been mindful in presenting these witnesses and compiling this record that the Supreme Court has required very extensive records. The Supreme Court struck down parts of the landmark legislation protecting women against violence because the Court disagreed with the congressional ''method of reasoning.'' It is a little hard to understand that conclusion, but they have the final word. They have a test on the adequacy of the record; that it be congruent and proportional. It is sometimes hard to understand exactly what that test is, but we are on guard to compile a very extensive record in order to avoid having the act declared unconstitutional.

The bill which we will vote on today accomplishes many important items. First, it strengthens voting rights protections nationwide by allowing voters who successfully challenge illegal voting practices to recover reasonable expenses of litigation. Second, it extends the protections for voters with limited English skills for 25 years. Those voters will continue to enjoy the protection of bilingual ballots and assistance at the polls. It also extends for 25 years the requirements that the Department of Justice preclear any voting change in certain covered jurisdictions where there has been a history of discrimination. The bill clarifies how the preclearance protections should work, guaranteeing that voting laws enacted with a discriminatory purpose never get enacted into law. So, it moves America in the right direction.

The benefits and effects of the Voting Rights Act of 1965 have been profound, to put it mildly. It is the political power of the minorities for whom the Voting Rights Act was designed who pushed the Congress forward a year in advance of the expiration of the Voting Rights Act, to move ahead and get this important job done early.

If you contrast 1964, before the Voting Rights Act was passed, with what is happening in America today, it is a different America. It is a different political reality. In 1964, there were only approximately 300 African Americans in public office, including just 3 in the Congress. Few, if any, Black elected officials came from the South. Today, there are more than 9,000 Black elected officials, including 43 Members of Congress. This is the largest number ever. Quite a record. The Voting Rights Act has opened the political process for many of the approximately 6,000 Latino public officials who have been elected, including 263 at the State or Federal level, 27 of whom serve in Congress.

This progress is especially striking in covered jurisdictions where hundreds of minorities hold office. In Georgia, for example, minorities are elected at rates proportionate to or higher than their numbers. In Georgia, the voting-age population is 27 percent African American. Almost 31 percent of its delegations to the House of Representatives are African American, and 26.5 percent of officials elected statewide are African American. Black candidates in Mississippi have achieved similar success. The State's voting age population is 34 percent African American. Almost 30 percent of its representatives in the State House and 25 percent of its delegations in the U.S. House of Representatives are African American.

The Congress of 1965 relied on evidence that Black registration was so dramatically lower than White registration that the differences could only be explained by purposeful efforts to disenfranchise Black citizens. Indeed, in some cases, the gap was 50 percentage points. In Alabama, Black registration was just at 18 percent, and in Mississippi, a little over 6 percent. Today, in Alabama and Louisiana, Blacks are registered at approximately the same rate as White voters, and in Georgia, Mississippi, North Carolina, and Texas, Black registration and turnout in the 2004 election was higher than that of the Whites.

The Congress of 1965 relied on findings of Federal courts and the Justice Department that the covered States were engaged in the practice of deliberate unconstitutional behavior. For example, the 1965 Senate report noted that Alabama, Louisiana, and Mississippi had lost every voting discrimination suit brought against them, and in the previous 8 years, each State had eight or nine courts find them guilty of violating the Constitution.

Today, the statistics paint a starkly different picture. Since 1982, only six cases have ended in court ruling or a consent decree finding that one of the 880 covered jurisdictions had committed unconstitutional discrimination against minority voters. During that time, six cases have found that a noncovered jurisdiction committed unconstitutional discrimination against minority voters. If the data is focused on the last 11 years, the results are even more dramatic. Since 1995, only two cases ended in a finding that a covered jurisdiction unconstitutionally discriminated against minority voters.

Looking at voting rights cases paints a similar picture. In 1982, 39 court cases ended with a finding that one of the 880 covered jurisdictions had violated Section 2 of the Voting Rights Act. That is the provision that prohibits discrimination nationwide. During the same period of time, 40 court cases have ended with a finding that one of the noncovered jurisdictions have violated Section 2. Not a perfect record, but it shows that discrimination has become more incidental and less systematic.

There is no doubt this improved record is a direct result of the Voting Rights Act. When we take a look at civil rights legislation generally, the Voting Rights Act is the most important part of our effort to give minorities—give all Americans—their full range of constitutional civil rights.

When we take a look at the activities of the three distinguished women for whom the Voting Rights Act has been named—Coretta Scott King, Rosa Parks, Fannie Lou Hamer—we see the

enormous contribution which they have made. Mrs. King, the widow of pioneering civil rights leader Martin Luther King, Jr., devoted a lifetime to opposing racism, whether the 1960s segregation Alabama or the 1980s apartheid in South Africa. Fortunately, she lived to see so much of the progress America has made. Sadly, her husband, Dr. King, did not see that.

I recall, not too long ago, when Mrs. King came to the Senate, in the adjoining room to the Senate Chambers, and spoke out forcefully on the issues of civil rights. She was a real heroin in America, to pursue the work of Dr. King.

Every American schoolchild knows the story of Miss Rosa Parks who, on December 1, 1955, refused to give up her seat to a white passenger. She explained her motivation simply:

> People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically. . . . I was not old, . . . I was forty-two. No, the only tired I was, was tired of giving in.

Fannie Lou Hamer first learned that African Americans had a constitutional right to vote in 1962, when she was 44 years old. Ms. Hammer later explained that, despite death threats and violence, she was determined to exercise her constitutional rights and said:

> The only thing that they could do to me was to kill me, and it seemed like they had been trying to do that a little bit at a time ever since I could remember.

So we come to this day in the Senate where we are on the verge of passing the Voting Rights Act, reauthorizing it as the House has done. The President will be speaking within the hour to the NAACP convention and doubtless will refer proudly to the acts of the Congress in presenting him with this bill.

I want to pay tribute to the Judiciary Committee. All the members worked very hard to get these nine hearings and to examine the witnesses and to create a record. Senator KENNEDY, who is on the floor, has been a stalwart leader in this field for a very long time. He was here when the Voting Rights Act of 1965 was passed. Not too many current Members of the Senate were present. Senator BYRD, Senator INOUYE—this is not in my prepared text. I may be omitting someone. Senator STEVENS came shortly thereafter—1968.

Senator KENNEDY doesn't need a microphone when he speaks about civil rights in this Chamber. He can be heard on the House floor—quite a distance away, past the Rotunda. He has not only been a spokesman for this act, he has been a persistent advocate. Not that it needed a whole lot of advocacy to persuade the latest chairman or my distinguished ranking member, Senator LEAHY, to move ahead. This has been our priority item. We got the Judiciary Committee together on a Wednesday afternoon. It is pretty hard to get the Judiciary Committee together any time and to get a quorum, but we were present, 16 of the 18 members. One member was on the floor managing a bill and the other couldn't be there. So there was that kind of enthusiasm.

Now I want to yield to Senator LEAHY, the distinguished ranking member. The committee has quite a record for 18 months. We moved promptly on January 4 to confirm the President's designee for Attorney General. We moved ahead to pass reform legislation on class actions and bankruptcy. We moved ahead, with Senator LEAHY's leadership and the leadership of Judge Becker, to move asbestos out of committee—yet to be acted on, on the floor. We have confirmed two Supreme Court Justices and have moved the immigration bill out of committee. But none of our activities has been as important as the one we presented to the floor of the Senate yesterday when we voted out the Voting Rights Act.

Mr. President, I ask unanimous consent that additional materials be printed in the RECORD.

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

Below is a summary of all the cases that Senate Judiciary Committee staff has located in which a court or a settlement found a constitutional violation of voting rights.

Only six cases resulted in a finding that a covered jurisdiction committed unconstitutional discrimination against minority voters. Six cases ended in a finding that found that a covered jurisdiction had committed unconstitutional discrimination against white voters. Six cases in non-covered jurisdictions found unconstitutional voting practices against minority voters, and two against white or majority voters.

An additional 22 cases found a constitutional violation, but these did not involve racial discrimination or any conduct addressed by the Voting Rights Act. Accordingly, these cases are not relevant evidence for reauthorization.

Staff reviewed the ACLU's 867-page Voting Rights Report, which discusses 293 cases brought since June 1982. Staff also reviewed the database for the University of Michigan Law School Voting Rights Report. The database was constructed by searching the "federal court" databases of Westlaw or Lexis for any case that was decided since June 29, 1982 and mentions section 2, 42 U.S.C. §1973. Of all the identified section 2 lawsuits, 209 produced at least one published liability decision under section 2. Staff reviewed the "state reports" introduced into the record and available at RenewTheVRA.org. Finally, staff reviewed the consent decrees introduced into the November 8, 2005 House Judiciary Committee hearing on the minority language provisions of the Voting Rights Act.

I. COVERED JURISDICTIONS DISCRIMINATING AGAINST VOTERS

ALABAMA

(1) *Hunter* v. *Underwood*, 730 F.2d 614 (11th Cir. 1984), affirmed 471 U.S. 222 (1985) (ACLU Rep., p. 51).

The ACLU represented two voters who were disenfranchised under a nearly 80 year-old law that prohibited those who had committed a "crime of moral turpitude" from voting. Id. at p. 52. The court struck down the law because there was evidence that when it was adopted in the early 1900s, the legislators intended to disenfranchise black voters. The Supreme Court unanimously affirmed that, in view of the proof of racial motivation and continuing racially discriminatory effect, the state law violated the Fourteenth Amendment.

(2) *Dillard* v. *City of Foley*, 926 F. Supp. 1053 (M.D. Ala. 1995) (ACLU Rep., p. 57).

African American plaintiffs in the City of Foley, Alabama, filed a motion to require the City to adopt and implement a nondiscriminatory annexation policy and to annex Mills Quarters and Beulah Heights. Plaintiffs also claimed that the City had violated section 5 and section 2. As a result of negotiations, the parties entered into a consent decree. The decree found plaintiffs had established "a prima facie violation of section 2 of the Voting Rights Act and the United States Constitution." Id. at p. 59.

(3) *Brown* v. *Board of School Comm'rs*., 706 F. 2d 1103 (11th Cir. 1983) (U Mich. L.Rep., http://www.votingreport.org.).

A class of African American voters challenged Mobile County's at-large system for electing School Board members. In 1852, Mobile County created at-large school board elections of 12 commissioners. In 1870, the election procedures changed; instead of selecting all 12 commissioners, voters would select 9 of the 12 and the other 3 would be appointed. This system had the effect of ensuring minority representation on the school board. In 1876, the Alabama state legislature eliminated the Mobile County school board system and returned the County to the 1852 at-large election scheme which remained in effect until this suit was brought.

The district court found that by reinstating the at-large election system, the Alabama state legislature intended to discriminate against African Americans in Mobile County in violation of the Fourteenth and Fifteenth Amendment. The Eleventh Circuit affirmed.

GEORGIA

(4) *Miller* v. *Johnson:* 515 U.S. 900 (1995) (ACLU Rep., 126–27).

In August 1991, the Georgia legislature adopted a congressional redistricting plan based on the new census containing two majority minority districts—the Fifth and the Eleventh. A third district, the Second, had a 35.4% black voting age population. The state submitted the plan for preclearance, but the Attorney General objected to it. Following another objection to a second plan, the state adopted a third plan which contained three majority black districts, the Fifth, the Eleventh, and the Second. The plan was precleared on April 2, 1992. Following the decision in Shaw v. Reno, a lawsuit was filed by white plaintiffs claiming that the Eleventh Congressional District was unconstitutional. One of the plaintiffs was George DeLoach, a white man who had been defeated by McKinney in the 1992 Democratic primary. Although the Eleventh District was not as irregular in shape as the district in Shaw v. Reno, the district court found it to be unconstitutional, holding that the "contours of the Eleventh District . . . are so dramatically irregular as to permit no other conclusion than that they were manipulated along racial lines." The Supreme Court affirmed. It did not find the Eleventh District was bizarrely shaped, but it held the state had "subordinated" its traditional redistricting principles to race without having a compelling reason for doing so. The court criticized the plan for splitting counties and municipalities and joining black neighborhoods by the use of narrow, sparsely populated "land bridges." On remand the district court allowed the plaintiffs to amend their complaint to challenge the majority black Second District, which the court then held was unconstitutional for the same reasons it had found the Eleventh District to be unconstitutional, [and] the legislature adjourned without adopting a congressional plan.

(5) *Common Cause* v. *Billups:* 4:05–CV–201 HLM (N.D. Ga.) (ACLU Rep., 185–91).

The Department of Justice precleared the photo ID bill on August 26, 2005. The ACLU filed suit in federal district court, charging the law violated the state and federal constitutions, the 1965 Voting Rights Act, and the 1964 Civil Rights Act. The district court issued a preliminary injunction holding plaintiffs had a substantial likelihood of succeeding on several grounds, including claims that the photo ID law was a poll tax and violated the equal protection clause of the Constitution. The state appealed to the Eleventh Circuit, which refused to stay the injunction. In an attempt to address the poll tax burden cited by the district court in its injunction, the Georgia legislature passed a new photo ID bill providing for free photo identification cards.

(6) *Clark* v. *Putnam County:* 168 F.3d 458 (11th Cir. 1999) (ACLU Report at 384–89).

In 1997, four white plaintiffs filed a lawsuit challenging the constitutionality of the majority black county commission districts as racial gerrymanders in violation of the Shaw/Miller line of cases. In January 2001, the district court dismissed the complaint. The Eleventh Circuit reversed, holding that the district court erred in failing to find unconstitutional intentional discrimination.

LOUISIANA

(7) *Hays* v. *Louisiana*, 515 U.S. 737 (1995) (ACLU Rep., p. 481).

White plaintiffs successfully challenged Louisiana's Fourth Congressional District as unconstitutional ''race-conscious'' redistricting. Id. at p. 481. The Supreme Court granted cert., but then dismissed the case for lack of standing.

NORTH CAROLINA

(8) *Shaw* v. *Hunt*, 517 U.S. 899 (1996) (ACLU Rep., p. 513).

The 12th District of North Carolina was 57% black and was persistently challenged by white voters and its boundaries were considered by the Supreme Court four separate times. The ACLU participated as an amicus in defending the constitutionality of the 12th District. In 1996, the Supreme Court struck down the plan for the 12th District on the grounds that race was the ''predominant'' factor in drawing the plan and the State had subordinated its traditional redistricting principles to race. Id.

SOUTH CAROLINA

(9) *Smith* v. *Beasley*, 946 F. Supp. 1174 (D.S.C. 1996) (ACLU Rep., p. 572).

White voters filed suit in 1995 challenging three state senate districts. A year later, another group of white voters filed suit challenging nine house districts. In both cases, the plaintiffs claimed that the districts were drawn with race as the predominant factor in violation of the Shaw/Miller line of decisions. The cases were consolidated for trial, and black voters, represented by the ACLU, intervened to defend the constitutionality of the challenged districts. Following a trial, a court issued an order in September 1996, finding three of the challenged senate districts and nine of the house districts unconstitutional because they ''were drawn with race as the predominant factor.'' Id.

TEXAS

(10) *League of United Latin American Citizens* v. *Midland Indep. Sch. Dist.*, 648 F. Supp. 596 (W.D. Tex. 1986) (U Mich. L.Rep., *http://www.votingreport.org)*.

Latino plaintiffs argued that the at-large election system diluted their votes. The parties agreed to a court order that eliminated the election scheme and defendants submitted a proposal in which four trustees would be elected from single-member districts and three would be elected at large. Plaintiffs objected and filed a plan in which all seven trustees would be elected from single-member districts. The court, applying Gingles and the totality-of-circumstances tests, held that defendants' plans violated section 2 and the Fourteenth and Fifteenth Amendment. The court ordered that a seven-member district plan for electing trustees be immediately implemented according to district boundaries drawn by the court.

VIRGINIA

(11) *Moon* v. *Meadows*, 952 F. Supp. 1141 (E.D. Va. 1997) (ACLU Rep., p. 691).

In 1995, several white voters challenged the Third Congressional District in federal court as an unconstitutional racial gerrymander. In 1997, the district court invalidated the Third Congressional District, finding that race had predominated in drawing the district and that the defendants could not adequately justify their use of race as a districting factor.

(12) *Pegram* v. *City of Newport News*, 4:94cv79 (E.D.Va. 1994) (ACLU Rep., p. 714).

In July 1994, the ACLU filed suit on behalf of African American voters challenging the at-large method of city elections in the City of Newport News. On October 26, 1994, a consent decree was entered in which the City admitted that its at-large system violated section 2 as well as the Fourteenth and Fifteenth Amendments. The consent decree required the City to implement a racially fair election plan.

II. NON-COVERED JURISDICTIONS DISCRIMINATING AGAINST VOTERS

CALIFORNIA

(1) *Garza* v. *County of Los Angeles*, 918 F.2d 763 (9th Cir. 1990) (U Mich. Law School's Report. *http://www.votingreport.org*).

Latino voters alleged that district lines for the Los Angeles County Board of Supervisors were gerrymandered to dilute their voting strength. Plaintiffs requested creation of a district with a Latino majority for the 1990 Board of Supervisors election. The Ninth Circuit affirmed that the County had adopted and applied a redistricting plan that resulted in dilution of Latino voting power in violation of section 2, and by establishing and maintaining the plan, the County had intentionally discriminated against Latinos in violation of the Fourteenth Amendment's Equal Protection Clause.

FLORIDA

(2) *McMillan* v. *Escambia County*, 748 F.2d 1037 (11th Cir. 1984) (U Mich. L.Rep., *http://www.votingreport.org*).

Black plaintiffs claimed that the at-large election of county commissioners in Escambia County diluted their voting power in violation of section 2 and the Fourteenth and Fifteenth Amendments. The district court found that the State had not implemented the plan with a racially discriminatory purpose, but it had maintained it with such a purpose.

HAWAII

(3) *Arakaki* v. *Hawaii*, 314 F.3d 1091 (9th Cir. 2002) (U Mich. L.Rep., *http://www.votingreport.org*).

A group of Hawaiian citizens of various ethnic backgrounds sued the State of Hawaii alleging that the requirement that those appointed to the Office of Hawaiian Affairs must be of Native Hawaiian ancestry violated the Fourteenth Amendment, the Fifteenth Amendment, and section 2 of the Voting Rights Act. The Eleventh Circuit found that the restriction on candidates running for Office of Hawaiian Affairs on the basis of race violated the Fifteenth Amendment as well section 2 of the Voting Rights Act. The Ninth Circuit vacated the district court's judgment that the Fourteenth Amendment had also been violated because plaintiffs did not have standing to challenge the appointment procedures.

NEW MEXICO

(4) *United States* v. *Socorro County*, Civ. Action No. 93–1244–JP (November 8, 2005 House Judiciary Committee Hearing Record)

The United States sued pursuant to sections 2, 12(d), and 203 of the VRA, alleging violations of the VRA and the 14th and 15th Amendments arising from Socorro County's election practices and procedures as they affected Native American citizens of the county, including those Native American citizens who rely on whole or in part on the Navajo language. In its 1993 consent agreement, the defendants did ''not contest that in past elections [the county] failed to make the election process in Socorro County equally available to Native American and non-Native American citizens as required by Section 2 [of the VRA] and the Fourteenth and Fifteenth Amendments, nor [did] defendants contest that in past elections the county has failed to comply fully with the minority language requirements of Section 203 [of the VRA].''

(5) *United States* v. *Bernalillo County*, Civ. Action No. 98–156 BB/LCS (November 8, 2005 House Judiciary Committee Hearing Record)

The United States sued pursuant to sections 2, 12(d), and 203 of the VRA, alleging violations of the VRA and the 14th and 15th Amendments arising from Bernalillo County's election practices and procedures as they affected Native American citizens of the county, including those Native American citizens who rely on whole or in part on the Navajo language. In its 1998 consent decree, the defendants did ''not contest that in past elections the county has failed in particular areas to make the election process as accessible to Native American citizens as it was to non-Native American citizens as is required by Section 203, Section 2, and the Fourteenth and Fifteenth Amendments.''

NEW YORK

(6) *Goosby* v. *Town Bd. of Town of Hempstead*, 180 F. 3d 476 (2d Cir. 1999) (U Mich. L.Rep., *http://www.votingreport.org*).

Representatives of the Town Board of Hempstead were chosen through at-large elections. African American voters alleged that they were unable to elect their preferred candidates. The district court held that the at-large elections violated section 2 and ordered the Town to submit a six single-member district remedial plan. The Board submitted two plans. The one the Board preferred was a two-district system, consisting of one single-member district and one multi-member district. The other plan consisted of six single-member districts. The district court held that the two-district plan violated the Fourteenth Amendment, but the six-district plan did not. The Board appealed. The Second Circuit affirmed the district court's holding that the Board's proposed two-district plan violated section 2 and the Fourteenth Amendment because blacks had no access to the Republican Party candidate slating process.

PENNSYLVANIA

(7) *Marks* v. *Stinson*, 1994 WL 146113 (E.D. Pa. Apr. 26, 1994) (U Mich. L.Rep., *http://www.votingreport.org)*.

Republican candidate for State Senate, Bruce Marks, the Republican State Committee and other plaintiffs challenged the election of Democrat William Stinson for the Second Senatorial District. Although Marks received approximately 500 more votes from the Election Day voting machines than Stinson, Stinson received 1000 more votes than Marks in absentee voting. Marks and the other plaintiffs contended that Stinson

and his campaign workers encouraged voters to undermine proper absentee voting procedures and requirements, such as falsely claiming that they would be out of the county or would be physically unable to go to the polls on Election Day. Plaintiffs also contended that Stinson and the other Defendants had focused their efforts to encourage illegal absentee voting on minorities.

The court held: (1) defendants violated plaintiffs' First Amendment rights of association because plaintiffs were denied the freedom to form groups for the advancement of political ideas and to campaign and vote for their chosen candidates; (2) defendants' actions denied plaintiffs' right to Equal Protection by discriminating against the Republican candidate and by treating persons differently because of their race; (3) defendants violated plaintiffs' Substantive Due Process right to vote in state elections by abusing the democratic process; and (4) defendants improperly applied a ''standard, practice, or procedure'' in a discriminatory fashion in violation of the VRA, targeting voters based on race and denying minority voters the right to vote freely without illegal interference. Finally, the court ordered the certification of Bruce Marks as the winner of the Second Senatorial District seat for the 1993 Special Election because Marks would have won the election but for the illegal actions of the defendants.

TENNESSEE

(8) *Brown* v. *Chattanooga board of Comm'rs*, 722 F. Supp. 380 (E.D. Tenn. 1989) (U Mich. L.Rep., http://www.votingreport.org).

Black citizens of Chattanooga sued the Board of Commissioners for its use of at-large elections. The court held: (1) applying the Gingles test, the method of electing Board of Commissioners violated section 2 because the electoral practice resulted in an abridgment of black voter's rights; and (2) the Property Qualified Voting provision of the Chattanooga charter violated the Fourteenth Amendment under rational basis review because permitting a nonresident who owns a trivial amount of property to vote in municipal elections does not further any rational governmental interest.

III. CONSTITUTIONAL VIOLATIONS NOT INVOLVING RACE

(1) *Vander Linden* v. *Hodges*, 193 F.3d 268 (4th Cir. 1999) (ACLU Rep., p. 562).

Residents of Dorchester, Berkeley, and Charleston Counties, in South Carolina, filed suit in 1991 alleging that the counties' legislative delegation structure violated the Fourteenth Amendment's one-person, one-vote requirement and was adopted with an unconstitutional purpose to discriminate against African American voters. The district court rejected both claims. The Fourth Circuit held that the structure violated the one-person, one-vote rule (making no findings of discriminatory intent) and did not address the second claim.

(2) *NAACP* v. *Board of Trustees of Abbeville County School District No. 60*, Civ. No. 8–93–1047–03 (D.S.C. 1993) (ACLU Rep., p. 583).

The Board of Trustees of Abbeville County School District 60 traditionally consisted of nine members, five of whom were elected from single member districts and two each from two multi-member districts. African Americans were 32% of the population of the school district, but all the districts were majority white and only one member of the board was African American. In 1993, black residents of the school district and the local NAACP chapter filed suit challenging the method of electing the board of trustees as violating the Constitution's one person, one vote requirement and violating section 2 by diluting minority voting strength. The court decided that the existing plan for the board ''is an unconstitutionally malapportioned plan, and is in violation of sections 2 and 5 of the Voting Rights Act.'' *Id*. at 584.

(3) *Duffey* v. *Butts County Board of Commissioners:* Civ. No. 92–233–3–MAC (M.D. Ga.) (ACLU Report at 237–38).

Suit challenging districting plans for Board of Education and Board of Commissioners that were determined to be malapportioned after the 1990 census. Plaintiffs sought, and obtained, a preliminary injunction finding that the election districts were ''constitutionally malapportioned.'' Parties entered consent decree that retained five single member districts for both boards and established two majority black districts. Plan was precleared by DOJ.

(4) *Calhoun County Branch of the NAACP* v. *Calhoun County:* Civ. No. 92–96–ALB/AMER(DF) (M.D. Ga.) (ACLU Report at 238–40).

1979 suit to enjoin the use of at-large elections for failure to comply with Section 5. The county had changed to at-large voting in 1967 following increased black registration. A three-judge panel enjoined the at-large scheme, finding it had never been submitted for preclearance. A consent order then created five single-member districts, two of which were majority black, and two at-large seats. After the 1990 census, black voters again sued, alleging the districts were malapportioned. According to the ACLU report, ''the district court entered an order enjoining the upcoming primary election for the board of education under the malapportioned plan. The parties then agreed upon a new plan that complied with the equal population standard and maintained two of the districts as majority black.''

(5) *Frank Davenport* v. *Clay County Board of Commissioners, NO. 92–98–COL (JRE) (M.D. Ga.):* Civ. No. 92–98–COL (JRE) (M.D. Ga.) (ACLU Report at 256–59).

The county had failed to preclear its change to an at-large system of voting for county commissioners in 1967. In 1980, members of the local NAACP challenged the at-large system and the failure to comply with Section 5. The court found a section 5 violation, which resulted in a return to single-member districts. After the 1990 census showed the commission districts to be malapportioned (and following an attempt to create equal districts which was not precleared before a 1992 legislative poison pill provision rendered it void), the ACLU sued seeking a remedial plan for the upcoming elections. The parties entered a consent decree in which the county admitted the districts were malapportioned in violation of the Fourteenth Amendment's one person one vote requirement and agreed to the redistricting plan which had been created before the 1992 poison pill invalidated it. The plan was precleared by DOJ.

(6) *Jones* v. *Cook County:* Civ. No. 7:94–cv–73 (WLS) (ACLU Report at 271–72).

The ACLU filed suit on behalf of black voters in 1994, alleging that the county board of commissioners and board of education districts were constitutionally malapportioned after the 1990 census. According to the ACLU's report, ''In a hearing on December 19, 1995, county officials agreed that 'the relevant voting districts in Cook County are malapportioned in violation of the equal protection clause of the fourteenth amendment to the United States Constitution.' A consent decree allowed sitting commission members to retain their seats but implemented a new plan, correcting the malapportionment for the 1996 elections.''

(7) *Thomas* v. *Crawford County:* 5:02 CV 222 (M.D. Ga.) (ACLU Report at 272–74).

2002 suit alleged single-member districts were malapportioned in violation of the constitution's one-person-one-vote principle. The plaintiffs won summary judgment and a preliminary injunction to prevent elections from taking place under the plan. The court adopted a plan that maintained two majority-black districts.

(8) *Wright* v. *City of Albany:* 306 F. Supp. 2d 1228 (M.D. Ga. 2003) (ACLU Rep. 289–93).

Black residents of the city, represented by the ACLU, sued in 2003 to enjoin use of an allegedly constitutionally malapportioned districting plan and requested that the court supervise the development and implementation of a remedial plan that complied with the principle of one person, one vote, and the VRA. According to the ACLU report, ''In a series of subsequent orders, the court granted the plaintiffs' motion for summary judgment, enjoined the pending elections, adopted a remedial plan prepared by the state reapportionment office, and directed that a special election for the mayor and city commission [be] held in February 2004.''

(9) *Woody* v. *Evans County Board of Commissioners:* Civ. No. 692–073 (S.D. Ga. 1992) (ACLU Report at 297–300).

In 1992, the ACLU filed suit on behalf of black voters challenging an allegedly malapportioned districting plan for the county commission and board of education under the Constitution and Section 2 of the VRA. According to the ACLU report, ''on June 29 the district court enjoined 'holding further elections under the existing malapportioned plan for both bodies.' ''

(10) *Bryant* v. *Liberty County Board of Education:* Civ. No. 492–145 (S.D. Ga.) (ACLU Report at 340–42).

''Because Liberty County was left with a malapportioned districting plan based on the 1980 census, the ACLU filed suit in 1992, on behalf of black voters seeking constitutionally apportioned election districts for the county. The court granted plaintiffs' motion for preliminary injunctive relief on July 7, 1992, and the following year the parties agreed to a redistricting plan in which two of the six single member districts contained majority black voting age populations. The plan was precleared by the Justice Department on April 27, 1993.''

(11) *Hall* v. *Macon County:* Civ. No. 94–185 (M.D. Ga.) (ACLU Report at 348–49).

According to the ACLU Report, ''The [Georgia] general assembly failed to redistrict the two boards during its 1992, 1993, and 1994 sessions, and in 1994, the ACLU filed suit on behalf of Macon County residents against county officials seeking a constitutional plan for the 1994 elections. On July 12, 1994, the court enjoined the upcoming election and ordered the parties to present remedial plans by July 15, 1994. In March 1995, the court ordered a five district plan that remedied the one person, one vote violations and ordered special elections be held.''

(12) *Morman* v. *City of Baconton:* Civ. No. 1:03–CV–161–4 (WLS) (M.D. Ga.) (ACLU Report at 364–65).

Suit to block the use of a constitutionally malapportioned districting plan following the 2000 census. According to the ACLU Report, ''Black residents of Baconton, with the assistance of the ACLU, then filed suit in federal court to enjoin use of the 1993 plan on the grounds that it would violate Section 5 and the Fourteenth Amendment. The day before the election the court held a hearing, and, hours before the polls opened, granted an injunction prohibiting the city from implementing the unprecleared and unconstitutional plan.''

(13) *Ellis-Cooksey* v. *Newton County Board of Commissioners:* Civ. No. 1:92–CV–1283–MHS (N.D. Ga.) (ACLU Report at 370–73).

According to the ACLU report, the 1990 census showed that the five single member

districts for the county board of commissioners and board of education were constitutionally malapportioned. ''After the legislature failed to enact a remedial plan, the ACLU filed suit on behalf of black voters in Newton County in June 1992, seeking constitutionally apportioned districts for the commission and school board. The suit also sought to enjoin upcoming primary elections, scheduled for July 21, 1992, as well as the November 3 general election. The parties settled the case the following month and the court issued an order that '[t]he 1984 district plan does not constitutionally reflect the current population.' ''

(14) *Lucas* v. *Pulaski County Board of Education:* Civ. No. 92–364–3 (MAC) (M.D. Ga.) (ACLU Report at 380–84).

Black residents of the county, represented by the ACLU, filed suit in 1992 to enjoin upcoming elections under an allegedly constitutionally malapportioned plan. According to the ACLU report, ''On October 14, 1992, the district court entered a consent order involving the board of Education, affirming that 'Defendants do not contest plaintiffs' allegations that the districts as presently constituted are malapportioned and in violation of the Fourteenth Amendment of the Constitution.' ''

(15) *Cook* v. *Randolph County:* Civ. No. 93–113–COL (M.D. Ga.) (ACLU Report at 389–93).

According to the ACLU Report, ''On October 5, 1993, black voters, represented by the ACLU, filed suit. They asked the court to enjoin elections for the school board and board of commissioners on the grounds that the districting plan for both bodies was either malapportioned in violation of the Constitution and Section 2, or had not been precleared pursuant to Section 5. Later that month, on October 29, the parties signed a consent order stipulating that the existing county districts were malapportioned, and agreeing on a redistricting plan containing five single member districts with a total deviation of 9.35%. Three of the five districts were majority black.''

(16) *Houston* v. *Board of Commissioners of Sumter County:* Civ. No. 94–77–AMER (M.D. Ga.) (ACLU Report at 420–22).

The ACLU brought suit in 1984 on behalf of black county residents charging that the five member board of county commissioners was malapportioned in violation of the Constitution and Section 2 of the VRA. The suit also charged defendants with failing to secure preclearance of a valid reapportionment plan under Section 5. According to the ACLU Report, ''After plaintiffs moved for a preliminary injunction to block the 1984 board of commissioners election, a consent order was issued acknowledging that the districts were malapportioned, and instructing both parties to submit reapportionment plans to the court. . . . On February 27, 1985, after trial on the merits, the court ruled the challenged plan unconstitutional and directed the defendants to adopt a new plan and seek preclearance under Section 5 within 30 days.''

(17) *Cooper* v. *Sumter County Board of Commissioners:* Civ. No. 1:92–cv–00105–DF (M.D. Ga.) (ACLU Report at 422–23).

After the release of the 1990 census, the ACLU brought suit on behalf of black plaintiffs, alleging that the county's commission districts were malapportioned in violation of the constitutional principle of one person, one vote. On July 27, 1992, the district court entered a consent order finding ''malapportionment in excess of the legally acceptable standard.''

(18) *Williams* v. *Tattnal County Board of Commissioners:* Civ. No. CV692–084 (S.D. Ga.) (ACLU Report at 426–27).

After the 1990 census, the ACLU, on behalf of black residents, sued to enjoin further use of an allegedly constitutionally malapportioned districting plan. According to the ACLU Report, ''On July 7, 1992, the district court, finding that the existing plan was malapportioned, enjoined the July 1992, primary elections for the board of commissioners and board of education until such time as an election could be held under a court ordered or a precleared plan.''

(19) *Spaulding* v. *Telfair County:* Civ. No. 386–061 (M.D. Ga.) (ACLU Report at 431–33).

In September 1986, the ACLU filed suit on behalf of five black voters alleging that the county board of education was malapportioned. According to the ACLU Report, ''On October 31, 1986, less than a week before the November general election, the court entered a consent order staying the elections, ordering a new apportionment plan, and providing for a special election. The court found that 'Plaintiffs have established a prima facie case that the current apportionment of the Board of Education is in violation of the Fourteenth Amendment,' and required the defendants to develop and implement a new apportionment for the school board within 60 days.''

(20) *Crisp* v. *Telfair County:* CV 302–040 (S.D. Ga.) (ACLU Report at 439–41).

The ACLU sued in August 2002, alleging that the county commission lines were malapportioned in violation of the Constitution and Section 2 of the VRA. According to the ACLU Report, ''After plaintiffs filed suit, the county stipulated that its commission districts were malapportioned, and that 'It is possible . . . to draw a five single member district plan with at least one majority black district in Telfair County.' The plaintiffs then filed for summary judgment and asked the court to hold the existing plan unconstitutional and order a new plan into effect. . . . Ruling that the existing plan was malapportioned and 'violates the one person, one vote standard of the equal protection clause of the Fourteenth Amendment,' the court noted that the plan had been submitted for Section 5 preclearance and ruled the motion for summary judgment was 'largely moot.' ''

(21) *Holloway* v. *Terrell County Board of Commissioners:* CA–92–89–ALB/AMER(DF) (M.D. Ga.) (ACLU Report at 441–44).

In June 1992, the ACLU filed suit on behalf of black voters challenging the malapportionment of the county board of commissioners under the Constitution and Section 2 of the VRA. According to the ACLU Report, ''After the reapportionment suit was brought in 1992, defendants admitted the plan was malapportioned. . . . The parties negotiated a new redistricting plan, corrected the malapportionment, and created two effective majority black districts. Despite this agreement, the county proposed, and had the 1993 Georgia General Assembly adopt, a redistricting plan which plaintiffs did not support. . . . In February 1994, the Department of Justice precleared the county's redistricting plan over the objections of the black community. . . .''

(22) *Flanders* v. *City of Soperton:* Civ. No. 394–067 (S.D. Ga.) (ACLU Report at 447–49).

According to the ACLU Report, ''in November 1994, the ACLU again brought suit on behalf of black voters in Soperton, challenging the five member city council as malapportioned in violation of one person, one vote. . . . A consent order was filed August 7, 1995, in which both parties agreed the city election districts were malapportioned, and adopted a districting plan with a total deviation of 6.8% that contained two majority black districts of 75.34% and 72.92% black voting age population, respectively.''

CASES FINDING SECTION 2 LIABILITY
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 or Parties Settled (% of total nationwide suits)	Court Held State Violated Section 2 or Settlement Recognized Section 2 Violation (% of cases that reached merits that held against state)	Cases
Nationwide	330	235	79 out of 235 (33.6%)	See State-by-State Analysis
Jurisdictions Covered by § 5	159 (48.2%)	106 (45.1%)	39 out of 106 (37.7%)	See State-by-State Analysis
Non-Covered Jurisdictions	171 (51.5%)	129 (54.5%)	40 out of 129 (31.0%)	See State-by-State Analysis

SECTION 2 COURT VERDICTS
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
Nationwide	330	210	72 out of 210 (34.3%)	See State-by-State Analysis
Jurisdictions Covered by § 5	159	97	36 out of 97 (37.1%)	See State-by-State Analysis
Non-Covered Jurisdictions	171	113	36 out of 113 (31.9%)	See State-by-State Analysis
Jurisdictions Covered by § 5				
Alabama	25	16	7 (43.8%)	1) Buskey v. Oliver, 565 F. Supp. 1473 (M.D. Ala. 1983) 2) Brown v. Board of School Comm'rs., 706 F.2d 1103 (11th Cir. 1983) 3) Clark v. Marengo County, 623 F. Supp. 33 (S.D. Ala. 1985) 4) U.S. v. Dallas County Com'n, 636 F.Supp. 704 (S.D. Ala. 1986) 5) Dillard v. Baldwin County Bd. of Education, 686 F. Supp. 1459 (M.D. Ala. 1988) 6) Harris v. Siegelman, 695 F. Supp. 517 (M.D. Ala. 1988) 7) Dillard v. Town of North Johns, 717 F. Supp. 1471 (M.D. Ala. 1989)
Alaska	0	0	0 (0%)	n/a
Arizona	3	1	0 (0%)	n/a
Georgia	13	9	1 (11.1%)	1) Cofield v. City of LaGrange, 969 F. Supp. 749 (N.D. Ga. 1997)
Louisiana	17	9	5 (55.6%)	1) Major v. Treen, 574 F. Supp. 325 (E.D. La. 1983) 2) Citizens for a Better Gretna v. Gretna, 834 F.2d 496 (5th Cir. 1987) 3) Clark v. Roemer, 777 F.Supp. 445 (E.D. La. 1990) 4) East Jefferson Coalition For Leadership & Dev. v. Parish of Jefferson,

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
				926 F.2d 487 (5th Cir. 1991) 5) Westwego Citizens for Better Government v. Westwego, 946 F.2d 1109 (5th Cir. 1991)
Mississippi	29	20	12 (60.0%)	1) Jordan v. City of Greenwood, 599 F.Supp. 397 (N.D. Miss. 1984) 2) Jordan v. Winter, 604 F.Supp. 807 (N.D. Miss. 1984) 3) Goodloe v. Madison County Bd. of Election Com'rs, 610 F.Supp. 240 (S.D. Miss. 1985) 4) Martin v. Allain, 658 F.Supp. 1183 (S.D. Miss. 1987) 5) Gunn v. Chickasaw County, 705 F.Supp. 315 (N.D. Miss. 1989) 6) Ewing v. Monroe County, 740 F.Supp. 417 (N.D. Miss. 1990) 7) Mississippi State Chapter, 932 F.2d 400 (5th Cir. 1991) 8) Bryant v. Lawrence County, 814 F.Supp. 1346 (S.D. Miss. 1993) 9) Teague v. Attala County, 92 F.3d 283 (5th Cir. 1996) 10) Clark v. Calhoun County, 88 F.3d 1393 (5th Cir. 1996) 11) Gunn v. Chickasaw County, 1997 U.S. Dist. LEXIS 22087; 1997 WL 33426761 (N.D. Miss. 1997) 12) Houston v. Lafayette County, 20 F.Supp.2d 996 (N.D. Miss. 1998)
South Carolina	7	4	2 (50.0%)	1) Jackson v. Edgefield County, 650 F. Supp. 1176 (D.S.C. 1986) 2) United States v. Charleston County, 365 F.3d 341 (4th Cir. 2004)
Texas	34	26	6 (23.1%)	1) Sierra v. El Paso Ind. Sch. Dist., 591 F. Supp. 802 (W.D. Tex. 1984) 2) Jones v. Lubbock, 727 F.2d 364 (5th Cir. 1984) 3) League of United Latin American Citizens, 648 F. Supp 596 (W.D. Tex. 1986) 4) Campos v. Baytown, 840 F.2d 1240 (5th Cir. 1988) 5) Williams v. City of Dallas, 734 F. Supp. 1317 (W.D. Tex. 1990) 6) League of United Latin Am. Citizens v. North E. Indep. Sch. Dist., 903 F. Supp. 1071 (W.D. Tex. 1995)
Virginia	11	6	3 (50.0%)	1) McDaniels v. Mehfoud, 702 F. Supp. 588 (E.D. Va. 1988) 2) Neal v. Coleburn, 689 F. Supp. 1426 (E.D. Va. 1988) 3) Collins v. City of Norfolk, 883 F.2d 1232 (4th Cir. 1989)
Non-Covered Jurisdictions				
Arkansas	10	8	4 (50.0%)	1) Smith v. Clinton, 687 F. Supp. 1310 (E.D. Ark. 1988) 2) Jeffers v. Clinton, 730 F. Supp. 196 (E.D. Ark. 1989) 3) Williams v. City of Texarkana, 861 F. Supp. 756 (W.D. Ark. 1992)

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
				4) Harvell v. Blytheville Sch. Dist. #5, 71 F.3d 1382 (8th Cir. 1995)
California	16 (All Non-Covered)	9 (All Non-Covered)	2 (All Non-Covered) (22.2%)	1) Gomez v. Watsonville, 863 F.2d 1407 (9th Cir. 1988) 2) Garza v. County of Los Angeles, 918 F.2d 763 (9th Cir. 1990)
Colorado	5	4	2 (50.0%)	1) Sanchez v. Colorado, 97 F.3d 1303 (10th Cir. 1996) 2) Cuthair v. Montezuma-Cortez, Colo. Sch. Dist. No, RE-1 7 F. Supp. 2d 1152 (D. Colo. 1998)
Connecticut	2	0	0 (0%)	n/a
DC	2	2	0 (0%)	n/a
Delaware	3	1	0 (0%)	n/a
Florida	21 (18 Non-Covered, 3 Covered)	16 (15 Non-Covered, 1 Covered)	3 (All Non-Covered) (18.8%)	1) McMillan v. Escambia County, 748 F.2d 1037 (11th Cir. 1984) 2) Bradford County NAACP v. City of Starke, 712 F. Supp. 1523 (M.D. Fla. 1989) 3) Meek v. Metro. Dade County, 985 F.2d 1471 (11th Cir. 1993)
Hawaii	1	1	1 (100%)	1) Arakaki v. Hawaii, 314 F.3d 1091 (9th Cir. 2002)
Illinois	18	10	5 (50.0%)	1) Rybicki v. State Bd. Of Elections of State of Ill., 574 F.Supp. 1147 (N.D. Ill. 1983) 2) Ketchum v. Byrne, 740 F.2d 1398 (7th Cir. 1984) 3) McNeil v. City of Springfield, 658 F.Supp. 1015 (C.D. Ill. 1987) 4) Harper v. City of Chicago Heights, 1997 WL 102543 (N.D. Ill. 1997) 5) Barnett v. City of Chicago, 17 F.Supp.2d 753 (N.D. Ill. 1998)
Indiana	6	3	0 (0%)	n/a
Kentucky	1	0	0 (0%)	n/a
Massachusetts	4	4	1 (25.0%)	1) Black Political Task Force v. Galvin, 300 F. Supp. 2d 291 (D. Mass. 2004)
Maryland	3	2	2 (66.7%)	1) Marylanders for Fair Representation, Inc. v. Schaefer, 849 F. Supp. 1022 (D. Md. 1994) 2) Cane v. Worcester County, 35 F.3d 921 (4th Cir. 1994)
Michigan	5 (All Non-Covered)	4 (All Non-Covered)	0 (0%)	n/a
Minnesota	2	2	0	n/a

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
			(0%)	
Missouri	9	5	1 (20.0%)	1) Corbett v. Sullivan, 202 F. Supp. 2d 972 (E.D. Mo. 2002)
Montana	3	3	2 (66.7%)	1) Windy Boy v. County of Big Horn, 647 F. Supp. 1002 (D. Mont. 1986) 2) U.S. v. Blaine County, 363 F.3d 897 (9th Cir. 2004)
Nebraska	1	1	1 (100%)	1) Stabler v. County of Thurston, 129 F.3d 1015 (8th Cir. 1997)
New Jersey	3	1	0 (0%)	n/a
New Hampshire	0	0	0 (0%)	n/a
New Mexico	4	0	0 (%)	n/a
New York	26 (18 Non-Covered, 8 Covered)	15 (11 Non-Covered, 4 Covered)	1 (Non-Covered) (6.7%)	1) Goosby v. Town Bd. of Town of Hempstead, 180 F.3d 476 (2d Cir. 1999)
North Carolina	15 (7 Non-Covered, 8 Covered)	5 (All Non-Covered)	2 (All Non-Covered) (40.0%)	1) Thornburg v. Gingles, 478 U.S. 30 (U.S. 1986) 2) Ward v. Columbus County, 782 F.Supp. 1097 (E.D.N.C. 1991)
Ohio	9	6	1 (16.7%)	1) Armour v. Ohio, 775 F.Supp. 1044 (N.D. Ohio 1991) Liability
Pennsylvania	5	4	2 (50.0%)	1) U.S. v. Berks County, 277 F. Supp. 2d 570 (E.D. Pa. 2003) 2) Marks v. Stinson, 1994 WL 146113 (E.D. Pa. Apr. 26, 1994)
Road Island	2	0	0 (0%)	n/a
South Dakota	3 (2 Non-Covered, 1 Covered)	3 (2 Non-Covered, 1 Covered)	2 (Non-Covered) (66.7%)	1) Bone Shirt v. Hazeltine, 336 F.Supp.2d 976 (D.S.D. 2004) 2) Cottier v. City of Martin, 445 F.3d 1113 (8th Cir. 2006)
Tennessee	7	6	3 (50.0%)	1) Buchanan v. City of Jackson, 683 F.Supp. 1515 (W.D. Tenn. 1988) 2) Brown v. Chattanooga Board of Comm'rs, 722 F. Supp. 380 (E.D. Tenn. 1989) 3) Rural W. Tenn. African-American Affairs Council v. Sundquist, 209 F.3d 835 (6th Cir. 2000)
Washington	1	1	0 (0%)	n/a

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
Wisconsin	4	3	1 (33.3%)	1) Prosser v. Elections Bd , 793 F Supp. 859 (W.D Wis. 1992)

SECTION 2 SETTLEMENT CHART
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	Total Suits (% of total nationwide suits)	Parties Settled	Settlement Recognized Section 2 Violation (% of cases that Settled in which a Section 2 violation was recognized)	Cases	Settlement Recognized a Constitutional Violation
Nationwide	330	25	7 out of 25 (28.0%)	See below	See below
Jurisdictions Covered by § 5	159	9	3 out of 9 (33.3%)	1. **Alabama:** Dillard v. Chilton Cty. Comm'n, 868 F.2d 1274 (11th Cir. 1989) 2. **Alabama:** White v. Alabama, 74 F.3d 1058 (11th Cir. 1996) 3. **North Carolina:** Moore v. Beaufort County, 936 F.2d 159 (4th Cir. 2004) (*Beaufort County – Covered Jurisdiction*)	1. No 2. No 3. No
Non-Covered Jurisdictions	171	16	4 out of 16 (25.0%)	1. **North Carolina**: N.A.A.C.P. v. City of Statesville, 606 F.Supp. 569 (W.D.N.C. 1985) (*Iredell County – Non-Covered Jurisdiction*) 2. **Ohio:** Mallory v. Eyrich, 922 F.2d 1273 (6th Cir. 1991) 3. **New Mexico:** U.S. v. Bernalillo County, CV-98-156 BB/LCS (District of N.M. 1998) 4. **New Mexico:** U.S. v. Socorro County, (VA No. 93-1244-2P (District of N.M. 2004)	1. No 2. No 3. Yes 4. Yes

The information from this chart is derived from 1) the University of Michigan Law School's Report on the Voting Rights Initiative, available at http://www.votingreport.com., 2) the Hearing on "The Voting Rights Act –Section 203 Bilingual Election requirements", and 3) the State Reports prepared by a collection of civil rights groups, available at http://www.renewthevra.org.

