

Instead, what happened, unfortunately, we saw the majority of Democrats go with the President and support the President's veto of getting rid of the marriage tax and support the President on this death tax. I am saying to my colleagues, work with us in a bipartisan method. We can do something for Social Security for this next generation. We can do something about that death tax. We can do something about that marriage penalty.

□ 1615

Let me tell my colleagues, in a bipartisan direction, when we have worked together in the past, the Democrats helped us pass probably the largest tax break that we have had in 20 years or 30 years; although the people do not realize what we have done. The Republicans, about 3 years ago, 2 years ago went out and said the Americans dream is about owning their own home. So we think in most families, the ownership of the home is the largest asset they have; that is usually the largest asset in a family.

What we said, the Republican bill that we got passed, with some help from some conservative Democrats, on a bipartisan working effort, the bill we passed says that if you now own a home and you sell that home for a profit, I am not talking about equity, I am talking about net income, you sell it for a profit, your first \$250,000 per person, remember most homes are owned by couples, so it is the first \$500,000 per couple, but the first \$250,000 per person goes into your pocket tax free. You get to do that every 2 years.

That is an incentive for people to go out and own homes, and that was supported on a bipartisan effort. We had conservative Democrats who helped the Republicans pass that, and that gave the American people a tax break they deserved.

For some reason, there has been a misconception down here on this floor. We seem to think that the American taxpayers ought to pay and pay and pay, and somehow people, some of my colleagues spin it out as if we dare talk about it, hey, maybe they put in too much. George W. Bush says take half of our surplus right away and put it to reduction of the debt; that should be our priority.

Reduce that debt, but you still have a little that you ought to put into some programs like education and healthcare, and you still have a small fraction of that you ought to give back to the taxpayer, pat them on the back and say thanks for what you have done. Thanks to the productive nature of the American people, the American taxpayer, this government is sitting pretty well.

This surplus was not created by the wonderful creative thoughts of your government. It was created by our constituents, the hard workers, the 8:00 to

5:00 people or the 8:00 to 8:00 people out there who produce and create capital. Government does not create capital. Government transfers capital. Government takes it from the workers' pockets, transfers it to Washington, D.C., and then hands it out as if they worked for it. That is not what the government is about.

What I am saying is do not be ashamed to talk about a tax cut. They ought to be reasonable tax cuts. Is it unreasonable to cut out the tax of death? Is it unreasonable to cut out the tax of marriage?

I was so excited last night in that debate. I wanted to be in that debate, not as a candidate but just to get up there and say, wait a minute, Mr. Vice President, what is wrong with the policy of cutting out a death tax? What is wrong with the policy of eliminating the marriage tax? What is wrong with the homeowners tax break that we gave 2 years ago? You did not try and spin it out of control then.

I am telling my colleagues from a bipartisan point of view, we owe respect to the taxpayer; and there is no reason to back off and be ashamed, because we talk about maybe we ought to thank the taxpayer and say we got enough to operate the government. The more the taxpayer provides for the government, the sloppier the government becomes.

Sometimes it is a good idea to tighten down on the budgets. That forces efficiencies. That is why I have taken this podium today, instead of bashing Bush all the time, which I heard minute after minute after minute earlier this afternoon, why do we not stand up and say, hey, here are some policies that we can work on in a bipartisan basis; here are some positive things that he has proposed.

There are very few of my colleagues out here who could look me right in the eye and arguably tell me that our plan, our Thrift Savings Plan, should not apply to the American people and should only apply to Federal Government employees. There are very few of you, I think, that could really look me in the eye and honestly tell me, Look, SCOTT, we ought to have a death tax.

How many of my colleagues really support a death tax? How many of my colleagues really think people ought to be penalized in tax due to the fact that they are married? How many of my colleagues really think that this government ought to engage in discouraging families from passing their hardware store or their farm or ranch from one generation to the next generation? Not a lot of my colleagues, but my colleagues ought to be identified to the American people so they know exactly where we stand.

The taxpayer does deserve some courtesy. We obviously need to reduce the death debt. We have to take care of programs like education and health care which are fundamental for the

survival of the greatness of this country; but the best way that we do it is we look at it in a positive sense, and I encourage my colleagues to do just exactly that.

CITIZENS' RIGHT TO VOTE

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 60 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the 14th amendment of the Constitution of the United States guarantees every American citizen the right to vote.

When our country was founded, the right to vote was preserved for white men and property owners. It took the Women Suffrage Movement to enfranchise women and the Civil Rights Movement to fully enfranchise African Americans and other people of color in this country.

In the words of Susan B. Anthony, we, the people, not just the select few, but we, the whole people including all of us formed this union.

Today, we have awakened to a new challenge for this republic, restoring the voting rights of men and women who committed crime but have paid their debt to society.

While the Constitution takes away the voting rights of individuals convicted of serious crimes, the States are given the power to restore this right. Through our criminal justice system, hundreds of thousands of men and women have been politically disenfranchised, many of whom are poor and minorities who committed nonviolent crimes.

Many of these individuals have paid their debt to society; and yet some States have restored their right to vote automatically, while others hold this right hostage to politics. Laws governing the restoration of voting rights after a felony conviction are unequal throughout the country.

Persons in some States can easily regain their voting rights, while in other States persons effectively lose their rights to vote permanently.

Mr. Speaker, two States do not disenfranchise felons at all times; 46 States and the District of Columbia have disenfranchisement laws that deprive convicted felons of the right to vote while they are in prison, and in 32 States convicted offenders may not vote while they are on parole. In 29 States, probationers may not vote; 14 States disenfranchise ex-offenders who have fully served their sentences, no matter the nature or seriousness of the offense; 17 States require gubernatorial pardon, legislative action or administrative procedures to restore the right to vote.

State disenfranchisement laws disproportionately affect the poor and

ethnic minorities. They are more likely to be arrested, charged more harshly, poorly represented in court, convicted and receive harsher sentences. Whether we like these people, whether we want to know them personally, or whether we want to share private lives with them, they are part of the whole people of America. They deserve a second chance to vote.

