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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, February 15, 2021, at 9:30 a.m.

Senate

FRIDAY, FEBRUARY 12, 2021

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. LEAHY).

TRIAL OF DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES

The PRESIDENT pro tempore. The Senate will convene as a Court of Impeachment.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Mighty God, unsurpassed in both power and understanding, we worship You. Lord, when there is nowhere else to turn, we lift our eyes to You.

As, again, this Senate Chamber becomes a court and our Senators become jurors, guide these lawmakers with Your wisdom, mercy, and grace. Lord, infuse them with a spirit of nonpartisan patriotism. Unite them in their efforts to do what is best for America. As they depend on Your providence and power, may they make choices that will be for Your greater glory.

We pray in Your sovereign 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 JOURNAL

The PRESIDENT pro tempore. Senators, will you please be seated.

If there is no objection, the Journal of proceedings of the trial are approved to date.

I would ask the Sergeant at Arms to make the proclamation.

The Acting Sergeant at Arms, Jennifer A. Hemingway, made the proclamation as follows:

Hear ye! Hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the Article of Impeachment exhibited by the House of Representatives against Donald John Trump, former President of the United States.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, for the information of all Senators, we will plan to take short breaks approximately every 2 hours and a longer dinner break around 5 p.m.

The PRESIDENT pro tempore. Pursuant to the provisions of S. Res. 47, the counsel for the former President has 16 hours to make the presentation of their case, and the Senate will hear the counsel now.

We recognize Mr. van der Veen to begin the presentation of the case for the former President.

Go ahead.

COUNSELS' PRESENTATION

Mr. Counsel VAN DER VEEN. Good afternoon, Senators, Mr. President.

The Article of Impeachment now before the Senate is an unjust and blatantly unconstitutional act of political vengeance. This appalling abuse of the Constitution only further divides our Nation when we should be trying to come together around shared priorities.

Like every other politically motivated witch hunt the left has engaged in over the past 4 years, this impeachment is completely divorced from the facts, the evidence, and the interests of the American people. The Senate should promptly and decisively vote to reject it.

No thinking person could seriously believe that the President's January 6 speech on the Ellipse was in any way an incitement to violence or insurrection. The suggestion is patently absurd on its face. Nothing in the text could ever be construed as encouraging, condoning, or enticing unlawful activity of any kind.

Far from promoting ''insurrection'' against the United States, the President's remarks explicitly encouraged those in attendance to exercise their rights ''peacefully and patriotically.'' Peaceful and patriotic protest is the very antithesis of a violent assault on the Nation's Capitol.

The House Impeachment Article slanderously alleges that the President intended for the crowd at the Ellipse to ''interfere with the Joint Session's solemn constitutional duty to certify the results of the 2020 Presidential election.'' This is manifestly disproven by the plain text of the remarks.

The President devoted nearly his entire speech to an extended discussion of how legislators should vote on the question at hand. Instead of expressing a desire that the joint session be prevented from conducting its business, the entire premise of his remarks was that the democratic process would and

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

should play out according to the letter of the law, including both the Constitution and the Electoral Count Act.

In the conclusion of his remarks, he then laid out a series of legislative steps that should be taken to improve democratic accountability going forward, such as passing universal voter ID legislation, banning ballot harvesting, requiring proof of citizenship to vote, and turning out strong in the next primaries. Not only President—these are not the words of someone inciting a violent insurrection.

Not only President Trump's speech on January 6 but, indeed, his entire challenge to the election results was squarely focused on how the proper civic process could address any concerns through the established legal and constitutional system. The President brought his case before State and Federal courts, the U.S. Supreme Court, the State legislatures, the electoral college, and, ultimately, the U.S. Congress.

In the past, numerous other candidates for President have used many of the same processes to pursue their own election challenges. As recently as 2016, the Clinton campaign brought multiple postelection court cases, demanded recounts, and ridiculously declared the election stolen by Russia.

Many Democrats even attempted to persuade the electoral college delegates to overturn the 2016 results. House Manager RASKIN objected to the certification of President Trump's victory 4 years ago, along with many of his colleagues.

You will remember, it was Joe Biden who had to gavel him down.

(Text of Video presentation.)

Mr. RASKIN. I have an objection because 10 of the 29 electoral votes cast by Florida were cast by electors not lawfully certified.

Ms. JACKSON LEE. I object to the votes from the State of Wisconsin, which would not—should not—be legally certified.

Vice President BIDEN. There is no debate—

Ms. TLAIB. Mr. President, I object to the certificate from the State of Georgia on the grounds that the electoral vote was not——

Vice President BIDEN. There is no debate. There is no debate.

Mr. GRIJALVA. I object to the certification from the State of North Carolina.

Ms. JACKSON LEE. I object to the 15 votes from the State of North Carolina.