1) The University of Michigan Law School's Voting Rights Project reviewed every case on Westlaw or Lexis that addressed a Section 2 Claim since June 29, 1982, when Section 2 of the Voting Rights Act was amended. Researchers then located all related decisions and organized them by lawsuit. Within each lawsuit there were often multiple appeals and remands, and researcher determined which opinion provided the final word in a given series of litigation. Most often, the final word case in each lawsuit is the last case that assessed liability on the merits and determined whether Section 2 was violated.

If there was not a liability decision on Section 2, researchers coded the final word as the last published case in the lawsuit that made a determination for or against the plaintiff, including whether to approve a settlement, order a remedy, issue a preliminary injuction, or grant fees.

Cottier v. City of Martin, 445 F.3d 1113 (8th Cir. 2006), a case decided after the completion of the University of Michigan Law School's Report on the Voting Rights Initiative, was entered into the Senate Judiciary Committee record on May 9, 2006, and is included in this chart.

2) On November 8 2005, the House Judiciary Committee held a hearing on "The Voting Rights Act –Section 203 Bilingual Election requirements." Witness Bradley J. Scholzman attached as an appendix to his testimony copies of complaints, consent decrees and orders in enforcement actions filed by the United States under the language minority provisions of the voting rights act (section 4(e), 4(f)(4) and 203). See appendix at pgs 69-1381.

3) The Civilrights.org Network, a project of the Leadership Conference on Civil Rights and the Leadership Conference on Civil Rights Education Fund, produced a number of State Reports offering evidence in favor of an extension of the Voting Rights Act. The State Reports analyzed for this chart are Alaska, Arizona, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, South Dakota, Texas, and Virginia. When these reports listed a successful Section 2 case, that case was compared with the list of cases provided in the University of Michigan Law School's Voting Rights Project.

MINORITY ELECTED OFFICIALS

State	Citizen minority voting age population percentage (2000 Census)	Minority percentage in State Senate (2005)	Minority percentage in State House (2005)	Number minority officials (2001)	Minority percentage in U.S. House delegation
Alabama	Black: 24.5	22.86	25.71	756	n/a
Alaska	Black: 3.0	Black: 5.0 Native: 25.0	Black: 2.5 Native: 20.0	n/a	n/a
California	Hispanic of any race: 21.4	22.5	22.5	757 (as of 2000)	n/a
Florida	Black: 13.0 Hispanic of any race: 12.6	Black: 7.5 Latino: 15.0	Black: 13.3 Latino: 9.2	Black: 243 Latino: 89	n/a
Georgia	Black: 27.2	19.6	21.7	611	30.7
Louisiana	Black: 30.0	23.1	21.9	705	14.3
Mississippi	Black: 34.1	21.2	29.5	897	25
North Carolina	Black: 20.5	14.0	15.8	491	7.7
South Carolina	Black: 27.8	17.4	20.1	534	16.7
Texas	Black: 11.6 Hispanic of any race: 26.5	Black: 6.5 Latino: 19.4	Black: 9.3 Latino: 18.0	Latino: 2,000 (as of 2003)	Black: 9.4 Latino: 15.6
Virginia	Black: 18.4	12.5	11.0	246	9.1

Source for Citizen Minority Voting Age Population: U.S. Census Bureau Report on 2004 Election.
Source for all other information: The Bullock-Gaddie Voting Rights Studies: An Analysis of Section 5 of the Voting Rights Act.

MINORITY REGISTRATION AND TURNOUT

State	2004 Registration		2004 Turnout	
	Minority percentage	White percentage	Minority percentage	White percentage
Alabama	Black: 72.9	73.8	Black: 63.9	62.2
Alaska	n/a	n/a	Native: 44.8	Non-Native: 68.4
California	Black: 67.9 Latino: 30.2	56.4	Black: 61.3 Latino: 25.6	51.3
Florida	Black: 52.6 Latino: 38.2	64.7	Black: 44.5 Latino: 34.0	58.4
Georgia	Black: 64.2	63.5	Black: 54.4	53.6
Louisiana	Black: 71.1	75.1	Black: 62.1	64.0
Mississippi	Black: 76.1	72.3	Black: 66.8	58.9
North Carolina	Black: 70.4	69.4	Black: 63.1	58.1
South Carolina	Black: 71.1	74.4	Black: 59.5	63.4
Texas	Black: 68.4 Latino: 41.5	61.5	Black: 55.8 Latino: 29.3	50.6
Virginia	Black: 57.4	68.2	Black: 49.6	63.0
Nationwide	Black: 64.3 Latino: 34.3	67.9	Black: 56.1 Latino: 28.0	60.3

Source for Citizen Minority Voting Age Population: U.S. Census Bureau Report on 2004 Election.
Source for all other information: The Bullock-Gaddie Voting Rights Studies: An Analysis of Section 5 of the Voting Rights Act.

Mr. SPECTER. Mr. President, it is with special thanks that I acknowledge Senator LEAHY's leadership and cooperation, that I now yield to him.

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President pro tempore, my dear friend, the senior Senator from Alaska, I see the majority leader on the floor. Is he seeking recognition?

Mr. FRIST. I will be making some comments, as I mentioned earlier, after the distinguished ranking member.

Mr. LEAHY. Mr. President, before I begin, I assume we will go back and forth, from side to side of the aisle on this. But as Democrats are recognized, I ask it be in this order: Senator KENNEDY for 20 minutes, Senator DURBIN for 15, Senator FEINSTEIN for up to 20 minutes, Senator SALAZAR for up to 15 minutes, as Democrats, are recognized. I ask unanimous consent to that.

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

Mr. LEAHY. Mr. President, I appreciate what the senior Senator from Pennsylvania said. Senator SPECTER and I have been friends for many years. I think we have accomplished a great deal in the Judiciary Committee. I agree with him this is the most important thing we will do. But I might also note, on a personal note about the Senator from Pennsylvania, much of what was accomplished during that time he was fighting a very serious illness. I compliment the Senator from Pennsylvania for his perseverance during that time.

The Voting Rights Act is the cornerstone of our civil rights laws. We honor those who fought through the years for equality by extending the Voting Rights Act to ensure their struggles are not forsaken and not forgotten, and that the progress we have made not be sacrificed. We honor their legacy by reaffirming our commitment to protect the right to vote for all Americans.

The distinguished senior Senator from Massachusetts, who is on the floor, was in the forefront of this battle the first time around. He and his family, his late brothers, the President and brother Senator Robert Kennedy—President Kennedy, Senator Robert Kennedy, and now Senator EDWARD KENNEDY, have been in the forefront of the civil rights battle. This has been a personal thing for them. It has been a commitment that has spoken to the conscience of our Nation, and I applaud my friend from Massachusetts for what he and has family have done.

Reauthorizing and restoring the Voting Rights Act is the right thing to do, not only for those who came before—the brave and visionary people who fought for equality, some at great personal sacrifice, some even giving their lives—but also for those who come after us, our children and our grandchildren. All of our children, all of our grandchildren, should know that their right to vote will not be abridged, suppressed or denied in the United States of America, no matter their color, no matter their race, no matter what part of the country from which they come.

I do thank the chairman for following the suggestion to convene the Judiciary Committee yesterday in special session to consider what really is bipartisan, bicameral legislation to reauthorize the Voting Rights Act. In fact, our Senate bill, S. 2703, is cosponsored by the distinguished Republican leader and the distinguished Democratic leader, by a bipartisan majority of the Judiciary Committee and by a bipartisan majority of the Senate. In fact, at the end of our committee meeting yesterday, we had a rollcall vote. We voted unanimously to report our bill favorably to the Senate.

I mention that because so many of the things that have to go through the Judiciary Committee tend to be of a divisive nature. This was a unanimous vote. I have commended all those in the Judiciary Committee who worked so hard over the last several months to build a fair and extensive record and bring us to this point today. As I said earlier, I commend Senator KENNEDY for his work. I agree with Senator SPECTER, when he gets passionate about a subject he doesn't need a microphone.

I commend those who started with doubts—and there were serious doubts; some regional, some for legal matters. But those who had doubts have now come around to supporting our bipartisan bill.

Because the bill we take up today and the bill from the committee to report are so similar, I know the Senate debate will be informed by the extensive record we have built before the Judiciary Committee. Over the last 4 months, we held nine hearings on all

aspects of this matter and on the overall bill itself. In another indication of bipartisanship, those hearings were chaired by large numbers of members of the committee and chaired by both Republican and Democratic Senators who wanted to send a signal that this is not a partisan matter.

All of those hearings were fairly conducted. Those Senate hearings supplement those held in the House on this matter. Indeed, our first hearing was held for the express purpose of hearing from the lead sponsors from the House and to receive the results of their hearings into our Senate RECORD. In fact, in anticipation of this bill coming to the floor, I have included statements in the RECORD in the course of this week to help make sure we have a complete record before the Senate before we vote. For example, on Tuesday, my statement focused on the continuing need for Section 5. On Wednesday, my statement focused on the continuing need for Section 203. They reflect my views as the lead Democratic Senate sponsor.

We have fewer than two dozen legislative days left in this session of Congress, so I appreciate the willingness of the Republican and Democratic leadership to take up this important measure without delay. I know the House of Representatives had to delay consideration of the Voting Act for a month due to the recalcitrance of some, recalcitrance that was overwhelmed in their vote. Here, I hope we do not suffer the same delay. This is a time for us to debate, consider, and vote on this important legislation. We should pass the bill in the same form as the House so it can be signed into law before the Senate recesses for the remainder of the summer.

There has been speculation about why we are here today. Some tied it to the fact that for the first time in his Presidency, President Bush is going to appear before the National Association for the Advancement of Colored People, the NAACP. I, for one, applaud him for going before the NAACP. All Presidents should, Republican or Democrat. And in fact, if that had anything to do with the success in getting this bill moved expeditiously through the Senate, I have a number of other organizations I hope will invite him to get other legislation moving.

The House-passed bill and the committee-reported bill is very similar. We introduced them in a bipartisan, bicameral, coordinated effort in May. The only change made to the House-passed bill was the inclusion of a governmental study added in the House Judiciary Committee. I urge the Senate to accept that addition.

The only change made during the Senate Judiciary Committee was to add an Hispanic civil rights leader to the roster of the civil rights leaders for whom the bill is named. We did this at the suggestion of Senator SALAZAR. It is a good suggestion. We did this unanimously. I commend the Senator for it. As Senator SALAZAR has reminded us, ''Cesar Chavez is an American hero. He sacrificed his life to empower the most vulnerable in America. He believed strongly in the democracy of America and saw the right to vote as a cornerstone of our freedom.'' I offered the amendment in the Judiciary Committee and it was adopted without dissent.

I told Senator SALAZAR that I recall the dinner with Marcelle and myself, our son Kevin and his wife Carolyn, and our granddaughter Francesca in the small Italian restaurant, Sarduccis, in Montpelier, Vermont. A family next to us came over to introduce themselves. It was Cesar Chavez's son. He apologized for interrupting our dinner. He wanted to say hello. I told him how proud I was to be interrupted and to meet him because his father had been a hero of mine. They were in Vermont because they were going to the Barre Quarry where the memorial to his father was carved.

I have also consulted with Senator SALAZAR. Neither of us wants to complicate final passage of the Voting Rights Act so I urge the Senate to proceed to the House-passed bill and resist amendments so it can be signed into law without having to be reconsidered by the House. With respect to the short title of the bill and the roster of civil rights leaders honored, I have committed to work with Senator SALAZAR to conform the law to include due recognition of the contribution to our civil rights and voting rights by Cesar Chavez in follow up legislation.

The Voting Rights Act reauthorization is named for three very important civil rights leaders, as the Senator from Pennsylvania pointed out.

Fannie Lou Hamer was a courageous advocate for the right to vote. She risked her life to secure the right to vote for all Americans. Coretta Scott King was a tenacious fighter for equality for the civil rights movement in the 1960s, and right up to the time of her passing. Many of us in this Chamber met the late Mrs. King. Everyone in the Senate can remember when less than a year ago the body of Rosa Parks lay in state in the Capitol. She was the first African American woman in our history to be so honored. She was honored because of her dignified refusal to be treated as a second-class citizen sparked the Montgomery bus boycotts that are often cited as the symbolic beginning of the modern civil rights movement.

Everyone in this Chamber would be horrified to think that somebody would be treated differently because of the color of their skin, but in the lifetime of every Senator sitting in this Chamber today, we have seen such discrimination. Let's make sure we take this step. It will not remove all discrimination, by any means, but it is a major step to let everyone in the country know that all of us are equal as Americans with equal rights, despite the color of our skin.

Last week, after months of work, the House of Representatives, led by Congressmen JOHN CONYERS, MEL WATT, JOHN LEWIS, and Chairman SENSENBRENNER, rejected all efforts to reduce the sweep and effect of the Voting Rights Act. Congressman JOHN LEWIS—himself a courageous leader during those transformational struggles only decades ago, a man who was nearly killed trying to retain the rights of African Americans, said during the House debate:

> When historians pick up their pens and write about this period, let it be said that those of us in the Congress in 2006, we did the right thing. And our forefathers and our foremothers would be very proud of us. Let us pass a clean bill without any amendments.

That is my friend JOHN LEWIS from the House of Representatives. I want our foremothers and forefathers to be proud of us, but I want our children and our grandchildren to be proud of us, too.

The bill we are considering in the Senate today passed the other body with 390 votes in favor. In fact, the other body rejected all four amendments offered. They wanted to have a clean bill. They listened to JOHN LEWIS. They listened to the others. I congratulate the House cosponsors, both Republicans and Democrats, for their successful efforts. I hope we can repeat them in the Senate.

On May 2, when our congressional leadership joined together on the steps of the Capitol to announce a bipartisan and bicameral introduction of the Voting Rights Act, it was a historic announcement. I noted in my journal it was one of the proudest moments I had in my years in the Senate, an occasion almost unprecedented during the recent years of partisanship.

Let's not relent in our fight for the fundamental civil rights of all Americans. Working together, we should pass a clean bipartisan voting rights bill. Congress has reauthorized and revitalized the act four times, each time with overwhelming bipartisan support, pursuant to our constitutional powers. This is not a time for backsliding. This is a time to move forward together.

So let us unite to renew this cornerstone, let us rededicate ourselves to its noble purpose, and let us commemorate the many who suffered and endured to bring our cherished ideals closer to reality for millions of our fellow Americans. Let us guarantee those rights for millions of our fellow Americans to come.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Tennessee.

Mr. FRIST. Mr. President, it was about 3 weeks ago that I joined President Bush on a trip to Memphis, TN, where we were joined by a close personal friend of mine, a man who is legendary in Tennessee and, indeed, throughout the country, the Rev. Dr. Ben Hooks.

Dr. Hooks is a widely recognized, widely acknowledged champion of civil

rights. He presided with great courage and bold vision over the NAACP for 15 years as its executive director. He is in town this week for the NAACP meeting which is going on as I speak.

He guided President Bush and myself, my wife Karyn, and the First Lady through the remarkable and inspiring National Civil Rights Museum which has been constructed at the Lorraine Motel in Memphis, which was the actual site of Martin Luther King, Jr.'s assassination. It was an inspiring visit, those moments as we walked through the exhibits, room to room, in that wonderful museum.

In many ways, it shook my own conscience. To hear Dr. Hooks speak, to hear him recount the events surrounding that time, was to have history come alive. It was an ugly moment in our collective history, and certainly not America's finest hour.

As we wandered through those rooms, listening to those words of Dr. Hooks, what struck my conscience most was how we as a Nation pushed through that time, how we as a Nation persevered to correct injustice just as we have at other points in American history.

It reminded me of our ability to change, that when our laws become destructive to our unalienable rights—life, liberty, the pursuit of happiness—it is the right of the people to alter or abolish it.

It reminded me of the importance, the absolute necessity, of ensuring the permanence of the changes we make, the permanence of our corrections to injustice.

About 2 years ago, in the spring of 2004, Senator MCCONNELL and I came to the Senate and offered an amendment to extend the expiring provisions of the Voting Rights Act permanently. However, at the insistence of a number of my colleagues we withdrew our amendment, while making clear that we were absolutely committed to renewing this important piece of legislation. Indeed, that day has come.

A few months ago, I stood with Speaker HASTERT, Chairman SPECTER, and Chairman SENSENBRENNER on the steps of the Capitol where we reaffirmed at that time our commitment to reauthorize the Voting Rights Act. Thus, I am pleased this Congress will act to reauthorize the Voting Rights Act and, indeed, today, right now, the United States is doing just that.

We expedited it through committee under the leadership of Chairman SPECTER so we could bring it to the Senate as quickly as possible. We will complete that action in a few hours today.

Today the Senate is standing together to protect the right to vote for all Americans. We stand together, putting aside partisan differences, to ensure discrimination at the voting booth remains a relic of the past. We are working for a day when equality is more than a principle upon which our laws are founded, a day when equality is a reality by which our society is defined. We are working for the day when our equality, our oneness, is reflected not only in our laws but in the hearts and minds of every American.

I hope and pray the day will come when racism and discrimination are only a part of our past and not our present.

The Voting Rights Act of 1965 enshrined fair voting practices for all Americans. The act reaffirmed the 15th amendment to the Constitution, which says that:

> . . . the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

The Voting Rights Act ensured that no American citizen and no election law of any State could deny access to the ballot box because of race, ethnicity, or language minority status. It took much courage and sacrifice to make that original Voting Rights Act into law, the courage and sacrifice of leaders such as Rosa Parks, Martin Luther King, Jr., Congressman JOHN LEWIS, to name a few.

They paved the way to end discrimination and open the voting booths for millions of African Americans and other minorities who were previously denied the right to vote.

In the 41 years—yes, it has been 41 years—since then, we have made tremendous progress. Thousands upon thousands of minorities have registered to vote. Minorities have been elected to hold office at the local level, at the State level, and the Federal level in increasing numbers.

In short, the Voting Rights Act has worked. It has achieved its intended purpose. We need to build upon that progress by extending expiring provisions of the Voting Rights Act today.

We owe it to the memories of those who fought before us, to those people who, right now, are reflected in those words of Dr. Hooks that we heard as we traveled through that Civil Rights Museum, and we owe it to our future—a future where equality is a reality, a reality in our hearts and in our minds, not just the law—to reauthorize the Voting Rights Act.

I hope my colleagues will join me in voting for this critical legislation. I look forward to the President signing it into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak on the Voting Rights Act, and I thank my colleague from Massachusetts who was here before me for allowing me to now speak briefly on this particular issue.

The right to vote is quite literally the bedrock of the representative democracy we enjoy today. We must enable American citizens to fully participate in the political process if we are to truly be a government of the people, by the people, and for the people. It is central, and it is central that everybody is given that right in equal regard.

The importance of the Voting Rights Act cannot be underestimated. It has transformed the face of our Republic and vindicated the noble values of our Nation. America has come a long way in the last four decades, and it is my hope that the reauthorization of the Voting Rights Act will help us to continue to extend the promise of democratic participation to every American.

I have had the chance, twice now, to do the civil rights pilgrimage that the Faith in Politics group has sponsored to Selma, AL, to Montgomery, to several different places, and to hear from the firsthand experiences of individuals who were involved in the civil rights movement and in the freedom trails of the bus rides and in the protests, about the importance that the VRA was to them, was to getting involved, and is central in getting everybody participating in the democracy and a true opportunity to register to vote and to actually vote. It was and is critical. It is critical that we extend it.

I also want to recognize and thank the Senator from Massachusetts for the central role his family has played in fighting for this particular language, this legislation. And it is important.

Out of a strong desire to achieve this goal of everybody participating equally in this democracy, a bipartisan majority of Congress passed, and President Johnson signed, the Voting Rights Act of 1965. The aim of the act two generations ago was to fulfill the democratic promise of the Civil War amendments to the Constitution—a promise left unmet for a century after that terrible war had ended.

The civil rights landscape has greatly improved in the country since 1965, thanks in great part to the Voting Rights Act. The act has resulted in a tremendous increase in the ability of minority citizens to fully and fairly participate in our political system, both as voters and as candidates. The number of minority legislators has grown substantially.

I am pleased to be a cosponsor of the pending Voting Rights Act reauthorization bill which the Judiciary Committee reported out unanimously yesterday. This bill recognizes the achievements of many and particularly of three champions of the civil rights era: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. I believe we have a responsibility to carry on the work of these great Americans by reauthorizing the expiring sections of the Voting Rights Act.

The bill does provide a flat bar to unconstitutional racial discrimination. It speaks clearly, aggressively, eloquently, and importantly on this topic. We cannot have racial discrimination in this country, period. We are extending this act. It is an important act. It is one that has helped make the values of democracy real on a tangible basis to individuals, and it is important that we extend it into the future.

Mr. President, I am delighted to be a cosponsor of this bill. I urge my colleagues to pass it. I believe it will pass overwhelmingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is an historic day. In the quietness of the moment, on the floor of the Senate, we are talking about a major piece of legislation that is basic to the fabric of what America is all about. But the quietness does not belie the fact that this is a momentous piece of legislation that marks the continuation of this Nation as a true democracy.

I want, at the outset, to commend my friends and leaders on the Judiciary Committee, Senator SPECTER and Senator LEAHY. I can remember talking with both of them early on about putting this on the Senate agenda, putting it on the Judiciary Committee agenda. There are not two Members of this body who are more committed to this legislation than Chairman SPECTER and Senator LEAHY.

We are here today because of their leadership and their strong commitment to the concept of making sure that America is going to be America by insisting on the extension of this voting rights legislation. They have both been tireless during the course of the series of hearings that we have held. They have been meticulous in terms of determining the witnesses that we would have and in building the legislative record, which is so important and of such great consequence in terms of maintaining the constitutionality of this legislation, which is, of course, so important. So I thank both of them for their leadership and their generous references earlier during their statements.

Mr. President, the Constitution of the United States is an extraordinary document, the greatest charter that has ever been written in terms of preserving the rights and liberties of the people. Still, slavery was enshrined in the Constitution. And this country has had a challenging time freeing itself from the legacy of slavery. We had a difficult time in fighting the great Civil War. And we have had a challenging time freeing ourselves from discrimination—all forms of discrimination—but particularly racial discrimination. And we had a difficult time, particularly in the early 1960s, in passing legislation—legislation which could be enormously valuable in freeing a country from the stains of discrimination. But it takes much more than just legislation to achieve that.

I was fortunate enough to be here at the time we passed the 1964 civil rights bill that dealt with what we call public accommodations. It is difficult to believe that people were denied access to public accommodations—the ability to go to hotels, restaurants, and other places because of the color of their skin—in the United States of America. Mr. President, this legislation was debated for 10 months. Not just 1 day, as we all have today on voting rights, but for 10 months, the Senate was in session as we faced a filibuster on that legislation.

Then, finally, Senator Everett Dirksen responded to the very eloquent pleas of President Johnson at that time and indicated that he was prepared to move the legislation forward and make some adjustments in the legislation. We were able to come to an agreement, and the law went into effect.

In 1965, we had hours and hours and hours and hours during the course of the markup of the Voting Rights Act, and hours and hours and hours on the floor of the Senate to pass that legislation, with amendment after amendment after amendment. We were ultimately successful. And just off the Senate Chamber, in the President's Room—just a few yards from where I am standing today—President Johnson signed that legislation.

Now, we continue the process. It has not always been easy during the continuation and the reauthorization of the Act. Rarely have we been as fortunate as we are today with the time agreement and an understanding that we will consider this and finalize it this evening, in a way that will avoid a contentious conference with the House of Representatives that could have gone on for weeks and even months, as we've seen in the past. This legislation will go to the President's desk, and he will sign it.

There is no subject matter that brings out emotions like the issue of civil rights. That is, perhaps, understandable. But it is still very true. No issue that we debate—health care, education, increasing the minimum wage, age discrimination, environmental questions—whatever those matters are, nothing brings out the emotions like civil rights legislation.

But here we have a very important piece of civil rights legislation that is going to be favorably considered, and I will speak about that in just a few moments. We have to understand, as important as this legislation is, it really is not worth the paper it is printed on unless it is going to be enforced. That is enormously important. As we pass this legislation and we talk about its importance, and the importance of its various provisions, we have to make sure we have an administration and a Justice Department that is going to enforce it. That has not always been the case.

Secondly, it is enormously important that we have judges who interpret the legislation the way we intended for it to be interpreted.

We have, in this situation, a bipartisan interpretation. We have a bicameral interpretation. There should be no reason that any court in this country—particularly a Supreme Court that is looking over its provisions—should not understand very clearly what we intended, the constitutional basis for it. We need judges who are going to interpret this in good faith. That has not always been the case, and I will reference that in terms of my comments.

Then, we have to make sure we have a process and system so that, even if we have the legislation, and even if we have a Justice Department correctly interpret it, and even if we have judges correctly interpret it, we have to make sure there are not going to be other interferences with any individuals' ability to vote. That is another subject for another time, but enormously important.

We need all of those factors, at least, to make sure that this basic and fundamental right, which is so important, and which we are addressing today, is actually going to be achieved and accomplished for our fellow citizens.

Mr. President, we are, as I mentioned, poised to take another historic step in America's journey toward becoming the land of its ideals. As we all know, the battle for racial equality in America is far from over. The landmark civil rights laws that we have passed in the past four decades have provided a legal foundation, but the full promise of these laws has yet to be fulfilled.

Literacy tests may no longer block access to the ballot box, but we cannot ignore the fact that discrimination is sometimes as plain as ever, and that more subtle forms of discrimination are plotted in back rooms, to be imposed by manipulating redistricting boundaries to dilute minority voting strength, or by systematic strategies on election day to discourage minority voting.

The persistence of overt and more subtle discrimination makes it mandatory that we reauthorize the expiring provisions of the Voting Rights Act. This act is perhaps Congress's greatest contribution to the march toward equality in our society. As Martin Luther King, Jr., said, voting is ''civil right number one.'' It is the right in our democracy that preserves all others. So long as the vote is available and freely exercised by our entire citizenry, this Nation will remain strong and our other rights will be protected.

For nearly a century, the 15th amendment guaranteed that ''the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude,'' but it took the Voting Rights Act of 1965 to breathe life into that basic guarantee. And it took the actions of many brave men and women, such as those who gathered at the Edmund Pettis Bridge and faced the shameful violence of those who would deny them the right to vote, before the Nation finally acted.

I'm honored to have fought in the Senate for the Voting Rights Act each time it was before Congress—from its historic passage in 1965 to the votes to extend the act in 1970, 1975, and 1982

and to strengthen it along the way. I recall watching President Lyndon Baines Johnson sign the 1965 act just off this chamber in the President's Room. We knew that day that we had changed the country forever. And indeed we had. In 1965, there were only three African American and three Latino Members of Congress. Today, there are 41 African-American Members in the House of Representatives, one African-American Senator, 22 Latino House Members, and two Latino Senators. These gains would not have been possible without the Voting Rights Act.

I recall extending the expiring provisions of the act in 1970. I remember extending it again in 1975, and adding protections for citizens who needed language assistance. We recognized that those voters warranted assistance because unequal education resulted in high rates of illiteracy and low rates of voter participation in those populations.

And I recall well extending the act again in 1982. That time, we extended the expiring provisions of the act for 25 years and strengthened it by overturning the Supreme Court's decision in Mobile v. Bolden. That decision weakened the act by imposing an intent standard pursuant to section 2 of the act, but despite the opposition of President Reagan and his Department of Justice, we were able to restore the act's vitality by replacing that standard with a results test that provides greater protection for victims of discriminatory treatment.

Finally, in 1992, we revisited the act to extend and broaden its coverage of individuals whose English language ability is insufficient to allow them to participate fully in our democratic system.

In memory of Fannie Lou Hamer, Rosa Parks, Martin Luther King, Jr. and Coretta Scott King, and Cesar Chavez, I feel privileged to have the opportunity to support extension of the act once again for another 25 years.

Some have questioned whether there is still a need for the act's expiring provisions. They even argue that discrimination in voting is a thing of the past, and that we are relying on decades-old discrimination to stigmatize certain areas of the country today.

I have heard the evidence presented over the past several months of hearings, and I can tell you that they are just plain wrong. Yes, we have made progress that was almost unimaginable in 1965. But the goal of the Voting Rights Act was to have full and equal access for every American regardless of race. We have not achieved that goal.

In considering this bill, the Senate Judiciary Committee has held nine hearings and heard from some 46 witnesses. In addition, we have received numerous written statements and have voluminous reports from a variety of groups that have examined the state of voting rights in our Nation. We have explored every aspect of the expiring provisions of the act, and have all come to one inescapable conclusion: continuing discrimination requires that we pass this bill and reauthorize the Voting Rights Act. The evidence demonstrates that far too many Americans still face barriers because of their race, their ethnic background or their language minority status.

Section 5 is the centerpiece of the expiring provisions of the act. It requires that covered jurisdictions preclear voting changes with the Department of Justice or the District Court in the District of Columbia by proving that the changes do not have a retrogressive purpose or effect. The act would reverse the second Bossier Parish decision and restore the section 5 standard to its original meaning by making it clear that a discriminatory purpose will prevent section 5 preclearance. Even under the weaker standard that has governed since the Bossier decision, the Department of Justice has had to object to egregious discriminatory practices.

The act as reauthorized also overturns the Supreme Court's decision in Georgia v. Ashcroft, restoring section 5's protection of voting districts where minority voters have an ability to elect their preferred candidates. This revision would preclude jurisdictions from replacing districts in which minority voters have the voting power to elect their preferred candidates with districts in which minority voters merely exercise influence.

The number of objections under section 5 has remained large since we last reauthorized the act in 1982. Astonishingly, Professor Anita Earls of the University of North Carolina Law School testified that between 1982 and 2004, the Department of Justice lodged 682 section 5 objections in covered jurisdictions compared with only 481 objections prior to 1982. In Mississippi alone, the Department of Justice objected to 120 voting changes since 1982. This number is roughly double the number of objections made before 1982.

Behind these statistics are stories of the voters who were able to participate in the political process because the Voting Rights Act protects their fundamental right to do so. For example, in 2001, the town of Kilmichael, MS, cancelled its elections just three weeks before election day. The Justice Department objected to the cancellation, finding that the town failed to establish that its actions were not motivated by the discriminatory purpose of preventing African-American voters from electing candidates of their choice. The town had recently become majority African-American and, for the first time in its history, several African-American candidates had a good chance of winning elected office. Section 5 prevented this discriminatory change from being implemented, and as a result, three African-American candidates were elected to the board of aldermen and an African-American was elected mayor for the first time.

Consider the Dinwiddie County Board of Supervisors in Virginia. It moved a polling place from a club with a large African-American membership to a white church on the other side of town, under the pretext that the church was more centrally located. We saw this tactic when we renewed the act in 1970. We didn't expect to see it again in on the eve of the 21st century, but we did.

Some have argued that there has been a drop in the number of objections in recent years. As the record shows, that decline is explained by a number of reasons. First, of course, was the Supreme Court's restrictive interpretation of the purpose standard, which we will correct today. In addition, the numbers do not account for proposed changes that are rejected by the district court or proposed changes that are withdrawn once the Department of Justice asks for more information or litigation begins in the District Court. Equally as important are the discriminatory changes the act has deterred covered jurisdictions from ever enacting, and the dialog the act promotes between local election officials and minority community leaders to ensure consideration of minority communities' concerns in the legislative process.

And, of course, there are matters that merit objection, but have been precleared by the Bush Department of Justice because the Department's political leadership refused to follow the recommendations of career experts.

The Department twice precleared Georgia's effort to impose a photo identification requirement for voting. The first time, the district court threw it out as an unconstitutional poll tax. That's right, a poll tax in 2006. In 1965, we fought the poll tax during the debate of the original Voting Rights Act. After the Supreme Court ultimately held it unconstitutional, we thought this shameful practice had ended. But the court found that the Georgia law was just a 21st century version of this old evil.

Georgia reenacted the law without the poll tax, and the Court still found that it unlawfully disadvantaged poor and minority voters, who are less likely to have the required identification.

Recently, the Supreme Court held that the Texas Legislature had violated the Voting Rights Act by shifting 100,000 Latino voters out of a district just as they were about to defeat an incumbent and finally elect a candidate of their choice. Once again, section 5 would have blocked this practice, but the leadership of the Department of Justice overruled career experts who recommended an objection.

The fact that the number of section 5 objections is a small percentage of the total number of submissions shouldn't be surprising. Jurisdictions take section 5 into consideration when adopting voting changes and many day-to-day changes are noncontroversial. What should surprise and concern us is

the fact that there continue to be objections and voting changes like the ones that I have described.

It has also been argued that the section 5 coverage formula is both over and under-inclusive. The act addresses that problem by permitting jurisdictions where Federal oversight is no longer warranted to ''bail out'' from coverage under section 5. We have letters from two of the jurisdictions that have taken advantage of the bailout process explaining that they did not find that process to be onerous. So far, every jurisdiction that has sought a bailout has succeeded. For jurisdictions that should be covered but aren't, the act contains a mechanism by which a court may order a non-covered jurisdiction found to have violated the 14th or 15th amendments to obtain section 5 preclearance for its voting changes. As a result, the act's preclearance requirement applies only to jurisdiction where there is a need for such oversight.

The act will also reauthorize the provisions of the act that mandate the provision of election assistance in minority languages. In the course of our consideration of this bill, we heard substantial evidence demonstrating that these provisions are still necessary. The original rationale for enactment of these provisions was twofold. First, there are many Americans who speak languages other than English, many of whom are United States citizens by birth—including Native Americans, Alaska Natives, and Puerto Ricans. These Americans should not be denied the opportunity to be full participants in our democracy because of the languages they speak. They know they need to learn English to succeed in this country. That's why classes to learn English are oversubscribed all over the country.

Additionally, Congress concluded that many Americans—including Native Americans, Alaska Natives, Asian Americans, and Hispanic Americans—suffer from inadequate educational opportunities that deny them the opportunity to master English at a sufficient level to fully understand electoral issues and cast meaningful ballots. The nationwide statistics illustrate the problem. Only 75 percent of Alaska Natives complete high school, compared to 90 percent of non-Natives, and only 52 percent of all Hispanic Americans have a high school diploma, compared to over 80 percent of all Americans. We heard testimony that while many of these people may speak conversational English, they have been denied the educational instruction—often as a result of intentional discrimination—that would allow them to understand complex electoral issues and technical voting terminology in English alone.

Finally, it is crucial that we extend the guarantees of all of the temporary provisions of the act for 25 years. Twenty-five years is not a long time when compared to the centuries of oppression that the law is intended to overcome. While we have made enormous progress, it takes time to overcome the deep-seated patterns of behavior that have denied minorities full access to the ballot. Indeed, the worst thing we could do would be to allow that progress to slip away because we ended the cure too soon. We know that the act is having an impact. We know that it is deterring discrimination. And we know that despite the act, racial bloc voting and other forms of discrimination continue to tilt the playing field for minority voters and candidates. We need to ensure that jurisdictions know that the act will be in force for a sufficiently long period that they cannot simply wait for its expiration, but must eliminate discrimination root and branch.

The time has come to renew the Voting Rights Act. This historic piece of legislation renews our commitment to the fundamental values of America. It ensures that all of our citizens will have the right to play an effective role in our governance. It continues us down the path toward a democracy free of the blight of discrimination based on race, ethnicity and language. As Dr. Martin Luther King, Jr. said: ''The time is always right to do what is right.'' The right thing to do is to pass this bill and the time to do it is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise as a Senator from Georgia to express my support and join a unanimous Senate in support for extension of the Voting Rights Act. I come to the well to speak from a different perspective than some. I was born in the South in 1944, educated in its public schools in the 1950s and 1960s. I was in the fourth grade when Brown v. Board of Education was the ruling of the Supreme Court. I was in high school when the public schools of Atlanta were integrated. I went to the University of Georgia when the first students integrated that institution. I lived through all the changes that many refer to as history about which they have read.

I lived through it, being there and seeing the heroes and the challenges and the transition through which the South has gone. Still, in speeches today we hear very often about the South in historic times, where wrong practices have been righted, but somehow we don't hear about the heroes who made the Voting Rights Act go from a piece of paper and a law to practical reality in the South.

I am proud of so many citizens in Georgia, Black and White, urban and rural, Republican and Democrat, who over the past 41 years have made not only the letter of that law but the spirit of that law the spirit of our State—not the least of whom is Congressman JOHN LEWIS, a man of unquestioned character and, for anyone who lived during the 1960s and 1950s, unquestioned courage. He and I are of different races and different political persuasions, but he is a man whose courage and conviction I honor and pay tribute to.

Mayor Ivan Allen, Jr., was a White mayor of Atlanta in the 1960s whose actions would see to it that the actions passed in Congress were made a reality smoothly in the city, which gained the reputation of a city too busy to hate. We made a transition in a difficult time. We righted difficult wrongs. We made the letter of the law the spirit of the law.

Andrew Young, the first African-American mayor of Atlanta, in following Sam Massell, who followed Ivan Allen, ensured that those transitions continued in the 1980s, and that voting rights and all rights were the primary responsibility of our government and its leadership.

Carl Sanders, the Governor of Georgia, probably lost his chance at a second term because of his courageous stance on behalf of seeing to it that the South continued to make progress.

Joe Frank Harris, from rural Georgia, who was Governor in the 1980s, continued in tandem with Andrew Young to see to it that our capital city and State remained committed to all of the provisions of equality in our society.

The attorneys general in this issue are so important. Republican Mike Bowers, during many years of service to our State as attorney general, time and again saw to it that what was intended by the Voting Rights Act was the practice in our State.

Our current attorney general today, an African American, Thurbert Baker, is a tribute to the progress our State has made and is an outspoken defender of the Voting Rights Act and our State's intention to ensure that all of Georgia's legal residents, regardless of race or ethnicity, have the right to vote.

A great Senator, Sam Nunn, served in this Senate, whose office I hold now downstairs. Sam Nunn, during the years of the 1970s and 1980s and early 1990s, was a steadfast beacon of support for ensuring that we continued the spirit and the letter of the Voting Rights Act.

The late Senator Paul Coverdell, a Republican from Georgia, in his term in the Georgia legislature in the House and Senate, over 20 years of service, fought tirelessly to ensure that our State delivered on the guarantee of the right to vote for all Georgians.

As we reflect on the true wrongs that existed in the 1950s and 1960s, and where those wrongs may have taken place, we owe it to history and to the credit of these great individuals to pay tribute to those who took the law and made it a reality. I am proud of my State. I am proud of the transition it has made. I pay tribute to its leaders.

My vote today in favor of the extension of the Voting Rights Act is in equal parts a commitment to that end and a tribute to those Georgians who made the Voting Rights Act a reality in my State.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, the right of a citizen to vote is the most basic right in any democracy. At the signing of the Voting Rights Act in 1965 in this very Capitol Rotunda, the President of the United States, Lyndon Johnson, said these words:

> The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

The Civil Rights Act of 1964 was a critical breakthrough in the struggle for civil rights. However, the Voting Rights Act, which came the next year, 1965, is considered the most important and successful civil rights law of the 20th century, because it finally ensured every voting-age citizen of this Nation a voice in his or her own fate.

The passage of the 14th amendment in 1868 and the passage of the 15th amendment in 1870 both prohibited disenfranchisement on the basis of race. But in the absence of legislative protection for the right to vote, that right was systematically denied to millions of African Americans for nearly a century. Similarly, Mexican Americans, Asian Americans, Native Americans, and Alaskan Natives were excluded from the ballot box through an assortment of voting tests and intimidation.

We are all here today because of the courage and persistence of the civil rights leaders of the last century, who fought so long and hard to attain the franchise the Constitution had already granted them.

Several of these heroes are memorialized in the title of this bill: Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar Chavez. All of us owe them a debt of gratitude.

On this day, I am also mindful of the contributions Californians have made in the civil rights battles. Let me share one story.

On June 10, 1964, the Civil Rights Act was being filibustered on this very floor. No filibuster of a civil rights bill in the 20th century had ever been broken. Senator Claire Engle of California, who held the seat I now occupy, was suffering at the time from terminal brain cancer. He was wheeled in dramatic fashion into this Chamber. He was too sick to speak, but he indicated his ''aye'' vote for cloture by gesturing toward his eyes. His vote proved to be the decisive 67th vote that overcame the filibuster and ultimately led to passage of the Civil Rights Act of 1964. Senator Engle died later that year. However, the filibuster was no longer an impassable barrier to civil rights legislation, and the Senate passed the Voting Rights Act of 1965 the following year. I thank my predecessor and I pay him tribute.

In the last 50 years, California has often been ahead of the curve in guaranteeing voting rights. In 1961, California prohibited election day challenges based on literacy.

In 1971, California required that a copy of the election ballot in Spanish be posted in each polling place, where the language minority population was greater than 3 percent.

In 1973, California passed a law allowing the use of languages besides English in polling places and required county clerks to recruit bilingual deputy registrars and precinct board members.

In 1975, California allowed voters to register to vote by mail.

In 2001, California passed the California Voting Rights Act—the first State voting rights act in the Nation—to combat racial bloc voting.

Unfortunately, however, the end of the 20th century did not mark the end of efforts to disenfranchise minority voters in my State and the Nation. Nevertheless, several provisions of the Voting Rights Act will expire in August of 2007 if we don't take this action today.