Consider these statistics, Mr. Speaker: an estimated 3.9 million Americans, or one in 50 adults, currently cannot vote because of a felony conviction. Women represent about a half million of this total. Three-fourths, or 72 percent, of the 1.9 million disqualified voters are not in prison, but are on probation, parole or are ex-offenders.

The last decade alone, over 560,000 Americans served their entire sentence, stood free and stand free and clear of incarceration and parole and have paid their debt to society. An estimated 65,000 of these Americans are women, and they cannot vote in some States. Now, today you will hear from fellow Members of Congress who believe firmly that those individuals who have committed crimes paid their debt to society and been released free and clear should be allowed to vote.

This may seem like a radical proposition, but it is not. It is fundamentally consistent with the principles we live by in this country. When you pay your debt to society by spending time in prison, your punishment is complete. At that point, our society releases you back into society and expects you to be rehabilitated socially with family, friends, and community. They also look to ensure that you are economically upright with jobs, or should.

It is time now to pay attention to your civic rehabilitation, that is, giving one the right to vote. Minority and poor people are overrepresented in these numbers. Tonight you will hear from my colleagues why we need to enfranchise all of these women and men.

Mr. Speaker, I have introduced H.R. 5158, the Second Chance Voting Rights Act of 2000, and this bill does just that. Others, like my friends and colleagues, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. DAVIS), also have introduced legislation to enfranchise these Americans.

My bill, H.R. 5158, simply says if you have served time, you are now out and have served your debt to society. If you are free of all parole and paroles, then you should have a restoration of your voting rights. That is only the right thing to do in this country we call America.

Those persons who have had a mishap in life should be given a second chance. My bill simply says they should in those States that will allow that, and those States you see are listed here. Clearly, the States that you see on the

chart are the States that automatically will have a restoration of those voting rights, once a person has served his or her debt to society through parole and is now free and clear standing. And those States are California, Colorado, the District of Columbia, Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Montana, New York, North Dakota, Ohio, Oregon, and Pennsylvania.

□ 1630

Every vote counts. Every vote should count as we proceed into an election mode over the next month or so, a little better than a month. We should remember that the Constitution does give us this fundamental right, and we should also ensure that every person in this country has that fundamental right. We should not abridge that in any form once a person has paid his or her debt to society and is clear and free of her or his parole.

I can recall in the early sixties before the 1965 Voting Rights Act in southern States there were many who had to pay poll taxes before they were given the right to vote. There were some who had to know the Constitution verbatim before they were given the right to vote. That was a certain amount of disenfranchising in and of itself. Yet, those were persons who were people of color, primarily African-Americans.

After the 1965 Voting Rights Act that established their right to vote, then we saw large numbers of African-Americans voting, many of whom now have gone on but who recognize the type of disenfranchisement through not being able to vote unless they knew the Constitution verbatim or paid, as they had, so-called poll taxes.

My bill is simply saying that person does not have to do any of this anymore. This person will not be allowed to vote if he or she is on probation, but for the persons who have cleared themselves of all of the debt that they owe, they should have a restoration of their voting rights.

I say to the Members, Mr. Speaker, if they know of any such person who really has restored his or her rights, do let them know that they have a few days in some States; that there are some States where the deadline for voting is October 7. There are other States where the deadline is October 10.

We are encouraging all of those who want to restore their rights and to vote to call their registered Recorder's office and ask simply, where do I get the affidavit? They have that responsibility to go to the registered Recorder's office and get that affidavit. We have a right to restore your rights by virtue of giving you that right through legislation.

My bill also suggests that those States that do not automatically restore that, we should give them, through the Federal law, that right to

vote, especially in Federal elections such as for the President of the United States.

I do have now with me a gentleman who has made his mark early on coming to this House, who in 1999 also introduced a bill, a different bill than that of the gentleman from Michigan (Mr. CONYERS) in that year, but his bill speaks to enfranchisement and restoration of voting rights.

I yield to the gentleman from Illinois (Mr. DAVIS), an outstanding Member, to speak on his bill, and just for general statements. I thank the gentleman for being here.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding to me. Also I want to commend her, not only for bringing an issue like this one to the floor, but for the outstanding work that she does on a regular basis on behalf of disenfranchised citizens throughout America, and her tremendous effort to make sure that those who are sometimes left out, those who are forgotten, those who are at the very bottom of everything in our society, are in fact given as much opportunity.

So I am pleased to join in this special order organized by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

This issue has been neglected for too long in this country, and I am talking about those who have officially paid their debt for their infractions, but upon reentry into the mainstream were shunned by the very system that has claimed them reformed by denying them the opportunity to participate in our electoral process.

It seems to me that it is unbelievable that for individuals in a society that values democracy, in a society that talks about each and every individual having the right to participate, a society that talks about the reclamation of individuals and finding ways to bring people back into the mainstream after they have committed infractions, and yet, we deny them the most basic of all rights in a free and democratic society, and that is the right to participate.

I rise to emphatically declare that every American who commits a crime who sufficiently pays his or her debt to society and is rendered free to reenter back into society should have their right to vote fully restored upon return.

In fact, as indicated by the gentlewoman from California (Ms. MILLENDER-MCDONALD), last year I introduced legislation that would do exactly that.

The fact of the matter is clear, that the right to vote is the most basic constitutional act of citizenship. Furthermore, it is my belief that this basic right should include law-abiding citizens. Unfortunately, many people who control the courts and legislatures throughout our country are divided on

this issue, and have passed laws that make it difficult if not impossible for people to come back.

Some States have passed laws which allow ex-felons to easily regain their voting rights, and as a result, these citizens are able to freely exercise their regained right and carry on as productive members of society. Other States, however, are still rooted in archaic belief systems and have kept oppressive laws on the books that permanently bar ex-felons from the basic right to vote.