Mr. MCGOVERN. I object to the certificate from the State of Alabama. The electors were not lawfully certified.

Vice President BIDEN. Is it signed by a Senator?

Mr. RASKIN. Not as of yet, Mr. President.

Vice President BIDEN. In that case, the objection cannot be entertained.

The objection cannot be entertained.

Debate is not in order.

Ms. LEE of California. Even with the——

Vice President BIDEN. There is no debate in order.

Ms. LEE of California. Even with the——

Mr. BIDEN. There is no debate.

Ms. LEE of California. 87 voting machines are——

Vice President BIDEN. There is no debate in order. Is it signed by a Senator?

There is no debate.

There is no debate. There is no debate by the joint session.

There is no debate.

There is no debate.

Ms. JACKSON LEE. Sixteen voting——

Vice President BIDEN. There is no debate.

Ms. JACKSON LEE. And the mass——

Vice President BIDEN. Please come to order.

Ms. JACKSON LEE. There is the——

Vice President BIDEN. The objection cannot be received.

Ms. JACKSON LEE. What the Russian——

Vice President BIDEN. Section 18, title 20 of the United States Code prohibits debate in the joint session.

Ms. WATERS. I do not wish to debate. I wish to ask, Is there one United States Senator who will join me in this letter of objection?

Vice President BIDEN. There is no debate. There is no debate.

Ms. WATERS. Just one.

Vice President BIDEN. The gentlewoman will suspend.

Mr. Counsel VAN DER VEEN. In 2000, the dispute over the outcome was taken all the way to the Supreme Court, which ultimately rendered a decision.

To litigate questions of an election integrity within this system is not incitement to insurrection. It is the democratic system working as the Founders and lawmakers have designed. To claim that the President, in any way, wished, desired, or encouraged lawless or violent behavior is a preposterous and monstrous lie.

In fact, the first two messages the President sent via Twitter, once the incursion of the Capitol began, were:

Stay peaceful and no violence because we are the party of law and order.

The gathering on January 6 was supposed to be a peaceful event. Make no mistake about that. And the overwhelming majority of those in attendance remained peaceful.

As everyone knows, the President had spoken at hundreds of large rallies across the country over the past 5 years. There had never been any mob-like or riotous behaviors, and, in fact, a significant portion of each event was devoted to celebrating the rule of law, protecting our Constitution, and honoring the men and women of law enforcement.

Contrast the President's repeated combinations of violence with the rhetoric from his opponents.

(Text of Video presentation.)

President TRUMP. I am your President of law and order and an ally of all peaceful protesters.

Vice President BIDEN. The vast majority of the protests have been peaceful.

President TRUMP. Republicans stand for law and order, and we stand for justice.

Ms. PELOSI. I just don't even know why there aren't uprisings all over the country. Maybe there will be.

President TRUMP. My administration will always stand against violence, mayhem, and disorder.

Ms. PRESSLEY. There needs to be unrest in the streets for as long as there is unrest in our lives.

President TRUMP. I stand with the heroes of law enforcement.

Ms. WATERS. And you push back on them, and you tell them they are not welcome anymore anywhere.

President TRUMP. We will never defund our police. Together, we will ensure that America is a nation of law and order.

Vice President BIDEN. If we were in high school, I'd take him behind the gym and beat the hell out of him.

Mr. TESTER. But I think you need to go back and punch him in the face.

Mr. BOOKER. I feel like punching him.

President TRUMP. We just want law and order. Everybody wants that.

Mr. SCHUMER. I want to tell you, Gorsuch; I want to tell you, Kavanaugh: You have released the whirlwind, and you will pay the price.

President TRUMP. We want law and order. We have to have law and order.

Mr. CUOMO. Show me where it says that protests are supposed to be polite and peaceful.

President TRUMP. We believe in safe streets, secure communities, and we believe in law and order.

Tragically, as we know now, the January—on January 6, a small group, who came to engage in violent and menacing behavior, hijacked the event for their own purposes. According to publicly available reporting, it is apparent that extremists of various different stripes and political persuasions preplanned and premeditated an attack on the Capitol. One of the first people arrested was a leader of antifa. Sadly, he was also among the first to be released.

From the beginning, the President has been clear: The criminals who infiltrated the Capitol must be punished to the fullest extent of the law. They should be imprisoned for as long as the law allows.

The fact that the attacks were apparently premeditated, as alleged by the House managers, demonstrates the ludicrousness of the incitement allegation against the President.

You can't incite what was already going to happen.

Law enforcement officers at the scene conducted themselves heroically and courageously, and our country owes them an eternal debt. But there must be a discussion of the decision by political leadership regarding force posture and security in advance of the event.

As many will recall, last summer the White House was faced with violent rioters night after night. They repeatedly attacked Secret Service officers and at one point pierced a security wall, culminating in the clearing of Lafayette Square.