Two of the provisions set to expire are particularly significant. The first is section 5, which requires jurisdictions with a history of discrimination to clear any changes in voting procedures with the Department of Justice before instituting any change.

The second is section 203, which requires language assistance for bilingual voters in jurisdictions with a large number of citizens for whom English is a second language.

The section 5 so-called ''preclearance'' provision is critically important. I guess this is the section that has drawn the most comment on this reauthorization. It is important because it stops attempts to disenfranchise voters before they can start, not after they start.

In the last decade, the Department of Justice has repeatedly struck down proposed changes to voting procedures under section 5 preclearance. This section has prevented the redrawing of municipal boundaries designed specifically to disenfranchise minority voters, blocked attempts to exclude minority candidates from the ballot, denied efforts to change methods of elections intended to dilute minority voting strength, kept polling places from being moved to locations that would have reduced minority voter turnout, and it has thrown out redistricting proposals that would have marginalized minority voters. Clearly, this section has served us well.

In California, the rejection of a discriminatory redistricting plan in Monterey County under section 5 led to the first election of a Latino to the Monterey County Boards of Supervisors in more than 100 years.

The most significant impact of section 5, I believe, is not from its enforcement mechanism but from its deterrent effect. Just as the presence of police deters more crime than is stopped by actual police intervention, it is likely that the threat of Government action prevents far more attempts to disenfranchise voters than the Department of Justice's review actually does.

Let me speak about section 203. Its requirement of language assistance in jurisdictions with a large number of citizens for whom English is a second language has enabled citizens to vote who otherwise, frankly, could not have.

For example, a study found that in the 1990 general election, bilingual assistance was used by 18 percent of Latino voters in the State of California.

Los Angeles is the largest and most diverse local election jurisdiction in our country. It provides assistance under the Voting Rights Act to voters in six languages other than English.

According to a November 2000 exit survey of language minority voters in Los Angeles and Orange County in California, 54 percent of Asian-American voters and 46 percent of Latino voters reported that language assistance made them more likely to vote. That is actual documentation.

In a hearing before the Judiciary Committee on the impact of section 203, Deborah Wright, acting assistant registrar and county clerk for Los Angeles County, testified that written translations are provided in Los Angeles County because of the complex nature of issues facing the voters in our State. I can tell you that California ballots are among the longest and most complicated in our Nation. She explained to our committee that California often presents voters with numerous, complex ballot initiatives and propositions. Such complicated ballots challenge all voters to be prepared and to have the information they need prior to casting their ballots.

Often, a high level of English proficiency is needed even by native speakers of English to understand these ballot initiatives and to cast an informed ballot. I myself have trouble sometimes understanding the propositions. I believe the California experience is persuasive that appropriate targeted language assistance makes it much more likely that informed voters vote, and that is important.

My mother was an immigrant from Russia. She came here when she was a small child. She had only a primary school education. Her family was very poor. Her parents never spoke English. She studied English and, as an adult, passed the language exam and became a naturalized citizen. Still, when it came time to vote, I helped her with her ballot. We would go over the propositions, I would read them in English, we would discuss them, otherwise she could never fully understand them because they were complicated and filled with legalese.

As I said, California's ballots can be long, and despite ballot simplification, which is now a part of the California ballot, they can still be very confusing. Section 203 enables the full comprehension of a ballot, and I believe that is very important.

We are reauthorizing this bill today. I don't believe we can permit these provisions to expire and leave the next generation of Americans without full protection of their voting rights. That is why I am very proud to be a cosponsor of the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar E. Chavez Voting Rights Act Reauthorization and Amendments Act of 2006.

This legislation will reauthorize the expiring provisions of the Voting Rights Act for an additional 25 years so that it can continue to be a kind of deterrent to any chicanery, any manipulation, anyone's ill intent to prevent any group of voters from exercising their right to the franchise under the Constitution of the United States.

Under the guidance of Chairman SPECTER and Ranking Member LEAHY over the last 2 months, our committee, the Judiciary Committee, has held 10 hearings on reauthorizing this act—10 hearings. As a matter of fact, I can't remember any reauthorization in the 14 years I have been on the committee that has had 10 separate hearings. The exhaustive testimony from these hearings has confirmed both that these expiring provisions are still needed and that these provisions are constitutional.

In response to this record, yesterday the Judiciary Committee unanimously voted to reauthorize the Voting Rights Act. I was also pleased to see the House pass the reauthorization last week with broad, bipartisan support. Today, this full Senate now has the opportunity to offer its own resounding endorsement of this very important bill.

Thomas Paine wrote over 200 years ago that:

> The right of voting for representatives is the primary right by which other rights are protected.

I couldn't agree more. Today will be a historic occasion as we reauthorize this important bill for another 25 years. I am very proud to play a small role as a member of the Judiciary Committee in this vote.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Colorado.

Mr. SALAZAR. Mr. President, at the outset of this historic day in the Senate, let me give my accolades to Senator SPECTER and to Senator LEAHY for their leadership in the reauthorization of the Voting Rights Act. This is one of the finest days of the Senate of the 109th Congress because it is a demonstration of Republicans and Democrats coming together to deal with the very important question of our Nation.

I congratulate the Judiciary Committee and all of those who have created a template for how we should do business in the Senate.

I rise today to offer my unequivocal support for the Fannie Lou Hamer, Rosa Parks, Coretta Scott King and Cesar E. Chavez Voting Rights Act Reauthorization and Amendments Act of 2006.

Almost a year ago, I stood on the Senate floor to pay tribute to the Voting Rights Act on the occasion of its 40th anniversary. In my remarks on that day, I urged my colleagues to rise above the partisanship that often plagues this body and to renew the promise of the landmark civil rights legislation by reauthorizing the key provisions that were set to expire in 2007. I am extremely pleased that the Senate today is poised to take action on this important legislation.

Without enforcement and accountability of our Nation's voting laws for all Americans—for all Americans—the words of the Declaration of Independence declaring ''All men are created equal,'' the words written in the Constitution guaranteeing the inalienable right to vote, and the maxim of one person, one vote, those principles enshrined in our elected laws, are little more than empty words. The reauthorization of the Voting Rights Act is fundamental to protect these rights and values and to ensure that they translate into actual practice, actual representation, and an actual electoral voice for every American.

I especially thank Senator LEAHY for offering an amendment on my behalf in the committee that incorporated the name of Cesar E. Chavez, a true American hero, into the title of the Senate's reauthorization bill.

Like the venerable American leaders who are now associated with this effort, Cesar Chavez sacrificed his life to empower the most vulnerable in America. He fought for all Americans to be included in our great democracy. It is only fitting that his name be a part of the reauthorization of the Voting Rights Act.

As we move forward, I believe incorporating the names of these historic American leaders underscores the importance of reflecting on the history of our country and our never-ending—not yet completed—quest to become a more inclusive America.

When one looks back at our history, one learns some very painful lessons from that past. We must keep in mind that we, as a nation, for the first 250 years of our history allowed one group of people to own another group of people under a system of slavery simply based on the color of their skin. It took the bloodiest war of our country's history, even more bloody than World War II—the Civil War, where over half a million people were killed on our soil in America—to bring about an end to the system of slavery and to usher in the 13th and 14th and 15th amendments to our Constitution. In my estimation, these three amendments are the bedrock of the proposition that all constitutional liberties are endowed upon all Americans without exception. But it took many long years for the promise of these amendments to be realized in our own Nation.

Notwithstanding the tremendous loss of blood and life during the Civil War, some years later, in 1896, in Plessy v. Ferguson, our own U.S. Supreme Court sanctioned a system of segregation and the doctrine of ''separate but equal.'' The Court's decision to uphold an 1890 Louisiana statute mandating racially segregated but equal railroad carriages ushered in another dark period in our country's history where Jim Crow was the law of the land throughout the South. Similar laws applied to other groups. Throughout the Southwest, Mexican Americans in many places were systematically denied access to ''White Only'' restrooms and other places of public accommodation. Just as there were signs that said ''No Blacks Allowed'' in the South, there were also signs in many places across our country that read ''No Mexicans Allowed.''

In the now infamous Plessy case, Justice Harlan, writing for the dissent in that case, looking ahead at the century to come, made the following observation:

> The destinies of the races, in this country, are indissolubly linked together and the interests of both require that the common government law shall not permit the seeds of race hate to be planted under the sanction of law.

Justice Harlan's statement was profound in its forecast for America. It is unfortunate that his words of warning were largely ignored for the next half century. It was not until 1920, for example, that our Constitution even guaranteed the right of women to vote, and it was not until 1954 that the U.S. Supreme Court, under the very able leadership of Chief Justice Warren, struck down the ''separate but equal'' doctrine as unconstitutional under the 14th amendment in the Brown v. Board of Education case. That case was argued by Thurgood Marshall, another American hero who gave his life for equal opportunity for all Americans.

More hard-won change followed that 1954 decision of the U.S. Supreme Court.

While the 15th amendment, which was ratified in 1870, guaranteed all citizens the right to vote regardless of race, in 1965—that wasn't that long ago—only a very small percentage of African Americans were registered to vote in States such as Mississippi and Alabama. In Mississippi in that year, only 6.7 percent of African Americans were registered to vote, and in Alabama less than 20 percent were registered to vote.

The various tactics that were used back then to impede and discourage people from registering to vote and casting their right in our democracy on election day ranged from literacy tests, poll taxes, and language barriers, to overt intimidation and harassment. The Voting Rights Act went on to attack those discriminatory practices in

people's exercise of their fundamental right to vote.

On August 6, 1965, when President Lyndon Johnson signed the Voting Rights Act, America took a critical step forward in fulfilling our constitutional ideals.

Just a year earlier, President Johnson had signed the Civil Rights Act of 1964 proclaiming that in America, as he said:

> We believe that all men are created equal, yet many are denied equal treatment. We believe that all men have certain unalienable rights, yet many Americans do not enjoy those rights. We believe that all men are entitled to the blessings of liberty, yet millions are being deprived of those blessings, not because of their own failures, but because of the color of the skin.

President Johnson knew then what we still recognize today on this floor of the Senate.

The enactment of both of these critical pieces of legislation in the 1960s was another major step forward in our country's journey to become an inclusive America for all citizens—for all citizens—and enjoy the rights and protections guaranteed by the U.S. Constitution.

When he recalled the day when the Voting Rights Act was signed by President Johnson, Dr. Martin Luther King, Jr., wisely pointed out that:

> The bill that lay on the polished mahogany desk was born in violence in Selma, AL, where a stubborn sheriff had stumbled against the future.

Dr. King was, of course, referring to Bloody Sunday, the Selma incident which took place on March 7, 1965, where more than 500 nonviolent civil rights marchers attempting a 54-mile march to the State capital to call for voting rights were confronted by an aggressive and violent assault by the authorities.

In response to the violence in Selma and the death of Jimmy Lee Jackson, who was shot 3 weeks earlier by a State trooper during a civil rights demonstration, President Johnson addressed Congress and the Nation on March 15, 1965, to press for the passage of the Voting Rights Act. Indeed, President Johnson's speech served as a rallying call to the Nation and to the Congress. In that speech, Lyndon Johnson said to the Nation:

> At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.
>
> This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose. We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in.

Five months later, on August 7, 1965, President Johnson signed the Voting Rights Act of 1965 into law.

In our country's history in America, we have often stumbled, but great leaders, such as Dr. King and those whose names are associated with this authorization—Rosa Parks, Coretta Scott King, Fannie Lou Hamer, and Cesar Chavez—those are people who gave their lives to make certain that when we stumble, we get up and we continue our path of America forward, we continue an America in progress.

Since the passage of the Voting Rights Act, the doors to opportunity for political participation by previously disenfranchised groups have swung open. Their voices are now heard and counted across America. This progress is evident through the Nation in all levels of government today. The number of Black elected officials nationwide has risen from only 300 in 1964 to more than 9,000 today. In addition, today there are over 5,000 Latinos who now hold public office, and there are still hundreds more Asian Americans and Native Americans serving as elected officials.

It is with this history in mind—and with the increasing diversity of our country—that I look to the future of an inclusive America continuing to fulfill the promises and guarantees to all Americans that our Constitution provides.

Our work is not yet done. Although significant advances to ensure voting rights for all Americans have been made, the testimony presented before the Senate Judiciary Committee points to still an unfortunate truth: that Americans are still too often being kept from the polls.

The greatness of this country depends on our learning and not forgetting the painful lessons of our past, including poll taxes and literacy tests that prevented countless of individuals from exercising their right to vote.

I believe the United States, the Federal Government must remain vigilant in safeguarding all Americans' sacred right to vote. This legislation today is a manifestation of that vigilance of the Congress. It represents the Senate working at its best.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Virginia is going to be recognized, but I have a quick housekeeping issue.

The distinguished chairman, the distinguished Senator from Pennsylvania, and I want to make sure we go back and forth, side to side. So following the distinguished Senator from Virginia, we will go to the distinguished Senator from North Dakota. Following the next Republican, I ask unanimous consent that the distinguished Senator from Illinois, Mr. DURBIN, be recognized for 15 minutes.

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

Mr. LEAHY. Mr. President, I compliment the distinguished Senator from Colorado for his speech. I mentioned him earlier in my speech on the floor and his tremendous contribution to this bill. We can all agree the time to end discrimination is still here, and we can work to do that.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I rise to commend the Judiciary Committee but most importantly commend to my colleagues on the passage of the Voting Rights Act renewal this afternoon.

I spoke right before Independence Day last month on June 29 on the importance of certain principles as we celebrated the Declaration of Independence. I quoted and I will quote again the importance of this document which is the spirit of America:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed. . . .

So in our representative democracy, in our Republic, voting is how the owners, the people of our country in their counties, cities, and States, express their views for the just powers of our government.

I spoke on how it was important for the Senate to act on this measure as promptly as possible. I commend the chairman of the Judiciary Committee, Senator SPECTER, and the ranking member, Senator LEAHY, for moving yet another important piece of legislation this session. The enactment of the Voting Rights Act was absolutely necessary 41 years ago and was passed during a tumultuous time in our Nation's history. History has proven, though, that this law was just and clearly appropriate to provide equal opportunities and protections to persons with the desire to express themselves and give their consent at the ballot box. We are all better off—we are so much better off—for the choices made during that time because this strengthened the fabric of our country. It has made our country a more perfect union—and as we strive to be a more perfect union, it has made us stronger as we have faced the challenges of recent years, presently, and in the future.

What this legislation does is help ensure the fundamental right of all eligible citizens to vote. It sends a strong message, a renewal, a reconfirmation that no matter one's gender, race, ethnicity or religion, you have an opportunity to vote if you are a law-abiding citizen in this country. It is the core—it is absolutely the core of a representative democracy, that we do have the participation of an informed people. Again, the people are the owners of the Government.

Virginia has come a long way. They have come a long way because the Constitution said: You have the right to vote, but we all know that not everyone did have the right to vote. It took many years before African Americans were allowed to vote, but then there were all sorts of devices that prevented them from voting. It took many years before women were given the right to vote. Virginia has come a long way

since the Voting Rights Act was enacted 41 years ago. I think it is important that the Act is reauthorized, not just for Virginia but throughout the United States. It applies everywhere from Florida to Alaska to New York.

Some will argue that counties and cities and States cannot be removed from or ''bail out'' of preclearance if they so desire and have a good record. The facts are that there are 11 counties and cities in Virginia that have been able to ''bail out'' of the Voting Rights Act by proving that ''no racial test or device has been used within such State or political subdivision for the purpose or with the effect of denying or bridging the right to vote on account of race or color.'' The counties in Virginia that have been removed from this preclearance review are Augusta, Frederick, Greene, Pulaski, Roanoke, Rockingham, Shenandoah, and Warren and the cities of Fairfax, Harrisonburg, and Winchester.

The renewal of this act does not mean that the reauthorizing States still engage in voter discrimination on the basis of race. Renewal should instead be viewed as a continued unflagging commitment to ensuring the protection of a law-abiding person's right to vote without subversion or unwarranted interference.

Thanks in part to the Voting Rights Act, Virginia was the first State in our Union to popularly elect the first Governor who is an African American. I hope that after this November's elections, Virginia will not be the only State to have a Governor elected who is an African American. In fact, I would be happy if there were two more Governors elected this year who are African American. The election in Virginia represented an inspirational success for one person, L. Douglas Wilder, who was elected Governor because of his perseverance in winning. But it is also an advancement and a matter of pride, I think, and an achievement of the Commonwealth of Virginia, which only decades earlier had counties that closed their public schools rather than integrate them to comply with the Brown v. Board of Education decision.

Now, we realize we have made progress, but we need to continue to make strides. We need to strive to be a society, as Martin Luther King, Jr., stated, ''Where people are judged by the content of their character rather than by the color of their skin.''

We must join together in our great country, a country that has tremendous promise, to make sure that everybody, no matter their race, or their ethnicity, or their religion, or their gender, has that equal opportunity to lead a fulfilling life, to compete and to succeed in our country.

The reauthorization of the Voting Rights Act is a tool that has, can, and will help achieve this goal of fairness in America. So I urge my colleagues this afternoon to renew and pass this important piece of legislation. We can and have debated the issue, but we also know the results. The results of the Voting Rights Act has made this a more perfect union. Let's keep this country moving forward, making sure this is a land of opportunity for all. I commend this measure to the positive vote of all my colleagues.

Mr. President, I thank my colleagues for their attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I just this morning spoke to a couple of hundred young people called Junior Statesmen who are gathered in the Capitol. It is an organization that comes to the Capitol and learns about Government. I talked to them about the Voting Rights Act some, and I talked to them about what we take so much for granted in this country, including the right to vote.

I described what happened, at least as I read the history books, on November 15, 1917, at Occoquan Prison. That is the day on which a good number of women were severely beaten at the Occoquan Prison. Several dozen women were picked up because they demonstrated in front of the White House. They were arrested for demonstrating because they were in the streets demonstrating, insisting that women ought to have the right to vote in this country. Because they demanded the right to vote, demonstrating in the streets of this capital, they were arrested and taken to the Occoquan Prison. Among those women were Lucy Burns and Alice Paul.

The description of what they did to those women includes putting handcuffs on Lucy Burns, tying the handcuffs with a chain, and then putting the chain above a cell door and letting her hang the entire evening, with blood running down her arms. That was the fate of Lucy Burns. Alice Paul had a tube forced down her throat. They tried to force feed Alice Paul, and she nearly drowned. The transgression of these women: They were demanding the right of women to vote.

It is interesting what some people have done to demand the right of citizenship and what others so often and so regularly take for granted.

My colleague was talking, I believe, about the struggle that minorities in this country, including especially African Americans, have made to have the right to vote, and I believe the previous speaker was talking about Selma, AL, on March 7 in 1965, when State troopers brutally beat civil rights workers. The marchers were fighting for their right to vote. On that day, in 1965, that day in March, they were brutally beaten because they insisted on the right to vote, just as Alice Paul and Lucy Burns had done some 60 years before that.

Lyndon Johnson said this about what is called Bloody Sunday. He said:

> At times, history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was last week in Selma, Alabama. There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man, a man of God, was killed.

From that, we know that the Voting Rights Act was passed a very short time later.

Days later, in a joint session of Congress, President Johnson outlined the Voting Rights Act, and within months, the Congress had passed it.

Let me talk about another minority in this country, Native Americans, the first Americans, those who were here first—American Indians. Although the Voting Rights Act applies to all Americans and all minorities, let me talk just a little about its impact on Native Americans, American Indians.

They were first given U.S. citizenship rights in 1924. Think of that. Almost a century and a half of this country's experience passed before Indians were recognized. It took from 1924, nearly 40 years later, for all of the States in this Nation to say to American Indians: Yes, you have the right to vote. You have the full rights of American citizenship. The last State to clear the hurdles and the obstacles to voting by American Indians was New Mexico, in 1962, only 3 years before the Voting Rights Act. Think of that. These were the Americans who were here first. They lived here when the rest of us came here—American Indians.

We come today on the issue of extending the Voting Rights Act. I believe it has been almost a quarter of a century since we have done that; 1982 was the last time Congress reauthorized the Voting Rights Act. It has been hailed by many as the single most effective piece of civil rights legislation that has ever been passed.

I was in Philadelphia some weeks ago and went to the Constitution Center. At the Constitution Center they have these statues of the 55 men—yes, only men—who sat in that hot room in the hot summer and wrote the Constitution of the United States. The three words that began that great document were, ''we the people''—not just some of the people, all the people—''we the people.'' And all of the power in this document called the Constitution of the United States is vested in the power of one—one American casting one vote at one time. That is all the power in this Government. That exceeds all the power of all the Presidents, all the power of all the Senators—the power of one person to cast one vote on one day to alter the destiny of this country.

Except we have learned over time that some have been denied that opportunity: African Americans, American Indians, women. It has taken a long time and a bloody struggle, regrettably, to make certain that everyone has the right to exercise the power of one, to become part of ''we the people.''

My guess is that the spirit of Lucy Byrne and Alice Paul exists in this debate about voting rights. The spirit of

the civil rights marchers who were beaten brutally—one lost his life on that bloody Sunday—their spirit exists as this Congress turns again to the subject of voting rights and asks the question: Will we do everything possible to ensure that every American is able to exercise the power of one as part of ''we the people'' in this great country? That is why this is such an important piece of legislation. That is why some take it for granted day after day. It is why others have given their lives for it.

Today, when this Congress passes the Voting Rights Act, to extend the Voting Rights Act once again, I think it will have been one of its finest hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, if you are a student of history, this is a moment that you should reflect on and savor. Just a short time ago, I came to the floor and sat in the back row and listened as Senator TED KENNEDY of Massachusetts spoke. I wanted to be here to see it because Senator TED KENNEDY was one of the few who was a Member of the Senate when the Voting Rights Act passed in 1965, more than 40 years ago. He recounted the struggle that led to the passage of that legislation—and it was a struggle. He talked about President Lyndon Baines Johnson coming back to Capitol Hill, with which he was so familiar as a Member of the Senate, and just a few feet away from where I am standing, in one of the small rooms known as the President's Room, signing the Voting Rights Act of 1965.

I wanted to come and hear TED KENNEDY tell that story because I do appreciate it—not just as history but because of what that meant to America. Some say it was the most significant civil rights legislation in our history. It is hard to argue that it was not because if Americans don't have the right to vote, they don't have the most basic right that we appreciate and treasure as American citizens.

On the day that President Lyndon Baines Johnson signed the Voting Rights Act of 1965, he said it was one of the most monumental laws in the history of American freedom. And then he said:

> Today is a triumph for freedom as huge as any victory that's ever been won on any battlefield. Today we strike away the last major shackle of fierce and ancient bonds.

Those beautiful words were quoted in the autobiography of Dr. Martin Luther King, Jr. They are a reminder that what we are about today is not just another piece of legislation. It is only 12 or 13 pages long—small by Senate standards—but what it does is make another commitment by our generation to the same basic values and principles that guided this Congress to pass the first Voting Rights Act of 1965.

In August of last year, I was invited to Atlanta, GA, to represent my caucus of the Senate to march with civil rights leaders and ordinary people to celebrate the 40th anniversary of that Voting Rights Act. I was proud to march in the footsteps of civil rights giants, to celebrate a bill that has often been called the most significant civil rights law ever passed by Congress.

It has broad support today. Yesterday, in my Senate Judiciary Committee it passed unanimously, with a bipartisan vote. That is a great tribute to that committee and where America's thinking is today on Capitol Hill. But it was bitterly fought in 1965. People died for that law. Civil rights workers James Cheney, Michael Schwerner, Andrew Goodman, and so many others were murdered simply because they had the courage to step up and say every American has the right to vote.

It has been so long ago, it sounds like ancient history, and you may be puzzled to think: People would give their lives? Ordinary people would die over this, over this battle? The answer is yes. Black, White, and brown Americans came forward and said it was worth dying for because it really was the cornerstone of America's democracy.

Just a few years ago, I made a trip down South, my first step to Selma, AL. When the civil rights march at Selma took place, I was a student here in Washington. I sat around in my apartment with several other students and we talked about getting in a car and driving down to Selma and being part of that march. I remember it like it was yesterday. I couldn't get away from my job, I had other excuses, and I didn't go. I have thought about that so many times, how I wished I had been there at that moment, to have been part of that historic march across the Edmund Pettus Bridge, but I missed it and regretted it ever since.

Three years ago, Congressman JOHN LEWIS, from the State of Georgia, invited me, Senator BROWNBACK of Kansas, and others to join him in a little commemorative pilgrimage to the Edmund Pettus Bridge. Early one Sunday morning we got up and drove over to Selma and JOHN LEWIS and SAM BROWNBACK and I walked across the Edmund Pettus Bridge.

JOHN LEWIS was the perfect person to bring us on that pilgrimage because he had been there on that bloody day when the first march took place. When we went there on that Sunday morning, it was quiet and peaceful. But he marched us down to the very spot where the Alabama State Troopers turned and started beating him—beating him unconscious. He fell to the ground and nearly died. But he survived and that cause survived and today JOHN LEWIS is a Congressman.

What does that have to do with this debate? Just last week, Congressman JOHN LEWIS spoke in the House about the history of the Voting Rights Act, and here is what he said:

> When we marched from Selma to Montgomery in 1965, it was dangerous. It was a matter of life and death. I was beaten, I had a concussion at the bridge. I almost died. I gave blood, but some of my colleagues gave their very lives.

It is good for us to reflect on that and to value what John Lewis and his courage meant to America and so many others, and why this bill at this moment is important for America. We honor the legacy of civil rights heroes by extending the Voting Rights Act provisions that would expire in just a short time.

The bill itself is named after three extraordinary civil rights heroes: Coretta Scott King, who continued her husband's leadership of America's movement for racial justice and human rights; Rosa Parks, what a brave lady, who ignited the Montgomery Alabama bus boycott; and Fannie Lou Hamer, the sharecropper who became a civil rights champion. She was nearly beaten to death trying to register to vote. And her famous declaration? Fannie Lou Hamer said, ''I am sick and tired of being sick and tired.''

Last week, the House of Representatives passed the Voting Rights Act by a vote of 390 to 33. It was a proud moment for that Chamber. In his autobiography, Dr. Martin Luther King reflects on this Voting Rights Act, and this is what Dr. King wrote:

> When President Johnson declared that Selma, AL, is joined in American history with Lexington, Concord, and Appomattox, he honored not only our embattled Negroes, but the overwhelming majority of the nation, Negro and white. The victory in Selma is now being written in the Congress. Before long, more than a million Negroes will be new voters and psychologically, new people. Selma is a shining moment in the conscience of man. If the worst in American life lurked in the dark streets of Selma, the best of American democratic instincts arose from across the nation to overcome it.

What powerful and hopeful words.

It is wrong for us to equate racism and prejudice with the South in America. Sadly, it has touched every corner of our great Nation. Every one of us in our towns and communities and villages, North and South, East and West, have struggled with some form of racism in the course of our history.

In the 1960s, Illinois fielded its first African-American candidate, a woman named Fannie Jones from East St. Louis, IL, my hometown, who ran for clerk of the Illinois Supreme Court. She lost. It wasn't even close. But she was the first to try to run statewide.

Then fast-forward. By 1978, Illinois elected its first African-American statewide, Roland Burris of Chicago, as State comptroller.

Now bring it to the present day, and I am honored that my State, Illinois, the land of Lincoln, can claim that the two biggest vote getters in its history are African Americans: my close friend, Secretary of State Jesse White, and my colleague, in whom I have such great pride, BARACK OBAMA the two biggest vote getters in the land of Lincoln. It says a lot about how far we have come just in my short political lifetime.

Yesterday, the Senate Judiciary Committee voted to reauthorize this bill. Today, the Members of the Senate have an opportunity to make history by passing this strong, bipartisan extension of the Voting Rights Act. A lot of people argued when this debate began that it was unnecessary. Voting rights? Where is that a problem in America, they said? I wish it were not a problem.

Listen again to what Congressman JOHN LEWIS said last week:

> Yes, we have made some progress. We have come a distance. We are no longer met with bullwhips, fire hoses, and violence when we attempt to register and vote. But the sad fact is, the sad truth is, discrimination still exists, and that is why we still need the Voting Rights Act. . . . We cannot separate the debate today from our history and the past we have traveled.

We had hearings before the Senate and House Judiciary Committees, more hearings than I have ever seen on any single piece of legislation: 21 hearings on the Voting Rights Act over the past 9 months, 12 in the House, 9 in the Senate. Over 100 witnesses appeared or submitted statements for the RECORD, thousands of pages of reports and evidence, so there would be no question about the need for this bill.

I attended and listened to some of these hearings. They were contentious. People were debating whether we needed a Voting Rights Act or whether this was some vestige of America's past which had no relevance today. But the evidence shows that attempts at voter discrimination are not simply a chapter from our history; they continue to threaten us and our democracy today. We have made progress as a nation over the past few decades, but discrimination endures, many times in more subtle forms.

A recent example was in the State of Georgia which passed two different voter ID laws over the past year, over the strong objections of the African Americans who live in that State. They argued that this new Georgia law would diminish the voting rights of the minorities, the poor, the elderly, and those without formal education. Both of Georgia's laws were struck down by Federal courts. The first law was determined to constitute a modern day poll tax, an unconstitutional infringement on the fundamental right to vote. The second law, slightly improved, was struck down last week by a Federal judge who ruled it was discriminatory and unconstitutional.

This is what the New York Times said recently about ''Georgia's new poll tax,'' as they call it:

> In 1966, the Supreme Court held that the poll tax was unconstitutional. Nearly 40 years later, Georgia still is charging people to vote, this time with a new voter ID law that requires many people without driver's licenses—a group that is disproportionately poor, black, and elderly—to pay $20 or more for a state ID card. Georgia went ahead with this even though there is not a single place in the entire city of Atlanta where the cards are sold. The law is a national disgrace.

And a reminder that laws which we now look back on with embarrassment, laws that required African Americans to pay a poll tax before they could vote, laws which had literacy tests and constitutional tests before a person can vote, and say: That is the past; thank goodness it is behind us. This Georgia law which imposed a new requirement for a voter ID, which would have cost many voters $20, was, in the view of the Federal court system, a new poll tax.

Unfortunately, it is part of a pattern. Since 1982, the Federal Justice Department has objected to nearly 100 proposed changes to election procedures in Georgia alone on the grounds that the changes would have a discriminatory impact on minority voters. The Justice Department has sent Federal observers to monitor nearly twice the number of elections in Georgia since 1982 as it did between 1965 and 1982.

Let me add again, though I am giving examples from Georgia, I do not stand here as a northerner by definition and argue we only find discrimination in the South. Discrimination and race has haunted our Nation from coast to coast. It is naive and wrong to believe it is only a southern phenomenon, but the fact is, in this situation, in Georgia, repeatedly minority voters have been challenged and have been denied the right to vote.

Both of the protections, the requirement the Justice Department approve changes to electoral procedures in States with histories of voter discrimination and Federal monitoring of elections in such jurisdictions, are only possible because of the sections of the Voting Rights Act that must be renewed.

Let's take another case that is not in the South. Eighty-three percent of Buffalo County, South Dakota, is Native American, but they were packed into a single State legislative district. Non-Natives, who make up 17 percent of the population of the county, controlled two out of three seats on the county commission. Buffalo County was successfully sued in the year 2003 in South Dakota. The case was settled by a consent decree. In that consent decree, Buffalo County, South Dakota, admitted that its plan was discriminatory and agreed to submit to Federal supervision of future change.

Once again, it was one of the provisions of the Voting Rights Act which would expire without our action today—section 5—that entitled the U.S. Justice Department to protect the rights of Americans to vote in South Dakota.

In another case in 2004, a Federal judge invalidated South Dakota's redistricting plan. In her opinion, the judge described the State's long history of discrimination against Native Americans, including some very recent examples. The judge quoted a South Dakota State legislator who, in expressing opposition to a bill that would have made it easier for Native Americans to register to vote, said in the year 2002:

> I'm not sure we want that sort of person in the polling place.

The record is thorough and clear. Voter discrimination continues. It remains a threat to American democracy. We need to pass this renewal of the Voting Rights Act. We need to step back as a nation and ask some important questions, not pat ourselves on the back on a bipartisan basis for passing this.

Why is it so many voting machines in cities where the poorest people live don't work? Why is it people are denied their choices on the ballots because they are stuck with voting machinery that is antiquated or just plain dysfunctional? Why is it those who are challenged time and time again turn out to be the poor, the dispossessed? Why is it they have the toughest time when it comes to voting in America, if this is truly going to be a land of equal opportunity?

There were attempts in the House and Senate to weaken this Voting Rights Act and I am glad they did not prevail. I am glad what we have before the Senate today is a strong, clear version of renewing this law. I want it to pass, but I don't want the conversation to end at that point. I hope we will accept the responsibility to challenge any State and to challenge even ourselves if we are creating unnecessary and unfair obstacles to voters who are trying to exercise the most basic right they have as Americans.

Whether you are Republican, Democrat, or Independent, we need to be united in supporting the Voting Rights Act. This law, above all others, should be above politics and partisanship. We need to make sure that today in the Senate, we are all on the right side of history. The Voting Rights Act has served as a beacon of our democracy for over 40 years. It should not be allowed to expire until voting discrimination has expired.

When it passed in 1965, it was because of the moral and physical courage of people such as Congressman JOHN LEWIS of Georgia, Dr. Martin Luther King, Jr., Coretta Scott King, Rosa Parks, Fannie Lou Hamer, and so many others. Passing the Voting Rights Act also required the persistence and courage of Members of Congress.

No one in the Senate pushed longer and harder for voting rights for all Americans than a man named Paul Douglas of Illinois. My connection to the Senate began as a college student in 1966, a year after this law passed. I was an intern in the office of Senator Paul Douglas. I had the privilege to work in his office. I guess I was lucky in that he needed me every day. You cannot say that very often for an intern, but he needed me because Senator Douglas was a veteran of the Marine Corps, fought in World War II, and had lost the use of his left arm in combat. He insisted on signing every letter, so every night they would stack up all the mail that had been typed by all the people in his office, and Senator Douglas would sit at the long table, starting

at 5 o'clock, signing the letters, making little notes, making corrections. I got to sit next to him and pull the letters away. I was dazzled. There I was within a foot or two of this great man who had done so much.

He came back after fighting the war to fight for the rights of those who were being discriminated against. He gave a lot of political blood in the Senate fighting for civil rights. If you read the LBJ books, stories of Lyndon Baines Johnson, you know that in the early days, before Lyndon Johnson became the great champion of the civil rights that he was in his late career, he was in pitched battle with the likes of Estes Kefauver, Hubert Humphrey, and Paul Douglas over the issue of civil rights, but the day finally came in 1965 when the Voting Rights Act passed. Senator Paul Douglas said it was his proudest achievement as a Senator.

Today, American troops are risking their lives—and many have given their lives—to secure the right to vote for the people of Iraq and Afghanistan. The absolute least we can do is to have the courage to protect the right to vote for all Americans by giving resounding, bipartisan support to the renewal of the Voting Rights Act.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the reauthorization of the Voting Rights Act brings back a lot of memories of my early life and childhood. When I was born in the Deep South, in Alabama, segregation, regretfully, was still very much in vogue. I remember all too well segregated restrooms, segregated entrances into movie theaters, and segregated schools which still existed when I started in the first grade in the late 1940s.

I subsequently lived with my parents in Alabama for a few years. Then we moved to Louisville, KY, about the time Kentucky was integrating its schools in response to the 1954 landmark decision Brown v. Board of Education. Integration in public schools in Kentucky was smoothly accomplished, I think a tribute to our State which is somewhat southern and somewhat a border State. Kentucky accommodated itself to a new reality of integrated schools rather easily with the minimum amount of some of the distress that occurred in other parts further South and actually in some northern cities as well.

In the early 1960s, I had an opportunity to be an intern over on the House side in 1963. I was here that summer when the extraordinary march on Washington occurred. I remember standing on the steps of the Capitol, looking down the Mall to the Lincoln Memorial. It was crowded with people from one side to the other all the way down to the Lincoln Memorial which, of course, is where Martin Luther King, Jr. made that extraordinary ''I Have a Dream'' speech. I couldn't hear it because I was at the opposite end of the Mall, but you sensed that you were in the midst of an extraordinary event that was going to change America. That night, I had an opportunity to watch the speech on television. You knew it was one of the most memorable speeches of all time in American history.

The next year, I had a chance to be an intern on the Senate side, in Senator John Sherman Cooper's office. Senator Cooper was probably the only truly successful Kentucky Republican at that point in our history in our State. He was among the members of the Republican Party leading the charge for the public accommodations bill of 1964, that is, the civil rights bill of 1964 which, interestingly enough, on a percentage basis, was supported by more Republicans in the Senate than by Democrats. I think not many Americans know that, but that was, indeed, the case. A higher percentage of Republicans supported the civil rights bill of 1964 than did Democrats.

I had a wonderful summer observing Senator Cooper at work when he was, in effect, leading the charge on the Republican side, along with Everett Dirksen, to stop the longest filibuster in the history of the Senate—and it is still the longest filibuster—that was employed against the civil rights bill of 1964. That filibuster was broken while I was an intern that summer. It was an exciting time. The bill was passed and President Johnson signed it.

The next summer after I finished my first year of law school, I came back to Washington to visit some of the friends I had made in the two previous summers, for a week or so. I happened to be in Senator Cooper's office on the day President Johnson was to sign the 1965 Voting Rights Act in the Rotunda of the Capitol. Senator Cooper came out, grabbed my arm in the reception room of his office and walked me over to the Rotunda where I got an opportunity to watch President Johnson sign the voting rights bill. The Rotunda was full of people. I was not exactly standing beside President Johnson—I was way off in the distance—but I do recall the presence of President Johnson. He was an enormous man. Not only was he very tall, he had a huge head, huge features, and he sort of stood out above this mass of humanity in the Rotunda of the Capitol. And so it was, indeed, a memorable day. I happen to have been there the day the original voting rights bill was signed.

This is a piece of legislation which, obviously, has worked. African-American voters are participating throughout America, and some statistics indicate in greater percentages, really, in the South than in other parts of the country.

Coming on the heels of the removal of the discrimination in places of public accommodations, this bill, the very next year, eliminated the barriers to voting, so that all Americans could participate in the basic opportunities each of us has to go into an establishment of our choice—that decision having been made in 1964—and then to vote and to have an impact on elections—that decision having been made in 1965.

We have, of course, renewed the Voting Rights Act periodically since that time, overwhelmingly, and on a bipartisan basis, year after year after year because Members of Congress realize this is a piece of legislation which has worked. And one of my favorite sayings that many of us use from time to time is, if it ain't broke, don't fix it. This a good piece of legislation which has served an important purpose over many years.

I had an opportunity, as many of us did, yesterday to meet with members of the NAACP—which happens to be meeting here in Washington, as we speak—from my State in my office. They were excited to be here. There were older people, middle-aged people, and younger people in this group, all of them thrilled to be in Washington and to be in Washington, potentially, at the same time this very important legislation is going to be reauthorized. We know the President will be speaking to the NAACP and will be signing the bill. We will be able to pass it here in the Senate in a few hours. And this landmark piece of legislation will continue to make a difference not only in the South but for all of America and for all of us, whether we are African Americans or not.

Mr. President, obviously, I rise today in support of this bill.

America's history is a story of ever-increasing freedom, hope, and opportunity for all. The Voting Rights Act of 1965 represents one of this country's greatest steps forward in that story.

Our most basic founding ideal is that sovereignty flows up, from the people to their elected leaders. The governors must have the consent of the governed.

In order for that ideal to mean anything, every American must have freedom of political expression—including the free, unfettered right to vote.

But prior to the Voting Rights Act's passage, for far too many African Americans, America did not live up to its promise that ''all men are created equal.'' Many African Americans were denied the right to vote.

Thanks to brave men and women who held sit-ins at lunch counters, rode in Freedom Rides, marched in our Nation's capital, or simply refused to give up a seat on a bus, America was forced to look itself in the mirror, admit its failing, and recommit itself to its founding ideals.

I am especially proud to stand in support of the reauthorization of the Voting Rights Act because, as I said, I was there when President Johnson signed the original Act in 1965.

I was overwhelmed to witness such a moment in history, and moved that my hero, Senator Cooper, at the spur of the moment, had brought me to witness it.

It fills me with personal pride that I can today carry on a small part of Senator Cooper's legacy by voting to reauthorize the bill he worked so hard and so courageously to pass 41 years ago.

The Voting Rights Act has proved to be a success for America. On March 15, 1965, President Johnson spoke before a joint session of Congress and challenged them to pass this historic legislation.

At that time, he said:

> The time of justice has now come, and I tell you that I believe sincerely that no force can hold it back . . . and when it does, I think that day will brighten the lives of every American.

History has proven President Johnson correct. The Voting Rights Act brought about greater justice for all. And while we celebrate that achievement, we must continue to strive for more.

I know my colleagues will join me in recognizing that our country will and must continue its progress toward a society in which every person, of every background, can realize the American Dream. With the passage of this bill, we are reaffirming that Dream.

I believe I am safe in predicting this legislation will be approved overwhelmingly this afternoon, and it is something all Members of the Senate, on both sides of the aisle, can feel deeply proud of having accomplished.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise today in support of the Voting Rights Act. I have in my pocket here a small copy of the U.S. Constitution that Senator BYRD gave me a few months ago. It is something I cherish.

In February of 1870, the Constitution was amended with the 15th amendment. It says, in section 1:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 says:

> The Congress shall have power to enforce this article by appropriate legislation.

That was passed in 1870. Just a few years after the close of the Civil War, the 15th amendment was added to the Constitution. But it took this Congress really 95 years before it acted, in a meaningful way, to implement that second section which allows Congress to implement this law.

I am reminded that in the last 50 years we have made a lot of progress when it comes to race relations in this country. We have opened doors. We have provided opportunities. We have changed things. It has really been a remarkable change for the better. However, I think every Senator would acknowledge today that there are still miles that need to be traveled. I know that when Lyndon Johnson rallied the Nation to press for the passage of the Civil Rights Act back in 1965, he said:

> This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose. We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in.

Five months after the march in Selma, AL, President Johnson signed the Voting Rights Act into law. The Voting Rights Act, in that context, in that time, put an end to literacy tests, poll taxes, and other less direct methods to prohibit or discourage people from voting. They were clearly discriminatory tactics used all over this country but in the South particularly.

In the South, after the Voting Rights Act passed in 1965, African-American registration rose to a record 62 percent within just a few years after the passage of the Voting Rights Act.

It has been an amazing success. When it was enacted, there were only 300 African-American public officials in this country—only 300. Today, there are over 9,000. And the number of Latino elected officials is over 6,000.

So there is no doubt the Voting Rights Act is important, that it has been very effective. There is no doubt that it is one of the most important things Congress has done to equalize and give opportunity to all Americans. It is also—there is no question about it—just as important today as it was four decades ago.

I know the NAACP national convention is being held in Washington this week. I know they are very supportive of this. There are countless civil rights groups and organizations that are supportive of this, and they want to renew, reauthorize, and restore this act. I appreciate that, and I respect that. But also, in a broader context, this vote today allows us to stand not just with the NAACP, not just with civil rights groups but to stand with America.

We have made, as I said, significant strides. We have done some great things, provided a lot of opportunity, opened a lot of doors. And we still have a few miles to go.

One thing I have noticed, as former attorney general of the State of Arkansas, is that over the last few years there has developed a new generation of tactics to prevent people from voting, and some of these are very subtle. Some of these have to do with annexations or even redistricting that could be done for discriminatory purposes or changing the polling place without a lot of notice or making it very difficult for some people to get to. The Voting Rights Act is important today to make sure those practices end as well.

It is hard for some of us to admit today—because we have made so much progress—that we still need this important legislation. I think everybody here wishes we did not. We would love to say we have accomplished the task and that we have equal voting opportunity for every American. We would all love to say that. But in reality, we know we do not, and we know we must continue the struggle.

I am also reminded, in closing, what Woodrow Wilson said about this country. One time he said:

> America is the only idealistic nation in the world.

I think he was right about that. We are an idealistic nation. We always strive for the better. In fact, we strive for perfection. We try to reach the ideal. We do not always get there. Certainly, the treatment of African Americans through the history of this Nation is a clear example of that. We do not always get to the ideal. We do not always get to the goal we set for ourselves. But one thing that makes America different from a lot of countries is that we try. We try. And we go the extra mile to try to make opportunities for people in this country and to try to live up to the ideals of our Founding Fathers and those ideals on which this Nation was founded. The Voting Rights Act is a very important part of that.

I thank my colleagues for listening today, and I thank my colleagues for their votes today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I, too, rise today to speak in support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I am pleased to be a cosponsor of and to have participated in the hearings held by the Judiciary Committee on this incredibly significant legislation.

The Voting Rights Act may very well be the most important piece of Federal legislation ever passed, for without a meaningful chance to vote, there can be no equality before the law, no equal access to justice, no equal opportunity in the workplace or to share in the benefits and burdens of citizenship. Brave Americans risked their very lives in marches and demonstrations to pass this historic legislation.