It is imperative that we review these systems and establish a uniform standard which affords ex-offenders the opportunity to vote in Federal elections, but not only in Federal elections, in local elections as well. It is incredible, when we look at the number of individuals in some of our States, and especially the number of African-American males in some of our States, who have lost their right to ever participate in a meaningful way in the making of laws and the determination of who will represent them in public bodies.

If a person can pay taxes, get a job, learn a trade, learn a skill, carry on all of the functions of citizenship, then I think it begs the question as to why they cannot also vote.

So I would hope, I would hope that as we continue to look at this issue, that we would look at those States that have in fact restored and given back the right for these individuals, once they have paid their debt to society. I have not seen anything that has happened in any of these States that would cause me to believe that it is a harmful practice.

Take, for example, my State of Illinois. I consider it to be a progressive State; not as progressive, perhaps, as it will be, and not as progressive as it should be. But I say it is a progressive State because it is a State where the Governor, even as we look at the death penalty, has determined that we need to review the way in which it is administered, because for some reason, for many reasons, there seem to be an inordinate number of African-Americans, Spanish-speaking citizens, low-income, poor, uneducated, undereducated individuals who end up in the penal system on death row, in the penitentiary, and individuals even who, once they serve whatever time they have been given, still do not have the hope of voting.

So I say to the gentlewoman from California (Ms. MILLENDER-MCDONALD), I think she has in fact given the country a great service by raising this issue, because it gives us a chance to explore; to look at, first of all, why are there so many people in this country in prison? There are more than 2 million people associated in some, way, shape, form, or fashion with our correctional system.

Here we are, 5 percent of the world's population, but 25 percent of the prison

population. In a country as enlightened, we are the most technologically proficient Nation on the face of the Earth. The quality of life for mass numbers of people in this country is greater than we would find the quality of life for people anyplace in the world.

Yet, we have not found a way to, in a seriously, not only humane way, yes, we can look at it as being humane, but we can also look at it from another vantage point. It is like having a car that has six cylinders, but if only three of those cylinders are functioning, think of all the power and energy that we are losing.

Think of all the possibilities that we could have. Think of all the positive things that could take place if we would look for ways to take men and women who have committed crimes, who have been incarcerated, and while they are there, would it not make much more sense if they could learn a trade, if they could learn how to do computers, if they could acquire college degrees, if they could learn how to be carpenters and brick-layers and masons and to do maintenance work and to be office managers? Rather than coming back with no skill and not the right to vote, they could come back having paid their debt to society saying, "I am now ready to do my part. I am ready to do my share of helping to make this country the great Nation that it has the potential of being, so that it becomes even greater than what it is."

So I ask the gentlewoman to keep working, if she will, on these tough issues. Some of us will be there working with her. Ultimately, the day will come when those individuals who are now left out will in fact get cut in. I thank the gentlewoman for this evening.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I tell the gentleman from Illinois, he just says it so eloquently. I want to enter into some kind of colloquy or dialogue with the gentleman, so I do not want him to leave.

We have been joined by the outstanding gentlewoman from Indiana (Ms. CARSON), who has been in the forefront of mental health. We do recognize that a lot of those of whom we speak have a certain amount of mental health issues, yet it is not being addressed as they are being incarcerated and/or let out.

The gentlewoman from Indiana (Ms. CARSON) comes with experience, having served in the State legislature of her State, with the know-how to address and dig into this issue of mental health.

I yield to the gentlewoman from Indiana (Ms. CARSON) for her remarks on this particular issue.

Ms. CARSON. Mr. Speaker, it is an esteemed privilege and pleasure to stand here in support of, first and foremost, a Member who hales from the

State of California, who has the wisdom and foresight and the motivation and the spirit and the compassion and the humanitarianism to bring forth so many pieces of legislation on behalf of people across this country, not just confined to her own district and her own State.

□ 1645

I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for allowing me an opportunity to come by just a little while and give just a few brief remarks, and to stand here with the incredibly distinguished gentleman from Illinois (Mr. DAVIS), whose district is in a State that is contiguous with my State of Indiana, and to say a few words on behalf of H.R. 5158, the Second Chance Voting Rights Act of 2000.

Certainly, there is not one among us in this country who does not seek a second chance for one reason or another. I have been given a second chance to live. I have been given a second chance to be a Member of the United States Congress and would hope that I would be given even another chance to be able to stand here with so many distinguished Representatives from across these United States of America.

I say that because, since I was a little child, we harmoniously were taught to say "My country 'tis of thee, sweet land of liberty." That is what the Second Chance Voting Rights Act of 2000 is, liberty. Liberty and justice for all is something that we were also taught to rehearse and memorize as we were growing up through the school systems and going out into the byways of life, liberties and justice for all people.

When one thinks of justice, one thinks of either Frederick Douglass or Booker T. Washington that said "Justice delayed is justice denied."

Elected officials are supposed to be the voice of the people. But what happens, when in their selection, a segment of the population is silenced? Silenced for life, not necessarily by choice, not by violent means, not through court procedures, but automatically upon conviction. A portion of our precious democracy dies and society suffers.

A very poignant point came to my attention when I first ran for Congress in 1996. The field was crowded as is in cases where a retiring Member seat exists, somebody who had held a seat for some 30-some years, and is open, and everybody jumps in it.

It was interesting that we had three people who were running for Congress who were convicted felons. The reason they chose to run for Congress instead of municipal or local office is because the State law prohibited felons from running for State office. But no law anywhere prohibited felons from running for a seat in the United States

Congress. I thought that was very interesting that one could not run for a local office but one could run for Congress because Congress has the jurisdiction in terms of determining its membership and its eligibility.

Now, would it not just make sense for here in the United States of America is the only country in the world that permanently takes away the right to vote from its citizens. In 14 States, offenders are barred from ever voting again, even after serving their time. It sounds like something we hear often about double jeopardy.