Since that time, there has been a sustained negative narrative in the media regarding the necessity of those security measures on that night, even though they certainly prevented many calamities from occurring.

In the wake of the Capitol attack, it must be investigated whether the proper force posture was not initiated due to the political pressure stemming from the events at Lafayette Square. Consider this: On January 5, the Mayor of the District of Columbia explicitly discouraged the National Guard and Federal authorities from doing more to protect the Capitol, saying:

[T]he District of Columbia is not requesting other federal law enforcement personnel and discourages any additional deployment . . .

This sham impeachment also poses a serious threat to freedom of speech for political leaders of both parties at every level of government. The Senate should be extremely careful about the precedent this case will set.

Consider the language that the House Impeachment Article alleges to constitute incitement:

If you don't fight like hell, you're not going to have a country anymore.

This is ordinary political rhetoric that is virtually indistinguishable from the language that has been used by people across the political spectrum for hundreds of years. Countless politicians have spoken of fighting for our principles. Joe Biden's campaign slogan was ''Battle for the Soul'' of America.

No human being seriously believes that the use of such metaphorical terminology is incitement to political violence. While the President did not engage in any language of incitement, there are numerous officials in Washington who have indeed used profoundly reckless, dangerous, and inflammatory rhetoric in recent years.

The entire Democratic Party and national news media spent the last 4 years repeating, without any evidence, that the 2016 election had been hacked and falsely and absurdly claimed the President of the United States was a Russian spy. Speaker PELOSI herself said that the 2016 election was hijacked and that Congress has a duty to protect our democracy. She also called the President an imposter and a traitor and recently referred to her colleagues in the House as ''the enemy within.''

Moreover, many Democrat politicians endorsed and encouraged the riots that destroyed vast swaths of American cities last summer. When violent, leftwing anarchists conducted a sustained assault on a Federal courthouse in Portland, OR, Speaker PELOSI did not call it insurrection; instead, she called the Federal law enforcement officers protecting the building ''storm troopers.''

When violent mobs destroyed public property, she said: ''People will do what they do.'' The attorney general of the State of Massachusetts stated:

Yes, America is burning, but that's how forests grow.

Representative AYANNA PRESSLEY declared:

There needs to be unrest in the streets for as long as there's unrest in our lives.

The current Vice President of the United States, KAMALA HARRIS, urged supporters to donate to a fund that bailed violent rioters and arsonists out of jail. One of those was released and went out and committed another crime, assault. He beat the bejesus out of somebody. She said, of the violent demonstrations:

Everyone beware . . . they're not gonna stop before Election Day in November, and they're not gonna stop after Election Day. [T]hey're not going to let up—and they should not.

Such rhetoric continued even as hundreds of police officers across the Nation were subjected to violent assaults at the hands of angry mobs. A man claiming to be inspired by the junior Senator from Vermont came down here to Washington, DC, to watch a softball game and kill as many Senators and Congressmen as he could. It cannot be forgotten that President Trump did not blame the junior Senator.

The senior Senator from Maine has had her house surrounded by angry mobs of protesters. When that happened, it unnerved her. One of the House managers—I forget which one—tweeted ''cry me a river.''

Under the standards of the House Impeachment Article, each of these individuals should be retroactively censored, expelled, punished, or impeached for inciting violence by their supporters.

Unlike the left, President Trump has been entirely consistent in his opposition to mob violence. He opposes it in all forms, in all places, just as he has been consistent that the National Guard should be deployed to protect American communities wherever protection is needed.

For Democrats, they have clearly demonstrated that their opposition to mobs and their view of using the National Guard depends upon the mob's political views. Not only is this impeachment case preposterously wrong on the facts, no matter how much heat and emotion is injected by the political opposition, but it is also plainly unconstitutional.

In effect, Congress would be claiming the right to disqualify a private citizen, no longer a government official, from running for public office. This would transform the solemn impeachment process into a mechanism for asserting congressional control over which private citizens are and are not allowed to run for President. In short, this unprecedented effort is not about Democrats opposing political violence; it is about Democrats trying to disqualify their political opposition. It is constitutional cancel culture.

History will record this shameful effort as a deliberate attempt by the Democratic Party to smear, censor, and cancel not just President Trump but the 75 million Americans who voted for him. Now is not the time for such a campaign of retribution; it is the time for unity and healing and focusing on the interests of the Nation as a whole.

We should all be seeking to cool temperatures, calm passions, rise above partisan lines. The Senate should reject this divisive and unconstitutional effort and allow the Nation to move forward.

Over the course of the next 3 hours or so, you will hear next from Mr. Schoen, who is going to talk about due process and a couple of other points you will be interested to hear. I will return with an analysis of why the First Amendment must be properly applied here, and then Mr. CASTOR will discuss the law as it applies to the speech of January 6. And then we will be pleased to answer your questions.