The electoral process in this country has improved significantly as a result of the Voting Rights Act. This success is evident in the increased participation in elections by minority voters and in the enhanced ability of minority voters to elect candidates of their choice. There is no doubt that progress has been made.

But I think that Ted Shaw, the president of the NAACP Legal Defense and Education Fund, put it best when he testified before the Senate Judiciary Committee that:

> The Voting Rights Act was drafted to rid the country of racial discrimination—not simply to reduce racial discrimination in voting to what some view as a tolerable level.

As a member of the Senate Judiciary Committee and as the ranking member of the Subcommittee on the Constitution, you can take it from me that the committee has done due diligence in examining this issue. But you do not have to take it from me, of course. The extensive record the committee has compiled powerfully demonstrates the importance of the reauthorizing legislation before us today.

Even in recent election cycles, Americans continue to be disenfranchised by discriminatory redistricting plans, through the denial of voting materials they are entitled to under the law, and through changes to election procedures that disadvantage minority candidates and voters, among other things.

It is also worth noting that just a few weeks ago, the Supreme Court recognized that discriminatory redistricting plans are not simply a vestige of the past—finding a purposeful effort to dilute the voting power of over 100,000 Latino Americans. It is clear to me that we have come a long way from the bridge in Selma, AL, but we have not come far enough.

Section 5 of the Voting Rights Act has been instrumental in bringing about the dramatic improvements in voting rights and representation for minorities in covered areas. Keeping it in place, with a reasonable bailout provision, is the best way to be sure we do not lose the progress that has taken place.

Let me just say in response to some comments that were made during the Judiciary Committee's hearings that all Members of Congress, regardless of whether they are in a covered or noncovered jurisdiction and regardless of their political affiliation, have an interest in ensuring the continued effectiveness of the Voting Rights Act. As Federal legislators, we have a responsibility to address and eliminate discrimination wherever it is found. The integrity of our elections and of our very democracy depends on it.

Let's not falter now. Let's not stop or turn back the clock but, rather, build on the extraordinary success of this legislation and reaffirm the promise that all citizens, no matter what the color of their skin, can participate fully and equally in the electoral process. We must reauthorize the expiring provisions of the act. We must ensure that section 5 can continue to serve as a powerful deterrent to violations in areas of the country with a history of systemic discrimination at the polls.

We must also reauthorize section 203, which has empowered many voters with limited English proficiency to participate in our democratic process. It is also important that the Senate restore the original understanding of the act with respect to the opportunity-to-elect standard and to election procedures with discriminatory intent.

There is much more work to do in terms of eradicating discrimination from our elections process, and reauthorizing and strengthening the Voting Rights Act is, of course, a step in the right direction. I will vote in favor of H.R. 9, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President. Before speaking about this very important piece of legislation we are about to pass, I wish to briefly just indicate a thank you to the State Department.

(The remarks of Ms. STABENOW are printed in today's RECORD under ''Morning Business.'')

Ms. STABENOW. Mr. President, I rise in support of the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar Chavez Voting Rights Reauthorization Act of 2006. We all know that this reauthorizes existing but currently expiring provisions of the Voting Rights Act for 25 more years. I personally believe that when this was instituted in 1965, there should not have been an expiration date and would prefer that in this bill there not be an expiration date. But I am appreciative of the fact that we have bipartisan support to continue this provision, and hopefully at some point we will be able to take off the ending date.

I think about standing in this very important spot in the Senate. Right around the corner from us is a room we call the President's Room that President Lyndon Johnson used in 1965 to sign the original legislation because of its significance. We all know this is the bedrock of our democracy, the right to vote, the right to vote without harassment, intimidation, with correct information, knowing your vote in fact will be counted.

I am proud of the fact that one of the folks who this bill is named after is Rosa Parks, who is from Detroit. We claim her as our own and are so proud of all she has done, along with the others this bill has been named after. But we are very proud that the mother of the civil rights movement is from our own beloved Detroit.

Before 1965 and the bill's passage, we had communities with explicit poll taxes and literacy tests to prevent people of color from voting. We have in fact made great progress on civil rights since the original law. But as many of my colleagues have said, there is much more to be done. Now, unfortunately, we have more subtle and sometimes not so subtle forms of voter intimidation and suppression. Voters too many times are being told of the wrong polling place or flyers and phone calls tell people that the election was moved. I know in my State we have struggled with misinformation going out around elections. Why is it that it is predominantly in our cities where the lines are the longest, the voting machines are the oldest, and, in fact, there are fewer machines? We need to know we are not done with what this bill represents until those things are fixed, until every voting machine works, until there is enough to make sure everyone can vote, until there is a paper backup so we know the votes are being recorded accurately, and until every person or group that attempts to harass anybody in terms of exercising their American right to vote has been stopped.

These practices are a reminder that our laws are only as good as the people who enforce them. That is the commitment we have behind it, to make sure that the principles and ideals of our democracy and of America are upheld.

Passing this bill is a very important step for us. I am pleased this has been placed on the agenda and that we are going to come together overwhelmingly and pass it today. We need to make sure we are willing to take the next steps. We have election reform legislation introduced in the Senate that needs to be passed. For the life of me, I cannot imagine why when I go to the ATM machine, I can get a piece of paper, a receipt that tells me about my transaction, and yet there is resistance to us having a paper backup so we know that in fact the integrity of our vote and the voting process has been maintained. I hope this will be phase one in a series of things we do to make it clear that everyone in America has the right to vote, that we are stronger because of that. We certainly know we are a better country, a stronger country because of the law that was passed in 1965, the Voting Rights Act, and that we will be stronger because of this legislation's passage and that we, in fact, will be at our strongest and our best when we are fully committed to an accurate, full, and open voting process for every person and every community in America.

I urge adoption of the bill and thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I rise to enthusiastically support the reauthorization of the Voting Rights Act. I will speak to that issue, but with the permission of the leadership, following these remarks, I ask unanimous consent that Senator WYDEN and I be given a half an hour to speak as in morning business.

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

Mr. SMITH. Mr. President, above the dais, our Nation's motto, e pluribus unum, is chiseled in the marble. That is more than a motto; it is one of America's greatest ideals. But it is an ideal that we are constantly in an effort to realize as fully as is humanly possible. Our Nation has made great progress on becoming one, and becoming one begins at the ballot box. Our Nation began at a time when even the institution of human slavery was tolerated—tragically for nearly 70 years—leading then to a horrendous Civil War that claimed the lives of nearly a million Americans trying to fully realize what that motto means. The institution of slavery was ended—thankfully—too late but ended nevertheless.

In the bitter years that followed, the years of Reconstruction and all the heartache that flowed from the Civil War, there was a period of time in part of our country where African Americans were denied access to the ballot box and were disenfranchised by that. But it isn't just one region of the country where we have to constantly be vigilant about race relations; it is a challenge all over America. The challenge begins in every heart and in

every home. It is a fact that the Jim Crow laws were specifically designed to intimidate African Americans from voting. Thankfully, with the passage of the Voting Rights Act in 1965, under the signature of President Lyndon Johnson, the constitutional promise was fully realized, and now we have an opportunity to extend it.

The Voting Rights Act is already a statute, but certain of its provisions will expire if we do not do this. We have the privilege to do so today.

The 15th amendment of the Constitution says: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The 19th amendment was adopted later in 1920, which extended that right to women. But as I said, not until the Voting Rights Act were all the subtle and insidious barriers dropped around the country that prevented African Americans from exercising their franchise.

Lyndon Johnson said, when he signed this act, that he did so so the full blessings of American life can be fully realized. For the full blessing of American life begins at the ballot box. Tragically, not all Americans exercise their right to vote, but those who want to should be able to have access, that their vote be cast and counted and that it be done so without intimidation or without fear.

I rise to fully support this. My mother used to always say, treat others as they would want to be treated. That is another way of saying, treat others the way you would want to be treated. I have heard from many of our African-American citizens who have urged my vote for this. I proudly and with pleasure do so today. I suspect we will vote on this later.

I believe the law is a teacher. The Voting Rights Act has taught Americans all over the continent that this is a central right and, therefore, I believe we are doing the right thing in reauthorizing these provisions that otherwise will expire.

(The remarks of Mr. SMITH and Mr. WYDEN pertaining to the introduction of S. 3701 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WYDEN. Mr. President, I also congratulate our colleagues who have worked tirelessly to ensure the authorization of the exceptionally important Voting Rights ct. This law plays a critical role in ensuring that the right of all Americans to vote is protected. I intend to speak more extensively later on about the Voting Rights Act.

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise today with my colleagues Senators CORNYN and HATCH from the Judiciary Committee—Senator HATCH having chaired the committee for several years—and the assistant majority leader of the Senate, Senator MCCONNELL, to speak on the legislation renewing the Voting Rights Act.

Let me begin by saying I support the Voting Rights Act extension. This law was critical to ending over 90 years of voting discrimination against African Americans in the South. Prior to this law, many States enforced discriminatory policies that were designed to and that did prevent African Americans from voting. Since that law was enacted, many of the same States where African Americans first voted in far lower numbers than Whites now have higher percentage of African Americans voting than other races.

The Voting Rights Act is a historic achievement that has corrected one of the glaring injustices of our Nation's past. It has been an important step in our Nation's continuing progress toward our founding ideal that all men are created equal.

Mr. President, I wish to address some questions that have been raised about this reauthorization and ask my colleagues if they concur in my interpretation.

The bill amends section 5 by legislatively abrogating two Supreme Court cases interpreting the act: Reno v. Bossier Parish and Georgia v. Ashcroft. These changes are related to one another. They are designed to operate together to achieve a common objective: the protection of naturally occurring legislative districts with a majority of minority voters.

The two changes to section 5 accomplish this goal by enhancing and refocusing the operation of section 5. These changes simultaneously bar redistricters from denying a large, compact group of minority voters a majority-minority district that it would receive in the absence of discrimination, and also to bar redistricters from breaking up a compact majority-minority district that has been created in the past.

Some have raised the specter that Federal bureaucrats will abuse the authority we are giving them under this provision, that they will characterize all manner of practices as having a ''discriminatory purpose.'' In particular, there has been some suggestion that the new language will be abused by the Justice Department to require creation of the maximum number of Black majority districts possible or the maximum number of so-called coalition or influence districts, in which minority voters are combined with enough White voters of similar partisan leanings to elect a candidate.

I don't think this is what the bill does, or that it can be reasonably read to do this. To say something has a discriminatory purpose is a term of art. It is the language of the jurisprudence of the 14th amendment, of cases such as Washington v. Davis, which define when particular action constitutes racial discrimination and violates the Constitution.

There is a well-defined body of case law defining when racial discrimination violates the U.S. Constitution. That case law provides clear borders to the limits of the Executive discretion being granted in this bill.

One traditional and important standard for identifying unconstitutional racial discrimination is to ask whether the challenged court action departs from normal rules of decision. In the case of redistricting, courts and the Justice Department would ask: Was the decision not to create a Black majority district a departure from ordinary districting rules? If a State has a large minority population concentrated in a particular area, ordinarily rules of districting—following political and geographic borders and keeping districts as compact as possible—would recommend that these voters be given a majority-minority district. If the redistricters went out of their way to avoid creating such a majority minority—one that would be created under ordinary rules—that is unconstitutional racial discrimination, and it is banned by this bill. But this bill does not require the creation of a majority-minority district that would not be created under default districting rules. Nor does the bill require the creation of coalition or influence districts. It bars discrimination against racial minorities, not against electoral advantages sought by either Republicans or Democrats. Moreover, no group is entitled to always be included in a district where the candidate of its party will prevail.

This section's abrogation of Bossier Parish does not permit a finding of discriminatory purpose that is based, in whole or in part, on a failure to adopt the optimal or maximum number of compact minority opportunity districts or on a determination that the plan seeks partisan advantage or protects incumbents. With the language of this bill, we are importing the constitutional test in section 5, and nothing else. With this understanding, I support this improvement to section 5 of the Voting Rights Act.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I add that I share the views of my colleague from Arizona. Like he, I represent a State that is covered by section 5 of the Voting Rights Act which is one of the sections that is being reauthorized today, hopefully. I thus paid close attention to the changes being made in that section.

Like my colleague from Arizona, I supported the provision that effectively instructs the Justice Department to refuse to preclear a voting practice that is motivated by a discriminatory, unconstitutional purpose. I also agree this is all this change does. It does not authorize the Justice Department to define for itself what is a ''discriminatory purpose.'' The Constitution and the courts have already done that, and it is that constitutional

definition that is being incorporated in this legislation.

That standard bars discrimination against a racial group, and it does not require discrimination in favor of any racial group. Thus, it does not require those drawing electoral maps to create misshapen districts simply in order to create as many majority-minority districts as possible. Nor does it require that minority voters be placed as often as possible in districts where candidates of the party they support will prevail.

The equal protection clause of the U.S. Constitution does not say all citizens are equal, but that some are more equal than others. Nor should the Voting Rights Act say that. The Voting Rights Act should not be read to require creation of so-called coalition districts that produce a Democratic or a Republican representative, as the case may be. I think that would raise serious constitutional questions if we adopted a free-flowing definition of purpose—or authorized the U.S. Department of Justice to invent one—that is untethered from the Constitution itself. I think this is sufficiently clear from the bill's incorporation of constitutional terms of art that I am confident this is how the provision will be applied by the Justice Department and by the courts.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I would simply add there is a general agreement among Senators on this point. If someone is saying the bill authorizes the Justice Department to block a voting change because of a perceived discriminatory purpose that does not violate the Constitution, I have not heard them say it. Therefore, the bill should not be construed to require the creation of any district other than the majority-minority district that would be created if race were not considered—that would be created if instead only traditional districting principles were applied. Certainly a constitutionally grounded approach does not—does not—require the creation of the maximum number of majority-minority or Democratic or, for that matter, Republican-leaning districts.

If those doing the redistricting refuse to create a naturally occurring majority-minority district, they are discriminating by race. But if they simply refuse to create a district where different races combine to elect a candidate of their preferred party, the discrimination is not against the races—it is hard to see how anyone could discriminate against both races by the same act—but rather it is against that party. And as unhappy as that party might be about being denied such a district, the denial does not violate the Constitution. Obviously, giving the Justice Department discretion to redefine what ''discriminatory purpose'' means would be controversial. This is consensus legislation precisely because it avoids such litigation traps. It enforces the Constitution's requirements and no more.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I think the point the distinguished assistant majority leader made is very important, and I am glad there is agreement on this important matter.

I also wish to discuss one other of the bill's changes to section 5. That is the provision abrogating the Supreme Court's decision in Georgia v. Ashcroft. That Supreme Court case held that, when conducting a retrogression analysis of section 5 under the act, a court or the Justice Department should gauge whether a new electoral map has diminished a minority group's opportunities to participate in the political process by looking, in part, to whether the new plan creates coalition districts, or influences districts—that is the term they use—whether it protects positions in legislative leadership for minority representatives, and whether minority representatives support the new plan.

Many people objected to this aspect of the Ashcroft decision because of its perceived potential to put a partisan thumb on the scale, so to speak, in the redistricting process. Their concern was if the fact that a coalition or influence district elects a candidate that minority voters largely voted for, then even if that candidate was not the minority group's preferred candidate of choice, any plan that does not preserve that district would be considered retrogressive under the Voting Rights Act.

Similarly, there was concern that under Ashcroft, if a new voting map were to give advantage to legislative races to one party, and minority representatives—including committee chairmen and legislative leaders—overwhelmingly were members of the opposite party, then that plan, too, would be deemed retrogressive for that reason.

Personally, I do not think the Ashcroft decision should be read that way. I think it is clear the court intended to give States the option of using influence or coalition districts, but it did not intend to require the use of such districts, or to prevent them from later changing such districts.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as one of the strong supporters of the Voting Rights Act, having supported it before in my Senate service, I have been very interested and, frankly, pleased with the comments that have been made. Let me add to what Senator KYL said.

Moreover, even if we are wrong about how George v. Ashcroft would have been interpreted and applied in the future, in any event, today's bill clearly ends any risk that section 5 of the Voting Rights Act will be applied as a one-way ratchet favoring Democrats or Republicans at the expense of one or the other.

As the House committee report makes clear, the bill ''rejects'' the Supreme Court's interpretation of section 5 in George v. Ashcroft and establishes that the purpose of section 5's protection of minority voters is, in the words of the bill's new subsection (d), to ''protect the ability of such citizens to elect their preferred candidates of choice.''

It is important to emphasize this language does not protect just any district with a representative who gets elected with some minority votes. Rather, it protects only a district in which ''such citizens''—minority citizens—are the ones selecting their ''preferred candidate of choice'' with their own voting power. I emphasize the words ''such citizens'' and ''preferred'' because they are key to this part of the bill and keep it consistent with the language abrogating Bossier Parish. Both parts have a limited but important purpose: protecting naturally occurring majority-minority districts.

The new subsection guarantees that districters will not discriminate against creating such districts. And this new subsection (d) ensures they will not break up such districts, at least not when neutral districting principles continue to commend the creation of such a district.

I note in passing that forcing the preservation of a noncompact majority-minority district likely would run afoul of the Supreme Court's ruling against racial gerrymanders in Shaw v. Reno. And, like subsection (c), all that subsection (d) does is protect naturally occurring majority-minority districts. By limiting non-retrogression requirements to districts in which ''such minority citizens'' are able with their own vote power to elect ''preferred candidates of choice''—not just a candidate of choice settled for when forced to compromise with other groups—the bill limits section 5 to protecting those naturally occurring, compact majority-minority districts with which section 5 was originally concerned.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me just say one final thing. I very much agree with Senator HATCH that the bill limits section 5, protecting those naturally occurring, compact majority-minority districts with which section 5 was originally concerned, and that nothing in this section of the act should be interpreted to require that the competitive position of the political party favored by minority voters be maintained or enhanced in any district. This change made by the bill is not intended to preserve or ensure the electability of candidates of any political party, even if that party's candidates are supported by members of minority groups.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I agree very much, and I am glad that we can put this issue to bed.

By anchoring section 5 in the concept of ''preferred candidates of choice''—another term of art whose meaning is

cemented in the Supreme Court's precedents—I think this bill eliminates any risk that section 5 of the Voting Rights Act will be interpreted to protect coalitions and influence districts and other tools of purely partisan gerrymanders. The term ''preferred candidates of choice'' has a clear meaning in the court's precedents: Minority candidates elected by a minority community.

I think the use of this language eliminates the risk that courts will construe section 5 to protect candidates who rely on minority votes for their margin of victory in the general election but are not elected by a majority-minority district. And I agree that it may be good policy for a State to create districts in which different groups will combine to elect a common party candidate, but Federal law should not be used to require that the State permanently preserve such a district.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I would simply add to the comments of the assistant majority leader that I, too, am glad that we have eliminated any risk in Georgia v. Ashcroft, and section 5 would be applied to require preservation of anything other than districts that allow naturally occurring minority-group majorities to elect minority candidates. Locking into place so-called coalition or influence districts would wreak havoc with the redistricting process and would stretch the Voting Rights Act beyond the scope of the Congress's authority under the 14th amendment.

Mr. CORNYN. Mr. President, I have some additional remarks that I would like to make on this important legislation.

Forty-one years ago, when signing the landmark Voting Rights Act of 1965 into law, Lyndon Johnson, the President of the United States, a former member of the Senate whose seat I am privileged to hold, described the act's passage as ''a triumph for freedom as huge as any victory that has ever been won on any battlefield.'' President Johnson's words captured the importance of the act's passage. It was a hard-fought victory at a tense time in American history.

It is no secret why the Voting Rights Act was necessary. It was adopted at the height of the civil rights movement, when numerous jurisdictions throughout the United States had intentionally, systematically disenfranchised Blacks and other minorities from the electoral process.

As a witness before the Senate Judiciary Committee noted, a Senate report from 1965 found that in every voting discrimination suit brought against Alabama, Louisiana, and Mississippi, both the district court and the Court of Appeals found ''discriminatory use of tests and devices''—devices such as literacy, knowledge, and moral character tests. The Senate concluded that these were not ''isolated deviations from the norm'' but, instead, ''had been pursuant to a pattern or a practice of racial discrimination.'' Such practices had driven down to 29.3 percent the average registration rate for Black citizens in these States—29.3 percent.

Worse yet, violence and brutality were common. In 1961, a Black voter registration drive worker in McComb, MS was beaten by a cousin of the sheriff; a worker was ordered out of the registrar's office at gunpoint and then hit with a pistol; a Black sympathizer was murdered by a State representative; another Black who asked for Justice Department protection to testify at the inquest was beaten and killed 3 years later; a White activist's eye was gouged out; and, finally, 12 student nonviolent coordinating committee workers and local supporters were fined and sentenced to substantial terms in jail. And those were just some of the many terrible incidents that occurred.

This type of bigotry and hatred at the polls, coupled with escalating violence and even the murder of activists, is the backdrop against which the Voting Rights Act was adopted—permanently enshrining into law the long-unfulfilled promise of citizenship and democratic participation for all Americans as guaranteed by the 15th amendment to the U.S. Constitution.

The permanence of the Voting Rights Act is something that I am afraid is sometimes misunderstood or misstated in the popular press. The act's core provision found that section 2 prohibits the denial or abridgement of the right of any citizen to vote on account of race or color.

That provision is permanent. That provision will never expire, and we are not addressing this permanent provision by the reauthorization that we will vote on today.

Instead, we are addressing what at the time was a temporary, 5-year period where provisions were adopted to subject certain jurisdictions to Federal oversight of the voting laws and procedures until the intent of the Voting Rights Act was accomplished. This provision, section 5, along with later-added provisions designed to protect voters from discrimination based upon limited English proficiency, has been renewed several times since it was originally passed and will expire in the summer of 2007. Those are the provisions which we are addressing here today and which this vote today will reauthorize.

Today, we are considering the renewal of these provisions at a time when we can look back with some pride as a country and say that the Voting Rights Act has fulfilled its promise. It worked.

Today, we live in a different—albeit still imperfect—world. Today, no one can claim that the kind of systemic, invidious practices that plagued our election systems 40 years ago still exist in America. Today, the voter registration rates among Blacks, for example, in the covered jurisdictions is over 68.1 percent, as this chart indicates, higher than the 62.2 percent found in noncovered jurisdictions.

Let me repeat that, Mr. President, because I think it is important. Earlier, you heard me say that as a result of the violence and the discrimination against Black voters in three Southern States before the Voting Rights Act was passed, voter registration rates for African Americans was about 29 percent. But today, 40 years later, as a result of the fact that the Voting Rights Act has accomplished its purpose, we now see voting registration rates nationwide at 62.2 percent. Perhaps the most amazing thing is that the rate of voter registration in those areas that were covered by section 5, because they had a history of discrimination and violation of the voting rights of minority voters, is actually higher than the rest of the country—68.1 percent—as opposed to 62.2 percent for the noncovered jurisdictions.

A review of the voter registration data since the act's original passage shows that the covered jurisdictions have demonstrated equal or higher voter registration rates among Black voters as noncovered jurisdictions since the mid-1970s.

I realize, though, this is not the only measure of the performance of the act. Another important indicator of its success is the continual decline—almost to the point of statistically negligible numbers—of objections issued by the Department of Justice to plans submitted under section 5 for pre clearance. You can see on this chart that I have demonstrated here, going back to 1982, to 2005—and again, this is for the nine covered jurisdictions—this is what we are focusing on with this reauthorization. In those nine covered jurisdictions that were required under section 5 to submit their election changes for preclearance, you see that in 1982, for 2,848 submissions, there were 67 objections to those changes or a rate of roughly 2.32 percent. But if you jump down to 2005—let's go to 1995—it shows that this is really a bipartisan success under both Republican and Democrat Presidential administrations. In 1995, you can see that out of 3,999 submissions, requests for pre clearance under section 5, there were only 19 objections as required through the required procedures.

So you see actually the number of objections dropping from 2.32 percent to, in 1995, under one-half of 1 percent. And the good news is, it just keeps getting better. In 2005, there were 3,811 submissions, and only 1 objection for preclearance of a change in voting practices or procedures in the covered jurisdictions. So I would submit that both the voter registration rates for African American voters in the covered jurisdictions, and the plummeting, really, of objections sustained to submissions requesting preclearance under

section 5, are strong and compelling evidence that, in fact, the Voting Rights Act has achieved—largely achieved—the purposes that Congress had hoped for and that no doubt millions of people who had previously been disenfranchised had prayed for.

The evidence demonstrates the continued improvement of access to office for minorities. The statistics in the House record indicate that hundreds of minorities are now serving—not just getting to vote, they are actually serving in elected office, accomplishing again one of the important purposes of the Voting Rights Act. Indeed, in Georgia, minorities are elected at rates proportionate to or higher than the numbers proportionate to the general population would otherwise indicate. While Georgia's population is 28.7 percent African American, 30.7 percent of its delegation to the United States House of Representatives, and 26.5 percent of the officials elected statewide are African American, a remarkable accomplishment.

Black candidates in Mississippi have achieved similar success. The State's population is 36.3 percent African American, and 29.5 percent of its representatives in the State House, and 25 percent of its delegation in the United States House of Representatives are African American.

In light of this strong indication that the act has largely achieved the purposes that Congress had intended, of course, the logical question before us is whether these provisions under section 5 should be reauthorized. The Judiciary Committee hearings were enlightening on this point, and I want to congratulate Chairman SPECTER for readily ceding to requests that were made to have a complete record so that not only Congress but the courts that may later examine this record can see what the facts are. Senator SPECTER worked hard to hold a sufficient number of fair and balanced hearings, but given our busy schedule on the Senate floor, that was not always easy to accomplish. However, I think it might have been beneficial for the long-term viability and success of the Voting Rights Act had we engaged in serious, reasoned deliberation over some of the suggested possible improvements, some suggested by our witnesses—improvements that would underscore the act's original purpose. It would modernize it to reflect today's reality. It would possibly expand the coverage of section 5 to jurisdictions where recent abuses have taken place or, perhaps, have improved the so-called bailout procedures for those jurisdictions that had a successful record of remedying, indeed eliminating, discrimination when it comes to voting rights.

One idea that was offered was to update the coverage formula. I don't know if that is a good idea, but I would like to know. Some suggest that such an update would gut the act. I, for one, certainly don't want to see that happen. I don't want to see the act gutted. But I am skeptical that this would be the result. The amendment that was voted on in the House, for example, would have updated the coverage trigger to the most recent three Presidential elections from the current point, or trigger, of 1964, 1968, and 1972 elections.

As I understand it, the map, after an update to cover the most recent three Presidential elections, would look something like this. In other words, rather than the nine covered jurisdictions, you would see jurisdictions around the country, both at the State and local level—primarily at the local level—that would focus on the places where the problems really do exist and where the record demonstrates with some justification for the assertion of Federal power and intrusion into the local and State electoral processes.

If this is an accurate reflection of the effects of updating the trigger to the most recent three Presidential elections, it certainly changes the map. But I suggest, just looking at this, it hardly guts it.

It would have also been beneficial for us to have had a full discussion of ways to improve the act to ensure its important provisions were applied in a congruent and proportional way, something the Supreme Court will take into consideration when it considers the renewed act.

Yesterday, the Senate Judiciary Committee voted overwhelmingly to extend the expiring provisions of the act and adopt several substantial revisions included by the House, so I think it is important to comment on the House revisions to the act. In other words, we are not just reauthorizing the Voting Rights Act as it existed previously, there have been changes made. So I think it is important for us to identify those changes and reflect on them for a moment.

There has been some debate about the meaning of these provisions. My understanding is that the purpose of these provisions is fairly straightforward, and I think the House legislative history reflects this; that is, the purpose is to ensure minorities are not prevented from holding elected offices in bodies such as Congress and ensure that no intentional, unconstitutional discrimination is allowed to proceed. It is important that our understanding about these provisions be clear so that their application will be likewise clear.

I think the colloquy that we had on the Senate floor just a few moments ago helps to make that as clear as we possibly can.

In short, the Voting Rights Act is simply the most important and most effective civil rights legislation ever passed, bar none. The extension of the expiring provisions is important for the continued protection of voting rights, even though it would have been preferable and even possibly constitutionally advisable for us to review the application of the act's preclearance and other provisions.

Unfortunately, the act's language was a bit of a foregone conclusion, prohibiting the kind of debate and discussion and perhaps amendment process that might have been helpful to protect the act against future legal challenges.

Few issues are as fundamental to our system of democracy and the promise of equal justice under law as the Voting Rights Act. I support reauthorization of the expiring provisions because the purpose of the Voting Rights Act is genuine, its goals are noble, and its success, as I hope to have demonstrated, is unparalleled.

But I do want to say in conclusion that I share the concerns expressed by Chief Justice Roberts in the most recent redistricting case that has been heard by the U.S. Supreme Court. I hope the day will come when we will no longer, to use his words, be ''divvying us up by race.''

It is my sincere hope that we will move beyond distinctions based on race in our policymaking, lest we, in the words of Justice Anthony Kennedy, make ''the offensive and demeaning assumption that voters of a particular race, because of their race, think alike, share the same political interests, and will prefer the same candidates at the polls.

The question in the end is, Is this bill that we will vote on today the very best possible product?

I would have to say the answer to that is, apparently not.

In response to the question, is this the very best that we can do at this time?'' I would have to conclude, yes, it is. And I support it for that reason.

I see my distinguished colleague from New York on the Senate floor.

I yield the floor to her and anyone else who seeks an opportunity to speak.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I am also here to voice my support for the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. It is so fitting that this legislation reauthorizing this landmark Civil Rights Act would be named for three women who are so well known as heroines of the struggle for civil rights in our own country.

Thousands of Americans risked their lives, and some unfortunately lost them, during the civil rights movement to challenge an electoral system that prevented millions of our fellow citizens from exercising their constitutional right to vote.

After a long struggle by activists and everyday citizens, President Johnson introduced and eventually signed the Voting Rights Act of 1965 into law.

I vividly remember the day, 41 years ago, when I sat in front of our little black and white television set and watched President Johnson announce the signing into law of the Voting Rights Act. He opened his speech to the Nation that night with these memorable words:

I speak tonight for the dignity of man and the destiny of democracy.

That was the culmination of a long struggle which continues even now because we still must work vigilantly to make certain that those who try to vote are allowed to do so, and that we keep watch to guarantee that every vote is counted.

President Johnson was right all those years ago. When you deny a person his or her right to vote, you strip that individual of dignity and you weaken our democracy. The endurance of our democracy requires constant vigilance, a lesson that has been reinforced by the last two Presidential elections, both of which were affected by widespread allegations of voter disenfranchisement.

I believe we have a moral as well as a political and historical obligation to ensure the integrity of our voting process. That was our Nation's obligation in 1965; it remains our obligation today.

As we turn on our news and see the sights of conflict, as we hear the stories of sectarian violence, as we struggle to help nations understand and adopt democracy in their own lands, we more than ever must ensure that America is the place where the right to vote is fully and equally available to every citizen.

We still have work to do, to renew protections for the right to vote, to enforce safeguards that guarantee the right to vote, and strengthen our election laws so that our right to vote is not impeded by accident or abuse. While parts of the Voting Rights Act are permanent, there are three important sections set to expire next year unless they are renewed.

Section 5 of the Voting Rights Act requires that the Federal Government or a Federal court approve or, in the language of the act, ''preclear'' all changes to voting procedures by jurisdictions that have a history of discrimination. The importance of this provision cannot be overstated. Section 5 is the bulwark. It stands to ensure that all minorities have equal access to the ballot box. Not only has Section 5 been used to strike down potentially discriminatory changes to election laws, but it has also deterred them.

Equally important is the reauthorization of sections 6 through 9, which authorize the Federal Government to send examiners and observers to jurisdictions with a history of voter discrimination and voter intimidation, and to ensure that by the presence of the Federal Government—which represents all of us—no one will engage in such despicable behavior.

Finally, section 203 of the Voting Rights Act requires bilingual assistance for areas with a concentration of citizens with limited English proficiency, including bilingual ballots, if necessary. Voters with limited English proficiency would in many instances be unable to participate in our political process and to fully exercise their rights of citizenship if this assistance were not available to help them understand what is on a ballot.

Sometimes, even though I speak English, I think I need help understanding what is on some of our ballots when we have all kinds of bond issues and other kinds of activity. Imagine if you are, as are some of the people I have met, a legal immigrant from Latin America who is so proud to be a citizen and so worried she will make a mistake when she first goes to vote, or an elderly gentleman who came to this country fleeing oppression in the former Soviet Union, who speaks only Russian but has become a citizen, is learning English and wants to be able to understand what he is voting for. At a time when we are embroiled in a debate about how best to assimilate immigrants and to send out the message that we want people in our country to learn English, to participate as citizens, we don't want to set up any artificial barriers to them feeling totally involved in and supportive of and welcomed by our great democracy.

These expiring sections of the Voting Rights Act, sections 5, 203, 6 through 9, have all been reauthorized—first in the House, then in the Judiciary Committee yesterday here in the Senate. I am very pleased that has happened because I think we still need them.

Of course, we have made so much progress. I am very proud of the progress our Nation has made, when you go back and look over more than 200 years of history, what we have accomplished—it is just a miraculous, wonderful happening that could only occur in this great country of ours where we have steadily and surely knocked down the barriers to participation.

But are we perfect? Of course not. There is no such thing as perfection on this Earth. We have survived as a nation and as the oldest democracy in part because we have had checks and balances and we have been under the rule of law, not of men. So this reauthorization is critical to making sure we still have the framework to make it possible for every person to believe that he or she can vote, and that vote will matter. Of course, the Voting Rights Act only works if it is actually enforced. We can have all the laws in the world. We have seen in so many authoritarian regimes, totalitarian regimes, where they have great sounding laws. The laws sound as though they are next to paradise, but it does not matter because no one enforces the laws.

Unfortunately, I am worried we may be at that point in our own country when it comes to voting rights. The civil rights division at the Department of Justice has been purged by many of the people, career lawyers who enforced the law regardless of whether it was against Democrats or Republicans or in any part of the country. Now it is filled with political appointees who often choose ideology over evidence. That has resulted in a failure to enforce the Voting Rights Act. There are lots of examples. Look at the news coverage this past December: Six career lawyers and two analysts in the Department of Justice's civil rights division, it was reported, were basically overruled when they made recommendations about the Texas redistricting plan. The civil rights division officials were overruled when they recommended against Georgia's voter photo ID requirement which disadvantaged African Americans, the elderly, and other voters. Finally, that law was enjoined by a Federal court.

These are isolated incidents in some people's minds, but I see, unfortunately, a pattern. We need to make sure our laws have teeth; otherwise, they are just for show, they do not make any difference at all. Unfortunately, almost two-thirds of the lawyers in the voting section of the civil rights division have left in the last few years. That sends a very disconcerting message that maybe the Voting Rights Act will be honored by word but not by deed.

I hope when we reauthorize it, as I am confident we will do in the Senate, we will send a message that we expect it to be enforced and that it means something; otherwise, we are not going to be fulfilling the promise of a Constitution that sets voting and democracy at its core. I hope we will not only reauthorize the Voting Rights Act, that we will enforce the Voting Rights Act and, third, we will change some of our other laws to protect against some of the abuses now taking place around the country when it comes to voting.

We have to strengthen our electoral system so that basic democratic values are protected as voting technology evolves and as it threatens to undermine the right to vote. We need to put a few simple principles into law and we should do it sooner rather than later so that we count every vote and we make sure every vote is counted.

That is why I drafted and introduced, along with some of my colleagues in both Houses, the Count Every Vote Act, because I believe all Americans ought to have a reasonable opportunity to register and cast their vote if they are citizens. That should be part of being a citizen.

In fact, I met with a group of young high school students from New York. We were talking about how we can get more young people involved in voting. One of them asked, when we turn 18, why aren't we automatically registered? That is a great idea. Citizens should be automatically registered. We need to make this part of the growing up in America. You turn 18, you get registered to vote, beginning a lifetime habit of voting.

We also need to make sure every American citizen will be able to count on the fact that their name will not be illegally purged from the voter roles. We have seen that happen. It is still happening. What happens is, someone

in the political position of a State says, we will purge the voter roles to get rid of people who have moved or who may not be eligible to vote. I don't disagree with that. People who don't live in a jurisdiction or are not eligible should not be permitted to vote.

Instead of purging on that very limited basis, oftentimes they purge hundreds and thousands of people unfairly, unlawfully. Someone shows up to vote and they are told, we are sorry, you are not registered to vote. The person does not know what has happened, but they are prohibited from voting.

Every American voter who shows up at the polls should be confident they do not have to wait hours to cast ballots. I did a town hall meeting in Cleveland with my friend Congresswoman STEPHANIE TUBBS JONES. We heard testimony from some students from Kenyon College who had to wait for 10 and 12 hours to be able to vote. They were eligible, they were registered, they were anxious to vote, and because of the way the number of voting machines was allocated and the discouragement that was meant to be sent that you would have to wait so long, it was an unfair treatment of these young people and not in keeping with our desire to increase the number of people who vote in our country.

We also need to make sure the system of voting has not been compromised by politics or partisanship. It is flat wrong for someone who runs an election to also be running in the election and thereby be supervising their own election, or for someone to be running for election to some position, get the support of the person running the election as his campaign manager or spokesman. That is a conflict of interest. That ought to be prohibited. People need to feel, and they have every right to feel, confidence in the integrity of our electoral system.

Finally, every American voter should know there are adequate safeguards against abuses or mistakes caused by the new computerized voting machines. There have been so many problems. They have broken down, they have double counted, they have failed to count, tests have been run showing how easy they are to hack into. We do not need that. We need a system people can count on. If we can go to an ATM and withdraw money, if we can have all the other advantages from access to computers and the Internet, for goodness sakes, we ought to be able to use electronic voting without raising questions about whether it is being truthful, whether it is being accurate, and whether it is even being operated correctly.

This effort to reauthorize the Voting Rights Act is part of a larger struggle about basic rights, basic values, and basic opportunities. It is, at root, a struggle to ensure that we live up to the promise of democracy in this Nation. We do need to reinstate the decades-old voting rights protections. We need to enforce those voting rights presentations. We need to strengthen those voting rights protections. We need to do that because that is what we are as Americans. That is what we expect of ourselves.

I hope after we reauthorize the Voting Rights Act, which I am confident we are going to do, then we turn our attention to making sure we enforce it, that we are doing everything we can to encourage people to vote, make it easy for them to vote, and make sure that every vote counts.

Our ideals are important to us as Americans. Our principles about who we are, what we believe in, our core values as to what it means to be an American. I hope and trust when it comes to the most important function in a democracy—namely, running elections and giving people the right to make decisions about who governs us—that we will be second to none. We cannot say that now because other countries, frankly, are doing a better job than we are, but today is a good first step to get us back on the track of making sure that the world's oldest democracy demonstrates clearly we know how to run elections that people have confidence and trust in and that we want every single citizen to feel welcome to participate and to make the decisions that will determine the future of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise in support of a bill to extend the expiring provisions of the 1965 Voting Rights Act. While I support this bill, I continue to have some serious concerns with several aspects of it, not the least of which is the extension for an extraordinary 25 years.

The act, originally passed in 1965, was unquestionably needed to bring the promise of the Constitution to many of our citizens who had been shut out of our national political process. The original act, a remedial measure to deal with past discrimination, provided that certain provisions would sunset after 5 years. I have grave concerns that a 25-year extension may well, by itself, doom the act in a future constitutional challenge, given the Supreme Court's jurisprudence concerning the need for narrowly tailored remedial measures to deal with past discrimination.

Members of the House raised legitimate concerns last week and advanced positive amendments which I believe would have strengthened this bill and updated it to reflect the reality of profoundly improved race relations which exist today in my home State of Georgia.

Let me talk about the positive progress. Today, a higher percentage of Black citizens in Georgia are registered to vote than are White citizens: 66 percent compared to 59 percent. Today, a higher percentage of Black citizens in Georgia turn out the vote than do White citizens: 51 percent compared to 48 percent. The number of Black elected officials in Georgia has climbed steadily, from 30 in 1970 to 249 in 1980, a 730-percent increase, to 582 in 2000.

Let me talk about my home county which is in rural Georgia, the very southern part of our State. Our community is a beneficiary of this Voting Rights Act. Over the years, several members of our Black community have been elected to city council, county commission, and school board posts.

Men and women such as Wesley Ball, Frank Wilson, Lamont Alderman, Justina Lewis, George Walker, Trudy Hill, Betty Hagin, Luke Strong, Jr., the Rev. Ronald Wilson, Debra Boyd, and Stine George. All of these outstanding men and women have been very professional public servants in representing our school board, our city, as well as our county.

I am very proud to live in a city and county that has had individuals such as these as its representatives.

Currently, there are nine statewide Black elected officials in Georgia, most of whom, interestingly enough, defeated White opponents, including the current attorney general, three State supreme court justices, including the chief justice, and the State labor commissioner.

Today, 4 of Georgia's 13 Members of the U.S. House are Black, two of whom represent majority White districts.

One of the continuing concerns about the bill as currently written is it mandates that Georgia continues to be a ''covered jurisdiction.'' That designation requires any election law change, no matter how minor, to be precleared by a Federal bureaucracy. Other States with much less impressive minority progress and less impressive minority participation are not covered, while Georgia is. Many of us share the view that this seems both unfair and unwise.

Only a short while ago my colleague from Illinois acknowledged that voting discrimination occurs in noncovered States, yet he and others leave unaddressed the issue of whether the formula adopted in 1964 should be modernized to reflect the reality of 2006, so that appropriate discrimination can be dealt with wherever it exists.

Despite these concerns, I will vote in favor of this bill. It is a symbol of progress to so many of our citizens and it has made a difference in the lives of a generation of Georgians, Black and White.

I urge my colleagues to join me in support.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed for up to 20 minutes after the distinguished Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, I modify my request and ask unanimous consent

that after Senator OBAMA speaks, and after a Republican has spoken after Senator OBAMA, that I could be recognized for up to 20 minutes at that time.

The PRESIDING OFFICER. Is there objection to the revised unanimous consent request?

Mr. CHAMBLISS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I will not object, but I say to the Senator from Oregon, if we could have the Senator from Illinois proceed, then the Senator from South Carolina, Mr. GRAHAM, proceed, and then the Senator from Oregon.

Mr. WYDEN. Mr. President, that is exactly the kind of scenario I envisioned, and I appreciate that from the Senator from Georgia, and renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. OBAMA. Thank you, Mr. President.

Mr. President, I rise today both humbled and honored by the opportunity to express my support for renewal of the expiring provisions of the Voting Rights Act of 1965. I thank the many people inside and outside Congress who have worked so hard over the past year to get us here. We owe a great debt of gratitude to the leadership on both sides of the aisle. We owe special thanks to Chairmen SENSENBRENNER and SPECTER, Ranking Members CONYERS and LEAHY, and Representative MEL WATT. Without their hard work and dedication, and the support of voting rights advocates across the country, I doubt this bill would have come before us so soon.

I thank both Chambers and both sides of the aisle, as well, for getting this done with the same broad support that drove the original act 40 years ago. At a time when Americans are frustrated with the partisan bickering that too often stalls our work, the refreshing display of bipartisanship we are seeing today reflects our collective belief in the success of the act and reminds us of how effective we can be when we work together.

Nobody can deny we have come a long way since 1965. Look at the registration numbers. Only 2 years after the passage of the original act, registration numbers for minority voters in some States doubled. Soon after, not a single State covered by the Voting Rights Act had registered less than half of its minority voting-age population.

Look at the influence of African-American elected officials at every single level of government. There are African-American Members of Congress. Since 2001, our Nation's top diplomat has been African American. In fact, most of America's elected African-American officials come from States covered by section 5 of the Voting Rights Act—States such as Mississippi, Alabama, Louisiana, and Georgia.

But to me, the most striking evidence of our progress can be found right across this building in my dear friend Congressman JOHN LEWIS, who was on the front lines of the civil rights movement, risking life and limb for freedom. On March 7, 1965, he led 600 peaceful protesters, demanding the right to vote, across the Edmund Pettus Bridge in Selma, AL. I have often thought about the people on the Edmund Pettus Bridge that day, not only JOHN LEWIS and Hosea Williams, who led the march, but the hundreds of everyday Americans who left their homes and their churches to join it—Blacks and Whites, teenagers, children, teachers, bankers, shopkeepers; what Dr. King called a beloved community of God's children ready to stand for freedom.

I wonder sometimes: Where did they find that kind of courage? When you are facing row after row of State troopers on horseback, armed with billy clubs and tear gas—when they are coming toward you spewing hatred and violence—how do you simply stop, kneel down, and pray to the Lord for salvation?

But the most amazing thing of all is that after that day, after JOHN LEWIS was beaten within an inch of his life, after people's heads were gashed open and their eyes were burned, and they watched their children's innocence literally beaten out of them—after all that, they went back and marched again. They marched again. They crossed the bridge. They awakened a nation's conscience, and not 5 months later the Voting Rights Act of 1965 was signed into law. It was reauthorized in 1970, in 1975, and in 1982.