The opinions of ex-offenders are no less important than that of other citizens because they are still human beings. In matters of government action, Supreme Court Justice Thurgood Marshall recognized that and said "ex-offenders are as much affected by actions of government as any other citizen and have as much right to participate in government decision making."

It is estimated that 3.9 million citizens are barred from voting, including more than 1 million who have fully completed their sentences. How can the justice system and States say that an individual is rehabilitated and worthy of another chance in society when that individual is stripped from their voting rights in government?

This goes beyond the denial of individual voice. The policy has implications beyond an individual being denied to vote. The origins of voter disenfranchisement can be traced back to medieval times where offenders were banished from the community. It is later revived in the segregation era as a supposed race-neutral voting restriction to exclude blacks from voting.

The practice of barring ex-offenders from voting has a disproportionate racial impact, even though it may seem race neutral. Consider that the rate for voter disenfranchisement for African-American men is seven times the national average. Consider that the 1.4 million or 13 percent of African-American men are barred from voting. Consider that 36 percent of the total disenfranchised population is comprised of African-American men. Clearly, the impact of this policy falls disproportionately on our Nation's black men.

As a result, the voice of African-American communities as a whole is weakened. A large segment of our population is denied the opportunity to decide who will shape public policy, who will make our laws that affect all of us.

According to the Human Rights Watch, if this current trend continues in a dozen or more States, 30 to 40 percent of the next generation of black men will be permanently prohibited from their right to vote.

Because the States lack uniformity on this matter, the right to vote is dependent upon geography rather than reason. Some States will reinstate the

right to vote only through a Governor's pardon or parole board, while in others a bill must be enacted to restore the right.

Some States like Virginia permit the restoration of voting rights. However, in 1996 to 1997, of the 200,000 ex-convicts in Virginia, only 404 had their right to vote restored.

There is no compelling reason, Mr. Speaker, for this national policy interest to be ignored. We must understand why ex-offenders should be denied the right to vote and redress it and reverse it.

As long as America denies some citizens the most fundamental of democratic rights, the right to vote, true democracy cannot exist in silence. When you silence some, you silence all.

We bemoan the low voter participation especially in the African-American community where there is no wonder. A disproportionate number of citizens of the African-American community are in fact disenfranchised in terms of their voting opportunities.

So, Mr. Speaker, please know that I give the gentlewoman from California (Ms. MILLENDER-MCDONALD) a standing ovation, that I give her the tip of my hat for bringing this long overdue issue before the ears and eyes of America and certainly in the halls of the United States Congress.

I would trust that as we go along and begin to educate the Members about this injustice that exists, that perhaps they will decide that it will no longer persist, and rectify this situation that is a bad mark, I believe, on a Western civilization.

I thank the gentlewoman so very much for allowing me to come, and I praise her highly.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the gentlewoman from Indiana (Ms. CARSON) is a gracious lady, and I appreciate her coming. The gentlewoman kind of hit the nail on the head, if you will. We all have been given second chances. So why not give those who have had a mishap through this penal system a second chance, too, to have a restoration of their voting rights.

I will be working with the gentlewoman from Indiana (Ms. CARSON), not only with this issue, but with the issue of mental health as it absolutely integrates into this whole issue of incarceration.

Mr. Speaker, we now have a man who has gained enormous respect across this country as we saw him during the impeachment process. The gentleman from Virginia (Mr. SCOTT) is known to challenge anyone on this floor when there is an infringement on the Constitution. He is highly respected in this House because of his constitutional background and expertise. But today he comes because he questions the Constitution as we talk about fundamental rights of those who should have those rights be restored.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her strong support of this fundamental basic right, the right to vote.

The right to vote is among the most cherished rights we enjoy as citizens of the United States. In fact, it is the cornerstone of our democracy. Unfortunately, many citizens have been denied that basic fundamental right. States first limited the right to vote to white men only with property, excluding women and racial and ethnic minorities.

While the post-Civil War constitutional amendments secured the right to vote for those previously excluded, many States enacted laws designed to circumvent those amendments by erecting new barriers such as the poll tax and other schemes to deny that basic right to vote. Through the passage of the Voting Rights Act of 1965, and other related legislation, we have eliminated those barriers and expanded the number of citizens who can participate in this great democracy.

Here we are today, however, because a significant segment of our population continues to be left out of the process. Specifically, many States maintain barriers to voting for former offenders, denying them the right to vote in an election.

A recent study by the Sentencing Project and the Human Rights Watch shows that some 3.9 million Americans are either currently or permanently disenfranchised as a result of State laws. Among those who are disenfranchised are 1.4 million African-American men or 13 percent of the total black population of adult men.

The disparate impact on black adult men not only denies that group the right to vote but also limits voter opposition to unfair and discriminatory crime policies which result in so many minorities being imprisoned today.

We have to put an end to this cycle of discriminatory crime policy which results in bad crime policy, resulting in the victims of that policy losing their right to vote and then they cannot complain democratically about the discriminatory policy and new policies are enacted.

I am talking about policies like racial profiling where one picks people off the street because of their race or the crack cocaine-powder cocaine disparity where crack cocaine, which is a drug of choice in the black community, one can get 5 years mandatory minimum for a weekend's worth of crack. Ninety-five percent of the defendants in those cases are African American or Hispanic, while powder cocaine one has to get caught with over \$50,000 worth before one is subjected to the same mandatory minimum. Once one is subjected to that, one cannot complain because one loses one's right to vote.

Now, I applaud the gentlewoman from California (Mrs. MILLENDER-MCDONALD) and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. DAVIS) and others for their legislation to address this problem. It is a difficult problem because of the constitutional complications.

Article 1 section 2 of the Constitution shows where you find the qualifications for electors. Let me just quote what that says: "the electors in each State shall have the qualifications requisite for electors of the most numerous Branch of the State Legislature," which means that the electors in Federal elections are those who can vote for the local State House of Representatives. The State gets to decide who can vote.