Thank you.

Mr. Counsel SCHOEN. Mr. President.

The PRESIDENT pro tempore. Mr. Schoen.

Mr. Counsel SCHOEN. Leaders, Senators, throughout the course of today, my colleagues and I will explain in some detail the simple fact that President Trump did not incite the horrific, terrible riots of January 6. We will demonstrate that, to the contrary, the violence and the looting goes against the law-and-order message he conveyed to every citizen of the United States throughout his Presidency, including on January 6.

First, though, we would like to discuss the hatred, the vitriol, the political opportunism that has brought us here today. The hatred that the House managers and others on the left have for President Trump has driven them to skip the basic elements of due process and fairness and to rush an impeachment through the House, claiming ''urgency.''

But the House waited to deliver the Article to the Senate for almost 2 weeks, only after Democrats had secured control over the Senate. In fact, contrary to their claim that the only reason they held it was because Senator MCCONNELL wouldn't accept the Article, Representative CLYBURN made clear that they had considered holding the Article for over 100 days to provide President Biden with a clear pathway to implement his agenda.

Our Constitution and any basic sense of fairness require that every legal process with significant consequences for a person's life, including impeachment, requires due process under the law, which includes factfinding and the establishment of a legitimate evidentiary record with an appropriate foundation.

Even last year's impeachment followed committee hearings and months of examination and investigation by the House. Here, President Trump and his counsel were given no opportunity to review evidence or question its propriety. The rush to judgment for a snap impeachment in this case was just one example of the denial of due process. Another, perhaps even more vitally significant, example was the denial of any opportunity ever to test the integrity of the evidence offered against Donald J. Trump in a proceeding seeking to bar him from ever holding public office again and that seeks to disenfranchise some 75 million voters—American voters.

On Wednesday of this week, countless news outlets repeated the Democrat talking point about the power of never-before-seen footage. Let me ask you this: Why was this footage never seen before? Shouldn't the subject of an impeachment trial—this impeachment

trial—President Trump, have the right to see the so-called new evidence against him?

More importantly, the riot and the attack on this very building was a major event that shocked and impacted all Americans. Shouldn't the American people have seen this footage as soon as it was available? For what possible reason did the House managers withhold it from the American people and President Trump's lawyers? For political gain?

How did they get it? How are they the ones releasing it? It is evidence in hundreds of pending criminal cases against the rioters. Why was it not released through law enforcement or the Department of Justice? Is it the result of a rushed, snap impeachment for political gain without due process?

House Manager RASKIN told us all yesterday that your job as jurors in this case is a fact-intensive job, but, of course, as several of the House managers have told you, we still don't have the facts.

Speaker PELOSI herself, on February 2, called for a 9/11-style Commission to investigate the events of January 6. Speaker PELOSI says that the Commission is needed to determine the causes of the events. She says it herself. If an inquiry of that magnitude is needed to determine the causes of the riot—and it may very well be—then how can these same Democrats have the certainty needed to bring Articles of Impeachment and blame the riots on President Trump? They don't.

The House managers, facing a significant lack of evidence, turned often to press reports and rumors during these proceedings, claims that would never meet the evidentiary standards of any court. In fact, they even relied on the words of Andrew Feinberg, a reporter who recently worked for Sputnik, the Russian propaganda outlet. You saw it posted. By the way, the report they cited was completely refuted.

The frequency with which House managers relied on unproven media reports shocked me as I sat in this Chamber and listened to this.

(Text of video presentations.)

Mr. Manager CASTRO of Texas. And there is a lot that we don't know yet about what happened that day.

Mr. Manager RASKIN. According to those around him at the time, reportedly responded.

Unidentified Speaker. Trump reportedly.

Mr. Manager NEGUSE. Reports across all major media outlets.

Unidentified Speaker. Major news networks, including FOX News reported.

Mr. Manager NEGUSE. Reported.

Mr. Manager LIEU. Reportedly summoned.

Ms. Manager PLASKETT. Reportedly.

Mr. Manager CASTRO of Texas. Reportedly not accidental.

According to reports.

Unidentified Speaker. President Trump was reportedly.

Mr. Manager CASTRO of Texas. Who reportedly spoke to the guard.

Mr. Manager CICILLINE. It was widely reported.

Mr. Manager RASKIN. Media reports.

Mr. Manager CICILLINE. According to reports.

Mr. Manager NEGUSE. Reported.

Mr. Manager LIEU. Reportedly.

As any trial lawyer will tell you, ''reportedly'' is a euphemism for ''I have no real evidence.'' ''Reportedly'' is not the standard in any American setting in which any semblance of due process is afforded an accused. ''Reportedly'' isn't even ''here is some circumstantial evidence.'' It is exactly as reliable as ''I googled this for you.''

And if you are worried you might ever be tried based on this type of evidence, don't be. You get more due process than this when you fight a parking ticket.