Now, in 2006, JOHN LEWIS—the physical scars of those marches still visible—is an original cosponsor of the fourth reauthorization of the Voting Rights Act. He was joined last week by 389 of his House colleagues in voting for its passage.

There were some in the House, and there may be some in the Senate, who argue that the act is no longer needed, that the protections of section 5's ''preclearance'' requirement—a requirement that ensures certain States are upholding the right to vote—are targeting the wrong States. Unfortunately, the evidence refutes that notion.

Of the 1,100 objections issued by the Department of Justice since 1965, 56 percent occurred since the last reauthorization in 1982. Over half have occurred since 1982. So despite the progress these States have made in upholding the right to vote, it is clear that problems still exist.

There are others who have argued we should not renew section 203's protection of language minorities. These arguments have been tied to debates over immigration and they tend to muddle a noncontroversial issue—protecting the right to vote—with one of today's most contentious debates.

But let's remember, you cannot request language assistance if you are not a voter. You cannot be a voter if you are not a citizen. And while voters, as citizens, must be proficient in English, many are simply more confident that they can cast ballots printed in their native languages without making errors. It is not an unreasonable assumption.

A representative of the Southwestern Voter Registration Project is quoted as saying:

> Citizens who prefer Spanish registration cards do so because they feel more connected to the process; they also feel they trust the process more when they understand it.

These sentiments—connection to and trust in our democratic process—are exactly what we want from our voting rights legislation.

Our challenges, of course, do not end at reauthorizing the Voting Rights Act. We have to prevent the problems we have seen in recent elections from happening again. We have seen political operatives purge voters from registration rolls for no legitimate reason, prevent eligible ex-felons from casting ballots, distribute polling equipment unevenly and deceive voters about the time, location, and rules of elections. Unfortunately, these efforts have been directed primarily at minority voters, the disabled, low-income individuals, and other historically disenfranchised groups.

The Help America Vote Act, or HAVA, was a big step in the right direction. But we have to do more. We need to fully fund HAVA if we are going to move forward in the next stage of securing the right to vote for every citizen. We need to enforce critical requirements such as statewide registration databases. We need to make sure polling equipment is distributed equitably and equipment actually works. We need to work on getting more people to the polls on election day.

We need to make sure that minority voters are not the subject of some deplorable intimidation tactics when they do go to the polls. In 2004, Native American voters in South Dakota were confronted by men posing as law enforcement. These hired intimidators joked about jail time for ballot missteps and followed voters to their cars to record their license plates.

In Lake County, OH, some voters received a memo on bogus board of election letterhead, informing voters who registered through Democratic and NAACP drives that they could not vote.

In Wisconsin, a flier purporting to be from the ''Milwaukee Black Voters League'' was circulated in predominantly African-American neighborhoods with the following message:

> If you've already voted in any election this year, you can't vote in the presidential election. If you violate any of these laws, you can get ten years in prison and your children will get taken away from you.

Now, think about that. We have a lot more work to do. This occasion is a

cause for celebration. But it is also an opportunity to renew our commitment to voting rights.

As Congressman LEWIS said last week:

> It's clear that we have come a great distance, but we still have a great distance to go.

The memory of Selma still lives on in the spirit of the Voting Rights Act. Since that day, the Voting Rights Act has been a critical tool in ensuring that all Americans not only have the right to vote but have the right to have their vote counted.

Those of us concerned about protecting those rights cannot afford to rest on our laurels upon reauthorization of this bill. We need to take advantage of this rare, united front and continue to fight to ensure unimpeded access to the polls for all Americans. In other words, we need to take the spirit that existed on that bridge, and we have to spread it across this country.

Two weeks after the first march was turned back, Dr. King spoke, and he told a gathering of organizers and activists and community members that they should not despair because the arc of the moral universe is long, but it bends toward justice. The arc of the moral universe is long, but it bends toward justice. That is because of the work that each of us does that it bends toward justice. It is because of people such as JOHN LEWIS and Fannie Lou Hamer and Coretta Scott King and Rosa Parks—all the giants upon whose shoulders we stand—that we are beneficiaries of that arc bending toward justice.

That is why I stand here today. I would not be in the Senate had it not been for the efforts and courage of so many parents and grandparents and ordinary people who were willing to reach up and bend that arc in the direction of justice. I hope we continue to see that spirit live on not just during this debate but throughout all our work here in the Senate.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Thank you, Mr. President.

I wish to take a few moments to add my voice to the Senate debate in terms of why I will vote for the Voting Rights Act reauthorization.

No. 1, I am a member of the Judiciary Committee, and I wish to congratulate our chairman, Senator SPECTER, and our ranking member, Senator LEAHY, for getting the bill out of committee. It was an 18-to-0 vote. I have enjoyed that committee in many ways, and one of the highlights of my time on that committee is getting this piece of legislation to the floor for a vote. I anticipate an overwhelming vote for the Voting Rights Acts.

There are so many ways to say why, and so many approaches to explain the continued need. But the best I can say, in terms of my voice being added to the debate, is that I recognize it is just a voice, that I am in the Senate—I just turned 51 years old, a child of the South. I grew up in the 1950s and 1960s, and I went to segregated schools until, I think, the fifth or sixth grade.

My life is better because of the civil rights movement.

It has enriched the country. I have been able to interact with people in ways that would have been impossible if segregation had stood and, as Senator OBAMA indicated, his career in the Senate is possible. I would argue that most Americans' lives are better because in America you can interact in a meaningful way now. And one of the interactions is to be able to vote.

But it is just a voice I add. To get here, literally, to get the Voting Rights Act passed back in the 1960s, people died. They shed their blood, their sweat. They put their hopes and dreams for their children on the line. They were willing to die for their insistence that they play a meaningful role in American society. And the most meaningful way you can participate is to be able to vote without fear.

Dr. King is a fascinating historical figure now. He was a fascinating man while he lived. I have been in the military for quite a while. I have been around a lot of brave people—pilots who take off and fly in harm's way. I sort of have an affinity for military history. I always admired the people who would go up the hill in the face of overwhelming force or stand with their comrades when it looked as though all hope was lost because that was the right thing to do.

They were willing to sacrifice their life not only for their country but for their fellow service members, the people in their unit. How hard that must have been. Some people rise to the occasion and some don't. Those who rise to the occasion are called heroes, rightly so. Those who fail to rise to the occasion are called human beings.

All human beings, me included, should celebrate the heroes. The thing that I admire most about Dr. King and his associates is that it is one thing to put your own life at risk. It is another thing to put your family at risk. I would imagine, never having met Dr. King, that one of his biggest fears was not about his personal safety but about what might happen to his family. To me that is the ultimate act of bravery, to know that if you do nothing, your family is going to be locked into a system where life is very meaningless. And to do something so heroic and so challenging that you put your family at risk had to be a very hard decision.

So as we reauthorize the Voting Rights Act, we need to remember, all of us who vote, that it is not that big a deal. There is no one in the Senate. Hardly anyone is listening. We have some visitors here in the Capitol. It is going to pass pretty quickly. Everybody knows the outcome. In the 1960s, people did not know the outcome. I argue that the fact we reauthorized this without a whole lot of discussion and rancor is the best testament to its success. All the fears and all the playing on people's prejudices that would come from integration, if it came about, or allowing everyone to vote, if it came about, they were just that—baseless fears. As you look back from 2006 over the history of the Voting Rights Act, there is nothing to fear. Allowing Americans to fully participate in a democracy has been a wonderful thing. Allowing people to go to the movie they went to go to and go to the restaurant they want to eat at and play on the same sports teams as every other person in their neighborhood, regardless of race, creed, or color, is a wonderful thing. At the time it was a frightful thing.

That says nothing about this generation being good and the last generation being evil. It speaks to the weakness of humanity. Within all of us there is a fear that can be tapped into. We have to guard against that. We have to be on constant guard not to let the issues of our day play on our fears.

I argue that one of those issues we are dealing with today that is playing on the fears of the past and the weaknesses of humanity is the immigration issue. I hope as we move forward on the immigration issue, we can understand that obeying the law is an essential part of America, and people need to be punished when they break it. But America's strength has been absorbing people from all over the world, from different backgrounds, races, and creeds, and allowing them to share in the American dream. We should do it in an orderly way, not a chaotic way.

To the issue at hand, the Voting Rights Act will be extended. I believe it is for 25 years. Some of the data in the act is based on 1968, 1972 turnout models. The act does not recognize the progress particularly in my region of the country. I think it should have, but it didn't. So we will just move on.

South Carolina has made great strides forward in terms of African American voting participation and minority African American representation at all levels of State government and local government. My State is better for that. I am proud of the progress that has been made. To those who made it happen, those who risked their blood, sweat and tears, I owe you a debt, as everyone of my generation does. When I cast my vote today, it will be in your honor and your memory.

I hope 25 years from now it can be said that there will be no need for the Voting Rights Act because things have changed for the better. I can't read the future or predict what the world will be like 25 years from now or what America will be like. But if we keep making the progress we have in the last 25 years, it can happen.

It is incumbent upon each Member of this body—regardless of political differences, party affiliation, or personal background—to try to bring out the

best in our country no matter how hard the issue might be, no matter how emotional it might be, and no matter how much people play on our fears. Just as those who came before us rejected the desire to play on fears and prejudices and risked their personal safety, I hope this generation of political leaders that I am now a part of will live up to the ideals demonstrated by Americans in the past who were brave, who risked it all for the common good.

I will close with this thought: As Senator OBAMA said, if we can embrace the spirit that led to the Voting Rights Act—a sense of fair play, fair treatment—and apply it to other areas and other issues facing our Nation, we will be much stronger. It is with that sense of purpose and hope that I will vote to reauthorize the Voting Rights Act.

To my fellow South Carolinians, you have come a long way. You have much to be proud of. But we, like every other part of this country, still have a long way to go.

I yield the floor.

Mr. LUGAR. Mr. President, I rise today to express my strong support for the reauthorization of the landmark Voting Rights Act of 1965.

I was a member of the Indianapolis School Board and mayor of Indianapolis during the civil rights movement, and I witnessed firsthand the critical importance of promoting justice and understanding in our communities. Following the tragic death of Dr. Martin Luther King, Jr., while I was serving as mayor, so many of my friends and neighbors in Indianapolis came together in peace and reconciliation, and I am grateful that our city served as a model to so many other cities that were unfortunately stricken with violence and division.

It is in the spirit of justice, harmony, and compassion that we must join together to pass this important legislation. This is a signal moment for the Senate, and I am pleased that President Bush will sign this bill into law as the 41st anniversary of the signing of the Voting Rights Act approaches on August 6.

Mr. SESSIONS. Mr. President, I rise to voice my support for reauthorizing the Voting Rights Act of 1965. H.R. 9, the bill to reauthorize the Voting Rights Act, is an important piece of legislation. I wish to take a few moments to express my thoughts on the great progress prompted by the Voting Rights Act in my State, as well as to express a few concerns.

My home State of Alabama—the site of the Selma to Montgomery voting rights march—had a grim history on voting rights. Before 1965, only 19 percent of African Americans in our State were registered to vote, and they were denied the right to vote through any number of tactics and strategies. Behind those tactics and strategies—the multiple ''tests and devices''—lay a ruthless decision to deny Black citizens the right to vote so that the majority of the White community could maintain political power.

The results of the Voting Rights Act of 1965 were some of the best things that ever happened to Alabama. Before the Voting Rights Act, Alabama had fewer than a dozen Black elected officials. As of 2001, the most recent figures available, Alabama had over 750 African-American office holders—second only to Mississippi. These elected officials include a U.S. Congressman, 8 State senators, 27 members of the State House of Representatives, 46 mayors, 80 members of county commissions, school board members, town council members and the like.

Voter registration rates for Blacks and Whites in Alabama are now virtually identical. In fact, in the last Presidential election, according to the Census Bureau, a larger percentage of African Americans voted than Whites in the State of Alabama. Now, that was the goal of the act—to have this kind of progress occur. In fact, over the past 15 years, Alabama has not had a single court find the State guilty of violating the 15th amendment or the very broad protections afforded by section 2 of the Voting Rights Act. The same cannot be said of Arkansas; Colorado; Hawaii; Ohio; Maryland; Massachusetts; Missouri; Montana; Nebraska; Wisconsin; Chicago, IL; Hempstead, NY; Los Angeles County, CA; or Dade County, FL—none of which are covered by section 5's preclearance requirement.

The people of Alabama understand that these changes in our State are good, and they do not want to do anything that would suggest that there is any interest in moving away from the great right to vote. We want to reauthorize the Voting Rights Act. How we reauthorize the act is something that is worthy of discussion, however. The witnesses we have heard in the Judiciary Committee over the past couple of months have had many different ideas, and after hearing from them, I am concerned that we should have listened more carefully to some of their recommendations.

My concerns stem, in part, from the extraordinary nature of some of the temporary provisions of the Voting Rights Act particularly the ''preclearance'' requirement of section 5. Section 5 requires Alabama and other covered jurisdictions to ''preclear'' any change in ''any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting.'' The preclearance requirement applies to ''[a]ny change affecting voting, even though it appears to be minor or indirect.'' As a representative of the Department of Justice testified in the House of Representatives, ''There is no de minimis exception'' to the preclearance requirement.

In 1966, the Supreme Court in South Carolina v. Katzenbach upheld section 5's preclearance requirement ''as a necessary and constitutional response to some States' 'extraordinary stratagem[s] of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees.' '' The Court ''acknowledged that suspension of new voting regulations pending preclearance was an extraordinary departure from the traditional course of relations between the States and the Federal Government,'' but ''held it constitutional as a permitted congressional response to the unremitting attempts by some state and local officials to frustrate their citizens' equal enjoyment of the right to vote.'' In other words, the preclearance requirement was an extraordinary response to an extraordinary problem—unrelenting efforts by some State and local officials to contrive new rules for voting and elections after each defeat in Federal court.

During the reauthorization process, we have been presented relatively little present-day evidence of continued ''unremitting attempts by some state and local officials to frustrate their citizens' equal enjoyment of the right to vote'' as was the case in 1965—especially the kind of change-the-rules-after-losing tactics that prompted the section 5 preclearance requirement. According to Richard L. Hasen, William H. Hannon Distinguished Professor of Law at Loyola Law School in Los Angeles: ''In the most recent 1998 to 2002 period, DOJ objected to a meager 0.05 percent of preclearance requests. Updating these data, DOJ interposed just two objections nationwide overall in 2004, and one objection in 2005.'' These data suggest relatively isolated attempts to interfere with voting rights not widespread, ''extraordinary stratagem[s]'' to perpetuate discrimination in voting.

To be sure, there have been examples of misconduct, such as the cancellation of the June 5, 2001, city council and mayoral elections in the town of Kilmichael, MS, and I do not want to minimize those violations in any way. Such misconduct did not appear to be common or widespread, however, and it could have been remedied through ordinary litigation under section 2 of the act and 42 U.S.C. § 1983. In fact, a disturbing aspect of the Kilmichael incident is that the attorney general's objection to the cancellation of the election came on December 11, 2001 over 7 months after the election had been canceled. This was no doubt due in part to the town's failure to submit the change in a timely fashion, but it nonetheless appears that minority voters would have received justice more quickly through a lawsuit in Federal court, accompanied by a request for a preliminary injunction and/or a temporary restraining order.

In light of the dearth of present-day preclearance objections or evidence of violations that, due to their nature or number, cannot be remedied through litigation, I am concerned that reauthorizing section 5's preclearance requirement for 25 years as proposed in

H.R. 9 will not pass constitutional muster in the litigation that is certain to follow its enactment. In City of Boerne v. Flores, the Supreme Court held that when Congress enacts legislation to enforce constitutional guarantees, ''[t]here must be a congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end.'' The Court cited the Voting Rights Act of 1965 as an example of appropriate congressional enforcement legislation that it had upheld. The Court observed, however, that ''[s]trong measures appropriate to address one harm may be an unwarranted response to another, lesser one.''

I am worried because, in extending section 5's preclearance requirement for another 25 years, H.R. 9 does little to acknowledge the tremendous progress made over the past 40 years in Alabama and other covered jurisdictions. Today is not 1965, and the situation with respect to voting rights in Alabama and other covered jurisdictions is dramatically different from 1965. I would have expected Congress to recognize this tremendous progress in covered jurisdictions by modernizing section 5 to reflect present-day progress and remaining problems.

For example, Congress ought to update the coverage trigger in section 4(b) of the act. It is simply illogical—in 2006—to base coverage solely on registration and voter turnout data from the Presidential elections in 1964, 1968, 1972. What about the Presidential elections of 1996, 2000, and 2004? What about the 14 noncovered jurisdictions that Federal courts have found guilty of constitutional or section 2 violations in recent years? Those years and those jurisdictions could easily be added to the coverage formula in section 4(b), but H.R. 9 does not update the coverage formula to include them. Given the dearth of preclearance objections, it seems that some minor or de minimis voting changes ought to be removed from the preclearance requirement, as well.

Congress also needs to make changes to improve the ''bailout'' process in section 4(a) of the act. According to the Department of Justice, out of 914 covered States and political subdivisions, only 11 covered jurisdictions, all in Virginia, have bailed out from coverage, and thus preclearance, under section 4(a). It is obvious that bailout is not working properly, but H.R. 9 does not correct that problem. For example, even if a town in Alabama has a perfect record on voting rights and meets every one of the requirements for bailout, it cannot seek bailout because section 4(a) only allows a ''political subdivision'' to bail out, and section 14(c)(2) defines ''political subdivision'' to mean ''any county or parish'' but not any city or town. That should be changed, but this bill does not address it. I also think we should have given serious consideration to Professor Hasen's ''proactive bailout'' proposal to improve the bailout process.

I am also concerned that the Supreme Court will think that a 25-year reauthorization is simply too long to pass constitutional muster. In 1965, Congress only authorized the temporary provisions of the Voting Rights Act for 5 years. They have now been in effect for 41 years. I am worried that the Supreme Court will conclude that it is not ''congruent and proportional'' to require some States to preclear every single voting change, no matter how minor or insignificant, until the year 2031 based on data regarding voter turnout and registration from 1964—67 years earlier.

Finally, I am concerned about H.R. 9's language adding new subsections (b), (c), and (d) to section 5 of the Voting Rights Act to alter the Supreme Court's decisions in Georgia v. Ashcroft and Reno v. Bossier Parish School Board, Bossier Parish II. In its decision in Bossier Parish II, in particular, the Court warned that the interpretation of section 5 rejected in that case ''would also exacerbate the 'substantial' federalism costs that the preclearance procedure already exacts perhaps to the extent of raising concerns about § 5's constitutionality.'' Altering these decisions adds to the risks taken in failing to modernize and modify the provisions of the Voting Rights Act to address the voting rights problems of the 21st century. It is particularly important therefore, that these new provisions be strictly interpreted.

The ''ability . . . to elect their preferred candidates of choice'' language in new subsections 5(b) and 5(d) prevents the elimination of what the Supreme Court called ''majority-minority districts'' in Georgia v. Ashcroft, in exchange for the creation of what it called ''influence districts.'' Neither the language of new subsections 5(b) and 5(d) nor the ''any discriminatory purpose'' language of new subsection 5(c) requires the creation of or locks into place ''influence'' or ''coalitional'' districts, however. The concept of ''influence'' or ''coalitional'' districts is far too amorphous to impose as a requirement of Federal law. Imposing such new restrictions on the redistricting process would prove both unworkable and unconstitutional.

I agree with the comments made earlier this afternoon by Senator MCCONNELL, Senator HATCH, Senator KYL, and Senator CORNYN. We must remember that we are reauthorizing the Voting Rights Act not creating a ''gerrymandering rights act.'' The bipartisan support for this bill indicates that both Republicans and Democrats do not expect or intend it to be interpreted to advantage one party or the other.

Although the Voting Rights Act is now 40 years old, many of my constituents have vivid recollections of discrimination at the ballot box, and they have strong memories of the civil rights movement that led to the most historic changes that were encapsulated in the Voting Rights Act. These are wonderful people. They love America and are proud of the changes in Alabama and our Nation. They have a strong attachment to the Voting Rights Act. All Alabamians want to see the progress continue. In light of the wrongs that have occurred in the past and out of respect for those who placed their very lives at risk for change, I will vote in favor of H.R. 9.

Mr. BURR. Mr. President, I rise today in support of reauthorizing the Voting Rights Act.

The democratic process of citizens electing those who will govern them is a cornerstone of America. It is this design which has contributed greatly to making our Nation stable, resilient, and a leader in the world. Every citizen over the age of 18 who can legally vote has a constitutional right to do so.

The 15th amendment of the Constitution states, ''The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.''

To enforce the 15th amendment, President Lyndon Johnson signed the Voting Rights Act into law on August 6, 1965. This legislation prevented States from suppressing or denying African Americans and others the opportunity to participate in the electoral process, and it continues to do so today.

Most of the Voting Rights Act is permanent law. However, certain sections of the law are set to expire in 2007 if not reauthorized by this Congress. These sections, including requirements for Federal review of State and local election laws, the placement of Federal election observers, and voting assistance programs for bilingual American citizens, were established so that Congress could periodically reevaluate and amend them if needed.

I stand here today representing a State, portions of which have been classified by this act as having a troubled past, and I support reauthorization of the Voting Rights Act.

North Carolina is proud of the progress it has made over the last several decades. North Carolinians continue to learn from history and will continue to strive to serve as a model for the rest of the Nation in equality and fairness.

I must emphasize that regardless of the outcome of this reauthorization vote, which I will support and I am confident will pass this Chamber unanimously, no citizen will lose the right to vote in 2007 as a result of any expiring provisions. As Members of Congress, we have the responsibility to preserve the constitutional rights of all individuals but also to make sure that the law of the land is evenly and fairly applied and enforced.

Voting rights for African Americans or any other citizen group are granted by the 15th amendment. Voting rights for all American citizens are permanent.

We must ensure public confidence in our electoral system.

As I have said on the floor of the Senate before, ''as our country plants the seeds of democracy across the world, we have the essential obligation to continue to operate as the model.''

I urge my colleagues to support this reauthorization.

Mr. GRASSLEY. Mr. President, I rise today in strong support of the reauthorization of the Voting Rights Act. Let me first commend everyone who has been involved with getting this bill to where it is today, including the chairman of the Judiciary Committee here in the Senate, Chairman SPECTER. Chairman SPECTER has attempted to ensure that everyone involved in this process received the opportunity to explore the issues about which they had further questions, while still moving the bill through expeditiously. Thanks to all these efforts, we will see final passage of the Voting Rights Act reauthorization today, nearly a year ahead of the expiration of any of the temporary provisions.

I have long been a supporter of the Voting Rights Act. I had the opportunity to work with Senators DOLE and KENNEDY and others in 1982 to continue the VRA's vital protections, to ensure that all Americans truly have the right to vote.

As I explained during the reauthorization of the VRA in 1982, the right to vote is fundamental. Only through voting can we guarantee preservation of all our other rights. The right to vote is the very cornerstone of democracy and merits the highest protection of law.

People of all races have been guaranteed the right to vote since passage of the 15th amendment in 1870. For far too long, though, this was a right only in theory. Many minorities were discriminated against in the days before the Voting Rights Act was introduced. Since this Act was passed, we have seen the voting proportions of these populations increase dramatically. The Voting Rights Act has had very significant success in fighting racial discrimination, probably more than anything else that Congress has done since the adoption of the Civil War amendments.

Next year, important provisions of the Voting Rights Act will expire. The right of every American to have a voice and vote is the essence of America's strength and greatness. As was the case in 1982, conditions have improved since the original Voting Rights Act was passed. It is our duty as the ultimate custodians of the public trust, however, to ensure that we never return to a world in which some of our citizens do not truly have the right to vote.

For this reason, I stand with Chairman SPECTER as an original cosponsor of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Many people, including the bill's authors, members of the Judiciary Committees in both Houses, and thousands of civil rights activists, have worked incredibly hard to see this reauthorization become a reality.

I will repeat what I said on this floor 15 years ago: It is our duty to guarantee that all citizens have the same opportunity to participate in the political process and to elect representatives of their choice. All of us here today recognize that it is our duty, as elected representatives of the people, as guardians of democracy, to protect the right to vote. I remain confident, as I was in 1982, that the Voting Rights Act is a key tool—perhaps the key tool—in eradicating any remaining vestiges of racial discrimination.

I support reauthorization of the Voting Rights Act and encourage my colleagues to do the same. As it was in 1965 and in 1982 and for all the other extensions along the way, this vote today is among the most important civil rights votes on the floor of this body. We have the opportunity today to show that we are, indeed, one Nation, under God, indivisible, with liberty and justice for all. Please join me in voting aye.

Mr. DOMENICI. Mr. President, it is without hesitation that I support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, which ensures that the right of all citizens to vote, including the right to register to vote and cast meaningful votes, is preserved and protected as guaranteed by the Constitution.

Reauthorization of the Voting Rights Act of 1965 may be a foregone conclusion; however, I believe that today's debate and vote are of great consequence because we are protecting each citizen's right to vote and preserving the integrity of our Nation's voting process. Passage of this measure is not merely symbolic; it is an essential reaffirmation that we the people are securing the blessings of liberty to ourselves and our posterity. I firmly believe that the right of citizens of the United States to vote should not be denied or abridged by the United States or any State on account of race.

The right to cast a vote is fundamental in our system of government, and the importance of each person's voting rights is reflected by the fact that they are protected by the 14th, 15th, 19th, 24th, and 26th amendments to the Constitution. President Ronald Reagan described the right to vote as the crown jewel of American liberties. Like President Reagan, I also believe that the right to vote is a great privilege worth protecting.

The Voting Rights Act of 1965 was initially passed in response to post-Civil War Reconstruction efforts to disenfranchise Black voters. The voting Rights Act of 1965 was amended in 1970, 1975, 1982, and 1992. It remains one of the most significant pieces of civil rights legislation in American history. This legislation amends and reauthorizes the Voting Rights Act for an additional 25 years, several provisions of which will expire on August 6, 2007, unless Congress acts to renew them. Reauthorization of the Voting Rights Act will ensure many privileges including bilingual election assistance for certain language minority citizens in certain States and subdivisions.

I cast my vote to ensure that no law abridges the privileges or immunities of any citizen of the United States or denies any citizen equal protection of the laws.

Mr. TALENT. Mr. President, I am pleased to speak in support of the Voting Rights reauthorization legislation, of which I am a cosponsor. Congress enacted the Voting Rights Act in 1965 to protect the voting rights of all Americans, and I am pleased that the Congress is reauthorizing this important legislation.

The right to vote is the foundation of our democracy and a fundamental right to our citizenry. Before the Voting Rights Act was passed, however, a great percentage of American citizens were denied that right. The Voting Rights Act rectified that wrong by prohibiting the enactment of any election law that would deny or abridge voting rights based on race or color and provided the right to challenge discriminatory voting practices and procedures.

This legislation has been extended and amended four times since its passage and has resulted in a tremendous growth in the ability of minority citizens to fully participate in the American political system, both as voters and candidates. At the time the act was first adopted, only one-third of all African Americans of voting age were on the registration rolls in the specially covered States compared with two-thirds of White voters. Now African Americans' voter registration rates are approaching parity with that of Whites in many areas, and Hispanic voters in jurisdictions added to the list of those specially covered by the act in 1975 are not far behind. Enforcement of the act has also increased the opportunity of African Americans and Latino voters to elect representatives of their choice. Virtually excluded from all public offices in the South in 1965, African Americans and Hispanic voters are now substantially represented in the State legislatures and local governing bodies throughout the region.

Mr. President, this is a piece of legislation that literally changed the landscape of the American political system, and I am extremely pleased to cast a vote in favor of its extension.

Mr. BUNNING. Mr. President, I rise today to express my support for the reauthorization of the Voting Rights Act of 1965. I support this law and recognize its valuable contributions to our society.

Since its inception in 1965, the Voting Rights Act has successfully helped protect the right to vote for millions of U.S. citizens. This right, as outlined in the 14th and 15th amendments to the Constitution, is fundamental to our

Country's foundation. It is the lifeblood of our democracy. The very legitimacy of our government is dependent on the access all Americans have to the electoral process.

We must ensure that when citizens choose to go to the polls that they do not face obstacles created to disenfranchise them. Every U.S. citizen, regardless of race or gender, should have opportunity to cast their vote without fear of discrimination.

This has not always been the case. Our Nation's history can provide examples where the person's right to vote has been impeded whether it be through literacy tests or poll taxes. This is unacceptable and is a powerful reminder of the hardships this Nation has experienced. The Voting Rights Act has provided protection to minority communities that may fall victim to some of those impediments, or even worse, to threats or intimidation during the electoral process.

I believe the Voting Rights Act was a good idea and necessary in 1965. I also believe we have come a long way since 1965 and would like to recognize the many changes and progress made all across the Country. I firmly believe this progress will only continue to grow.

I come from a State that is committed to civil rights, and I believe that our Forefathers said it best that we are one Nation, undivided, with liberty and justice for all. I look forward to seeing this commitment to justice renewed today as we reauthorize the Voting Rights Act of 1965.

Mr. President, I am confident that the Voting Rights Act will be reauthorized today and urge my colleagues to support this important piece of legislation.

Mr. DEWINE. Mr. President, I am proud to be an original cosponsor of this very important piece of legislation, the Voting Rights Reauthorization Act of 2006.

As we all know, Congress first passed the Voting Rights Act back in 1965, when many jurisdictions had numerous laws and regulations aimed at denying the right to vote to many of our citizens—in direct violation of the 15th amendment to the Constitution. The Voting Rights Act made it clear that our society would no longer tolerate such abuses. It also made clear that all citizens should have the opportunity to exercise this critical right freely and easily, without harassment, intimidation, or other barriers to voting. Its passage was one of the proudest moments of the civil rights movement.

The Voting Rights Act has been an extraordinary success, and we can see its results in towns, counties, and States across the country, as well as in the House of Representatives and in the U.S. Senate. Minority voters have had their voices heard and their votes counted, and have helped elect a wide range of officials who reflect the diversity of our great Nation. Unfortunately, despite the great advances we have made as a country, we still have more work to do. Both the House and the Senate have investigated this issue thoroughly, and after numerous hearings and thousands of pages of evidence being accepted into the record, it is clear that we need to reauthorize the expiring provisions of the act. More time and effort is needed to completely fulfill the promise of the Voting Rights Act and to assure every citizen that his or her 15th amendment rights are fully available, and this bill will allow us the time we need.

The House of Representatives has already passed the Voting Rights Renewal Act, and I am glad we are going to move it forward today. We can then quickly put this critical legislation in front of the President, who supports the bill and is waiting to sign it into law. I am hopeful that at the end of this 25-year reauthorization, we will all be able to agree that no further legislative action is necessary—that we have accomplished the critical goal of assuring every American citizen the equal right to vote.

Mr. COBURN. Mr. President, the 15th amendment of the United States Constitution provides ''[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have the power to enforce this article by appropriate legislation.'' In 1965, with the passage of the Voting Rights Act, Congress finally began to enforce the Nation's promise embodied in the 15th amendment. The Voting Rights Act was designed to ''foster our transformation to a society that is no longer fixated on race,'' to an ''all-inclusive community, where we would be able to forget about race and color and see people as people, as human beings, just as citizens.'' The mere mention of this act conjures up profound images of the civil rights movement, a fight by many courageous men and women for equality and justice.

In 1965, Congress wisely decided to make the most significant sections of the bill permanent. The permanent provisions apply to all States equally. One section of the original act suspended all ''tests or devices'' that States used to disfranchise racial minorities. Section 2, which is also permanent, codifies the 15th amendment, confirming by statute that no political subdivision may deny or abridge voting rights on account of race or color and that all individuals have recourse to discriminatory election procedures in Federal court.

That same Congress passed temporary remedial measures to address voting practices and districting in seven Southern States, where registration rates for Black voters averaged only 29.3 percent. Section 5 was crafted to remedy the low voter registration and turnout among the minority communities caused by discriminatory registration practices and intimidation at the polls. Indeed, the Voting Rights Act has succeeded tremendously. Statistician Keith Gaddie reported that the registration and turnout rate of Black citizens is higher in covered jurisdictions than throughout the rest of the Nation. He additionally revealed that registration of Black citizens in Alabama during the 2004 elections was 72.9 percent of the voting age population; in Georgia, 64.2 percent; in Louisiana, 71.1 percent; in Mississippi, 76.1 percent; in South Carolina, 71.1 percent; and in Virginia, 57.4 percent of the voting age population. Voter turnout rates were equally improved. For example in 2004 Alabama had a 63.9 percent turnout rate of registered Black voters, Georgia had a 54.4 percent turnout rate, Louisiana had a 62.1 percent turnout rate, Mississippi had a 66.8 percent turnout rate, South Carolina had a 59.5 percent turnout rate, and Virginia had a 49.6 percent turnout rate.

If we applied registration and turnout data from our most recent Presidential elections to the trigger formula for coverage, many covered States would no longer require coverage. This is important because the Supreme Court requires that any laws that we write must be ''congruent and proportional'' to the problems we seek to remedy. While these provisions were necessary because State practices and the prejudices of individuals kept eligible citizens from being able to cast a ballot free from the threat of intimidation or harassment, it is important that we ensure that the correct jurisdictions are covered in order to preserve the constitutionality of the act.

We held nine hearings, and many individuals from diverse backgrounds and different races have both praised and criticized the temporary provisions of the VRA set to expire 1 year from now. At each hearing, multiple witnesses suggested ways to amend and improve this Act. Yet I was the only Senator on the committee prepared to offer substantive amendments to improve the act so that it addresses the problems it seeks to remedy today.

I was prepared to offer three amendments. The first would define the term ''limited English proficient,'' the second would reauthorize the amended provisions for 7 years instead of 25 years, and the third would require a photo identification in all Federal elections. Yet I only offered one amendment in committee yesterday because it was clearly communicated that we should pass the exact bill that the House passed regardless of the merits of certain amendments. In fact, even though the committee did pass a nonsubstantive amendment to amend the title of the bill, Senate leadership brought the House bill H.R. 9 to the floor without the title change accepted in committee. Political expediency clearly trumped the will of individual Senators.

There are other amendments that should have received consideration. During hearings, some Senators discussed possible amendments that they

appeared to support with witnesses. Yet I believe that political fear and perceived intimidation prevented them from offering any amendments. For example, there was discussion based on the testimony of numerous witnesses that someone should offer an amendment to create more reasonable bailout procedure. States and counties wishing to bail out are only permitted to make their case here in Washington rather than at a Federal court closer to their home. Another amendment that received some support among witnesses would have included more recent data to determine coverage of areas with a recent history of discrimination rather than relying on data only from the 1964, 1968, and 1972 elections.

Even if no amendments offered were accepted, this bill is dramatically different from reauthorizing the Voting Rights Act as renewed in 1982. This bill rewrites the Voting Rights Act, section 5 to include in section (b) that ''[t]he purpose of [section 5] is to protect the ability of such citizens to elect their preferred candidates of choice.'' Such language has never before been inserted into section 5 preclearance requirements where there is no judicial review of determinations made by Department of Justice, DOJ employees. Additionally, section 5(c) of the bill rewrites the Voting Rights Act to require that DOJ refuse to preclear a plan that employs ''any discriminatory purpose.'' These are very serious changes that were never debated and that witnesses suggested we amend. Those suggestions were never even discussed or considered. I am at a loss as to why we are inserting new standards for 25 years without knowing the potential consequences and clarifying congressional intent in the language of the act.

Some Senators have said that we have carefully considered this bill and the effects it will have on our Nation based on the number of hearings we had. Yet Member attendance at these hearings was incredibly low. At the first two hearings on section 5, only one Senator attended. At the third, five Senators attended. Five Senators did not attend any of the committee's hearings. Five Senators attended only portions of one hearing. This is not meant as criticism because I only attended part of two hearings.

My point is that it is unfortunate that we insisted on doing this on an expedited basis when the act does not expire for a year. The committee conducted eight hearings in 9 workweeks—and during times when it was clear most Senators would be absent. We held four hearings during the immigration debate on the floor and held two hearings during rollcall votes on the floor. Because of the political nature of this bill and the fear of being improperly classified as ''racist,'' the bill was crafted and virtually passed before any Senator properly understood any of the major changes. For example, the bill that passed out of committee included a finding section before any hearings were held. No changes to those findings were made.

Furthermore, it was nearly impossible to prepare for the hearings. Our rules require that witnesses submit their testimony 24 hours prior to the hearing so Senators can formulate thoughtful questions. Over half of the witnesses—21 out of 41—flouted the committee's rules by turning in their testimony less than 24 hours before the hearing. Indeed, one witness submitted his testimony at 12:03 a.m. the morning of a hearing scheduled for 9:30 a.m. Another witness submitted her testimony at 10:21 p.m. the night before a 9:30 a.m. hearing. Other witnesses submitted their testimony literally hours before the hearing. Clearly, the only way Senators could ask thoughtful questions of these witnesses was through written questions. And many tried to do so. But that process has been unsuccessful. We voted the bill out of committee for discussion on the floor before 107 written questions to 10 witnesses were answered and returned. We did not even have the opportunity to submit questions to the witnesses on the panel of the final hearing.

We had plenty of time to do this right—to fully consider the testimony and answers submitted by witnesses—and still vote to extend the temporary provisions before they expire in the summer of next year. We still have time to do this right. Congress has until the summer of 2007 to consider this bill, and yet we are moving ahead without receiving all answers to questions and fully considering the testimony of our witnesses. As a result, none of us can realistically say that we know the full implications of what we are voting on today. And the consequences of our rush, forced by politics, may have unintended consequences for our Nation.

Nonetheless, I am voting for the Voting Rights Act because of its unparalleled success in the past at securing the opportunity to vote. I urge my colleagues not to forget that we all share the fundamental American belief that our society should be color-blind and that everyone should be treated equally. There should be no political advantage or disadvantage because of the color of a person's skin and we should be able to put aside politics to protect and openly discuss those values. Most Americans would like to move away from considering race when drawing congressional districts. In fact, a Washington Post/Kaiser poll found that 70 percent of Blacks, 83 percent of Hispanics, and 90 percent of Whites said race should not figure into map-drawing.

While America has a long history of negative race relations, we must strive for the dream taught by Martin Luther King—that one day society will judge people based on the content of their character and not the color of their skin. For this, as Justice O'Connor stated in 1993, is the goal toward which our Nation continues to aspire.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, often when the Senate passes something unanimously, it means that the matter is not so important. That is not the case today. The Voting Rights Act is about as important as it gets. Senators of both political parties deserve great credit for bringing this vitally needed legislation to the floor of the Senate today. I have come to salute those inside and outside the Senate for their work to bring this extraordinarily important issue before the country and before the Senate and to make an appeal to Senators and those outside the Chamber to work for more.

In the past three successive elections—2000, 2002, and 2004—there were scores of accusations of voter intimidation, rigged voting machines, conflicts of interest among elected officials, and other serious electoral abuses. Many newspaper articles, State and Federal governmental investigations, private studies and scores of lawsuits have described in considerable detail the toll that election abuses now take on our democracy. As much as it is an accomplishment that the Senate will be voting to reauthorize the Voting Rights Act today, that law cannot cure many of the problems that we have seen in the last three election cycles. But there is a proven system that can reduce many of these abuses, and I hope in the days ahead the U.S. Congress will take steps to promote it. It is known as vote by mail.

My State of Oregon adopted this election system back in 1998, with nearly 70 percent support of our State's voters. It has been a resounding success any way one looks at it, and it has not been seen in any way as a kind of partisan tool that advantages one particular party or one particular philosophy.

What I want to do this afternoon is describe briefly how Oregon's vote by mail system works and then talk about why the Senate ought to be taking steps to promote it nationally as a way to deal with some of these problems that have swept across our land over the last three election cycles.

In Oregon the system works in this way. At least 2 weeks before election day, election officials mail ballots to all registered voters. The voters mark their ballots, seal and sign those ballots, and return them by mail or by placing them in a secure drop box. Election officials count the votes using optical scanning machines that confirm the signature on the return envelope matches the signature of the voter on file. Each county also provides optional onsite voting booths for individuals who need special accommodations or prefer to vote onsite.

The bottom line is that vote by mail can address many of the problems that plague this country's elections. For example, with vote by mail, there is no waiting in line in the polls for hours. All through our country over the last election we heard complaints about

people having to wait in line, often for hours and hours on end. It doesn't happen with vote by mail. Each voter receives a ballot in the mail. They can complete it at home, at work, or wherever is convenient for them. And you don't have the problem of people waiting in line for hours and hours to exercise their franchise.

With vote by mail, no one would get the run-around about which polling place they are supposed to vote at. The ballots are mailed to the citizen's home. If, for some reason, a voter's ballot does not arrive 2 weeks before the election as it is supposed to, the voter has enough time to correct the problem, get their ballot, and then cast it. Americans who face the toughest time getting to the polls, such as citizens with disabilities and the elderly, report that they vote more often using vote by mail. Women, younger voters, stay-at-home moms also report that they vote more often using vote by mail. Once again, it is an opportunity on a bipartisan basis to deal with a very serious problem that we have seen over the last few election cycles.

Citizens wouldn't get the run-around at the polling place when they show up on election day to vote and are told: ''You really shouldn't be here; you ought to be there.'' ''We can't really tell you where you ought to be.'' ''We have all these people in line, and we will try to help you later.'' All of that is eliminated through vote by mail because folks get their ballot at their home.

Third, with vote by mail there is less risk of voter intimidation. A 2003 study of voters in my home State showed that the groups that would be most vulnerable to coercion now favor vote by mail. Over the last few elections, we saw again and again our citizens saying that they feared coercion. They were concerned about intimidation in the exercise of their franchise.

We have documentary proof in our home State, a specific study that I have cited, that citizens who are most vulnerable to intimidation and coercion feel more comfortable voting by mail.

Next, with vote by mail, malfunctioning voting equipment is a thing of the past. Everyone heard the stories in 2004 of citizens who said they voted for one candidate only to see the electronic voting machine indicate that the voter had cast a ballot for somebody else. Irregularities such as this cannot occur in vote by mail. Each voter marks the ballot, reviews it, and submits it, the ballot is counted, and it becomes a paper record—a paper record that is used in the event of a recount.

I happen to believe that we must have a paper trail for every ballot that is cast in our country. It is wrong that there is at present no such paper trail. Every time I have a community meeting, people bring up: why can this not be done? It is just common sense. My home State has led the way to ensure that through our vote-by-mail system there is a paper trail.

With vote by mail, the risk of fraud is minimized. When an Oregon county receives a voter's marked ballot, the ballot is then sent to elections workers trained in signature verification who compare the signature on each ballot against the person's signature on their voter registration card. This can be done quickly and easily because each voter's registration card has been electronically scanned into the system. No ballot is processed or counted until the county is satisfied that the signature on the ballot matches the voter's signature on file. If someone tries to commit fraud, they can be convicted of a Class C felony, spend up to five years in prison, and pay $100,000 in fines.

Vote by mail can help make the problems of recent elections a thing of the past. In doing so, it will make our elections fairer and help reinstill a confidence in our democracy, which frankly, has been lacking.

There are a number of other reasons why I think our country ought to be doing everything possible to encourage citizens to adopt vote by mail. This approach increases election participation. For example, vote by mail helps make voter turnout in Oregon considerably higher than the average national voter turnout. Oregon experienced a record turnout of more than 70 percent in the 2004 Presidential election, compared to 58 percent nationally.

Vote by mail, we find, gets more citizens involved in the issues because folks get their ballots weeks before the final day when their ballot is due, and they have the time to quiz candidates, examine issues that are important to them, and do it in a deliberate fashion that gives them more time.

Next, vote by mail has produced huge savings at the local level for election costs. Vote by mail reduces those election costs by eliminating the need to transport equipment to polling stations and to hire and train poll workers. My home State has reduced its election-related costs by 30 percent since implementing vote by mail. So we have the results. We have the results to show the rest of the country why we ought to be encouraging across the land vote by mail.

In a survey taken 5 years after we implemented this system, more than 8 out of 10 Oregon voters said they preferred voting by mail to traditional voting. I am confident that the rest of our country would embrace it the very same way.

What this is all about, and why I have taken time to discuss our approach, is that I think it is very much in line with both the spirit and the text of the Voting Rights Act. America needs to make sure that no eligible voter, based on color, creed or any other reason, would be disenfranchised. What we are doing in the Senate today by reauthorizing the Voting Rights Act is the right thing. It is clearly a step in the right direction for these difficult times. But I do think much more can be done to improve the election process. I intend to press at every possible opportunity for a way to encourage an approach that has empowered people in my home State in a manner that has far exceeded the expectations of even the biggest boosters. It has been totally nonpartisan.