Now, the Federal Constitution in section 4 says, that the times, places and manner of holding elections for Senators and Representatives can be prescribed in each State, but Congress shall be able to make regulations involving the time, place and manner; but according to section 2, not the qualifications.

Now, the 14th amendment and equal protection clause says that the States cannot discriminate against people as they determine the qualifications except for participation in rebellion or other crime, which says specifically that the States may discriminate based on felony records.

Now, *Richardson v. Ramirez*, a 1974 case recognized that felony disenfranchisement law does not on its face violate the Constitution, and so we are somewhat limited in what we can do. But the vote to determine voter qualifications is not unlimited.

Rogers v. Lodge, 1982, held that at-large electoral systems are unconstitutional if conceived or operated as purposeful devices to further racial discrimination by minimizing, cancelling out, or diluting the voting strength of racial elements in a voting population.

□ 1700

Now, the court identified a number of considerations. The presence of racially polarized voting, the impact of past discrimination on the ability of African Americans to participate, the lack of responsiveness to the African American community, the depressed socioeconomic status of African Americans can all be considered. And consistent with that, in *Hunter v. Underwood*, a 1985 case, the Supreme Court determined that Alabama's felony disenfranchisement law, in fact, violated the Equal Protection Clause of the 14th amendment because "Discriminating against black as well as poor whites was a motivating factor for the law."

Thus, the standard becomes clear. Any Federal legislation on this topic must be supported by specific evidence in the record as to the discriminatory

intent of each State's statute, similar to the evidence gathered when we passed the Voting Rights Act. Findings which just show a possible disproportionate impact may not be enough. But certainly if we can find intent in those State laws, we can develop legislation. This means that in States that have no minority population, we probably cannot show that those laws were affected to discriminate against minorities, but we should have a hearing record to show which States in fact do. And we can target our remedy just to those States, just like the Voting Rights Act did where only certain States are subject to the preclearance provision. Those States were caught discriminating. We identified those States and affected the remedy just in those States and not others.

So we need to have hearings next year and establish the record that we all know is true, that felony disenfranchisement has a disparate impact on black adult men, and exists in many States because of discriminatory reasons. Laying such a foundation will permit us to establish a compelling State interest for Federal intervention and permit us to narrowly tailor the legislation to address the problem. That legislation will enable those presently disenfranchised to fully participate in our democracy, and we will be able to craft legislation which could withstand constitutional challenge.

Mr. Speaker, I commend the advocacy of the gentlewoman from California, the gentleman from Illinois, and others who have called this special order to expose the compelling issue before us; and even though the solution may be complicated constitutionally, we can work, because we must, to address this problem, and we must support our basic fundamental constitutional rights to vote.

I thank the gentlewoman from California.

Ms. MILLENDER-MCDONALD. My God, you have done well by my spirit and by my soul. I will certainly call on the gentleman as we engage further in hearings, because the gentleman has given some compelling arguments with the cases that he has outlined that suggest to me that we can perhaps fight this, and we will do just that as we go around this country hearing from folks and hearing what they have to say in terms of discriminatory practices and then challenge even States and their attorneys general so that we can then fight this on this floor.

I thank the gentleman so much. I told my colleagues that he was a scholar in his constitutional knowledge and, indeed, he has reflected that today.

We have with us another great lady from the great State of California, who in her own right has worked in this House on numerous issues, but what she has been so noted for is her fight for women and children, for funding for

women's health and for the HIV/AIDS epidemic in minority communities. Those of us who are people of color cannot say enough of this woman, who may not be a person of color, but she is a person of conscience.

Mr. Speaker, I would like to yield to none other than the gentlewoman from California (Ms. PELOSI). California has brought us one of its finest, and I thank her so much.

Ms. PELOSI. I thank the gentlewoman so very much. I thank her for her great leadership and that of the gentleman from Illinois (Mr. DAVIS) and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT). We have been blessed in this institution with great legal minds and great minds that care about equality.

I support the Civil Participation Rehabilitation Act of 1999, which would grant persons, as the gentlewoman has spelled out, who have been released from incarceration, the right to vote in Federal elections.

The points have been very well made by the Members who have spoken already. I just want to give a little perspective from the standpoint of the Committee on Appropriations, on which I serve. I spent some time on the Subcommittee on Commerce, Justice, State, and Judiciary, where judges would come before us for their appropriation, and we would have the opportunity to ask them about issues like mandatory minimum sentences or making a Federal offense on certain crimes that really should not have been raised to that level.

This rampage that the Congress seemed to have been on, and not only the Congress but the State of California too, where we have the "Three Strikes You're Out," and mandatory minimum sentences, etcetera, where we have had these sentences which go beyond a year and a day and, therefore, are considered a felony, we have so many people now who run the risk of being disenfranchised.

This denying voting rights to ex-offenders is inconsistent with the twin values of democracy and rehabilitation. Felony voting restrictions only serve to alienate and isolate individuals from civil society. Americans believe in rehabilitation, that if a debt to society is paid, there is no longer a debt. Why then should we not have a universal Second Chance Voting Rights Act so that people all have a stake in America's future?

Our colleague from Virginia has mentioned the number of African American men, that there are estimates that 1.4 million African American men, or 13 percent of the total population of black adult men, have been disenfranchised either currently or permanently disenfranchised as a result of State felony voting laws. This is outrageous. This is outrageous. We have a chance here to do something about it.

And while I am at it, I have talked about people paying their dues to society and the mandatory minimum sentences which elevate some of these offenses to felonies; but, in conclusion, I want to make one other point. We do not have equal representation for all the people in our society when they are accused of a crime. It simply does not happen. It comes into play when we talk about the death penalty, which is a different issue; but when we have everyone having the same caliber of legal representation, then we can talk about everyone having the same risk in terms of where penalties are concerned.

So where we have a situation where Congress is interested in making some offenses felonies, by either making the sentence a year and a day, or we have the situation where young people simply do not know about the "Three Strikes You're Out," the mandatory minimums, the risks they take in making mistakes when they are very young, they cannot afford to pay for the kind of representation that somebody else, who might get off because they had a much better lawyer, gets.