One reason due process is so important with respect to evidence offered against an accused is that it requires an opportunity to test the integrity, the credibility, the reliability of the evidence. Here, of course, former President Trump was completely denied any such opportunity. And it turns out there is significant reason to doubt the evidence the House managers have put before us.

Let me say this clearly. We have reason to believe the House managers manipulated evidence and selectively edited footage. If they did and this were a court of law, they would face sanctions from the judge.

I don't raise this issue lightly. Rather, it is a product of what we have found in just the limited time we have had since we first saw the evidence here with you this week.

We have reason to believe that the House managers created false representations of tweets, and the lack of due process means there was no opportunity to review or verify the accuracy.

Consider these facts. The House managers, proud of their work on this snap impeachment, staged numerous photo shoots of their preparations. In one of those, Manager RASKIN is seen here at his desk, reviewing two tweets side by side. The image on his screen claims to show that President Trump had retweeted one of those tweets.

(Video presentation.)

Now, Members of the Senate, let's look closely at the screen because, obviously, Manager RASKIN considered it important enough that he invited the New York Times to watch him watching it.

What is wrong with this image? Actually, there are three things very wrong with it. Look at the date on the very bottom of the screen on Manager RASKIN's computer screen when we zoom into the picture. The date that appears is January 3, 2020, not 2021. Why is that date wrong? Because this is not a real screenshot that he is working with. This is a recreation of a tweet. And you got the date wrong when you manufactured this graphic. You did not disclose that this is a manufactured graphic and not a real screenshot of a tweet.

To be fair, the House managers caught this error before showing the image on the Senate floor. So you never saw it when it was presented to you.

But that is not all. They didn't fix this one. Look at the blue checkmark next to the Twitter username of the account retweeted by the President. It indicates that this is a verified account, given the blue check by Twitter to indicate it is run by a public figure. The problem? The user's real account is not verified and has no blue checkmark, as you can see. Were you trying to make her account seem more significant or were you just sloppy?

If we had due process of law in this case, we would know the truth. But that is not all that is wrong with this one tweet. House Manager Swalwell showed you this tweet this week, and he emphasized that this tweet reflected a call to arms. He told you repeatedly that this was a promise to call in the cavalry for January 6. He expressly led you to believe that President Trump's supporter believed that the President wanted armed supporters at the January 6 speech—paramilitary groups, the cavalry—ready for physical combat.

The problem is, the actual text is exactly the opposite. The tweeter promised to bring the calvary—a public display of Christ's crucifixion, a central symbol of her Christian faith with her to the President's speech—a symbol of faith, love, and peace.

They just never want to seem to read the text and believe what the text means. You will see this was reported in the media last evening also.

Words matter, they told you. But they selectively edited the President's words over and over again. They manipulated video, time-shifting clips, and made it appear the President's words were playing to a crowd when they weren't. Let's take a look.

(Text of video presentations.)

President TRUMP. After this, we're going to walk down—and I will be there with you—we're going to walk down. We are going to walk down to the Capitol.

And we're going to walk down to the Capitol, and we're going cheer on our brave Senators and Congress men and women, and we're probably not going to be cheering so much for some of them because you will never take back our country with weakness. You have to show strength, and you have to be strong. We have come to demand that Congress do the right thing and only count the electors who have been lawfully slated—lawfully slated.

I know that everyone here will soon be marching over to the Capitol Building to peacefully and patriotically make your voices heard.

''And we are going to walk down to the Capitol.'' They showed you that part. Why are we walking to the Capitol? Well, they cut that off: to ''cheer on'' some Members of Congress, and not others, ''peacefully and patriotically.''

The Supreme Court ruled in Brandenburg that there is a very clear standard for incitement—in short, to paraphrase, whether the speech was intended to provoke imminent lawless action and was likely to do so.

''Go to the Capitol, and cheer on some Members of Congress but not others''—they know it doesn't meet the standard for incitement, so they edited it down.

We heard a lot this week about ''fight like hell,'' but they cut off the video before they showed you the President's optimistic, patriotic words that followed immediately after.

(Text of video presentations.)

President TRUMP. We fight like hell. And if you don't fight like hell, you're not going to have a country anymore.

Our exciting adventures and boldest endeavors have not yet begun. My fellow Americans, for our movement, for our children, and for our beloved country—and I say this despite all that has happened—the best is yet to come.

There is that famous quote, like one of the House managers said: A lie will travel halfway around the world before the truth has a chance to put its shoes on.

Well, this lie traveled around the world a few times and made its way into the Biden campaign talking points and ended up on the Senate floor: the Charlottesville lie, ''very fine people on both sides,'' except that isn't all he said. And they knew it then, and they know it now.

Watch this.

(Text of video presentations.)