In Oregon, we were amused in the beginning of our discussion about vote by mail. At the beginning of the discussion, it seemed that a fair number of Republicans were for vote by mail, but a number of Democrats were skeptical. Then, after I won the Senate special election in 1996—and Senator SMITH and I have laughed about this often over the years—there was an about face, and it seemed then that Democrats liked vote by mail and Republicans were a little cautious. Our State's citizens said enough of all this nonsense and overwhelmingly voted, on a bipartisan basis, to say this is just plain good government, and this is the way we want to go.

I think the Oregon story can be copied across the country, and I am going to do everything I can to encourage it. The Supreme Court declared in the Reynolds v. Sims case:

> [i]t has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote . . . and to have their vote counted.

Promoting vote by mail across our land will help make this constitutional right a reality. I encourage my colleagues to look and study the approach we have used in our State, an approach that will advance the spirit of the Voting Rights Act. Support the Voting Rights Act today and work with us to build on its incredible importance in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes and, following me, Senator BOXER be permitted to proceed for 15 minutes, and following her, Senator SCHUMER for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the Senator from Oregon for his discussion of an important way of having accountability in voting. I must say that I saw how that works out in Oregon. It works well. It works brilliantly, as a matter of fact. People have a lot of time to be able to vote. They don't have to struggle with work issues or being sick or other things. They have plenty of time to be able to have the kind of transparency and accountability that makes the system work. There are other States where you are allowed to start voting early—in New Mexico and elsewhere.

It is amazing that in the United States we have this patchwork of the way our citizens work in Federal elections. It is different almost everywhere. I had the privilege of giving the

graduation address this year at Kenyan College in Ohio, and there the kids at Kenyan College wound up being the last people to vote in America in the Presidential race in 2004 in Gambier, at 4:30 in the morning. We had to go to court to get permission for them to keep the polls open so they could vote at 4:30 in the morning.

Why did it take until 4:30 in the morning for people to be able to vote? They didn't have enough voting machines in America. These people were lined up not just there but in all of Ohio and in other parts of the country. An honest appraisal requires one to point out that where there were Republican secretaries of state, the lines were invariably longer in Democratic precincts, sometimes with as many as one machine only in the Democratic precinct and several in the Republican precinct; so it would take 5 or 10 minutes for someone of the other party to be able to vote, and it would take literally hours for the people in the longer lines. If that is not a form of intimidation and suppression, I don't know what is.

So I thank the Senator from Oregon for talking about the larger issue here. He is absolutely correct. The example of his State is one that the rest of the country ought to take serious and think seriously about embracing.

This is part of a larger issue, obviously, Mr. President. All over the world, our country has always stood out as the great exporter of democratic values. In the years that I have been privileged to serve in the Senate, I have had some extraordinary opportunities to see that happen in a firsthand way.

Back in 1986, I was part of a delegation that went to the Philippines. We took part in the peaceful revolution that took place at the ballot box when the dictator, President Marcos, was kicked out and ''Cory'' Aquino became President. I will never forget flying in on a helicopter to the island of Mindanao and landing where some people have literally not seen a helicopter before, and 5,000 people would surround it as you swooped out of the sky, to go to a polling place where the entire community turned out waiting in the hot sun in long lines to have their thumbs stamped in ink and to walk out having exercised their right to vote.

I could not help but think how much more energy and commitment people were showing for the privilege of voting in this far-off place than a lot of Americans show on too many occasions. The fact is that in South Africa we fought for years—we did—through the boycotts and other efforts, in order to break the back of apartheid and empower all citizens to vote. Most recently, obviously, in Afghanistan and Iraq, notwithstanding the disagreement of many of us about the management of the war and the evidence and other issues that we have all debated here. This has never been debated about the desire for democracy and the thrill that everyone in the Senate felt in watching citizens be able to exercise those rights.

In the Ukraine, the world turned to the United States to monitor elections and ensure that the right to vote was protected. All of us have been proud of what President Carter has done in traveling the world to guarantee that fair elections take place. But the truth is, all of our attempts to spread freedom around the world will be hollow and lose impact over the years in the future if we don't deliver at home.

The fact is that we are having this debate today in the Senate about the bedrock right to vote, with the understanding that this is not a right that was afforded to everyone in our country automatically or at the very beginning. For a long time, a century or more, women were not allowed to vote in America. We all know the record with respect to African Americans. The fact is that the right to vote in our country was earned in blood in many cases and in civic sweat in a whole bunch of cases. Courageous citizens literally risked their lives. I remember in the course of the campaign 2 years ago, traveling to Alabama—Montgomery—and visiting the Southern Poverty Law Center, the memorial to Martin Luther King, and the fountain. There is a round stone fountain with water spilling out over the sides. From the center of the fountain there is a compass rose coming back and it marks the full circle. At the end of every one of those lines is the name of an American with the description, ''killed trying to register to vote,'' or ''murdered trying to register.'' Time after time, that entire compass rose is filled with people who lost their lives in order to exercise a fundamental right in our country.

None of us will forget the courage of people who marched and faced Bull Connor's police dogs and faced the threat of lynchings, some being dragged out of their homes in the dark of night to be hung. The fact is that we are having this debate today because their work and that effort is not over yet. Too many Americans in too many parts of our country still face serious obstacles when they are trying to vote in our own country.

By reauthorizing the Voting Rights Act, we are taking an important step, but, Mr. President, it is only a step. Nobody should pretend that reauthorizing the Voting Rights Act solves the problems of being able to vote in our own country. It doesn't. In recent elections, we have seen too many times how outcomes change when votes that have been cast are not counted or when voters themselves are prevented from voting or intimidated from even registering or when they register, as we found in a couple of States, their registration forms are put in the wastebasket instead of into the computers.

This has to end. Every eligible voter in the United States ought to be able to cast his or her ballot without fear, without intimidation, and with the knowledge that their voice will be heard. These are the foundations of our democracy, and we have to pay more attention to it.

For a lot of folks in the Congress, this is a very personal fight. Some of our colleagues in the House and Senate were here when this fight first took place or they took part in this fight out in the streets. Without the courage of someone such as Congressman JOHN LEWIS who almost lost his life marching across that bridge in Selma, whose actions are seared in our minds, who remembers what it was like to march to move a nation to a better place, who knows what it meant to put his life on the line for voting rights, this is personal.

For somebody like my colleague, Senator TED KENNEDY, the senior Senator from Massachusetts, who was here in the great fight on this Senate floor in 1965 when they broke the back of resistance, this is personal.

We wouldn't even have this landmark legislation today if it weren't for their efforts to try to make certain that it passed.

But despite the great strides we have taken since this bill was originally enacted, we have a lot of work to do.

Mr. President, I ask for an additional 5 minutes.

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

Mr. KERRY. Mr. President, on this particular component of the bill, there is agreement. Republicans and Democrats can agree. I was really pleased that every attempt in the House of Representatives to weaken the Voting Rights Act was rejected.

We need to reauthorize these three critical components especially: The section 5 preclearance provisions that get the Justice Department to oversee an area that has a historical pattern of discrimination that they can't change how people vote without clearance. That seems reasonable.

There are bilingual assistance requirements. Why? Because people need it and it makes sense. They are American citizens, but they still may have difficulties in understanding the ballot, and we ought to provide that assistance so they have a fully informed vote. This is supposed to be an informed democracy, a democracy based on the real consent of the American people.

And finally, authorization for poll watching. Regrettably, we have seen in place after place in America why we need to have poll watching.

A simple question could be asked: Where would the citizens of Georgia be, particularly low-income and minority citizens, if they were required to produce a government-issued identification or pay $20 every 5 years in order to vote? That is what would have happened without section 5 of the Voting Rights Act. Georgia would have successfully imposed what the judge in the case called ''a Jim Crow-era like poll tax.'' I don't think anybody here

wants to go back and flirt with the possibility of returning to a time when States charged people money to exercise their right to vote. That is not our America.

This morning, President Bush addressed the 97th Annual Convention of the NAACP after a 5-year absence. I am pleased that the President, as we all are, ended his boycott of the NAACP and announced his intention to sign the Voting Rights Act into law.

But we need to complete the job. There are too many stories all across this country of people who say they registered duly, they reported to vote, and they were made to stand in one line or another line and get an excuse why, when they get to the end of the line, they can't vote. So they take out a provisional ballot, and then there are fights over provisional ballots.

There are ways for us to avoid that. Some States allow same-day registration. In some parts of America, you can just walk up the day of an election, register, and vote, as long as you can prove your residence.

We have this incredible patchwork of laws and rules, and in the process, it is even more confusing for Americans. We need to fully fund the Help America Vote Act so that we have the machines in place, so that people are informed, so that there is no one in America who waits an undue amount of time in order to be able to cast a vote.

We have to pass the Count Every Vote Act that Senator CLINTON, Senator BOXER, and I have introduced which ensures exactly what the Senator from Oregon was talking about: that every voter in America has a verifiable paper trail for their vote. How can we have a system where you can touch a screen and even after you touch the name of one candidate on the screen, the other candidate's name comes up, and if you are not attentive to what you have done and you just go in, touch the screen, push ''select,'' you voted for someone else and didn't intend to? How can we have a system like that?

How can we have a system where the voting machines are proprietary to a private business so that the public sector has no way of verifying what the computer code is and whether or not it is accountable and fair? Just accounting for it.

Congress has to ensure that every vote cast in America is counted, that every precinct in America has a fair distribution of voting machines, that voter suppression and intimidation are un-American and must cease.

We had examples in the last election of people who were sent notices—obviously fake, but they were sent them and they confused them enough. They were told that if you have an outstanding parking ticket, you can't vote. They were told: Democrats vote on Wednesday and Republicans vote on Tuesday and various different things.

It is important for us to guarantee that in the United States of America, this right that was fought for so hard through so much of the difficult history of our country, we finally make real the full measure of that right.

I yield the floor. I thank the Chair and I thank my colleague for her forbearance.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, before Senator KERRY leaves the floor, I want to thank him. The issues he raised absolutely have to be a part of this debate. I will address them after he leaves. The reason I stood up and objected to the Ohio count is because I knew firsthand from the people of Ohio who came and talked with me through STEPHANIE TUBBS JONES that they were waiting in lines for 6, 7 hours. That is not the right to vote. I think Senator KERRY's remarks and the remarks of the Senator from Oregon are very important.

So let a message go out from this Senate floor today that we are not stopping our efforts to make sure people can vote with the very important passage of this very important legislation. I am very pleased to follow him in this debate.

I rise to cast my vote in support of a very historic bill named after three amazing women whom I truly admire—Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. These three legendary women were part of the heart and soul of the civil rights movement in this country, and those women helped move the conscience of this Nation in the 1960s and, frankly, inspired me to serve in public service.

In 1950, I was a little girl and I was in Florida with my mother. I went on a bus. It was a crowded time of day. A woman came on the bus. Her hands were filled with packages. To me she looked really old. I guess she was my age. I jumped up because I was taught to do that. I jumped up and I said: Please, please, take my seat. My mother kind of pulled at my sleeve, and the woman put her head down and she walked to the back of the bus.

I was perplexed by this. I said to my mother: Why was she rude to me? Why didn't she say thank you and take the seat?

My mother explained to me the laws in those days that sent African Americans to the back of the bus. I at 10 years old was astounded, shocked, angry. My mother said to me: Why don't we just stand up. And that is what we did. We walked to the back, and we stood.

That was an America that is no more, but that is an America we cannot forget. That was an overt law to hurt people, to make America ''we and them.'' That is why the law we are passing today is so important—because it says that we all recognize that even though that America is no more, we have more work to do.

And then came the sixties. Of course, we know it was Rosa Parks who changed the world with that one act of defiance of hers, where she just went on that bus and she wasn't going to the back.

When I met her, when President Clinton invited her to the White House and I went there, I stood in awe because it said to me how one person can make a difference in this, the greatest nation in the world. We get so frustrated sometimes; we feel we can't make a difference. Here is one woman saying, No, I won't do that; that's wrong; I'm one of God's children. And that act of defiance changed our country. I am so happy this bill is named after her and Fannie Lou Hamer who helped organize Freedom Summer in 1965 which helped lead to passage of this landmark bill we will vote on today. She had a very simple phrase that she used: ''Nobody's free until everybody's free.'' ''Nobody's free until everybody's free.'' That reminds us of the work that we certainly have to do today.

So Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, who worked with her great husband during the civil rights movement in the sixties and carried on his work after his horrific assassination, working for justice, worked for equality not only in this country but around the world.

In the late eighties, she worked tirelessly to help bring an end to apartheid in South Africa. I often quote Martin Luther King, almost in every speech I give, because he is one of my heroes. One of the lines he said, which isn't really one that gets quoted all the time, is that ''Our lives begin to end when we stop talking about things that matter.'' ''Our lives begin to end when we stop talking about things that matter.'' That touched me and reached me.

I think his words, of course, reached every American, regardless of political party. Don't stop talking about things that matter, even though it might be easier to do so, even though it might be easier when you are at a friend's house and somebody says something that is bigoted toward somebody else. It is sometimes easier for us to make believe we didn't hear it. No, that matters, you matter, your view matters, your values matter. Speak up.

That is what we are doing, and I am proud to be in the Senate today because we are doing something good today. It is a privilege and an honor to vote for this reauthorization of the Voting Rights Act.

I had a number of people visit me from my State yesterday—old and young, children, grandmothers, great grandmothers, granddads, lawyers, workers, doctors. They just jammed into my conference room and they said: Senator BOXER, we know you are with us. We know you have been on this bill. We know where you are. We have listened to you all these years. We wanted to come here and say thank you.

I said: You don't need to thank me. What you need to do is join with me so that after this vote, we truly get equal voting rights in this country.

That was touched on by Senator KERRY, and it was touched on by Senator WYDEN. The right to vote—without it we are nothing. Without it, we are not standing up for the principles upon which this Nation was founded: a government of, by, and for the people.

How do you have a government of, by, and for the people, if the people turn away from the voting booth? I hear every excuse in the world: Oh, you are all the same. What is the difference. I can't make a difference. It is just false. It is just an excuse.

Show me two candidates running against each other at a local level, at a State level, at a Federal level, and I will show you the differences. If you pay attention, you will find out the differences, and you will cast your vote for the candidate that most represents you. You are not going to agree with them 100 percent of the time. That is another issue: Oh, I used to agree with him, but he did three things, and I don't agree with him anymore. Look at the totality. Look at the totality of the voting record. Look at the totality of the opposition and make a decision. Don't just walk away. Don't pull the covers over your head with excuses: They are all alike. I can't make a difference. What is one vote?

We all know the election of John Kennedy was decided by a couple of votes per precinct. It could have been one vote per precinct. That is how close that election was.

In the voting booth, we are all equal. In the voting booth, we are all equal. Your vote and my vote, whether you are 18 years old or you are my age and a Senator, we are all equal in the voting booth. We have one vote. We should cherish it. The CEO of a giant company who earns multimillions of dollars a year is equal to a minimum wage worker. And if that minimum wage worker thinks it is time he got a raise or she got a raise after almost 10 years of not getting a raise, he or she ought to vote, and vote for the candidate who supports your right to join the middle class.

Every citizen of this country who is eligible to vote should be guaranteed that their vote is counted and that their vote matters. That is why it is so important that we maintain the protections of this historic Voting Rights Act, such as requiring certain localities with a history of discrimination to get approval from the Federal Government before they make changes to voting procedures. Why is this important? It is important because it is a check and balance on an area that has in the past not shown—not shown—the willingness to fight for every voter. And, requiring certain jurisdictions to provide language assistance to voters with limited English proficiency, and authorizing the Federal Government to send election monitors to jurisdictions where there is a history of attempts to intimidate minority voters at the polls, we just want to make sure these elections are fair, wherever they are held.

The Federal Government must work hard to guarantee that the inequities we have seen in the past never resurface again. And won't that be the day, when we have a system that we believe we can be proud of again.

I am proud to stand here today with an opportunity to cast a vote to reauthorize provisions of the Voting Rights Act. But today didn't come without struggle. Why did my people have to come all the way from California, spend their hard-earned dollars to get on a plane? I will tell you why: Because this was a hard bill to get before this body. People objected. People complained. It was a hard bill to get before the House. But many people worked hard, and House Members listened to the people, and Senators listened to the people.

I want to thank my friends at the NAACP who were finally able to convince enough that, yes, this was something we had to do. We have to be honest. There were attempts to weaken this bill, but we succeeded in not allowing that to happen.

In my closing moments, I want to say that our work does not stop today, as Senator KERRY said and as Senator WYDEN said. For example, several of us have introduced the Count Every Vote Act, a comprehensive voting reform bill that will ensure that every American indeed can vote, and every vote is counted.

Congresswoman STEPHANIE TUBBS JONES, who lived through a harrowing experience during the last election, with her constituents being given the runaround and standing in line for 6 and 7 hours. Is that the right to vote, standing in line for 6 and 7 hours, people who have to work, people who had health problems, people who couldn't stand up, people whose legs were weakening beneath them? Is that the right to vote? I say it is not the right to vote. I say it is harassment.

Senators CLINTON, KERRY, LAUTENBERG, MIKULSKI, and I have introduced the Count Every Vote Act, and I want to highlight the two key provisions that are in this bill. The first is the bill would require electronic voting machines provide a paper record which will allow voters to verify their votes, and it will serve as a record if a manual recount is needed. We go to a restaurant, we get a receipt. We go to the store, we get a receipt. We save it in case there is a problem. When we vote, we should get a receipt. We should look at it, we should check it, just as we add up the bill from the restaurant. We should give it back and then it is stored. In case there is a problem, we have a paper trail.

The second provision: We say election day should be a Federal holiday. We all give speeches. We stand up and we stand behind the red, white, and blue. What a great, free country this is, and indeed it is. Why shouldn't we make election day a holiday so that we can celebrate on every election day our freedoms, our history, our rights, our protections as citizens to choose our own leaders?

Let me say, we cannot even get to page 1 in terms of moving this bill forward. There is resistance to this bill. There are those in this body who don't want a paper trail. They don't want to make it easier to vote, and let's call it what it is. That resistance exists, and that is wrong. So I call on the leadership of this body: Let's do something more for people. Let's not have another situation where a Senator has to go over and protest a vote count because people said they had to stand in line for hours.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mrs. BOXER. Then we have the people of Washington, DC. They are not represented with a vote. That is wrong. Over 500,000 people live in this great city, the heart and soul of our democracy. Eighty percent are voting age. They can't cast their ballots in national elections for congressional representatives. They don't have Senators or Representatives here. That is why I have joined Senator JOE LIEBERMAN on his bill that calls for full voting rights for DC residents.

So, again, I say what a privilege and honor it is for me to be here, to stand here, thinking back to my days as a child when African Americans had to go to the back of the bus in some parts of the South, feeling the pain of that myself for those who had to live in that way. So this bill is a fitting tribute to Rosa Parks and Fannie Lou Hamer and Coretta Scott King.

I thank the Presiding Officer for his indulgence. This is a starting place for a lot of us, and we are going to make sure that, in fact, the right to vote is a reality for every single one of our citizens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I salute my colleague on her wonderful and heart-felt words.

Mr. President, this is a hallowed moment on the floor of this Senate. We don't have too many of these hallowed moments these days, but passing, working for, voting for the renewal of the Voting Rights Act is just one of those. I rise in proud and full-hearted support of H.R. 9, which is a bicameral and bipartisan bill, thank God, to reauthorize the Voting Rights Act.

The bottom line, Mr. President, is this: Without the right to vote in a democracy, people have no power. And while I do believe that race and racism have been a poison that has afflicted America for a long time, and there are many ways to solve that, probably the best is the full and unrequited power to vote. For so long, that power was denied to people of color: Blacks, Hispanics, and others. Now it is not being.

I can tell by my own history, even here in the Congress, the progress we have made. When I got to the Congress in 1980, there were only 17 African Americans in the House. Today, there are 42. That is very close to the percentage of African Americans in American society. That shows you the progress we have made. Without the Voting Rights Act, it clearly would not have happened.

However, we sit in the Senate, and only last year did we again have an African American come to the Senate. There is only one. So while we see the progress in the House of Representatives, we also look in the Senate and see how much longer we have to go.

I am glad that final passage is now imminent, as leaders from both parties are supporting this bill. Let me say this act has been hailed as the single most effective piece of civil rights legislation we have ever passed. The reason is it does not just simply guarantee the right to vote in name, but it ensures the effective exercise of that fundamental right.

Today, when we see the Governor of Georgia and the legislators of Georgia impeding the right to vote, we know that we need a strong and full-throated Voting Rights Act. And, thank God, the attempts to dilute it—mainly, I am sorry to say—coming from the other body, did not succeed.

Our Founding Fathers said it best when they penned these words in the Declaration of Independence: Government derives its just powers from the consent of the governed. Simply put, in our Nation there can be no consent without unfettered access to the voting booth. A renewed and reenergized Voting Rights Act is exactly the right formula to ensuring equality in the political process for all Americans.

In 1965, when President Johnson signed the bill into law, there were only 300 minorities elected to State, local, or Federal office. North, South, East, and West, people of color were not represented. Today, four decades later, in large part because of this Voting Rights Act, 10,000 minorities serve as elected officials.

I have seen the Voting Rights Act have an effect on my city. New York is one of the most diverse cities in the country. And in our city, the Voting Rights Act has been extremely effective in ensuring that all our citizens are able to participate equally in the political process. However, many of the act's successes in New York—we think we are a modern country and, of course, a modern city—but they have only come since the last time we renewed its provisions. The first and only African-American mayor of New York wasn't elected until May of 1989. The first and only African American wasn't elected to statewide office until 1994. In 2002, the first and only Asian American was elected to the city council. Finally, just last year, a mayoral candidate became the first and only Latino to win his party's nomination.

So while these strides are important, they are too few and too recent to declare that the promise of the Voting Rights Act has been realized. The bottom line is that the Voting Rights Act has worked to remove barriers from countless men and women from all backgrounds to participate in the political process, to run for office, to enter and thrive in the political process, but there is still a lot of work to do. We cannot and thankfully will not let the act expire.

Mr. President, I look forward to casting my vote in favor of H.R. 9 later today, and urge all of my colleagues to do so. I am hopeful that we can have a unanimous vote on the floor of this Senate.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise as an original cosponsor and strong supporter of the Voting Rights Act reauthorization.

One of the most fundamental of American values is the right to cast a meaningful vote in a free and fair election. As the Supreme Court stated in 1964, ''Other rights, even the most basic, are illusory if the right to vote is undermined.''

However, just over 40 years ago, in many parts of the American South, it was almost impossible for people of color to even register to vote.

People were turned away from the courthouse when they attempted to register, while others were jailed. We sometimes talk romantically about the Civil Rights era, as if it were 200 or even 100 years ago. But the flagrant injustices that we see captured in black and white video reels were during a time not too long ago.

On March 7, 1965, about 600 people attempted to peacefully march from Selma, AL, to Montgomery, the State capital, to dramatize to the world their desire to register to vote. And the world watched in horror as these peaceful demonstrators, including my good friend and former colleague, Representative JOHN LEWIS, were beaten bloody. That day marked a sad, sad chapter in the history of our Nation.

For some, the tragedy in Selma is simply a footnote in a speech or a timely anecdote during Black History Month. But we must not lose sight of what those brave Americans were fighting for. And we must never forget the price they—and others—paid for their successes: Americans—Black, White, young, old, northern and southern—shed blood and, in some cases, gave the ultimate sacrifice so all Americans could enjoy the basic right to vote.

Five months after what is now known as ''Bloody Sunday,'' the Voting Rights Act of 1965 was signed into law. It granted all American citizens the right to vote in any Federal, State, or local election and in doing so ensured that they had access to the American political process and a voice in determining their future.

The passage of the Voting Rights Act helped expand and open our democracy to let in millions of our citizens.

The Voting Rights Act has empowered thousands of communities to elect candidates of their choice and has ensured that a full spectrum of voices is heard in our national dialogue.

In stark contrast to the days prior to the Voting Rights Act, today it is the Voting Rights Act that ensures that the elections of people like Senators BARACK OBAMA, DAN INOUYE, MEL MARTINEZ, DANIEL AKAKA, and KEN SALAZAR are no longer electoral anomalies, but reflections of the will of the communities and States they represent.

Today, there are 81 Members of Congress of African American, Hispanic, Asian, Native Hawaiian/Pacific Islander, and Native American descent, and thousands of minorities in elected offices around the country.

If it were not for the Voting Rights Act and its provisions, I very well may not be standing before you today.

In the 21st century, at a time when we are working to bring democracy to both Iraq and Afghanistan, we must ensure that democracy is protected here at home in every circumstance. One citizen unfairly discouraged from voting is one too many. When people are denied the right to vote, they are denied a say in their Government, they are denied a say in the laws they are required to obey, and they are denied a say in the policies their tax dollars support.

It has been said that those who fail to understand history are doomed to repeat it. That is why the annual walk that Congressman LEWIS leads across the Edmund Pettus Bridge in commemoration of the anniversary of the voting rights march is so vitally important.

I was fortunate to visit Selma with him and the Faith and Politics Institute. Nothing brings one closer to a sense of what those young men and women experienced—the hatred and bigotry—than standing on and walking across the Pettus Bridge with Representative LEWIS and learning what happened that day over 41 years ago.

As I listened to JOHN LEWIS and the other heroes of the movement, I was reminded how average citizens committed to an ideal can effect change. I was reminded through this pilgrimage that the journey is still not finished and that our goal must be social justice—not simply social service. I was also touched by those who suffered so much having so much love in their heart. It is a lesson still timely for us today and tomorrow.

The need for the Voting Rights Act has not gone away. In my State of New Jersey, a consent decree was reached after violations of the Voting Rights Act by the Republican National Committee and the New Jersey Republican

State Committee that deterred minorities from voting occurred during the 1981 gubernatorial election. This just illustrates voting rights violations can happen anywhere and at anytime, and are unfortunately a part of the historic fabric of our election process. Such violations were so widespread in the 2000 elections that Congress enacted the Help America Vote Act. If anything, need to strengthen and update the Voting Rights Act is demonstrated in new ways every year.

The Voting Rights Act has been effective in eliminating barriers to the ballot box. Yet, several key provisions of the act regarding preclearance, observers, and language assistance are scheduled to expire in 2007. H.R. 9 will reauthorize these important and temporary provisions for an additional 25 years. Personally, I support making these provisions permanent.

H.R. 9 is the product of a thoughtful, thorough, bipartisan, and bicameral effort that carefully weighed the competing concerns and considerations that have been a part of the Voting Rights Act debate since its original passage. As my colleagues well know, the act has been extended on four other occasions, very possibly making it the most carefully reviewed civil rights measure in our Nation's long history.

This legislation we have before us today would renew the Voting Rights Act's temporary provisions for 25 years; restore the ability of the Attorney General, under section 5 of the act, to block implementation of voting changes motivated by a discriminatory purpose; clarify that section 5 is intended to protect the ability of minority citizens to elect their candidates of choice; and authorize recovery of expert witness fees in lawsuits brought to enforce the Voting Rights Act.

The right to vote is so fundamental to our citizenship, so vital, that we as Members of Congress must make every effort to ensure that this right is a reality across the length and breadth of this great Nation. The Voting Rights Act ensures that all American citizens have access to both the ballot box and the American political process, and a voice in determining their future. That is why the Voting Rights Act remains so desperately needed and why Congress must reauthorize the special provisions that are set to expire.

In addressing a joint session of Congress on the very legislation we are debating today, President Lyndon Baines Johnson said:

> In our time we have come to live with the moments of great crisis. Our lives have been marked with debate about great issues—issues of war and peace, issues of prosperity and depression.
>
> But rarely in any time does an issue lay bare the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, or our welfare or our security, but rather to the values, and the purposes, and the meaning of our beloved nation.

We must heed President Johnson's admonition and take inventory of our Nation's values, purposes and meaning. Some members of the House recently argued that the Voting Rights Act is somehow outdated, has outlived its intended usefulness, and that it unfairly punishes those covered jurisdictions for past actions and sins. I have nothing but respect and esteem for that body, and look fondly upon my years of service in that Chamber; but, I wholeheartedly disagree with some of my former colleagues.

In enacting the original Voting Rights Act and its four reauthorizations, past Congresses have declared to the world that America stands for freedom and democracy. But our rhetoric of equality and freedom must be ratified by an authentic pursuit of true freedom, true equality, and true democratic ideals. If we are to be a beacon of democracy and freedom to Baghdad, Beirut and Beijing—then we must first be a beacon of freedom and democracy to Bloomfield, Buffalo, and Birmingham.

Over 40 years ago, Senators stood on the floor of this Chamber to right a monumental wrong inflicted upon millions of Americans. Inspired by the quiet strength and principled courage of JOHN LEWIS and others like him, this body acted out of courage, conviction, and conscience.

I don't know what senators will say 40 years from now. But, if nothing else, it is my prayer that they will say this Senate kept faith with the highest ideals and promises of this great Nation. And that Senators from all corners of America, and of all political stripes, stood up in defense of democracy and freedom here at home.

I urge my colleagues on both sides of the aisle to strongly support this legislation and in doing so protect the voting rights of all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, in the years before the Voting Rights Act was signed into law by President Johnson, discrimination and brutal force were used to deny African Americans the right to vote as guaranteed by the 15th amendment.

There are stories of local election officials requiring Black residents to pass arbitrary tests, like correctly guessing the number of bubbles that a bar of soap would produce, before being allowed to register to vote. And, of course, there were the more insidious forms of intimidation, which is a very sad chapter in the history of this country, with African Americans being lynched and murdered for attempting to vote or registering others to vote.

In the 41 years since the enactment of the Voting Rights Act, America has inched closer to its promise of an inclusive society, where everyone, regardless of race, regardless of religion, regardless of economic class or regardless of gender, has an equal opportunity to succeed. We are not there yet.

Sadly, I can point to modern day attempts to deny the right to vote to citizens in my own State. During the 2004 election, the Florida Department of Law Enforcement created a list of 48,000 convicted felons. This list was then sent to the 67 supervisors of election in Florida, who were given the instructions to strike those 48,000 convicted felons from the rolls. The public was denied meaningful access to the lists to verify its accuracy because of a law passed by the legislature in the previous few years.

CNN challenged the constitutionality of the law under the Florida Constitution. This Senator participated in that challenge by filing what is called an amicus curiae brief, or a friend of the court brief. A courageous Florida circuit judge declared the law unconstitutional.

When the Miami Herald got their hands on the list of 48,000 names of convicted felons, guess what they found. First of all, they found the list was overwhelmingly minority; second, they found that the list was overwhelmingly minority African American; and third, they found about 3,000 legitimate registered voters on that list who were not convicted felons.

If not for that lawsuit 3,000 legitimate registered voters with names that were similar to the names of convicted felons would have gone to the polls on Election Day in November of 2004 and been told they were not a registered voter and they could not vote.

It is 41 years since the Voting Rights Act. This just happened 2 years ago. We're getting closer to the ideal, we're just not there yet.

Reauthorizing the Voting Rights Act is going to move us further down the road and, most importantly, it will ensure that we never turn back.

Today, as I cast a vote in favor of reauthorizing the Voting Rights Act, I hope and pray that 25 years from now, at the end of the authorization of this act, our country will have progressed so that we do not have to continue this particular debate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, I join my colleagues today to speak in support of reauthorizing the Voting Rights Act of 1965. No act has done more to change the course of our Nation's history than this. I am pleased to see both sides of the aisle set aside their differences to ensure its passage today.

I first offer my thanks to Senators LEAHY and SPECTER for their work in getting this legislation to the Senate. I also thank Senators REID and FRIST for their efforts in bringing all sides together to renew this historic law.

This act protects and preserves our democracy by ensuring that every citizen is given the same opportunity to participate in the political process. The strength of our democracy, as well as its existence, depends on the fact that the Government is created to perform, to exist, and to excel only when those who are governed participate in it. Without this assurance, this opportunity to participate in that political process, our democracy could not exist. Without the right to participate freely in elections, a citizen's ability to effect change in his or her community is highly limited.

We are given, each of us, many God-given gifts, but our responsibility with those gifts is to give of those gifts to those around us, to our community and to our country, to our fellow man. Without being able to participate in this community, we are not able to fully give back.

I think it is important to remember what we are voting for today. Men and women not much older than I am made great sacrifices to be able to perform that most basic right of free men and free women—the right to vote. It is easy to take for granted. We often do. But we cannot forget that this document represents the pain and hope of millions of Americans. It represents their efforts and their prayers.

The things that we do without giving them much thought, were not so for many of our fellow Americans. When we go to eat lunch, we sit wherever we would like. When we go to the movies, we sit wherever we would like as well. When we ride the bus, we sit wherever we like, and when we get to the polls, we take our ballot and we cast it without thinking about it.

It is easy for us to forget that it has not always been so. By way of example, the mother of one of my staff members became deeply involved in voter registration as a young college student in the early 1960s. She was determined to secure the right to vote for herself and for her community. It was a life-or-death decision. She and her fellow students were told if they tried to encourage African Americans in the community to register, that they would be killed. They had every reason to take that threat seriously, but it didn't matter to them. They knew that this right, the right to vote, was worth the cost, and they continue to encourage people to register and to vote. By the grace of God, no one was killed, but we know that others around the Nation were not so lucky.

These are the stories we must remember. We must ensure that no future generation of Americans will ever have to endure second-class citizenship again. As elected officials, we are charged with representing and protecting the interests of our States and our districts. It is of utmost importance that we are elected by a fair representation of our constituents.

The Voting Rights Act has played an enormous role in making sure that happens. Since becoming law in 1965, the number of African Americans and other minority voters who are registered and able to vote has increased dramatically. As an example, my home State of Arkansas saw an increase of more than 33,000 African-American registrants immediately after the act was passed. Extending the provisions of this legislation will ensure that we continue to build on the gains we have made since it first passed.

We have men and women spread across the globe, fighting for democracy and freedom. They are fighting for the right of citizens to hold free elections in which all, regardless of race, gender or creed, can participate. In many cases, this cannot be achieved without violence, unfortunately. Truth be told, we are not so far removed from our own violent past.

But by the mercy of God, we today will extend the blessings of liberty to all Americans with the recording of a vote and the swipe of a pen. That is a miracle that we dare not forget. Because of what we do tomorrow, the men and women who marched and stood still and sat down and stood up and rejoiced and cried and ultimately overcame, can be proud, proud that their legacy will be carried on.

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

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

The majority leader is recognized.

Mr. FRIST. Mr. President, briefly, I want to propound a unanimous consent request which has been agreed to by the leadership on the other side. And then people will know the scheduling for today and tonight.

Mr. President, I ask unanimous consent that the vote on the pending bill, H.R. 9, occur at 4:30 today, with Senator REID recognized from 4 to 4:15 and Senator FRIST in control of the time from 4:15 to 4:30; provided further that the remaining time be under the control of the minority.

I ask unanimous consent that following the vote on passage of H.R. 9, the Voting Rights Act, the Senate proceed to the immediate consideration of Calendar No. 379, H.R. 4472. I further ask consent that the Hatch amendment at the desk be agreed to, and there then be 2 hours of debate equally divided between the leaders or their designees, and that following the use or yielding back of time, the bill, as amended, be read a third time, and the bill be temporarily set aside with the vote on passage occurring after consideration of the judges in executive session. I further ask unanimous consent that following passage of the bill, the title amendment be agreed to; provided further that following the debate on H.R. 4472, the Senate proceed to executive session for consideration of the following executive calendar numbers en bloc, under the designated times: Calendar No. 762, Neil Gorsuch, 5 minutes each for Senators SPECTER, LEAHY, ALLARD, and SALAZAR; Calendar No. 763, Bobby Shepherd, 5 minutes each for Senators SPECTER and LEAHY, and 10 minutes each for Senators PRYOR and LINCOLN; Calendar No. 765, Daniel Jordan III, 5 minutes each for Senators SPECTER, LEAHY, COCHRAN, and LOTT; Calendar No. 766, Gustavo Gelpi, 5 minutes each for Senators SPECTER and LEAHY.

I further ask unanimous consent that following the use or yielding back of the debate times above, the Senate proceed to a vote on passage of H.R. 4472, to be followed by consecutive votes on the confirmation of the above-listed nominations in the order specified, without intervening action or debate, and that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, again, very briefly, what that means is that we will be voting at approximately 4:30. We will then move to the John Walsh child predator bill, have debate on that, and have debate on the judges, and then we will have stacked rollcall votes beginning at approximately 7:15 or 7:30 tonight.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, it is with a great sense of pride and privilege that I rise today in strong, strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

In my view, of all the values which underpin a democracy, none—none—is more essential than the right of a citizen to participate in the election of those who will govern and represent them.

Voting is the participatory voice of our form of democracy. It is imperative, in my view, that we reaffirm this fundamental principle by expeditiously reauthorizing this fundamental voting rights legislation. It is for this reason that I will vote in favor of the Voting Rights Act extension. America must overcome its legacy of discrimination in voting.

Let me, first of all, applaud our colleagues, if I may, the leaders of the Judiciary Committee, Senator SPECTER, Senator LEAHY, and Senator KENNEDY for their extraordinary efforts to develop a truly bipartisan piece of legislation that has been brought to the floor here today. I feel very strongly about the need to reauthorize this law, and I commend our colleagues for the leadership they have shown in marking up a bill that I gather passed unanimously out of the Judiciary Committee and is before us today.

It was about 40 years ago when I was sitting up in these Galleries, watching the U.S. Senate as it engaged in an impassioned debate among our predecessors in this Chamber about whether to extend to all Americans equal rights at the polling place. I was a college student at the time. I listened to one U.S. Senator say:

> Freedom and the right to vote are indivisible.

That U.S. Senator was my father, Thomas Dodd of Connecticut, speaking about the Voting Rights Act in that year. As I watched my father and his colleagues engage in a very heated debate, I was proud of how many Members of this body, on both sides of the aisle, worked to end discriminatory voting practices, Republicans and Democrats alike coming together.

It was following this debate, in 1965, that Congress took up and passed the Voting Rights Act—the first being the Civil Rights Act—as a response to the pervasive and explicit evidence of disenfranchisement of African-American and other voters in several States in our country.

The Voting Rights Act was designed, of course, as we all know, to protect and preserve the voting rights of all Americans. Since 1965, this act has been the cornerstone of voting rights in our country, and its success is a tribute to those who have labored to create it.

I would be remiss if I did not pay tribute to those that this act is named for: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. Many may recall, it was Fannie Lou Hamer who once commented that she was ''sick and tired of being sick and tired.'' In 1962, Mrs. Hamer, the youngest of 19 children, daughter of sharecroppers, and granddaughter of slaves, attended a voting registration drive held by the Student Nonviolent Coordinating Committee. There she learned that African Americans indeed had the constitutional right to vote.

She was the first to volunteer for a dangerous mission to the Indianola, MS, courthouse to register to vote. Courageously, she declared:

> [T]he only thing they could do to me was to kill me, and it seemed like they'd been trying to do that a little bit at a time ever since I could remember.

When Mrs. Hamer reached the courthouse, she and her companions were beaten and jailed. But she was not deterred. She went on to travel the country to encourage others to vote and later founded the Mississippi Freedom Democratic Party to challenge the all-white Mississippi delegation at the Democratic Convention—not in the 19th century, not in the early part of the 20th century—but in 1964.

The Voting Rights Act was signed into law a year later. In my view, if Mrs. Hamer had not risked her life and limb in order to register to vote, the plight of minority voters shut out of their own democracy may have continued, unfortunately.

Rosa Parks was another pioneer of the civil rights movement. As a seamstress in Montgomery, AL, she famously challenged the Jim Crow laws of segregation in 1955. Mrs. Parks once recalled that as a young child:

> I'd see the bus pass every day. . . . But to me, that was a way of life; we had no choice but to accept what was the custom. The bus was among the first ways I realized there was a black world and a white world.

Her historic refusal to give up her bus seat to a white passenger led to her arrest, and sparked a citywide boycott of the bus system, which triggered two Supreme Court decisions outlawing segregation on city buses. In my view, her silent protest launched the modernday civil rights movement. And we owe her a great deal of debt for her courage.

In describing this incident, Mrs. Parks later recalled:

> People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically, or no more tired than I usually was at the end of a working day. No, the only tired I was, was tired of giving in.

For more than four decades, Mrs. Parks dedicated herself to the fight for racial equality. I strongly believe that if Mrs. Parks had not refused to give up her seat and had gone to the back of the bus that day we would not be here today considering this historic legislation.

Let me mention the third individual for whom this act is being named today.

Coretta Scott King, of course, the wife of Dr. Martin Luther King, joined her husband and thousands of others to march from Selma to Montgomery, AL, on Sunday, March 7, 1965. That march, of course, galvanized the core political will behind the civil rights movement and served as a catalyst for the Voting Rights Act.

These three women worked for a better life and an inclusive society for not only themselves and their children, but also for future generations of Americans.

They selflessly and nonviolently challenged the laws and customs they believed were wrong. And they were right. Their ability to speak ''truth to power'' became their legacy. All three are iconic in the fight for the right to vote and a better life for all Americans.

Let me go on to point out here—I will not go into the specific sections of this bill. I know others have talked about that, why these sections are necessary to be continued for another 25 years. Let me, if I can, address some of the concerns that were raised in the other body in objections to the Voting Rights Act, if I may—those who question why divisions of a 41-year-old law deserve to be reauthorized. And while I agree, progress has certainly been made—and we are all grateful for that—we still have many obstacles to overcome in the conduct of our elections.

Progress cannot be left to just serendipity. It must be guided by the rule of law. A little more than 5 years ago, we had an election in this country that forced us to confront the harsh reality that millions of Americans continue to be systematically denied their constitutional right to vote.

Every citizen deserves, of course, to have his or her vote counted as well. There are legal barriers, administrative irregularities, and access impediments to the right to vote which adversely and disproportionately impact voters according to their color, economic class, age, gender, disability, language, party, and precinct. That is wrong. It is unacceptable. It is un-American. And it needs to be changed.

It was unacceptable in 1965, and it is reprehensible in the year 2006. Congress must now reauthorize the expiring portions of the Voting Rights Act to continue to protect and preserve the voting rights of all Americans.

I have been closely following the reauthorization process in both Chambers. I was apprehensive when House Republicans attempted to amend the Voting Rights Act to undermine some of its very key provisions—essentially weakening this very important and fundamental law. They tried to repeal the current formula of section 5 in order to exempt States with historically discriminatory voting practices from continued coverage. They wanted to expedite the ''bailout'' process overriding the sensible framework for jurisdictions to demonstrate that they should not be subject to continuing section 5 coverage. They wanted to require us to reauthorize the Voting Rights Act in only 10 short years. Finally, in what I think is the most alarming attempt to weaken this vital law, House Republicans wanted to strike section 203 which ensures that all American citizens, regardless of language ability, are able to participate on a fair and equal basis in elections.

I believe all Americans who are voting should learn to speak the English language. It should be our goal that all American citizens who vote should be able to understand an English language ballot. That is something we are wrestling with all the time. But we also recognize there are many here who are in the process of transition. Many of our citizens speak only one language as they are learning English. That makes them no less deserving, if they are citizens, of the basic rights and liberties which all Americans should expect and are entitled to. Section 203 must be retained or its unique ability to remove barriers to this fundamental right to vote and to help promote meaningful participation among all segments of our society will be in jeopardy.

I am grateful that the civil rights groups, the Leadership Conference on Civil Rights, the NAACP, the National Council of La Raza, the AFL–CIO and others, have worked so closely with Democratic Members of the House of Representatives to prevail over this adversity and were able to defeat every single one of these amendments.

Central to the foundation of our democratic form of government is, of course, the right to vote. The Voting Rights Act today facilitates and ensures that right. In a representative democracy, voting is the best avenue, of course, by which voters can gain access and influence lawmakers in Federal, State, and local governments. Voting gives the people a voice. We must protect their ability to be heard and to speak.

Yesterday, I had the great privilege of meeting with 40 representatives from the Connecticut chapter of the NAACP about this important reauthorization.

Their message was clear: the critical protections offered by the Voting Rights Act must be extended. We are not on the Floor today to reauthorize the right to vote. That right is guaranteed by the Constitution of the United States. Instead, we are here to provide tools to enforce that right for all Americans.

While it is critical that the Senate act to reauthorize these expiring sections of the Voting Rights Act today, it is important to recognize that this action alone will not secure the franchise for all Americans. Much more is needed to be done to ensure that every eligible American voter has an equal opportunity to vote and have their vote counted.

In addition to the obstacles that the Voting Rights Act is designed to address, too many Americans still face impediments to voting. The Presidential elections of 2000 and 2004 are replete with examples of such obstacles, including: too few polling places or too few voting machines to serve the turnout; eligible voters' names not on the registration list; errors in the registration lists; malfunctioning machines and machines that produce no audit trail; eligible voters turned away at the polls; disabled voters unable to cast a secret ballot; voters unable to correct mistakes on ballots or even receive a new ballot if their ballot was spoiled, to name only a few.