Also, there is an interest on the part of prosecutors sometimes for a plea, and people with information have a plea. Lots of times these kids have no information. Lots of times they just got caught with a small amount of a drug. They do not have information, so they go to jail. Somebody higher up, who has information, can plea, can afford better representation; and these kids, again, are the ones who go to jail, lose their right to vote. Even after they pay their debt to society, they may not be able to vote.

So I thank the gentlewoman for doing this. It is so fundamental to our democracy that everyone have a stake in it; that everyone be able to fully participate. We cannot say to young people who have made a mistake that they are going to pay for it forever in terms of their full enfranchisement as a citizen in our country. Certainly as long as we are a country where representation is unequal as far as representation in the courts, we cannot have these, shall we say, capital punishments, as far as voting is concerned.

So I thank the gentlewoman for what she is doing from the perspective of my district and from the perspective as a proprietor who has heard over and over and over from the judges, please, stop, Congress, from making all these mandatory minimum sentences. Give us some discretion. Stop federalizing these offenses. That takes us down a path which is exacerbated by the disenfranchisement that you are trying to correct here.

So I commend the gentlewoman and the gentleman from Illinois (Mr. DAVIS), the gentleman from Michigan (Mr. CONYERS), our distinguished ranking member on the Committee on the Judiciary; and I am pleased to join all

my colleagues, the gentleman from Virginia (Mr. SCOTT) and the distinguished gentlewoman from Ohio (Mrs. JONES), as well as our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who I know will be speaking as well, and so many Members who have spoken on this issue today.

I thank all my colleagues for their leadership. We are all in your debt.

Ms. MILLENDER-McDONALD. I thank the gentlewoman so much. The gentlewoman has touched on an issue that we certainly will be looking at as we probe into this whole notion of discriminatory practices when it comes to voting rights, especially for those who have served their debt to society, and one is mandatory sentencing. We really need to see how that plays into the inability of one having to have the restoration of their voting rights. So that is one thing we will look at critically as we move into venues with hearings.

As I said, the gentlewoman from California may not be a woman of color, but she is a woman of conscience.

Well, Mr. Speaker, now we have a woman of color who once was a prosecutor and a judge out of the great State of Ohio. She has come in and put her paw prints on this place in such a short time. She has gone around this country talking about predatory lending.

As her predecessor said, the gentlewoman from Ohio (Mrs. JONES) is someone she knew was going to come in like a strike of lightning, and she has done just that. With her experience in the courts, with her experience in other areas of the justice system, she has certainly served us well even in her short time.

I thank the gentlewoman so much for being with us tonight.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased to join the gentlewoman from California (Ms. MILLENDER-McDONALD) this afternoon in the special order, as well as my colleagues, the gentleman from Illinois (Mr. DAVIS), the gentlewoman from California (Ms. PELOSI), and the gentleman from Virginia (Mr. SCOTT). I am pleased to stand and rise in support of the special order with regard to H.R. 5158, Second Chance Voting Rights Act of 2000 and H.R. 906, Civic Participation and Rehabilitation Act of 1999.

It is interesting that while voter registration drives move at full speed, and while campaign speeches are given to varying constituencies, one group is still left out. We always say, "It is your vote that is your voice. If you do not vote, you do not have a voice." The people without a voice today are those in the States wherein convicted felons who have completed their time in jail or who are off of parole do not have the right to vote. That is why I am proud to stand in support of both of these bills, and I urge my colleagues to do the same.

Think about it. America was founded as a second chance; a second chance for freedom, a second chance away from religious persecution. Why then are we stripping rights from people who have served their time, paid their debt to society and now want a second chance?

We must remember that this Nation stood up when it granted women the right to vote. This Nation stood up over 2 decades ago when African Americans were disenfranchised by Jim Crow, by all the poll taxes, all the literacy tests, and recognized that disenfranchisement runs counter to our democratic ideals of freedom, justice, and liberty.

In the United States, felony convictions bring civil consequences. We all know that. Offenders may lose the right to vote, sit on juries, hold offices, and obtain various licenses. The problem is that these penalties continue long after the sentence is served and long after the debt is paid. Let us give those rights back to give an opportunity for the offenders to be whole again.

Forty-six States and the District deny convicted adults in prison the right to vote; 32 States disenfranchise felons on parole; 29 disenfranchise those on probation; and 14 bar ex-offenders for life. We have already gone through the statistics. Think about it like this. My predecessors died for me to have the right to vote. What that did was it not only gave people the right to vote, but it gave them the opportunity to be heard, and it also made them responsible citizens in their community.

By disenfranchising so many people in our communities, particularly disproportionately African Americans, we disenfranchise a Nation, a generation of young people whose parents will not know about voting. So how can they take their children to the ballot box if they have not had the right to vote? If we want the people to believe that they have a part in this society, that they are useful in this society, we need to give them the opportunity and the right to vote so that they can then act responsibly and go out and vote.

Some will argue this legislation makes legislators soft on crime. Nonsense. Legislation like Second Chance and Civic Participation make legislators not soft on crime but strong on democracies. Others are concerned that victims and ex-felons might determine election outcomes, particularly where local sheriffs and judges have run tough-on-crime campaigns. Nonsense. Voting is a right that comes with citizenship. Let us give it back.

Why do I support both these pieces of legislation? Because participation aids in rehabilitation and public confidence. Ex-offenders have served their time; let us not punish them forever. And felony voting restrictions have strong racial overtones, since African Americans are

disproportionately represented in the criminal justice system.

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We must do better. If we are discouraged about low voting participation from the general public, let us do something positive about it. Let us give ex-offenders a new chance, a second chance, a new start to start their life, liberty and the pursuit of happiness.

We must clear up this stain on our Nation and support both of these pieces of legislation.

Let me finally close with a couple of anecdotes.