President TRUMP. But you also had people that were very fine people—on both sides. You had people in that group—excuse me, excuse me. I saw the same pictures as you did. You had people in that group that were there to protest the taking down of, to them, a very, very important statue and the renaming of a park from Robert E. Lee to another name.

Unidentified Speaker. George Washington and Robert E. Lee are not the same.

President TRUMP. George Washington was a slave owner. Was George Washington a slave owner? So will George Washington now lose his status? Are we going to take down—excuse me. Are we going to take down—are we going to take down statues to George Washington? How about Thomas Jefferson? What do you think of Thomas Jefferson? Do you like him? Are we going to take down the statue? Because he was a major slave owner. Now are we going to take down his statue?

So you know what? It is fine. You're changing history. You're changing culture. And you had people—and I am not talking about the neo-Nazis and the White nationalists because they should be condemned totally. But you had many people in that group other than neo-Nazis and White nationalists, OK? And the press has treated them absolutely unfairly.

Now, in the other group also, you had some fine people, but you also had troublemakers, and you see them come with the black outfits and with the helmets and with the baseball bats. You got—you had a lot of bad—you had a lot of bad people in the other group too.

Unidentified Speaker. Who was treated unfairly, sir? I'm sorry. I just couldn't understand what you were saying. You were saying the press treated White nationalists unfairly? I want to understand what you're saying.

President TRUMP. No. No, there were people in that rally—and I looked the night before. If you look, there were people protesting, very quietly, the taking down of the statue of Robert E. Lee. I am sure in that group there were some bad ones. The following day, it looked like they had some rough, bad people—neo-Nazis, White nationalists—whatever you want to call them. But you had a lot of people in that group that were there to innocently protest and very legally protest because, you know—I don't know if you know, they had a permit. The other group didn't have a permit.

So I only tell you this: There are two sides to a story. I thought what took place was a horrible moment for our country, a horrible moment. But there are two sides to the country.

Does anybody have a final—does anybody have a—you have an infrastructure—

This might be, today, the first time the news networks played those full remarks in their context. And how many times have you heard that President Trump has never denounced White supremacists? Now you and America know the truth.

Here is another example. One of the House managers made much of the President's supposedly ominous words of ''you have to get your people to fight.'' But you knew what the President really meant. He meant that the crowd should demand action from Members of Congress and support primary challenges to those who don't do what he considered to be right. Support primary challenges, not violent action. I know what he meant because I watched the full video, and so did the House managers. But they manipulated his words. You will see where they stopped it and to give it a very different meaning from the meaning it has in full context. Let's watch.

(Text of video presentations.)

Mr. Manager NEGUSE. ''You have to get your people to fight.'' He told them.

President TRUMP. You have to get your people to fight. And if they don't fight, we have to primary the hell out of the ones that don't fight. You primary them. We are going to. We are going to let you know who they are. I can already tell you, frankly.

The ''people'' who need to fight are Members of Congress. Why do we have to skip the necessary due diligence and due process of law and any—that any legal proceeding should have? It couldn't have been the urgency to get President Trump out of office. House Democrats held the Articles until he was no longer President, mooting their case.

Hatred, animosity, division, political gain—and let's face it, for House Democrats, President Trump is the best enemy to attack.

(Text of video presentations.)

Mr. RASKIN. I want to say this for Donald Trump, who I may very well be voting to impeach.

Mr. ELLISON. Donald Trump has already done a number of things which legitimately raise the question of impeachment.

Ms. WATERS. I don't respect this President, and I will fight every day until he is impeached.

Mr. CASTRO of Texas. That is grounds to start impeachment proceedings.

Those are grounds to start impeachment.

Those are grounds to start impeachment proceedings.

Yes, I think that's grounds to start impeachment proceedings.

Mr. GREEN of Texas. I rise today, Mr. Speaker, to call for the impeachment of the President of the United States of America.

Ms. WATERS. I continue to say: Impeach him. Impeach 45.

(People chanting: ''Impeach 45.'')

Impeach 45.

Mr. COHEN. So we're calling upon the House to begin impeachment hearings immediately.

Mr. JONES. On the impeachment of Donald Trump, will you vote yes or no?

Ms. OMAR. I would vote yes.

Ms. OCASIO-CORTEZ. I would vote—I would vote to impeach.

Ms. TLAIB. Because we're going to go in there and impeach the mother [bleep].

Mr. SHERMAN. But the fact is, I introduced Articles of Impeachment in July of 2017.

Mr. GREEN of Texas. If we don't impeach this President, he will get reelected.

Mr. COHEN. My oath requires me to be for impeachment.

Have an impeachment hearing. He needs a scarlet ''I'' on his chest.

Mr. BOOKER. The Representatives need to begin impeachment proceedings against this President.

Ms. WARREN. It is time to bring impeachment charges against him.

Bring impeachment charges.