Congress addressed some of these impediments in the landmark legislation enacted following the debacle of the presidential election in 2002 in the Help America Vote Act, or HAVA, which I was pleased to author in the Senate. That legislation established Federal minimum requirements that all States must have in place by the Federal elections this year. Those requirements include allowing any voter who is challenged at the polls to cast a provisional ballot, which is set aside and counted after eligibility, is confirmed. States must also meet new Federal minimum standards for voting systems, including providing second-chance voting, ensuring disability access, and providing for a permanent paper record for auditing purposes. And States must implement a statewide, computerized registration list to serve as the official registration list for Federal elections.

Congress has not fully funded HAVA. The States are $724 million short in the promised Federal funds for requirements grants and an additional $74 million short in disability access grants. It is my intent to offer an amendment to the Treasury-Transportation-HUD Appropriations bill for fiscal year 2007 to fully fund the requirement grants to States under HAVA, when that bill comes to the Senate floor for debate. But even the HAVA minimum requirements are only a first step to addressing the continuing impediments faced by voters across this Nation.

To address additional election administration deficiencies, I introduced legislation in January of last year, S. 17, the Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act. The Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act, builds on the reforms begun by HAVA, and adds to those reforms, by including the following: providing every eligible American, regardless of where they live in the world or where they find themselves on election day, the right to cast a National Federal Write-In Absentee Ballot in Federal elections: requiring States to provide for election day registration; requiring States to provide a minimum required number of voting systems and poll workers for each polling place on election day and during early voting; requiring States to count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast; requiring that all States provide voters a voter-verified ballot with a choice of at least 4 formats for recording their verification: a paper record; an audio record; a pictorial record; and an electronic record or other means which is fully accessible to the disabled, including the blind and visually impaired; requiring States to provide public notice of any registration list purges not later than 45 days before a Federal election; allowing voters to attest to their citizenship and age on voter registration forms; and providing additional Federal funds to States to implement these new requirements.

Once Congress has completed its action on the Voting Rights Act, it is imperative that the Senate turn its attention to these further election administration reforms. As the ranking member of the Senate Committee on Rules and Administration, which has jurisdiction over election reform issues, I look forward to that debate and the action of the Senate to ensure that every eligible American voter has an equal opportunity to cast a ballot and have that ballot counted, regardless of color or class, gender or age, disability or native language, party or precinct, or the resources of the community in which they live.

I am very grateful to the Leadership Conference on Civil Rights and the NAACP. They were such strong supporters of the Help America Vote Act. That bill passed the Senate by a vote of 92 to 2 after a lengthy debate. We authorized close to $4 billion to the States to allow them to improve voting systems.

It is not a perfect bill, but it is a major step forward. In the coming weeks, when we will have appropriations matters before us, and as I said, I will be offering amendments to fully fund the HAVA bill and other such changes as I have offered in separate legislation to strengthen that particular effort. But it was important on this bill that we not complicate this important piece of legislation with modifications to the HAVA bill or additional ideas to improve voting access in this country. But we need to continue to work at it. It is unfortunate that in our country in too many of our elections the right to vote and have your vote counted depends upon the economic circumstances of the county in which you reside. That must change when it comes to Federal elections. My hope is we made a major step forward with the HAVA bill, and we continue to work at this on a bipartisan basis.

As was said many years ago by Thomas Paine, the right to vote is the right upon which all other rights depend. If we don't get this one right, then all the other rights we depend upon as American citizens are in jeopardy. The Voting Rights Act speaks to that claim more than two centuries ago, that the right to vote is the right upon which all other rights depend. What a great message that would be to the American public that we still understand this Nation has yet to achieve the perfection that its Founders designed, but each generation strives to make it a more perfect union. Passage of this bill today will be a step in that direction.

I urge my colleagues to join me in achieving a unanimous vote to reauthorize the expiring provisions of the Voting Rights Act for another 25 years. In 1965, a bipartisan coalition of Senators came together to pass this historic bill for the first time. Today, passage of this act is vital to bring about the day for America envisioned by those for which it is named. Coretta Scott King, Fannie Lou Hamer, Rosa Parks, and countless others worked tirelessly to guarantee the ability of all Americans to exercise their right to vote. Mr. President, we honor their work today by passing this important legislation. Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I commend the very able Senator from Connecticut, not only for the very eloquent statement he made but for the leadership which he has shown with respect to this critically important issue of the right to vote. The Senator from Connecticut has framed and crafted and brought to the floor of the Senate in recent years extremely important legislation designed to assure all Americans their right to the ballot,

thereby strengthening the very fundamentals of our democracy. I would be remiss if I did not take advantage of this opportunity to express the gratitude we all feel to him for his leadership in this area.

Mr. DODD. I thank my colleague from Maryland for those kind words.

Mr. SARBANES. The legislation we have before us is as significant as any this Congress will consider. The Voting Rights Act was first signed into law on August 6, 1965, by President Lyndon Baines Johnson. The fundamental importance of this law cannot be overstated. It is no exaggeration to say that it both changed the nature of American society and changed the course of American history. More than a quarter of a century before the Voting Rights Act was passed, the great scholar Gunnar Myrdal had written in his landmark study ''An American Dilemma,'' his study of race in this country, that ''the American Negro problem,'' as it was then known, was by no means a problem only for African Americans. Rather, he wrote, it is a problem ''in the heart of the American.''

Myrdal set out what he called the American creed, the abiding principles on which this Nation is founded. The American creed, he said, ''is the cement in the structure of this great and disparate nation . . . encompassing our ideals of the essential dignity of the individual human being, of the fundamental equality of all men [and women], and of certain inalienable rights to freedom, justice, and a fair opportunity.'' These ideals are ''written into the Declaration of Independence, the Preamble to the Constitution, the Bill of Rights, and into the constitutions of the several states.''

Regrettably for much of our history, our Nation failed to live up to its most cherished principles. Our great challenge, as one observer has put it, has always been ''to live up to the ideals of the American Creed or face a deterioration of the values and visions that unite and make it great.''

Myrdal's study was, in effect, the 20th century equivalent of Thomas Jefferson's ''fire bell in the night.'' Yet more than a generation passed between the publication of Myrdal's study and the passage of the Voting Rights Act. As we debate this legislation and recall the tremendous sacrifices of Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, after whom the legislation is named, I also call to my colleagues' attention the riveting autobiography of our House colleague Congressman JOHN LEWIS who for 20 years has represented Georgia's ninth district with such great distinction.

On March 7, 1965, JOHN LEWIS was in Selma, AL, his home State, preparing with hundreds of others to march from Selma to Montgomery to assert the right to vote which at that time was granted or denied solely at the discretion of the State governments. ''Many of the men and women gathered on that ballfield,'' remembers Congressman LEWIS, ''had come straight from church. They were still wearing their summer outfits. Some of the women had on high heels.'' Some 600 marchers set out, two abreast. All were prepared, quite literally, to die for the right to vote. And in the police assault that followed, many of them, including Congressman LEWIS, nearly did.

President Johnson's response the following Saturday was very clear. He said:

> The events of last Sunday cannot and will not be repeated, but the demonstrations in Selma have a much larger meaning. They are a protest against a deep and very unjust flaw in American democracy itself.
>
> Ninety-five years ago our Constitution was amended to require that no American be denied the right to vote because of race or color. Almost a century later, many Americans are kept from voting simply because they are Negroes.
>
> Therefore, this Monday I will send to the Congress a request for legislation to carry out the amendment of the Constitution.

In signing the Voting Rights Act, President Johnson said:

> The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

Indeed, the act marked a decisive turning point in the long and arduous road we know as the civil rights movement. Since its enactment, the Voting Rights Act has been extended and amended four times to address problems of bigotry and discrimination that may take subtler forms than those confronting the Selma marchers in 1965, but that are no less insidious in undermining the constitutional principles by which we aspire to live. As our able colleague, the distinguished Senator from Vermont, Mr. LEAHY, the ranking member on the Judiciary Committee, has noted, in reauthorizing and extending the act, we are, in fact, revitalizing it. We do so not only to honor the courageous men and women who, such as Congressman LEWIS and Fannie Lou Hamer and Rosa Parks and Coretta Scott King and so many others, risked and in some cases sacrificed their lives to uphold American principles, but to build a stronger foundation for the Nation we will leave to our children and grandchildren.

The committee brought this bill to the Senate floor having constructed a compelling record that shows we have made progress but that entrenched discriminatory practices—some obvious and some hidden—remain. In uniting to support H.R. 9 and enacting this legislation, we will be acting in a spirit true to our better selves, to our Nation, and to the generations yet to come.

Mr. LEVIN. Mr. President, I strongly and enthusiastically support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization of 2006, S. 2703. The right to vote is the foundation of our democracy, and the Voting Rights Act provides the legal basis to protect this right. Ensuring that all citizens can vote and that every vote counts is surely one of our highest national priorities, and the passage of time has not diminished the need for such protections. Hearings held in the Senate and in the House in 2005 and 2006 revealed a new generation of tactics, including at-large elections, annexations, last-minute poll place changes, and redistricting, which have had a discriminatory impact on voters, especially racial and ethnic minority American voters.

The Voting Rights Act of 1965 was enacted to insure that no Federal, State, or local government may in any way impede people from registering to vote or voting because of their race or ethnicity. Most provisions in the Voting Rights Act, and specifically the portions that guarantee that no one may be denied the right to vote because of his or her race or color, are permanent. There are, however, three enforcement-related provisions of the act that will expire in August 2007. The first is section 5, which requires certain jurisdictions to obtain approval or ''preclearance'' from the U.S. Department of Justice or the U.S. District Court in Washington, DC, before they can make any changes to voting practices or procedures. The second provision that will expire is section 203, which requires certain jurisdictions to provide bilingual language assistance to voters in communities where there is a concentration of citizens who are limited to English proficient. The third are those provisions in sections 6 to 9 which authorize the Federal Government to send Federal election examiners and observers to certain jurisdictions covered by section 5 where there is evidence of attempts to intimidate minority voters at the polls. The legislation before the Senate today reauthorizes the portions of the Voting Rights Act that will expire next year and will allow the Federal Government to address new challenges.

Today we are mindful of the fact that nearly 41 years ago, thousands of individuals risked their lives and some died in the challenge of systems that prevented millions of Americans from exercising their right to vote. For a hundred years after the Civil War, millions of African Americans were denied this fundamental right, despite the 15th amendment to the Constitution that prohibited the denial of the right to vote on the basis of race. Poll taxes, literacy tests, and grandfather clauses—as well as violence—were used to deny African-American citizens the right to vote in many Southern States. During the 1960s, to secure this most basic right, the cost was high: church burnings, bombings, shootings, and beatings. It required the ultimate sacrifice of ordinary Americans: James Chaney, Andrew Goodman, and Michael Schwerner, who simply sought to register voters in Mississippi; Jimmie Lee Jackson, whose death precipitated the famous march from Selma to Montgomery; Viola Liuzzo, a White Detroit

homemaker and mother of five who was killed by a Ku Klux Klansmen's bullet after she participated in the Selma to Montgomery march; and the four little Black girls killed in the Birmingham church bombing—Denise McNair, Carole Robertson, Addie Mae Collins, and Cynthia Wesley; Medgar Evers, who had organized voter registration in Mississippi for the NAACP and was gunned down in his driveway; the horrible beatings of John Lewis and of Fannie Lou Hamer and Aaron Henry of Mississippi. Like Dr. Martin Luther King, Jr., and Rosa Parks, their names are forever etched in this Nation's history.

The impact of these tragic revelations and the subsequent enactment of the Voting Rights Act is stark. In Alabama, Black voter registration increased from 0.4 percent in 1940 to 23 percent in 1964 and more than doubled from 1954 to 1968, to 56.7 percent. Mississippi's Black voter registration went from 6.7 percent in 1964 to 54.4 percent in 1968. And the increase was reflected in many other cities and States nationwide.

Let us do what we must do. Our democracy depends on protecting the right of every American citizen to vote in every election. Let us resoundingly reauthorize the Voting Rights Act.

Ms. MIKULSKI. Mr. President, I rise today to give my strong support of the Voting Rights Reauthorization Act. I am a proud cosponsor of this important and needed legislation.

In 2006, there are still places in America where voters are intimidated and turned away from the polls. Americans are being denied the most basic and fundamental right as an American the right to vote. That is why this bill is needed more than ever.

I am proud to be here to speak as the Senator from Maryland. From the dark days of slavery to the civil rights movement, Marylanders have led the way to end discrimination. The brilliant Frederick Douglass, who was the voice of the voiceless in the struggle against slavery; the courageous Harriet Tubman, who delivered 300 slaves to freedom on her Underground Railroad; and the great Thurgood Marshall, from arguing Brown v. Board of Education to serving as a Supreme Court Justice—all were Marylanders.

Not just Marylanders but civil rights leaders and activists from all over this country fought hard to get the right to vote. Over 600 people marched from Selma to Montgomery they were stopped, beaten, but not defeated. These brave men and women continued to march, continued to fight until they got the right to vote.

They had to challenge the establishment and to say ''now'' when others told them to ''wait.'' Holding dear to their hearts the words of Frederick Douglass:

> If there is no struggle, there is no progress. Those who profess to favor freedom, yet deprecate agitation are men who don't want crops without plowing the ground. They want rain without thunder and lightning. The struggle may be a moral one, or it may be a physical one, but it must be a struggle. Power concedes nothing without demand. It never did, and it never will.

Their fight, their struggle resulted in the Voting Rights Act being passed. This legislation guarantees one of the most important civil rights that every citizen may vote. It is the very foundation of our democracy. It has eliminated discriminatory practices such as poll taxes and literacy tests. It has made it possible for African Americans to vote and hold elective office.

We have come a long way since the original Voting Rights Act was passed in 1965. Yet we have a long way to go. As recent as 2004, we have seen voters disenfranchised, broken election machines, and problems with people casting their ballots on election day. We saw this in the 2000 Presidential elections, too.

In 2000, we all learned that many ballots, many peoples' votes, were thrown out, lost, misplaced or miscounted. We saw election officials who did not know the rules and some who appeared to ignore the rules. And where did much of this happen? In minority neighborhoods, in cities, economically distressed areas across the Nation. I ask myself, is this just a coincidence? Those communities don't think so. It is critical that we let them know we take their concerns seriously.

This legislation recognizes that election reform is still needed. Voters are scared to come forward and cast their vote in some parts of this country. There are places where voters are not getting assistance at the polls whether it is language access or access to accurate information. This is unacceptable. It is un-American.

Reauthorizing the Voting Rights Act will help guarantee the right to vote for all Americans. The bill does four important things. First, it requires States with a history of racial discrimination to have their voting laws precleared by the Department of Justice. This extra layer of oversight is still necessary to protect minority voters. Second, it prohibits all States from imposing any requirements that would deny a U.S. citizen the right to vote based on race, color, or language ability. Third, it requires language assistance at the polls if a U.S. citizen has difficulty speaking or reading English. Finally, it authorizes the Federal Government to send Federal election monitors to minority voter districts to prevent voter intimidation.

This is not a Republican or a Democratic issue. Ensuring that every registered voter who wants to vote can vote is not a partisan issue. It is what America stands for.

We must stand up for what America stands for: opportunity, equality, and empowerment. We must make sure there is no discrimination of any kind, anywhere in America whether it is the old-fashioned kind or the new-fashioned kind. I urge my colleagues to support reauthorizing the Voting Rights Act today.

Mr. AKAKA. Mr. President, I rise today in strong support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, VRA. The right to vote is the cornerstone of our democracy, and it is central that every American have the right to vote. I am a proud original cosponsor of this bill, and I hope that the reauthorization of the VRA will continue to protect our country's democratic promise.

The VRA is one of the most significant pieces of civil rights legislation to ever become law. The act reaffirms the 15th amendment of the Constitution, which promised that the ''right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.'' In 1965, Congress recognized that this promise remained unfulfilled, and that barriers such as literacy tests and poll taxes prevented many American citizens from exercising their right to vote. The VRA has addressed these problems by prohibiting discrimination and providing language assistance to those who needed it.

As an Asian American, this bill is of personal importance to me. I know of many Asian Americans who have experienced difficulty in the polls over the years, particularly due to language barriers. According to the 2000 Census, 77 percent of Asian Americans speak a language other than English in their homes. Asian Americans who came as refugees are the most likely to face language barriers. For example, 67 percent of Vietnamese Americans over 18 are limited English proficient. They follow the news closely, but often by accessing newspapers and other media in their native languages. Section 5 of the VRA will help provide Asian Americans with equal access to the polls, ensuring that they are able to participate in the political process and empowering them to make a difference in their communities.

Over the years, our country has come a long way. But unfortunately, barriers to equal political participation remain. Some minority voters still face obstacles to making their political voice heard. There is evidence of attempts to mute the strength of minority voters via unfair redistricting. Further, the lack of bilingual ballots prevents some voters from even casting their vote. This type of ongoing discrimination proves why we still need the VRA.

Over the years, Congress has reauthorized the VRA four times. The bill before us today would reauthorize three key enforcement provisions of the VRA which would otherwise expire in 2007: Section 5, which requires jurisdictions with a history of discrimination to obtain Federal clearance before introducing new voting practices or procedures; Section 203, which requires communities with large populations of

non-English speakers to provide language assistance; and Section 8, which authorizes the Attorney General to appoint Federal election observers to ensure that minority citizens will have full access to the ballot box.

There is no question that all of these provisions are important and necessary, and I commend the members of the Judiciary Committee for their strong bipartisan work on this issue. I hope my colleagues will join me in supporting this critical piece of legislation, and I look forward to the President signing it into law.

Mr. REED. Mr. President, as a cosponsor of the Senate bill, I am pleased the Senate is considering the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Reauthorization and Amendments Act, H.R. 9.

The Voting Rights Act was signed into law 41 years ago as a direct reaction to the vicious attacks against civil rights demonstrators crossing the Edmund Pettus Bridge in Selma, AL. After these attacks, President Johnson was able to end a long deadlock with certain Members of Congress attempting to weaken the legislation. The act passed in August 1965 and successfully prohibited measures that localities had developed to disenfranchise racial and ethnic minorities, such as literacy tests, ''grandfather clauses,'' character assessments, poll taxes, and intimidation techniques, often violent. It was also drafted to prevent the racial gerrymandering, at-large election systems, staggered terms, and runoff requirements certain jurisdictions were using to dilute the effect of the minority vote.

Since then, sections 2 and 4 of the law, prohibiting the use of tests and devices intended to dissuade minority voting, have made obvious attempts to disenfranchise minorities a thing of the past. By requiring district court or attorney general determination of whether a proposed election change would abridge voting rights, section 5 has deterred measures frequently used before 1965 to weaken minority votes.

Thanks to the original law and the reauthorizations that followed, an increasing number of African Americans, Latinos, and Native Americans have been voting, decreasing the gap between white and minority turnout. Minorities report fewer attempts to curtail their rights and minority districts have allowed a greater number of African Americans, Asian Americans, and Hispanic Americans to be elected to office. The Voting Rights Act, then, has been successful in helping to carry out the promise of the 15th amendment.

Since 1965, Congress has responded to continuing or new evidence of disenfranchisement and vote dilution through the Voting Rights Act reauthorization process. And this reauthorization is no different.

The nonpartisan Lawyer's Committee for Civil Rights, which President John F. Kennedy created to promote voting equality, established a commission to conduct an investigation into vote discrimination in preparation for this most recent reauthorization proposal. The conclusions of the Commission, echoed in the many congressional hearings held on the law, was that, while the Voting Rights Act has successfully eliminated systematic efforts to disenfranchise voters, restrictions to ballot access and weakening of the minority vote are still occurring. In fact, the Commission reported that attempts to repress the minority vote, ''are still encountered in every election cycle across the country,'' citing deterrents against English-language minorities, unduly burdensome requirements for registration and voting, and election laws that result in vote dilution. Unfortunately, the 41 years this law has been in effect have not yet overcome centuries of discriminatory practice.

Since the last reauthorization, the Supreme Court, in Reno v. Bossier Parish II and Georgia v. Ashcroft, has also curtailed the intent of section 5 of the Voting Rights Act, deciding that the act does not prohibit redistricting with the purpose or effect of weakening minority votes. Many of the changes in the bill before us were drafted as a direct response to these cases. This act not only renews the expiring provisions, it restores the original intent of section 5 by prohibiting the approval of any proposed election law change having the effect of diluting a minority voting population.

As my courageous colleague, John Lewis, has said, ''The sad truth is discrimination still exists. We must not go back to the dark past.''

This reauthorization will provide the tools we need to honor our constitutional commitment to allow all of our citizens to vote. It reinvigorates the guarantee that is the foundation of our democracy the right to vote and it is a pledge not to return to a time when, as Martin Luther King said, ''The denial of this sacred right [was] a tragic betrayal of the highest mandates of our democratic tradition.''

I am honored to support this bill and would like to thank my colleagues, Senators SPECTER and LEAHY, for their work and leadership in bringing it to the floor.

Mr. KOHL. Mr. President, today the Senate will debate and consider the Voting Rights Act Reauthorization and Amendments Act of 2006. We can all agree that the Voting Rights Act was one of the most significant civil rights laws ever enacted in this country. Yesterday, the Judiciary Committee unanimously supported this bill, and today we hope the full Senate will pass it as soon as possible.

This landmark law reversed nearly 100 years of African-American disenfranchisement. It took years for Congress to devise a law that could not be circumvented or ignored through lengthy litigation or creative interpretation. After numerous failures, a stronger remedy free of litigation was needed to break the 95-year-old obstacle to Black voter participation.

The Voting Rights Act of 1965 provided the solution. That law was and remains unique by enforcing the law before a new State voting statute goes into effect rather than fighting it out after the fact for years in court. The section 5 ''pre-clearance'' procedure—along with the banning of literacy texts, poll taxes, and the like—finally worked. Soon, African-American voters did not face an unequal burden to simply exercise their constitutional right to vote.

Yet our work was far from over in 1965. Arguably, the great successes of the act we speak of today would not have been realized had Congress not amended and extended the act in 1970, 1975, 1982 and 1992. Important improvements were made to the Act during that time, including the addition of bilingual voter assistance in certain jurisdictions with a substantial number of non-native English speakers. Accordingly, our bill includes amendments which address recent Supreme Court decisions that have made enforcement of some parts of the act unclear.

As we all know, key provisions of the Voting Rights Act are set to expire next year. We have made enormous gains for voting rights since 1965, but we should not assume that the vigorous protections of the act have outlived their use. To the contrary, extending the act for another 25 years will ensure that these hard-fought rights will remain in place.

Evidence supports this sentiment when one considers that the Department of Justice deemed 626 proposed election law changes discriminatory since the last extension of the act in 1982. Past experience teaches us that we cannot rely upon the courts alone to protect the constitutional right to vote. Quite simply, the Voting Rights Act, and specifically section 5, has worked. The record demonstrates that it continues to be needed to enforce the guarantees of the 14th and 15th Amendments.

We commend Chairman SPECTER for holding this series of hearings on the Voting Rights Act. Furthermore, we note the House passed its reauthorization of the Voting Rights Act last week without amendment, and I trust we can and will do the same here in the Senate. Most of us believe the record demonstrates that the act should remain in force, and I strongly urge my colleagues to support is extension.

MS. LANDRIEU. Mr. President, the Voting Rights Act of 1965 was written to prevent both direct and indirect assaults on the right to vote. It outlawed the poll taxes and literacy tests and established a system of Federal marshals to help African Americans in the South vote. It also required covered jurisdictions to get Federal preapproval before changing their election laws or any other voting procedure.

These changes have made our political system more representative and

more just. The Voting Rights Act protects basic constitutional rights. Millions of African Americans have been added to the voting rolls since the act was passed. In 1965, there were only 300 African American elected officials in our country. Today, there are more than 9,100 African Americans who serve in elected public offices and nearly 6,000 Latino elected officials.

There are those who say that, while this act may have once been needed, it is no longer required today. I understand their argument but do not agree with it. I do believe, however, that their argument is entitled to an answer.

My answer is this: Renewing expiring provisions of the Voting Rights Act will ensure that the battle for fairness in our political system is carried on with the full force of law behind it. We certainly still need these protections today. While many of the more obvious and widespread abuses have been eliminated, isolated cases of voting discrimination and intimidation remain. They may be subtle, but they are nonetheless unfair and intolerable, and they extend to not only African Americans but to others as well. A recent court case described nearly two decades of voting rights abuses against Native Americans in South Dakota. We have heard about people videotaping the license plates of Mexican Americans as they went to vote in Dona Ana County, NM, in 2004. As recently as 2001, local officials in Kilmichael, MS, canceled elections out of fear that an African-American mayor might be elected. The Voting Rights Act allowed the Justice Department to intervene, ensuring that the right to vote was protected, and 2 years late Kilmichael elected its first African-American mayor.

Mr. President, history tells us that the justification for the continuance of this law is compellingf. It also tells us that full and fair enforcement of this law is essential, too. That is why I cast my vote for justice. That is why I cast my vote for the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Reauthorization Act.

Mr. LIEBERMAN. Mr. President, I rise today to speak in support of the vital need to reauthorize key provisions of the Voting Rights Act of 1965, among the most significant pieces of civil rights legislation Congress has ever passed.

As we are approaching the 41st anniversary of the act, perhaps it is important to remember the words of President Lyndon Johnson who signed this bill into law on August 6, 1965, as Dr. Martin Luther King, Jr. looked on.

Johnson's words spoke to all Americans—then and now—about the importance of the right to vote. He said:

> The central fact of American civilization—one so hard for others to understand—is that freedom and justice and the dignity of man are not just words to us. We believe in them. . . . Every family across this great, entire, searching land will live stronger in liberty, will live more splendid in expectation, and will be prouder to be American because of the Act you have passed and that I will sign today.

Now is the time to renew that pledge for freedom by reauthorizing the Voting Rights Act, and I am proud to cosponsor this legislation.

I thank Chairman SPECTER and Ranking Member LEAHY for their efforts to report this legislation out of their committee with unanimous support yesterday. I hope the full Senate will show the same level of support when the bill is voted on this afternoon.

The importance of renewing this act was driven home to me yesterday when, like many of my colleagues, I met with a delegation from my State's chapter of the NAACP—here for the annual NAACP meeting and to visit with their congressional delegation.

The meeting was not only a wonderful opportunity to see about 40 old friends, it was a demonstration of the fundamental constitutional principle that powers our Republic—the right to petition the government about the issues that matter most.

Of course, it strikes me that 40 years ago, while Senators on the floor of this very Chamber debated the original Voting Rights Act, some of those constituents' own parents and grandparents could not even cast a vote without fear for their own lives. And that was for one reason—because they were Black. Those were tragic times for America.

I remember my own trip to Mississippi in 1963, as a senior in college when I joined with friends on a trip to Mississippi to draw attention to the cause of enfranchising African-American voters. Our goal, like others who made similar journeys, was to support the fight of the young heroes of the civil rights movement—Black men and women who. sat at lunch counters, who refused to move to the back of the buses, who peacefully but powerfully demanded the most basic rights every American deserves—including the right to cast a vote.

I like to believe our trip to Mississippi was a small step in the march toward equality that Dr. King and other civil rights leaders, like Representative JOHN LEWIS from Georgia, who sat at those lunch counters, pressed upon the American conscience in those heavy days.

But my meeting with the Connecticut chapter of the NAACP reminded me the march toward equal rights is not over.

In my meeting, one woman asked, ''Why does Congress even have to extend the Voting Rights Act? Why is the law not permanent?''

I explained that Congress passes legislation that automatically expires because it is important to assess whether a law is working as intended, whether it needs changing to address new concerns, or whether it is needed at all.

Thanks to the Voting Rights Act of 1965, every American now has the opportunity to vote and any American can come to Washington to meet with his or her Senators, and I am grateful so many people do. Across the country, the number of African-American elected officials has increased from just 300 in 1964 to more than 9,000 today, including 43 Members of Congress.

But with some regret, we must conclude that the Voting Rights Act is as necessary today as it has ever been. For as long as the law continues to be violated, we still need that law.

Since 1982, when the act was last extended, there have been more than 1,000 complaints of violations of the Voting Rights Act all across the country. Just last month, the Supreme Court struck down parts of the redistricting plan in Texas because the court ruled that the plan disenfranchised large numbers of Hispanic voters.

As long as there are efforts to dilute the votes of some or to make it more difficult for any of our fellow citizens to vote, we need the Voting Rights Act and the provisions that are set to expire next year.

I urge my colleagues to pass this legislation today because the march toward equality must continue. But I look forward to the day when it is no longer needed because we have achieved the ideal where each and every vote cast in this great democracy of ours has the same voice and carries the same weight and that everyone who wants to vote can do so with ease and without fear of discrimination.

I urge my colleagues to pass this legislation today because the civil rights march must continue because we cannot confuse progress with victory.

As Martin Luther King said on the front steps of the Lincoln Memorial, a speech I heard in person, we can never be satisfied until every citizen can vote and every citizen has something to vote for.

And when that day comes, when we have achieved full voting rights and civil rights for all Americans, Dr. King can look down from Heaven, his mission finally fulfilled, and call out:

''Free at last! Free at last! Thank God almighty, they are free at last.''

Mr. BIDEN. Mr. President, I would like to spend just a few minutes talking about why I support this Voting Rights Act reauthorization.

The Supreme Court has said voting rights are so important because they are ''preservative of all rights'' (Yick Wo v. Hopkins (1886)). I couldn't agree more, and that is why the Voting Rights Act was and is so centrally important to our country.

Martin Luther King, Jr., called President Johnson's support of the Voting Rights Act ''a shining moment in the conscience of man.'' That moment must continue.

The act began a true transformation of our country. In 1964, there were only 300 African Americans in public office, including just three in Congress. There were exceptionally few anywhere in the South. Today, there are more than 9,100 Black elected officials, including

43 Members of Congress, the largest number ever.

The act helped open the way for the 6,000 Latino public officials elected and appointed nationwide, including 263 at the State or Federal level, 27 of whom serve in Congress.

One of the leaders of the civil rights movement, Congressman JOHN LEWIS, has characterized the impact of the Voting Rights Act this way: ''It not only transformed Southern politics, it transformed the nation.'' I couldn't agree more.

But we shouldn't just rest on the successes of the recent past. We must remain vigilant. For hundreds of years, our country struggled with slavery and the fact that nothing more than a person's skin color could determine his or her prospects in life. Even after we enacted the 15th amendment, our country struggled with Jim Crow laws and persistent discrimination.

We have now had the Voting Rights Act for 40 years, which may seem like a long time, but compared against our long and shameful history of race discrimination, 40 years seems pretty short.

Thankfully, we have come a long way since signs emblazoned windows read: ''colored need not apply'' and ''Whites only.'' But let's not be lulled into a false sense of security: racism—though much more subtle—still exists. African Americans can apply for a job all right but they might not get it because ''they're not the right type,'' or ''they just wouldn't fit in.'' New words for old sins.

Our recent history still finds sophisticated discrimination occurring when it comes to voting; and we must be especially vigilant here because voting is such a cornerstone of our democracy. We must continue to ensure diversity in our democracy and protect the rights of all Americans irrespective of race, gender, or national origin.

That is why I strongly support this reauthorization of the Voting Rights Act and am a cosponsor.

Authorizing the Voting Rights Act will be one of the most important things we can do this year, and I look forward to helping in any way that I can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I grew up in Danville, VA. The town of Danville, a town of about 30,000 people right on the North Carolina border, was famous for three things when I was growing up there. It was the home of the Dan River cotton mills, it was famous for being the world's biggest tobacco market, and it was famous for being the last capital of the Confederacy. I remember as a child riding back and forth to Danville, VA from our home outside of town and riding in the front of the bus, knowing that other people of color would ride in the back of the bus. I remember visiting downtown and going to restaurants, knowing if you were white you could eat there, and if you were not white, you could not. I remember seeing the water fountains, whites only, colored only.

I remember going to the Rialto theater with my sister, watching three movies on a Saturday afternoon for 25 cents. If you were white, you got to sit on the first floor. If you were not, you sat up in the balcony. I remember going to catch the bus across the street from my house and going about 10 miles on a bus to high school and knowing that the kids of color, about 100 yards further away from us, would get on their bus and head out to go to their school, driving by mine and going another 10 miles to their own school.

The PRESIDING OFFICER. Under the order that was agreed to by unanimous consent, the Democratic leader has the floor at 4 o'clock.

Mr. REID. Will the Senator from Delaware indicate how much more time he needs?

Mr. CARPER. If I could have 3 minutes.

Mr. REID. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. In addition to not being able to drink water at fountains with us, eat in the same restaurants, go to movies, ride on the bus or go to school with the rest of us, the other thing that folks of color couldn't do in my hometown was vote. They couldn't vote because they didn't pay a poll tax. They couldn't vote because they weren't smart enough allegedly to pass the test they had to take in order to become voters.

I came here in 1965, barely out of high school, 18 years old. I went to the Rayburn Building and happened to walk into a hearing in 1965 by the House Judiciary Committee on this legislation, the Voting Rights Act of 1965. The enactment of that legislation did more to change things in my town of Danville, VA, and a lot of towns in this country, especially in the South, than any one thing I can think of.

Yesterday, as several of us in the Senate rolled out something we called the Restoring the American Dream Initiative, we started off by trying to make sure that everybody who wanted to go to college had the ability to get to college. If we are going to be successful as a nation in the 21st century, we need a world class workforce. We can't have that unless we have well-educated, college-educated people. In order to have those kinds of opportunities, before we ever get to college we have to make sure kids have a decent chance to go to good elementary, middle, and high schools. And in order for anybody to have the American dream, it is important to have a chance to get a decent job, have a chance to be a home owner, raise a family, work hard, and live in a community and practice your faith.

The one best way to ensure that people of all walks of life have those opportunities is to make sure that they have the opportunity every November, or whenever, to go into the voting booth, be registered to vote, and exercise their constitutional right. By the passage of this legislation today, we reaffirm our commitment to that sacred right.

As one who came here 41 years ago, when my very first experience in the Capitol as an 18-year-old teenager was the debate on this legislation, to be back here today as a Member of the Senate, something I never thought possible, is an uplifting experience for me. I hope it serves as an inspiration to young men and women of whatever race or background they might be. I thank the leader.

I yield back my time.

Mr. REID. Mr. President, how much time did the Senator from Delaware use?

The PRESIDING OFFICER. Three minutes.

Mr. REID. Mr. President, I yield to the Senator from Vermont, Mr. LEAHY.

Mr. LEAHY. Mr. President, earlier this afternoon when I was not on the Senate floor, a few Republican Senators gave statements that reflected their individual views of what the legislation we are considering today will do to address the Supreme Court's interpretation of legislative intent in the Georgia v. Ashcroft and Reno v. Bossier Parish cases. While I am not fully informed of their positions, I certainly disagree with what I heard.

In the Senate Judiciary Committee we received extensive testimony about these two provisions over the course of several hearings that informed our Committee vote yesterday. I ask unanimous consent to have printed in the RECORD a full explanation of the testimony we received that informed our vote yesterday and my understanding of the purpose and scope of these two provisions as an original and lead sponsor.

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

GEORGIA V. ASHCROFT FIX

The first of these provisions is commonly referred to as the ''Georgia vs. Ashcroft fix.''

In the Judiciary Committee we received evidence that the Voting Rights Act had been significantly weakened by the Supreme Court's decision in Georgia v. Ashcroft because it narrowed the protections afforded by Section 5. Prior to the Ashcroft decision, an objection would be raised by the Department of Justice if the voting change made the position of minority voters worse off in terms of their ability to elect candidates of their choice. In Ashcroft, the Supreme Court replaced the clear and administrable ''ability to elect'' standard with an unworkable ''totality of the circumstances'' standard that appears to permit the trading away of districts in which minority voters have the opportunity to elect candidates of their choice for districts in which minority voters may (or may not) have an ''influence'' over who is elected.

It is my understanding that the bill we are considering here today clarifies congressional intent after the Georgia v. Ashcroft

decision by re-establishing that Section 5 requires that there be no retrogression of minority voters' ability to elect the candidate of their choice—the standard described in Beer v. United States that governed Section 5 preclearance decisions prior to the Supreme Court's decision in Ashcroft.

The drafters of this legislation concluded that ''ability to elect'' was the proper standard because it preserves the gains made in minority voting power and provides a more manageable standard to guide covered jurisdictions, the Department of Justice, and the federal courts as they review voting changes pursuant to Section 5.

The bill we are considering today re-establishes the ''ability to elect'' standard because the ''totality of the circumstances'' test articulated in the Ashcroft decision undermines Section 5's ability to protect against discrimination and maintain the progress made in minority political participation, and it creates an amorphous standard that will be difficult for covered jurisdictions to follow and for the Justice Department to administer.

We in Congress who are supporting this bill determined that we must address this standard for the same reasons as the dissent in Ashcroft noted, that is because the ''totality of the circumstances'' test adopted by the Supreme Court majority ''unmoors §5 from any practical and administrable conception of minority influence'' by abandoning the ''anchoring reference to electing a candidate of choice'' that had previously guided Section 5 preclearance.

In the Judiciary Committee we received extensive testimony about the harm that the Ashcroft decision has had on the power of Section 5 to protect minority voters. Political science professor Theodore Arrington, who has served as an expert witness in over 30 voting rights cases, testified at the Committee's hearings that the Ashcroft case created an ''unworkable standard'' because there is ''no way to know how to comply with the Court's mandate.'' The legislation we are considering today would add needed clarity.

The difficulty of measuring minority ''influence'' was well-illustrated by the results in Georgia v. Ashcroft itself, as was pointed out in the Committee by Professor Pamela Karlan. The Supreme Court noted that most of the districts in which African-Americans make up more than 20% of the electorate are majority-Democrat, which the Court concluded ''make it more likely as a matter of fact that African-American voters will constitute an effective voting bloc, even if they cannot always elect the candidate of their choice.'' However, in the three districts where African-American voters supposedly retained an ''influence'' on their elected representatives, the elected white representatives switched from the Democratic to the Republican party in the two-week period between their election and the inauguration, which resulted in the Democrats losing control of the Georgia State Senate. This result undermined the Supreme Court's view that representatives elected in a minority ''influence district'' would listen and respond to their sizable minority constituents despite not being these voters' preferred candidates.

The aftermath of Georgia's elections supports the dissenting justices' views that it is impossible for a court to measure minority influence, and thus a state should not be granted preclearance for redistricting plans that trade away districts in which minority voters have the ability to elect their preferred candidates for ones in which they might have the ability to influence candidates elected by others. As Ashcroft itself demonstrated, the appearance of influence might far exceed the reality.

The impact of ''influence districts'' is particularly ephemeral where the existence of racially polarized voting means that elected officials do not need minority voters to retain their seats. As Laughlin McDonald, Director of ACLU's Voting Rights Project, testified, racially polarized voting means that African-Americans may have little or no influence in majority white districts. In the 1970s and 1980s, only about 1% of majority white districts in the South elected an African-American to a state legislature. As late as 1988, no African-American had been elected from a majority white district in Alabama, Arkansas, Louisiana, Mississippi, or South Carolina. The ACLU's Voting Rights Project Report described the pervasiveness of racial bloc voting in covered jurisdictions. For example, in Smith v. Beasley, decided in 1992, a three-judge court found that ''[i]n South Carolina, voting has been, and still is, polarized by race. This voting pattern is general throughout the state.'' Ten years later, in 2002, another three-judge court made a similar finding: ''Voting in South Carolina continues to be racially polarized to a very high degree in all regions of the state and in both primary and general elections.'' As recently as 2004, the Fourth Circuit affirmed the findings of a South Carolina district court that ''voting in Charleston County Council elections is severely and characteristically polarized along racial lines.''

After Ashcroft, states can redistrict in ways that diminish minority voters' political power. As Professor Nathaniel Persily testified, the ''danger that Ashcroft seemed to invite and that this legislation intends to fix is the possibility that under the cloak of 'influence districts' a jurisdiction might dilute the minority vote by splitting large minority communities among several districts in which they really have no influence at all.'' Professor Persily explained that under the Ashcroft precedent, the Department of Justice could preclear a state redistricting plan that split a 60% minority district into two 30% minority influence districts, even though such a plan would severely diminish minority voters' ability to elect their preferred candidates. Moreover, combined with the Supreme Court's holding in Bossier II, a state legislature could enact these kinds of voting changes for the express purpose of discriminating against minority voters, and yet they nonetheless might be precleared under Section 5.

The VRARA restores Section 5 to its original intended meaning so that it prohibits voting changes that undermine racial minorities' ability to elect candidates of their choice. The VRARA provides that ''[t]he purpose of subsection (b) of this section is to protect the ability of such [minority] citizens to elect their preferred candidates of choice.'' This change to Section 5 makes clear that Congress rejects the Supreme Court's Ashcroft decision and reestablishes that a covered state's redistricting plan cannot eliminate ''ability to elect'' districts and replace them with ''influence districts.''

The amendment to Section 5 does not, however, freeze into place the current minority voter percentages in any given district. As stated by the dissenters in Georgia v. Ashcroft, as well as by Professor Arrington and Professor Persily at the Committee hearings, reducing the number of minorities in a district is perfectly consistent with the pre-Ashcroft understanding of Section 5 as long as other factors demonstrate that minorities retain their ability to elect their preferred candidates. The amendment is intended to make clear that the addition of districts in which minorities might have an influence on the political process cannot compensate for the elimination of districts in which minorities have the ability to elect a preferred candidate. But there is no ''magic number'' that every district must maintain to satisfy the ''ability to elect'' standard; the percentages will vary depending on such variables as the extent of racially polarized voting and white crossover voting, registration rates, citizenship variables, and the degree of voter turnout. As both Professor Arrington and Professor Persily stated in their testimony, all of these considerations should come into play, making the ''ability to elect'' standard one that turns on the context of the districts at issue, as was the case under the Beer standard.

The ''ability to elect'' standard does not lock in districts that meet any particular threshold. Determinations about whether a district provides the minority community the ability to elect must be made on a case-by-case basis. Indeed, prior to Georgia v. Ashcroft, the Department of Justice utilized case-by-case analysis to determine whether a voting change impacted the minority community's ''ability to elect.'' Specifically, DOJ performed an intensely jurisdiction-specific review of election results, demographic data, maps and other information in order to compare the minority community's ability to elect under benchmark and proposed plans. Other information considered by DOJ, outlined in the Procedures for the Administration of Section 5 of the Voting Rights Act,'' 28 C.F.R., Part 51, include the extent to which a reasonable and legitimate justification for the change exists, the extent to which the jurisdiction followed objective guidelines and fair and conventional procedures in adopting the change, the extent to which the jurisdiction afforded members of racial and language minority groups an opportunity to participate in the decision to make the change, and the extent to which the jurisdiction took the concerns of members of racial and language minority groups into account in making the change. This analysis allows jurisdictions a degree of flexibility in the adoption of their voting changes.

In sum, to avoid violating Section 5's nonretrogression standard, a covered state's redistricting must ensure that it has not diminished minority voters' ability to elect their candidates of choice. The ''ability to elect'' standard that is being reestablished through the VRARA prevents all types of retrogressive changes, whether they come from the dispersion of a minority community among too many districts (cracking) or the overconcentration of minorities among too few (packing).

BOSSIER FIX

The second of these provisions is usually referred to as the ''Bossier Fix.''

We have acted in this reauthorization to restore the VRA's original standing and effectiveness. After hearing extensive testimony and carefully reviewing the record created in the Senate and in the House of Representatives, we concluded that the Supreme Court's holding in a case called Reno v. Bossier Parish (''Bossier II''), went against both the original intent of Congress and established Department of Justice and judicial precedent. Section 5 of the VRA requires that all changes in covered jurisdictions ''not have the purpose and . . . not have the effect of denying or abridging the right to vote on account of race or color.'' Accordingly, the process for preclearing changes consists of two prongs. First, it consists of an inquiry as to the purpose of the change in question. Then, it requires a separate examination into the effect of the change. A plan may not receive preclearance without satisfying requirements under both prongs. Traditionally, the purpose prong has been a common basis for Department of Justice objections to plans submitted by covered jurisdictions. However, since ''Bossier II'' the scope

and effectiveness of the purpose prong has been dramatically limited.

That is why we are amending the VRA to make clear that a covered jurisdiction does not have to disprove the existence of any Section 2 violation to obtain Section 5 preclearance. Rather, contrary to the suggestions of a handful of my colleagues who wish to undermine what we accomplish today, this bill amends the VRA to make clear that it prohibits all voting changes enacted with a discriminatory purpose.

THE HOLDING IN BOSSIER II

The controversy in Bossier II arose when the school board (''the Board'') of Bossier Parish, Louisiana sought to redraw the districts that elected its members. At the time of the 1990s redistricting, African-Americans made up approximately 20% of the parish's population. They did not, however, comprise a majority in any of the twelve school board districts in the parish. In 1992, the Board adopted a new redistricting plan that did not create any new majority-African-American districts, rejecting an alternate plan that would have created two majority-African-American districts.

In January of the following year, the Board submitted its redistricting plan for preclearance to the Department of Justice; upon objection by the Attorney General, the Board filed suit for a declaratory judgment in the federal district court to obtain preclearance. At trial, the Attorney General argued that the plan should not be approved under Section 5 for two reasons. First, the plan diluted the voting strength of African-American voters, in violation of a separate provision of the VRA, Section 2. Second, the plan was enacted with a discriminatory purpose.