When I served as a judge and people I had placed on probation completed their probation and were sent out in the world, they were discouraged because they could not get a job, they were discouraged because they did not have a right to vote, they were discouraged because they could not get a license. We must give these persons an opportunity to become useful citizens in our community.

Think about it like this: Right now on the TV on the Divorce Court, we have a young judge who was a juvenile offender. He turned his life around. He is a shining example of young people who can turn their lives around when aided and supported and make a difference in our society.

Support the right thing. Support a second chance. Support H.R. 5158 and H.R. 906.

Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her leadership on this issue and I would ask all my colleagues to join in the leadership team and vote in favor in support of these pieces of legislation.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman for her comments. I think she made a very telling statement when she says penalties last long after probationary periods. What a telling statement that is.

I am told I have a shorter period of time than I thought I had, and so I will give the remainder of the 5 minutes that I have to an outstanding young woman who hails from the great State of Texas, who everyone knows in my State because of the absolutely sterling presentation she did during the impeachment.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for her leadership.

Mr. Speaker, I rise to join with my colleagues on reemphasizing to the American people and to our House colleagues and to the other body the importance of H.R. 5158, Second Chance Voting Rights of 2000, and H.R. 906, the Civic Participation and Rehabilitation Act of 1999 offered by the gentleman from Michigan (Mr. CONYERS).

I know that we have heard these numbers, but might I, Mr. Speaker,

emphasize again that 3.9 million Americans, or one in 50 adults, currently cannot vote because of a felony conviction.

Now, as a member of the House Committee on the Judiciary, I think it is important for the American public to realize that we, too, uphold the Constitution and believe in its tenets, and that is the value of the right to vote, the value of democracy, but we also realize that juxtaposed alongside of the Constitution are a myriad of State criminal statutes that make our country a country of laws governed by the people. We understand that.

But in this time of great necessity of human capital, the great need for human capital, is it not shameful that we waste those individuals who have dutifully paid back to society for what they have done?

I would hope that people would understand or that, as we are participating in this discussion, that all who are listening would understand that what we are talking about are individuals who have in fact paid back their time, and yet they cannot be allowed to vote. They cannot vote in Federal elections, and many times they cannot vote in our State elections.

Let me applaud some of the work that has been done in the State of Texas which is now working to indicate to those ex-felons who have done their time that they can be re-enfranchised. This is a key element of what we are trying to do on the Federal level.

Last evening about 75 to 80 million people listened to the Presidential debates, as they will listen over the next couple of days. I would simply say that they are privileged to not only listen, but they are privileged to vote.

Why would we extinguish the valuable human capital of young people in our community, of individuals who made a mistake when they were young and have paid their dues, why would we extinguish their right to vote?

And so, I think that we must look to this Federal legislation because I believe there are only about 20 States that automatically restore the right to vote. And, therefore, this Second Chance Voting Rights Act of 2000 is to re-enfranchise our brothers, our sisters, mothers, fathers and others.

Mr. Speaker, I want to thank the gentlewoman from California for leading on this special order, not only to educate but to help us legislate freedom. Freedom is not easy. It is not cheap. Let us not deny those Americans who have now come forward and say, I know that I did not do right, but I have paid the time. Let us enfranchise them.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the gentlewoman from the State of Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to express my appreciation to the leadership and for the bill that has been introduced for this subject because I think that it is of high priority.

Mr. Speaker, today I became a cosponsor of H.R. 5158, the Second Chance Voting Rights Act of 2000. The legislation, authored by my colleague Representative JUANITA MILLENDER-MCDONALD, would automatically restore federal voting rights to any formerly incarcerated person upon the unconditional release of that individual from incarceration and completion of their sentence, including parole.

This legislation is necessary because thousands of ex-offenders are denied the fundamental right to vote. Under the Constitution, states have the authority to deny the right to vote to an individual who is imprisoned and to restore that right once a person is released. Many states automatically return the right to vote once the former prisoner's sentence has been completed. However, some states require prisoners to meet certain procedural requirements to have their voting rights restored, and a few go as far as requiring a "pardon" for voting rights to be restored. In my own state of Texas, the right to vote is not restored until two years after the prisoner receives a certificate of discharge, two years after completing probation, or by pardon. In other words, former prisoners in Texas do not share in the basic rights that other Texans enjoy because they must wait two years before regaining their voting rights.

This situation in Texas and in many other parts of the country is fundamentally wrong. Citizens should not be deprived of the right to vote once they have paid their debt to society in full.

Allow me to share with you that in Texas I am coordinating with Yvonne Davis and Terry Hodge, Texas state representatives and members of the Texas Legislative Black Caucus, an effort to reach out to individuals who have been released from incarceration. The effort will involve enlisting voter education groups to reach out to these individuals and public service announcements to encourage these individuals to register and to vote on November 7th. This effort was launched in early August. It will remind individuals that although they lost many of their rights while incarcerated, they are again full-fledged Americans who have the same rights as their fellow citizens to help elect leaders who will shape the future direction of this country.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the 14th Amendment to the Constitution of the United States guarantees every American citizen the right to vote. When our country was founded, the right to vote was preserved for white men and property owners. It took the women's suffrage movement to enfranchise women and the Civil Rights Movement to fully enfranchise African-Americans and other people of color in this country. In the words of Susan B. Anthony, "we the people" were not just the select few but "we," the whole people, including all of us, formed this Union.

Today, we have awakened to a new challenge for this Republic—restoring the voting rights of men and women who committed crimes but have paid their debt to society.

While the Constitution takes away the voting rights of individuals convicted of serious crimes, the States are given the power to restore this right. Through our criminal justice system, hundreds of thousands of men and women have been politically disenfranchised—many of whom are poor and minority and who committed nonviolent crimes. Many of these individuals have paid their debt to society. Some States have restored their right to vote automatically while others hold this right hostage to politics.

Laws governing the restoration of voting rights after a felony conviction are unequal throughout the country. Persons in some States can easily regain their voting rights while in other States persons effectively lose their right to vote permanently.