Mr. NADLER. My personal view is that he richly deserves impeachment.

Unidentified Speaker. I'm here at an impeachment rally, and we are ready to impeach the. . . .

Ms. PELOSI. We can impeach him every day of the week for anything he's done.

Mr. Counsel SCHOEN. That same hatred and anger has led House managers to ignore their own words and actions and set a dangerous double standard.

The House managers spoke about rhetoric, about a constant drumbeat of heated language. Well, as I am sure everyone watching expected, we need to show you some of their own words.

(Text of video presentations.)

Ms. PELOSI. I just don't even know why there aren't uprisings all over the country. Maybe there will be.

Ms. PRESSLEY. There needs to be unrest in streets for as long as there is unrest in our lives.

Ms. PELOSI. You've got to be ready to throw a punch.

We have to be ready to throw a punch.

Mr. TESTER. Donald Trump, I think you need to go back and punch him in the face.

Ms. Wallace. I thought he should have punched him in the face.

Mr. BOOKER. I feel like punching him.

Vice President BIDEN. I would like to take him behind the gym if I were in high school.

If I were in high school, I would take him behind the gym and beat the hell out of him.

You know, I wish we were in high school. I could take him behind the gym.

Ms. WATERS. I will go and take Trump out tonight.

Ms. WARREN. Take him out now.

Mr. Depp. When was the last time an actor assassinated a President?

Mr. Wilson. They are still going to have to go out and put a bullet in Donald Trump.

Mr. Cuomo. Show me where it says a protest is supposed to be polite and peaceful.

Ms. WATERS. You push back on them, and you tell them they're not welcome anymore, anywhere.

Madonna. I have thought an awful lot about blowing up the White House.

Mr. BOOKER. Please get up in the face of some Congresspeople.

Ms. PELOSI. People will do what they do.

Mr. SCHUMER. I want to tell you, Gorsuch, I want to tell you Kavanaugh: You have released the whirlwind, and you will pay the price.

Ms. TLAIB. We're going to go in there and we're going to [bleep].

Ms. PRESSLEY. This is just a warning to you Trumpers: Be careful. Walk lightly. And for those of you who are soldiers, make them pay.

Ms. DeGeneres. If you had to be stuck in an elevator with either President Trump, Mike Pence, or Jeff Sessions, who would it be?

Ms. HARRIS. Does one of us have to come out alive?

And there is more.

(Text of video presentations.)

Mr. McDonough. I promise to fight every single day.

One, I'm a fighter and I'm relentless.

But I'm a fighter and I'm relentless.

A fighter and I'm relentless.

I will fight like hell.

Ms. WARREN. The way I see it now is that we pick ourselves up and we fight back; that is what it is all about. We stand up and we fight back. We do not back down, we do not compromise, not today, not tomorrow, not ever. You can lie down, you can whimper, you can pull up in a ball, you can decide to move to Canada, or you can stand your ground and fight back, and that is what it is about. We do fight back, but we are going to fight back. We are not turning this country over to what Donald Trump has sold. We are just not. Look, people are upset, and they're right to be upset.

Now, we can whimper, we can whine, or we can fight back. We're up here to fight back. Me, I'm here to fight back. I'm here to fight back because we will not forget. We do not want to forget. We will use that vision to make sure that we fight harder, we fight tougher, and we fight more passionately more than ever.

We still have a fight on our hands. Fight hard for the changes Americans are demanding. Get in the fight.

To winning the fight.

Fight.

Fighting.

Fighting.

We'll use every tool possible to fight for this change. We'll fight. We'll fight.

Fight.

Fighting hard.

Serious about fighting.

And fight.

We've got to (inaudible) and fight back.

Problems—we call them out and we fight back.

I'm in this fight.

I am fighting.

I am fighting.

Get in this fight. Get in this fight. Get in this fight.

And fighting.

We all need to be in the fight. We all need to stay in the fight. We stay in this fight.

We fought back. We fought back. I am not afraid of a fight. I am in this fight all the way. You don't get what you don't fight for.

Our fight.

Our fight.

We are in this fight for our lives. This is the fight of our lives.

Mr. WARNER. But we are going to make sure this fight doesn't end tonight.

Mr. MENENDEZ. This is a fight for our lives, the lives of our friends and family members and neighbors. It is a fight.

Fight.

And it is a fight that we're going to work to make sure continues.

It is a fight.

It is a fight.

It is a fight.

And that is what this fight is for.

Mr. TESTER. Well, I'm wired to fight anyone who isn't doing their job for us. I'm JON TESTER, and you're damn right I approve this message.

Ms. ROSEN. And I'll have lots of fights ahead of us, and I'm ready to stand up and keep fighting.

We're going to fight.

We're going to fight.

And we need to fight.

Fight.

We need to fight.

We got a few more fights. I'm going to take the privilege of a few more fights.