At trial, DOJ presented extensive evidence that the plan was, in fact, enacted with a discriminatory motive. The Board's refusal to draw a single African-American majority district stood in stark contrast to its own admission that creation of a majority-African-American district was clearly feasible, and in contrast to expert testimony that African-Americans would only be able to elect their chosen candidate in such a district. Moreover, the manner in which the districts were drawn suggested—in the Board cartographer's own opinion—that traditionally African-American populations were purposefully divided into adjoining white districts, a process known as ''fracturing.'' Most alarming, however, was testimony suggesting that certain Board members were openly hostile to African-American representation or African-American-majority districts.

In spite of this evidence, the trial court precleared the plan. The case twice reached the Supreme Court on separate appeals. The first time, the Court agreed with the trial court that a voting change cannot be denied preclearance under Section 5 solely because the change violated Section 2. The second time—Bossier II—the Court addressed a more contentious question: whether Section 5 prohibited all voting changes enacted with a discriminatory purpose. The Court answered this question in the negative, holding that Section 5 does not bar electoral changes enacted with a discriminatory purpose if those changes were designed only to maintain, and not worsen, the current electoral strength of a protected minority group.

Bossier II was premised on the holding in an earlier Section 5 case, Beer v. United States. In Beer, the Supreme Court interpreted the effects prong to prohibit only those changes that had a ''retrogressive'' impact on the voting strength of minorities in a covered jurisdiction. The question of retrogression—whether or not a proposed plan decreased voting strength as compared to the previous plan—thus became the critical measure of success or failure under the effects prong. In Bossier II, Justice Scalia argued that since ''purpose'' and ''effect'' both modify the same object in the text of the statute—''denying or abridging the right to vote on account of race or color''—they must prohibit the same activity. If Beer held that the effects prong only prohibited ''retrogression,'' the Court's majority reasoned that Section 5 would only prohibit retrogressive intent. The end result of this argument was aptly summarized by Debo Adegbile, who testified: ''Since [Bossier II], non-retrogressive voting changes motivated by racial animus, no matter how clearly demonstrated . . . are insulated from Section 5 objection under the purpose prong.'' Justice Souter, dissenting from the majority opinion, came to the same conclusion: ''Now executive and judicial officers of the United States will be forced to preclear illegal and unconstitutional voting schemes patently intended to perpetuate discrimination.''

PROBLEMS WITH THE PURPOSE PRONG UNDER BOSSIER II

The holding in Bossier II is at odds with congressional intent and established judicial and Department of Justice precedent. It effectively eviscerates the purpose prong of Section 5 and compromises the overall ability of Section 5 to combat innovative discriminatory practices, which it was originally designed to prohibit. Committee reports from the 89th Congress uniformly suggest that the Senate and House of Representatives designed Section 5 as a broad protection against increasingly innovative discriminatory practices. This is reflected in the fact that the language of the provision closely parallels that of the 15th Amendment, which prohibits intentional discrimination. This is not a coincidence; members of both the Senate Judiciary Committee and the House of Representatives Judiciary Committee explicitly cited the VRA as a bill primarily intended to enforce the 15th Amendment.

In 1966, when the Supreme Court heard the first constitutional challenge to the VRA, it reaffirmed the broad scope envisioned by Congress. In South Carolina v. Katzenbach, the Court explained that the VRA was designed ''to rid the country of racial discrimination in voting,'' and described Section 5 as ''the heart of the Act.'' Six years later, in Perkins v. Matthews, the Court stated that there was ''little question'' that Congress intended Section 5 to ensure that covered jurisdictions ''not institute new laws with respect to voting that might have a racially discriminatory purpose or effect.'' In 1975, far from repudiating earlier Committee reports or the statements in Katzenbach and Perkins, this Committee further emphasized a broad role for Section 5, one that went beyond the mere preservation of minority voting strength.

The purpose prong established by Bossier II is far narrower than Congress intended. While the retrogression standard defines prohibited effects, the same standard limits the purpose prong to the point of insignificance. After Bossier II, the only occasion in which the purpose prong would be the sole basis for a Department of Justice objection would be when the covered jurisdiction intended to decrease minority voting strength, but somehow failed in this effort.

More incongruously, however, as conceived by Bossier II, the purpose prong would actually reward those covered jurisdictions with the most extensive histories of minority vote dilution; this is what Professor Anita Earls described in hearings before the Judiciary Committee as the ''discrimination dividend.'' Where a jurisdiction has traditionally structured its election methods and voting practices so that minority voters have no voting strength, and no ability to elect candidates of their choice to begin with, it is impossible for new voting practices to be retrogressive. When no retrogression is possible, it is also impossible to prove retrogressive intent. The Bossier II interpretation of the purpose prong would freeze voter discrimination at existing levels, to the benefit of the most discriminatory of jurisdictions.

I find no evidence to suggest that the 94th Congress enacted Section 5 with such a limited—and indeed, paradoxical—scope in mind. To the contrary, Section 5 was designed to target precisely those areas with the most entrenched histories of discrimination. The Supreme Court long recognized this. I agree with the findings of the House Committee on the Judiciary, which concluded that the purpose prong was designed to prevent all voting changes with a discriminatory intent. We reported VRARA and will pass it today to restore the original understanding of that provision.

In addition to contravening congressional intent, Bossier II is also in conflict with more than three decades of judicial and Department of Justice precedent. Prior to Bossier II, the Department of Justice interpreted the purpose prong of Section 5 to block all changes enacted with a discriminatory intent, regardless of retrogressive effect. This was not a limited practice. Prior to Bossier II, a large percentage of all Department objections were based on discriminatory purpose alone.

The Supreme Court reached the same conclusion, consistently construing Section 5 as barring implementation of electoral changes if and when they were adopted with a discriminatory purpose. In City of Richmond v. United States, for example, the Court held that a proposed annexation had no discriminatory effect under Section 5. However, the Court nevertheless remanded the case to the District Court to determine if the change was adopted for a discriminatory purpose. As the Court stated in City of Richmond: ''An official action, whether an annexation or otherwise, taken for the purpose of discriminating against Negroes on account of their race has no legitimacy at all under our Constitution or under the statute.'' Likewise, in City of Pleasant Grove v. United States, a covered jurisdiction was denied preclearance for a proposed annexation, even though retrogressive effect was impossible, because of clear evidence that the annexation was enacted with a racially discriminatory purpose. The Court explained that ''[t]o hold otherwise would make appellant's extraordinary success in resisting integration thus far a shield for further resistance.'' Even in Beer, the purported foundation for Bossier II, the Court provided that changes that actually improved the voting strength of minorities could still be denied preclearance if they were intentionally discriminatory. The District Court for the District of Columbia—the body charged with exclusive jurisdiction over Section 5 suits—also consistently held (before Bossier II) that Section 5 prohibits changes enacted with a discriminatory intent.

For thirty-five years, Congress reviewed and renewed the Voting Rights Act and amended Section 2 in response to another Supreme Court precedent, Mobile v. Bolden, but Congress did not change or raise any objection to the judicial or Justice Department interpretations of the Section 5 purpose prong. Instead, Congress reauthorized Section 5 unamended on three separate occasions. Until Bossier II, all three branches of government—the courts, the executive, and the legislature—appeared to be in agreement that the purpose prong prohibited all

changes enacted with a discriminatory intent.

BOSSIER II UNDERMINES THE EFFECTIVENESS OF SECTION 5

Bossier II has had a striking impact on the Section 5 purpose prong, minimizing the number of purpose-based objections and undermining the overall ability of Section 5 to block discriminatory electoral practices in covered jurisdictions. The record of preclearance objections after Bossier II suggests that the purpose prong under Bossier II has become inconsequential and has no meaning apart from retrogressive effect. After Bossier II, there was a steep drop in the number of Department of Justice objections based on purpose alone. In the 1980s, 25% of DOJ objections—83 objections in total—were based on intent alone; in the 1990s, this number increased to 43%, with 151 objections solely based on discriminatory intent. In the five years following Bossier II, only two out of a total of forty-three objections (4%) have been interposed because of retrogressive intent, the only purpose prohibited by Bossier II. In the words of one House Judiciary Committee witness, Mark Posner, the purpose prong ''has effectively been read almost entirely out of Section 5.''

According to Mr. Posner's testimony, the impact of Bossier II on Section 5 enforcement is evident from the recent history of decennial redistricting. After the 1980 Census, the Department of Justice objected to 7% of redistricting plans filed by covered jurisdictions; this rate increased to 8% after the 1990 Census. In contrast, DOJ objected to only 1% of redistricting plans filed after the 2000 Census. There is strong evidence that the drop is significantly attributable to the absence of purpose-based objections.

The inability of Section 5 to block changes enacted with a discriminatory intent is highly troubling. At its core, the Voting Rights Act was designed to fight discrimination in American politics; the VRA is a vehicle to enforce the 14th and 15th Amendments, which themselves prohibit intentional discrimination in various settings. Section 5 was the centerpiece of this effort, effectively shifting the burden of fighting racial discrimination from the victims to the state. Allowing expressly discriminatory plans to attain preclearance solely because the voting strength of a minority group is too weak to be further worsened undermines the original impetus of the VRA in general, and Section 5 in particular. Furthermore, it shifts the burden of fighting voting discrimination back to its victims.

RESTORING SECTION 5 PURPOSE INQUIRY

For the reasons I have described, we find it necessary to amend Section 5 to restore the purpose prong to its original scope, enabling the Attorney General and the District Court of the District of Columbia to object to any voting changes enacted with a discriminatory intent. The VRARA accomplishes this by adding subsections (b) and (c) to Section 5, which state that, ''(b) Any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), to elect their preferred candidates of choice denies or abridges the right to vote within the meaning of subsection (a) of this section,'' and ''(c) The term ''purpose'' in subsections (a) and (b) of this section shall include any discriminatory purpose.''

These sections reject the holding in Bossier II and clarify Congress' original intent that Section 5 prohibit all voting changes enacted with a discriminatory purpose. This would also realign the purpose prong with constitutional standards, allowing Section 5 to prohibit intentional discrimination that would otherwise be unconstitutional under the 15th Amendment. I reject any reading of Section 5 that would allow explicitly discriminatory voting changes to be precleared, solely because the voting strength of the minority group in question cannot be further diminished. I believe that the VRARA remedies this problem and restores the purpose prong of Section 5 to prevent purposeful discrimination.

Mr. LEAHY. Mr. President, as the Senate stands poised to conclude this debate and reauthorize the Voting Rights Act, we recall the words of Martin Luther King, Jr., in his famous ''I have a Dream'' speech, where he noted: ''When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.'' The Voting Rights Act is one of the most important methods of enforcing this promise and upholding the Constitution's guarantee of equal rights and equal protection of the law. We owe it those who struggled so long and hard to transform the landscape and make America a place of political inclusion to reauthorize this important Act. We all enjoy these protections and take them for granted. No Senator would ever be denied the right to vote, but the same cannot be said about millions of others. We act so that all Americans can enjoy America's bounty, its blessings and its promise.

On May 2, our congressional leadership stood together on the steps of the Capitol—an historic announcement in an era of intense partisanship. We came together in recognition that there are few things as critical to our Nation, and to American citizenship, as voting. In sharp contrast to the tremendous resistance and bitter politics which met the initial enactment of the Voting Rights Act, our efforts this year have overcome objections through discussions, the hearing process and by developing an overwhelming record of justification for extension of the expiring provisions. Last week, the House of Representatives, after a month of delay, passed H.R. 9 by a vote of 390–33, rejecting all efforts to reduce the sweep and effect of the Voting Rights Act. Yesterday in the Senate Judiciary Committee, we did the same after almost as long a delay in considering the companion Senate bill. We acted unanimously to report the Senate bill. Now it is up to the full Senate to complete our work.

As Congressman JOHN LEWIS said, ''When historians pick up their pens and write about this period, let it be said that those of us in the Congress in 2006, we did the right thing. And our forefathers and our foremothers would be very proud of us. Let us pass a clean bill without any amendments.'' I am encouraged that we are so close to accomplishing this today.

The path that my good friend JOHN LEWIS has taken from Selma, AL, to Congress, from ''Bloody Sunday'' in 1965 on the Edmund Pettis Bridge to leading the fight in 2006 to reauthorize the Voting Rights Act, is a lesson to us all. The events of Bloody Sunday, were caught on television cameras, and those powerful images laid bare for all Americans the violence encountered by many African Americans trying to exercise their civil rights. It was a crucial turning point in securing the right to vote. A few days after the violence of Bloody Sunday, President Lyndon Johnson outlined the proposed Voting Rights Act of 1965, before a joint session of Congress. Later that year, Congress passed it so that the Constitution's guarantees of equal access to the electoral process, regardless of race, would not be undermined by discriminatory practices.

Like the rights guaranteed by the First Amendment, the right to vote is foundational because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our democratic Government is dependent on the access all Americans have to the electoral process.

Today we are poised to reaffirm a cornerstone of our civil rights laws. As we do, we recall the great historic struggle for civil rights led by American heroes of vision and strength, such as Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, who passed away just months ago. We honor their legacy by reaffirming our commitment to protect the right to vote for all Americans.

The pervasive discriminatory tactics that led to the original Voting Rights Act were deeply rooted. As a Nation, this effort to ensure equal protection dates back more than 135 years to the ratification of the 15th Amendment in 1870, the last of the post-Civil War Reconstruction amendments. It took the passage of the Voting Rights Act of 1965 for people of all races in many parts of our country to begin the effective exercise of rights granted 95 years earlier by the 15th Amendment. Despite the additional gains we have made in enabling racial minorities to participate in the political life of the Nation, the work of the Voting Rights Act is not yet done.

In fact, in the recent LULAC decision, the Supreme Court—finding that 100,000 Latino Americans were illegally disenfranchised in Texas—affirmed that racial discrimination against our Nation's minorities persists today. It proves that the protections of the Voting Rights Act are still needed. We have this year undertaken an extensive process of congressional fact-finding. What it establishes is that we are right to extend the protections of the Voting Rights Act.

In the Senate Judiciary Committee, we held nine hearings on the Voting Rights Act. We received thousands of pages of testimony, reports, articles,

letters, statistics, and other relevant material from a wide variety of sources to inform our consideration. The evidence gathered, together with the record developed in a dozen hearings in the House provide us with an adequate basis for Congress to determine that the protections of the Voting Rights Act are still needed both to maintain the gains already achieved and to continue to enforce the guarantees of equality enshrined in the 14th and 15th Amendments.

Much of the testimony we received focused on the continuing need for Sections 5 and 203 of the Voting Rights Act as essential safeguards to the rights and interests of Americans of all races and our language minorities.

The record we have assembled and consider justifies the renewal of Section 5. This section requires certain jurisdictions with a history of discrimination to ''pre-clear'' all voting changes with either the Justice Department or the U.S. District Court for the District of Columbia. In doing so, Section 5 combats the practice of those jurisdictions of shifting from one invalidated discriminatory tactic to another, which had undermined earlier efforts to enforce the 15th Amendment. After ''enduring nearly a century of systematic resistance to the Fifteenth Amendment,'' Congress found, it was imperative to ''shift the advantage of time and inertia from the perpetrators of the evil to its victims.''

Section 5 continues to be a tremendous tool for protecting minority voting rights and a necessary one. For example, in 1992, the Attorney General used Section 5 to stop Wrightsville, GA, from relocating its polling place from the county courthouse to a private all-white club with a history of refusing membership to black applicants and a then-current practice of hosting functions to which blacks were not welcome. Even more recently, in 2001, Kilmichael, Mississippi's white mayor and all-white Board of Aldermen abruptly cancelled an election after Census data revealed that African Americans had become the majority in the town and an unprecedented number of African-American candidates were running for office. The Justice Department objected under Section 5. Only after the Justice Department forced Kilmichael to hold an election in 2003 did it elect its first African-American mayor, along with three African-American aldermen.

These are just a couple of examples that are representative of the barriers to political participation that all too many American citizens still face today, in 2006. In addition to finding extensive evidence that covered jurisdictions have continued to engage in discriminatory tactics, we also found that the Section 5 preclearance requirement has served a vital prophylactic purpose in protecting against discriminatory voting practices before they go into place and securing the gains made in minority political participation.

The record also supports renewal of Sections 203 and 4(f)(4), which require bilingual voting assistance for certain language minority groups, to ensure that all Americans are able to exercise their fundamental right as citizens to vote. According to the most recent information from the Census, more than 70 percent of citizens who use language assistance are native born, including Native Americans, Alaska natives and Puerto Ricans. Many of those who benefit from Sections 203 and 4(f)(4) suffer from inadequate educational opportunities to learn English.

These Americans are trying to vote but many of them are struggling with the English language due to disparities in education and the incremental process of learning. We can and we must reauthorize these provisions to make sure there is no literacy test at the polling place. We endured a time in our Nation's history when such tests disenfranchised many voters. Renewing the expiring language provisions will help enable all Americans to participate fully in our Nation's democracy.

The record also supports the need to amend the VRA to restore its original purpose in response to two Supreme Court decisions that have limited its effectiveness. The bill remedies the Supreme Court's holding in Reno v. Bossier Parish, by making clear that a voting rule change motivated by any discriminatory purpose violates Section 5. Under the holding in Reno v. Bossier Parish, certain voting rule changes passed with the intent to discriminate against minorities could pass Section 5 muster. Because such an interpretation is inconsistent with congressional intent and the purpose of the Voting Rights Act to eliminate discriminatory tactics that undermine the guarantees of the 15th Amendment, our bill fixes this inconsistency by clarifying that a voting rule change motivated by any discriminatory purpose also cannot be pre-cleared.

The bill also remedies the Supreme Court's holding in Georgia v. Ashcroft. In this case, the Supreme Court provided an unclear and unworkable test for assessing a jurisdiction's challenge to denial of Section 5 pre-clearance. Congressional intent was to protect the ability of a minority community to elect a candidate of its choice. This legislation clarifies our congressional intent by setting forth defined factors to restore the original understanding of the Voting Rights Act to protect the minority community's ability to elect their preferred candidates of choice.

It has often been said that those who cannot remember the past are condemned to repeat it. We must make certain that the significant gains in voting rights over the past four decades do not suffer the same fate as the voting rights provided during Reconstruction. After the Civil War, the Reconstruction Act promised that the guarantees of the 15th Amendment would be realized. Between 1870 and 1900, 22 African-Americans served in the United States Congress. In 1868, Louisiana elected an African-American Lieutenant Governor, Oscar Dunn, and 87 African Americans held seats in the South Carolina legislature. However, these Reconstruction-era gains in African-American voting and representation proved to be short-lived. Following the end of Reconstruction, the rights of African-Americans to vote and to hold office were virtually eliminated in many areas through discriminatory legal barriers, intimidation, and violence. The changes were swift, systematic and severe. By 1896, Representative George White of North Carolina was the only African American remaining in the U.S. Congress, and it would take 72 years after Representative White left Congress for African-American voters in the South to elect another candidate of their choice to Congress.

In Mississippi, the percentage of African-American voting-age men registered to vote fell from over 90 percent during the Reconstruction period to less than 6 percent in 1892. Between 1896 and 1900, the number of African-American voters in Louisiana was reduced from 130,000 to a mere 5,000. Unlike the short-lived gains made by African-American voters during Reconstruction, their exclusion from the ballot box was persistent. Only 3 percent of voting-age African-American men and women in the South were registered to vote in 1940, only 1 percent in Mississippi. These numbers provide a lesson we cannot not ignore.

The passage of the Voting Rights Act in 1965 was a turning point. We have made progress toward a more inclusive democracy since then but I fear that if we fail to reauthorize the expiring provisions of the Voting Rights Act, we are likely to backslide. In his testimony before the Senate Judiciary Committee, civil rights lawyer Robert McDuff warned:

> No place more than Mississippi has been torn by slavery, by the lost promise of emancipation after the Reconstruction period, by the resurgence of racist power in the latter part of the 19th century and most of the 20th, and by the legacy of poverty and racial separation that still exists. While people's behavior and people's hearts can change over time, vigilance is required to ensure that laws and structures remain in place to prevent us as a society from turning back to the worst impulses of the past. Occasional flashes of those impulses illustrate the need for that vigilance. Important changes have come to pass in Mississippi in the last 40 years—changes due in large part to the mechanisms of the Voting Rights Act, particularly the preclearance provision of Section 5. But, like the gains that were washed away after the nation abandoned the goals of Reconstruction in 1876, the progress of the last 40 years is not assured for the future.

When we have such legal protections that are proven effective when enforced, we should not abandon them prematurely simply in the hope equality will come. Reauthorizing and restoring the Voting Rights Act is the right thing to do, not only for those who came before—the brave people who

fought for equality—but also for those who come after us, our children and our grandchildren. No one's right to vote should be abridged, suppressed or denied in the United States of America.

The Voting Rights Act of 1965 is one of the most important laws Congress has ever passed. It helped to usher the country out of a history of discrimination into the greater inclusion of more Americans in the decisions about our Nation's future. Our democracy and our Nation are better and richer for it. We cannot relent in our fight for the fundamental civil rights of all Americans. Congress has reauthorized and revitalized the Act four times pursuant to its constitutional powers. This is no time for backsliding, this is the time to move forward together.

As the Senate completes consideration of this important legislation—the culmination of many months of legislative activity to reauthorize the Voting Rights Act—I welcome the President's statement of support today. It was a long time in coming, and the long way round, but he got there. The President is right to have spoken of racial discrimination as a wound not fully healed. We all want our revitalization of the Voting Rights Act we consider today to help in that healing process and in guaranteeing the fundamental right to vote.

I was reminded today of when the President spoke dramatically last September from New Orleans' Jackson Square and pledged to confront poverty with bold action. I look forward to that bold action. He spoke then of helping our people overcome what he called ''deep, persistent poverty,'' ''poverty with roots in a history of racial discrimination, which cut off generations from the opportunity of America.'' I agree with him. We must, as the President said that night, ''rise above the legacy of inequality.'' That is a shameful legacy that still exists and still needs to be overcome. The President is right that ''the wounds'' of racial discrimination need to be fully healed.

In my judgment, based on the record before this Senate, the reauthorization of the Voting Rights Act is needed to ensure that healing.

We heard so often during the civil rights movement ''we shall overcome.'' But it is not just a case of we shall overcome, it is ''we must overcome.''

I also welcome the support of others who have come recently to this cause and struggle. I welcome our Senate bill cosponsors who joined us after the companion House bill had already won 390 votes and even those who joined after the Senate bill was successfully voted out of our Committee, 18–0. It is never too late to join a good cause, and protecting the fundamental right to vote and have Americans' votes count is just such a cause.

Someone who was not late to the struggle but who has been at its forefront since his election to the Senate in 1962 is the senior Senator from Massachusetts. He worked to pass the original landmark Voting Rights Act in 1965. On this issue he is the Senate's leader. It has been an honor to work beside him in this important effort. And work he did. To assemble the record required work. He came to our hearings, helped organize them, helped assemble the witnesses, and when Senators from the majority were unavailable, he and I proceeded with the permission of our chairman to chair those hearings. We would not be passing this bill without the overwhelming support that it will have if it had not been for Senator KENNEDY.

Of course, we also honor the senior Senator from Hawaii who likewise voted for the Voting Rights Act of 1965 and each of its reauthorizations. His leadership in these matters is greatly appreciated by this Senator and, I believe, by the Senate.

I also thank the Democratic leader for his help. Senator REID stayed focused on making sure this essential legislative objective was achieved. He worked with us and the Republican leader throughout. He is a lead sponsor of the legislation and was a key participant at our bicameral announcement on the steps of the Capitol on May 2.

Throughout the process of developing the bill, developing the legislative record and considering the bill, he has never failed to go the extra mile to ensure the success of this effort.

I thank our Chairman and lead Senate sponsor. As I pushed and cajoled and urged action he heard me out. Together with the other active members of the Judiciary Committee, we worked to assemble the necessary record and consider it so that our bill is on a solid factual, legal and constitutional foundation. I thank each of our cosponsors and, in particular, those who joined us early on, those on the Judiciary Committee, and the Republican leader.

There are too many others who deserve thanks. They include Senator SALAZAR for his contributions throughout and for his thoughtful initiative to broaden those for whom this bill is named by including Cesar Chavez. I look forward to working with him to make that a reality. To all who have supported this effort I say thank you and know that your real thanks will be in the fulfillment of the promise of equality for all Americans in the years ahead.

I wholeheartedly thank the members of the civil rights community.

Led by Wade Henderson and Nancy Zirkin at the Leadership Conference on Civil Rights and by Bruce Gordon and Hilary Shelton of the NAACP and by lawyers like Ted Shaw and Leslie Proll and all the voting rights attorneys who have made the cause of equal justice their lives' work, they have been indispensable to this effort and relentless in their commitment to what is best about America.

I thank my own staff, led by Bruce Cohen, backed by a wonderful staff of Kristine Lucius, Jeremy Paris, Kathryn Neal, Leila George-Wheeler, Margaret Edmonds, and our legal clerks Robynn Sturm, Arline Duffy and Peter Jewett.

I express my appreciation and admiration for all they do to make Congress and America measure up to the promise of our Constitution and the vision that Fannie Lou Hamer, Rosa Parks, Coretta Scott King and Cesar Chavez had for America.

As I said earlier today, all 100 Senators have no problem voting. They can walk into a voting booth in their home State, and nobody is going to say no. We have to make sure that everybody else is treated the same as we 100 Senators are. This is for us, this is for our children, and on a personal level, this is also for our grandchildren.

I yield the floor.

Mr. FEINGOLD. Mr. President, Section 5 of the bill, which deals with Georgia v. Ashcroft and the Bossier II case, is extremely important. As ranking member of the Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights, I concur with the discussion of this provision by the Senator from Vermont.

Mr. REID. Mr. President, how much time remains?

The PRESIDING OFFICER. Six-and-a-half minutes.

Mr. REID. Does the Senator from Massachusetts need time?

Mr. KENNEDY. Just 2 minutes.

Mr. REID. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank our leader, Senator REID, for his constancy in support of this legislative effort and for his encouragement to all of us on the Judiciary Committee. I thank my friend from Vermont for his kind words.

Earlier today, there have been comments by my friend—and he is my friend—in the Judiciary Committee, Senator CORNYN, and also with regard to particular provisions in section 5, and later there were comments from Senator CORNYN and Senator KYL about an amendment offered by Congressman NORWOOD over in the House of Representatives. I think it is important that the RECORD reflect the results of the extensive hearings that we had on these different issues because it is extensive, exhaustive, and it is presented by the floor managers, Senators SPECTER and LEAHY.

Senator CORNYN suggested in his remarks that he wishes we had taken more time to debate fully some of the issues raised by the reauthorization. In particular, he said he wished more time had been taken to consider the trigger formula for section 5. As an initial matter, the Senate began its consideration of renewing the Voting Rights Act with the very substantial record that had been assembled by the House, which contained over 10,000 pages that were the result of by over 8 months of House Judiciary Committee hearings.

From our very first Senate hearing, Chairman SPECTER stressed the need to

build a strong record in anticipation of challenges to the act's constitutionality. That's exactly what we did. We heard from legal scholars and voting rights practitioners. We held 9 hearings, heard from 41 witnesses, and received well over ten thousand pages of documentary evidence. That evidence showed, unequivocally that discrimination, including intentional discrimination, persists in the covered jurisdictions, and that the trigger is effective in identifying jurisdictions for section 5 coverage. Senator CORNYN joined a unanimous committee in voting for the committee bill, which retains the act's trigger formula.

Senator CORNYN also held up a map of the United States depicting jurisdictions that would be covered if the amendment offered last week in the House by Representative NORWOOD had been adopted, which would base coverage on voter registration and turnout during the last three Presidential elections. Representative NORWOOD had a full airing of his proposal and many rose in opposition, including Chairman SENSENBRENNER. The opponents of the amendment overwhelmingly carried the day.

Senator CORNYN said that the Norwood trigger would not appear to gut section 5. However, under The Norwood formula, the State of Louisiana essentially wouldn't be covered. Yet, there is substantial evidence in our record of ongoing and recent voting discrimination in Louisiana. Yet the so-called updated trigger formula would exclude this sort of jurisdiction from coverage.

Finally, Senator CORNYN and Senator KYL discussed the provision of the bill known as the Georgia v. Ashcroft fix, which clarifies the retrogression standard in the wake of the Supreme Court's decision in Georgia v. Ashcroft. The bill restores section 5's ''ability-to-elect standard,'' which was set forth in the Beer case. Under the Beer standard, ''ability-to-elect'' districts include majority-minority districts where minority voters demonstrate an ability to elect the candidates of their choice. Contrary to the suggestions of Senator CORNYN and Senator KYL on the floor, while the standard rejects the notion that ''ability-to-elect'' districts can be traded for ''influence'' districts, it also recognizes that minority voters may be able to elect candidates of their choice with reliable crossover support and, thus, does not mandate the creation and maintenance of majority-minority districts in all circumstances. The test is fact-specific, and turns on the particular circumstances of each case. As both Senator CORNYN and Senator KYL noted, the Voting Rights Act is not about electing candidates of particular parties. It's about enabling minority voters to participate effectively and equally in the political process.

I thank the Senator and yield back whatever time remains.

Mr. SPECTER. Mr. President, I seek recognition to elaborate upon views expressed earlier today by several of my colleagues. Senators MCCONNELL, HATCH, KYL, and CORNYN engaged in a colloquy regarding the meaning of section 5 of the Voting Rights Act reauthorization bill presently before this body. I wish to express my agreement with those comments and add a few thoughts of my own.

Section 5 of the proposed bill overturns two Supreme Court cases: Reno v. Bossier Parish, or Bossier Parish II, and Georgia v. Ashcroft. The goal of the bill is to protect districts that contain a majority of minority voters. We are well aware of efforts in the past to disenfranchise minority voters. As a consequence, this language prohibits legislators from acting purposely, with the intention of harming minority voters, to ''unpack'' majority-minority districts and to disperse those minority voters to other districts.

First, the bill overturns Bossier Parish II by prohibiting voting changes enacted with ''any discriminatory purpose.'' This language bans a government official from discriminating against minority voters. If a government official could create a district that would benefit minorities, but purposely chooses not to do so because it will be majority-minority then that government official will have violated this bill.

Although this is an important requirement, I have heard concerns that the Justice Department may abuse the new language designed to overturn Bossier Parish II and require States to maximize the number of majority-minority districts—or to create so-called coalition or influence districts. In cases such as *Miller v. Johnson,* 515 U.S. 900, 921, 1995; *Bush v. Vera*, 517 U.S. 952, 1996; and *Hunt v. Cromartie*, 526 U.S. 541, 1999, however, the Supreme Court has held that the Justice Department's one time policy of requiring States to maximize majority-minority districts violated the Constitution. I want to make it clear that this bill does not allow such behavior, much less require it.

As I understand it, the new language we are adding allows the Justice Department to stop purposeful, unconstitutional behavior. It does not grant the Justice Department license to violate the Constitution. It does not authorize the Justice Department to define for itself what is a ''discriminatory purpose.'' And it does not give the Justice Department a blank check to require States to maximize influence or coalition districts.

Second, the bill overturns Georgia v. Ashcroft by protecting the ability of minorities to ''elect their preferred candidates of choice.'' Some commentators have read Georgia v. Ashcroft as allowing States to break up naturally occurring majority-minority districts to create other districts where minorities have less voting power but still exercise important influence in elections. The bill's new language protects districts in which minority citizens select their ''preferred candidate of choice'' with their own voting power. In short, it provides additional protection for naturally occurring majority-minority districts. The bill does not demand that such districts be disbanded to create influence districts.

I hope this language is now clear. I also thank my colleagues—Senators MCCONNELL, HATCH, KYL, and CORNYN—for their lucid explanations earlier.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. There is a definitive set of books written about this time period by Taylor Branch. When I read the first volume, I went over to the office of Congressman JOHN LEWIS because his name was mentioned in that book so often that a number years ago when the book was published, I talked to JOHN LEWIS about his valiant efforts to allow us to be in the place we are today. I mention that because after having read the third volume of Taylor Branch's book, ''At Canaan's Edge,'' which I completed a week ago, I was stunned by many references to Senator TED KENNEDY.

One full page talks about a time that Senator KENNEDY made his first trip to Mississippi. His brother had been assassinated. He went with Dr. King to Mississippi for the first time. There were 150 pounds of nails, an inch and three-quarters long, dumped in the pathway, three police cars with nails in their tires and were unable to continue. There were threats made on Senator KENNEDY's life. I was so stunned by reading that that I called Senator KENNEDY and read that to him and asked if this brought back memories of his first trip to Mississippi.

I mention JOHN LEWIS and Senator KENNEDY because they are only two of the many who made significant sacrifices to get us to the point where we are today. On March 15, 1965, Lyndon Johnson came to the Capitol to address a joint session of Congress. He spoke to a House, a Senate, and a nation that had been rocked by recent violence, especially in Selma, AL. President Johnson's purpose that night was to spur Congress to finally move forward on the Voting Rights Act, the legislation whose authorization we are going to vote on today. That Congress, in 1965, like this Congress in 2006, was slow to pass voting rights legislation. So President Johnson came to the Hill to remind everybody what was at stake. Here is what he said:

> This time, on this issue, there must be no delay, no hesitation, and no compromise with our purpose. We cannot and we must not refuse to protect the right of every American to vote in every election that he may desire to participate in. And we ought not, and we cannot, and we must not wait another 8 months before we get a bill. We have already waited a hundred years or more, and the time for waiting is gone.

Mr. President, once again, in our country, at this time, the time for waiting is gone. The Senate cannot and we must not go another day without sending the Voting Rights Act to the

President. We have already waited too long. I, like many others, expected this legislation to be passed months ago. I remember months ago standing on the Capitol steps with Senator FRIST, House leaders, chairmen and ranking members of the Judiciary Committees from both bodies, and civil rights leaders, to announce the bipartisan-bicameral introduction of this bill. It seemed that this act would move forward in swift bipartisan fashion. But it has not.

How long must we wait? How wrong that perception proved to be. In the House, consideration was delayed for weeks and weeks. It was only recently passed over the objections of conservative opponents. In the Senate, we saw similar delay. In fact, as recently as last week, the majority leader was not sure he would even bring this bill to the floor before the August recess.

In the House, consideration was delayed for weeks. It recently passed over the objections of conservative opponents.

Thankfully, he listened to Democrats. Thankfully, everyone listened to what we had to say, including our distinguished majority leader. Obviously, from last Friday to today, he had a change of heart and brought this bill before the Senate.

The Voting Rights Act is too important to fall by the wayside like so many other issues that have fallen by the wayside, I am sorry to say, in this Republican Senate. Remember, the Voting Rights Act isn't just another bill. It is paramount to the preservation of our democracy, literally. As we have seen in recent elections, we remain a nation far from perfect. The fact is, we still have a lot of work to do, but in the last 40 years, thanks to the Voting Rights Act, we have come a long way.

Before this Voting Rights Act became law, African-Americans who tried to register to vote were subject to beatings, literacy tests, poll taxes, and death.

Before the Voting Rights Act, over 90 percent of eligible African-American voters in Mississippi didn't and couldn't register to vote, not because they didn't want to, they simply were unable to, they were not permitted to.

Before the Voting Rights Act, it would have been unheard of to have 43 African-American Members of Congress as we have today.

In the Senate, we cast a lot of votes, but not all of them are for causes for which Americans just a few decades ago were willing to risk their lives. It is a sad fact of American history that blood was spilled and violence erupted before the Nation opened its eyes to justice and the need to guarantee in law everyone's right to vote.

It is important that all of us remember the sacrifice of those Americans, and to make sure we do, after this bill becomes law, I will seek to add the name of JOHN LEWIS to this bill. I already talked about his being one of my personal heroes. I understand Senators LEAHY and SALAZAR are doing something similar with Cesar Chavez. I support that. Heroic actions of men such as JOHN LEWIS and Cesar Chavez are shining examples of the heroic actions of so many during the fight for equal rights.

Congressman LEWIS is a civil rights icon. He has given his entire life to the causes of justice and liberty. As I have said, he was a key organizer of so many things, not the least of which was the 1963 march in Washington. I was here. I saw it. He was in Selma when the billy clubs, police dogs, and fire hoses were used on that bloody Sunday, and he had his body beaten on many occasions. But he hasn't given up the fight, even to this day.

Similarly, during his life, Cesar Chavez was a champion of the American principles of justice, equality, and freedom. He fearlessly fought to right the wrongs literally of those injustices inflicted on American farm workers and brought national attention to the causes of labor and injustice.

America is a better place because of JOHN LEWIS and Cesar Chavez. By placing their names on this landmark legislation, we can be sure Americans will always remember the sacrifices made in the name of equality.

I began by quoting Lyndon Johnson's speech in 1965. There is another excerpt from that speech which I will read, and it is as follows:

> In our time we have come to live with moments of great crisis. Our lives have been marked with debate about great issues; issues of war and peace, issues of prosperity and depression. But rarely in any time does an issue lay bear the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, our welfare or our security, but rather to the values and the purposes and the meaning of our beloved Nation.

This same challenge—a challenge to the values and the purposes and the meaning of our Nation—is now before the Senate. In just a few minutes, we are going to pass overwhelmingly the Voting Rights Act of 2006. It is a challenge which this body has met. We have done it purposefully and rightfully, and history books will indicate that we have made a significant step forward. There is more to do, but this is a big step forward.

I yield the floor.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER (Mr. CHAFEE). They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, the majority leader should be here momentarily. I suggest the absence of a quorum.

Mr. LEAHY. Mr. President, if the Senator will withhold.

Mr. REID. I withhold, of course.

Mr. LEAHY. Mr. President, I want to make sure—I was not trying to force it to a vote. I know the distinguished Republican leader will speak next, but many of us spent a lot of time on this, and we want to make sure it will be—as one of the managers of the bill—we want to make absolutely sure there will be a rollcall vote.

If nobody is seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. FRIST. Mr. President, 41 years—that is how long it has been since the Voting Rights Act was first enacted in 1965, and we have come a long way in those 41 years. That much was made clear to me on a recent visit to the National Civil Rights Museum in Memphis, TN, just about 3 weeks ago with President Bush and Dr. Ben Hooks, a renowned civil rights leader, a former executive director of the NAACP for 14 or 15 years a personal friend of myself and my distinguished colleague from Tennessee who is with me on the floor, LAMAR ALEXANDER.

Together we visited the site of the assassination of Martin Luther King, Jr., at the Lorraine Motel, which over the past several decades has developed into a wonderful, inspiring civil rights museum. As we walked through that museum with Dr. Hooks, in his voice could one capture that sensitivity, that inspiration, some sadness as we walked through, and he recounted the events surrounding that time, but history came alive.

It was an ugly moment in our collective history and certainly not America's finest hour, but the museum reinforced the impressions I had. It strikes your conscience. It reminds you of the lessons learned, lessons I saw once again on a pilgrimage I took with Congressman JOHN LEWIS and about 10 of our colleagues a little over 2 years ago when we visited the civil rights sites in Tennessee and Alabama, and together we crossed Selma's Edmund Pettus Bridge where, over four decades ago now, Congressman LEWIS led those peaceful marchers in the name of voting rights for all.

What struck me most during that pilgrimage a couple of years ago and then 3 weeks ago during that museum visit with Dr. Hooks is how we as a nation pushed through that time, as we persevered to correct injustice, just as we have at other points in American history. It reminded me of our ability to change; that when our laws become destructive to our unalienable rights, such as liberty and pursuit of happiness, it is the right of the people to alter or abolish them. And it reminded me of the importance, the absolute necessity of ensuring the permanence of

the changes we made, the permanence of correction to injustice.

So I am very pleased that in just a few minutes, we will act as a body to reauthorize the Voting Rights Act. We owe it to the memories of those who fought before us—and we owe it to our future, a future when equality is a reality in our hearts and minds and not just the law—to reauthorize the Voting Rights Act.

I hope my colleagues will join me in voting for this critical legislation because in the 41 years since it became law, we have seen tremendous progress, and now it is time to ensure that the progress continues, that we protect the civil liberties of each and every American.

Mr. President, I yield back all our time.

Mr. LEAHY. Mr. President, is there still time available on this side?

The PRESIDING OFFICER. All time has expired.

Mr. LEAHY. The yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H.R. 9) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted ''yea.''

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—98

Akaka	DeMint	Leahy
Alexander	DeWine	Levin
Allard	Dodd	Lieberman
Allen	Dole	Lincoln
Baucus	Domenici	Lott
Bayh	Dorgan	Lugar
Bennett	Durbin	Martinez
Biden	Ensign	McCain
Bingaman	Feingold	McConnell
Bond	Feinstein	Menendez
Boxer	Frist	Mikulski
Brownback	Graham	Murkowski
Bunning	Grassley	Murray
Burns	Gregg	Nelson (FL)
Burr	Hagel	Nelson (NE)
Byrd	Harkin	Obama
Cantwell	Hatch	Pryor
Carper	Hutchison	Reed
Chafee	Inhofe	Reid
Chambliss	Inouye	Roberts
Clinton	Isakson	Rockefeller
Coburn	Jeffords	Salazar
Cochran	Johnson	Santorum
Coleman	Kennedy	Sarbanes
Collins	Kerry	Schumer
Conrad	Kohl	Sessions
Cornyn	Kyl	Shelby
Craig	Landrieu	Smith
Dayton	Lautenberg	Snowe
Specter	Talent	Voinovich
Stabenow	Thomas	Warner
Stevens	Thune	Wyden
Sununu	Vitter	

NOT VOTING—2

Crapo	Enzi

The bill (H.R. 9) was passed.

Mr. FRIST. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. FRIST. For the information of our colleagues, the Democratic leader and I have been in discussion. Let me briefly outline what the plans for tonight will be and tomorrow. Most importantly for my colleagues, there will be no more rollcall votes tonight or tomorrow. We will probably see a lot of Members leave the room.

We will turn within a couple of minutes to the Adam Walsh Child Protection and Safety Act, a very important bill that we will spend approximately 2 hours on tonight. Following that, we will have debate on two circuit judges and two district judges. We will be voting on the Adam Walsh Child Protection and Safety Act tonight by voice vote and all four of those judges by voice tonight.

We will be in tomorrow. We will have no rollcall votes tomorrow. I will have an announcement later tonight or possibly tomorrow on what the schedule will be on Monday in terms of votes on Monday, if we will have a vote or not. Debate tomorrow will be, in all likelihood, on the Child Custody Protection Act, plus we will have a period of morning business for other matters.

With that, we will be able to turn to the Adam Walsh Child Protection and Safety Act which we will be passing in about 2 hours.

CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2006

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 4472, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

AMENDMENT NO. 4686

(Purpose: In the Nature of a substitute)

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the Hatch amendment at the desk is agreed to.

The amendment (No. 4686) was agreed to, as follows:

(The amendment is printed in today's RECORD under ''Text of Amendments'')

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleagues for granting unanimous consent to pass the most comprehensive child crimes and protection bill in our Nation's history—H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

This bill started in the House of Representatives by a courageous and ambitious Congressman from Florida, MARK FOLEY. MARK is with us in the Senate Chamber today, and I want to thank him, again, for getting this ball rolling and for fighting like a champion on behalf of our children. I appreciate his tenacity and enthusiasm—we would not be here without his devotion and hard work.

I also thank Senator BIDEN, who joined me in sponsoring the original Senate version of this bill. Senator BIDEN and I have worked together on so many bills, none more important than what we are accomplishing today for our children. Senators FRIST, SPECTER, and REID thank you for making this bill priority and for getting this bill through.

The bill we are about to pass, the Adam Walsh Child Safety and Protection Act, represents a collaboration between the House and Senate to include the strong provisions of S. 1086, the Sex Offender Registration and Notification Act, and H.R. 4472, The Child Safety Act. It creates a National Sex Offender Registry with uniform standards for the registration of sex offenders, including a lifetime registration requirement for the most serious offenders. This is critical to sew together the patch-work quilt of 50 different State attempts to identity and keep track of sex offenders.

The Adam Walsh Act establishes strong Federal penalties for sex offenders who fail to register, or fail to update their information, including up to 10 years in prison for non-compliance.

The Adam Walsh Act imposes tough penalties for the most serious crimes against children, including a 30 year mandatory penalty for raping a child and no less than 10 years in prison for a sex trafficking offense. In fact, this bill creates a series of assured penalties for crimes of violence against children, including penalties for murder, kidnapping, maiming, and using a dangerous weapon against a child. And the bill allows for the death penalty in the most serious cases of child abuse, including the murder of a child in sexual exploitation and kidnapping offenses.

The bottom line here is that sex offenders have run rampant in this country and now Congress and the people are ready to respond with legislation that will curtail the ability of sex offenders to operate freely. It is our hope that programs like NBC Dateline's ''To Catch a Predator'' series will no longer have enough material to fill an hour or even a minute. Now, it seems, they can go to any city in this country and catch dozens of predators willing to go on-line to hunt children.