Two States do not disenfranchise felons at all.

Forty-six States and the District of Columbia have disenfranchisement laws that deprive convicted offenders of the right to vote while they are in prison.

In thirty-two States, convicted offenders may not vote while they are on parole.

In twenty-nine States probationers may not vote.

Fourteen States disenfranchise ex-offenders who have fully served their sentences, no matter the nature or seriousness of the offense.

Seventeen States require gubernatorial pardon, legislative action, or administrative procedures to restore the right to vote.

State disenfranchisement laws disproportionately affect the poor and ethnic minorities. They are more likely to be arrested, charged more harshly, poorly represented in court, convicted and receive harsher sentences. Whether we like these people, whether we want to know them personally, or whether we want to share private lives with them, they are part of the "whole people" of America. They deserve a second chance to vote.

Consider these statistics:

An estimated 3,900,000 Americans, or one in fifty adults, currently cannot vote because of a felony conviction. Women represent about a half million of this total.

Three-fourths (73%) of the 3,900,000 disqualified voters are not in prison, but are on probation, parole or are ex-offenders.

Over the last decade alone, over 560,000 Americans served their entire sentence, stand free and clear of incarceration and parole and have paid their debt to society. An estimated 65,000 of these Americans are women. And, they cannot vote in some States.

Today, you will hear from fellow Members of Congress who believe firmly that those individuals who have committed crimes, paid their debt to society, and been released free and clear should be allowed to vote. This may seem like a radical proposition, but it is not. It is fundamentally consistent with the principles we live by in this country—when you pay your debt to society by spending time in prison, your punishment is complete. At that point, our society releases you back into society and expects you to be rehabilitated socially with family, friends, and community, and economically with jobs. It is time now to pay attention to your civic rehabilitation.

Minority and poor people are over-represented in these numbers. Tonight, you will

hear from your colleagues why we need to enfranchise all these women and men. I have introduced H.R. 5158, the Second Chance Voting Rights Act of 2000, to do just that. Others like my friends and colleagues Representative JOHN CONYERS and Representative DANNY DAVIS also have introduced legislation to enfranchise these Americans. You will hear from them now.

Representative DANNY DAVIS; Representative JULIA CARSON; Representative STEPHANIE TUBBS JONES; Representative NANCY PELOSI (maybe); Representative BOBBY SCOTT; Representative SHEILA JACKSON-LEE; and Representative EDDIE BERNICE JOHNSON; for unanimous consent.

The last day to register is coming up soon. Every person who is not registered should check with your county registrar of voters and make sure you get registered. I want to encourage all Americans of every political persuasion to register and vote on election day, November 7. I particularly want to encourage ex-offenders who live in States that have restored their voting rights automatically to register and vote. These States are: California; Colorado; District of Columbia; Hawaii; Idaho; Illinois; Indiana; Kansas; Maine; Massachusetts; Michigan; Montana; New York; North Dakota; Ohio; Oregon; and Pennsylvania.

In our great representative democracy, we must not deny anyone who is eligible to vote; even those who have paid their debts to society not be given this fundamental right.

Remember. Every vote counts and your vote can make a difference. Register to vote by October 8 and vote on November 7.

Mr. Speaker, again, thanks to all of the Members who have come tonight.

PRESCRIPTION DRUG BILL

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentleman from Pennsylvania (Mr. MASCARA) is recognized for 5 minutes.

Mr. MASCARA. Mr. Speaker, my wife Dolores and I have spoken on many occasions about the need to pass a prescription drug bill.

Some of our friends back in southwest Pennsylvania are affected by the lack of coverage. I come to the floor to express my deep concern regarding the continued lack of prescription drug coverage for many of our Nation's seniors.

I recently received a letter from a constituent who worked his entire life in a blue collar job. He retired on a small nest egg and his monthly Social Security check. Although his health is relatively good, he still spends over 40 percent of his income on health care costs, including a monthly prescription drug bill that is over \$400 a month. Unfortunately, he does not have prescription drug insurance and every month he is forced to cut back on food and medicine.

I assure my colleagues he is not alone. The AARP estimates that the average out-of-pocket prescription cost for seniors is \$349 per month. Of the

nearly 40 million people on Medicare, one-third have no prescription drug coverage and 20 percent have coverage that does not last the full year.

In other words, millions of seniors are suffering in ways that are morally wrong, especially for such a wealthy and caring Nation.

How can we turn our backs on our seniors?

To paraphrase the late Senator Hubert Humphrey, the true moral test of a government is how it treats those that are in the dawn of life, our children, those who are in the twilight of life, our elderly, and those who are in the shadows of life, the sick, the disabled, and the less fortunate.

The elderly and the sick and the disabled should not have to make the terrible choice between food and medicine.

In that vein, last year I introduced H. Con. Res. 152, which called upon Congress to pass meaningful legislation that would give all seniors prescription drug coverage.

I am sure my colleagues here in the House are aware of the enormity of this issue. I am sure they know that upwards of 13 million seniors in this Nation are without any kind of prescription drug benefit and that over one-third of those currently on Medicare have no outpatient drug benefit.

Seniors are asking for a real drug benefit package. We need a reordering of priorities. During a period in our history when we are experiencing unprecedented budget surpluses, we need to include a prescription drug plan that will cover all seniors and it should be through the Medicare program, not through HMOs or private insurance companies who have failed miserably in the delivery of health care in this country.

So let us get together, let us work together and pass a piece of legislation that will help our seniors.

RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to talk about rural America.

Sometimes I think it is the forgotten part of America. Having lived my entire life there, I think it is the heart and soul of America. In my view, it is the part of this country where basic values are still important, where people believe they work hard for a day's pay and they are willing to do their fair share, they do not want a free lunch.

But as we look at the history in the last 8 years, and we will start with agriculture, in the times of unparalleled prosperity, the finest economy America has ever had, agriculture is struggling to even exist.