And we have the biggest fight of all. I will never stop fighting. I will fight like hell to fight back against anyone.

Mrs. SHAHEEN. We need to say loud and clear that we are ready to fight.

Mr. DURBIN. It's a bare knuckles fight.

Mr. WYDEN. Now they're going to actually have to fight back against people.

Mr. SCHATZ. The fight has to be conducted.

Ms. CANTWELL. It is so important that we need to fight.

Ms. MURRAY. Fight that fight.

Mr. KING. We have been fighting.

Mr. COONS. I was fighting very hard.

Mr. VAN HOLLEN. Time is of the essence both in terms of the fight.

Mr. BENNET. I think we should be fighting.

Mr. MERKLEY. I really believe we need to fight.

Mr. HEINRICH. We're simply not going to take this lying down. We're going to keep fighting.

Mr. KAINE. So I'm telling all of my colleagues, this is the fight of our life.

Ms. BALDWIN. Whose side are you on? Who are you fighting for?

Mr. HICKENLOOPER. They're fighting or I'm fighting. We're all fighting. We are both fighting.

Ms. HIRONO. We will fight back. We're not going to take this lying down.

Mr. MURPHY. I'm just going to keep the fight up.

Ms. GILLIBRAND. What we have to do right now is fight as hard as we can.

Ms. STABENOW. We have to rise up and fight back.

Mr. BLUMENTHAL. I am going to be fighting—fight like hell.

Mr. SCHUMER. Keep fighting, fighting, fighting.

And we kept fighting and we did, so we're going to keep fighting.

Mr. PETERS. We have to be fighting every single day.

Mr. WHITEHOUSE. We have to fight back, and we have no choice but to do that. I think we're doing the right thing to do that.

Mr. LUJAN. Fighting.

Mr. MANCHIN. And I'm fighting.

Mr. SANDERS. Our job right now is to fight.

Ms. HASSAN. It is really important, I'm going to keep fighting.

Mr. OSSOFF. I'm asking for the support of the people across the country to fight back.

Mr. PADILLA. And you've got to be fierce in fighting.

Mr. WARNOCK. Fighting.

Ms. SMITH. Proud to have been fighting.

Mr. LEAHY. I told President Biden I will fight like mad.

Ms. CORTEZ MASTO. I will tell you what. Now more than ever, we have to fight like hell.

Mr. MARKEY. We have these battles on the floor of the Senate. I'm going to go down and battle. I'm going to be down there on the floor fighting.

Mr. SCHUMER. We Democrats are fighting as hard as we can.

Democrats are fighting as hard as we can.

Credit it any way, but we're fighting back.

Mr. KAINE. And what we've got to do is fight in Congress, fight in the courts, fight in the streets, fight online, fight at the ballot box.

Mr. BOOKER. Fighting and pushing around the clock.

Fighting and continue to be brave and keep strong and keep fighting. We're getting people engaged in the fight. We're fighting. We've got to keep fighting and keep focused.

Ms. KLOBUCHAR. Fight. This is going to be a fight.

Mr. CASTRO. We will fight him and challenge him every way we can, in the Congress, in the courts, and in the streets.

Ms. HARRIS. To continue fighting, we each have an important role to play in fighting in this fight like so many before it. It has been a fight. The American people are going to have to fight.

And about the importance of fighting. I will always fight.

Fighting.

But we always must fight.

Joe Biden has a deep, deep seeded commitment to fight.

And to fight.

And about the importance of fighting.

We always must fight.

To fight.

To fight.

And to fight.

As our willingness to fight.

Continue the fight.

As Joe Biden says, to fight.

Fighting.

What we are fighting for.

We will tell them about what we did to fight.

About a fight.

Truly I do believe that we're in a fight.

I believe we're in a fight.

I believe we're in a fight.

I believe we're in a fight.

So there's a fight in front of us. A fight for all of these things. And so we're prepared to fight for that.

We know how to fight.

Our ongoing fight.

A fight.

We know how to fight. We like a good fight. We were born out of a fight. This is what is our fight right now.

Mr. RASKIN. There's the fight.

There're the fight.

There's the fight.

And then there's the fight to defend.

Back in the fight.

Ms. PELOSI. Our mission is to fight. That is the guiding purpose of House Democrats.

Fighting.

He has never forgotten who he is fighting for.

March and fought.

And we just have to fight.

But this is a fight for our country.

Mr. SCHUMER. Fighting the health crisis of COVID.

Vice President BIDEN. I led the fight.

And continue to fight.

Never, never, give up this fight. I am a citizen fighting for it.

It means not only fighting.

A leader who fought for progressive change.

As a lawyer who fought for people his whole life.

As well as other fights he's in. I'm proud to have Tim in this fight with me.

And above all, it is time for America to get back up and once again fight.

Mr. Buttigieg. We will fight when we must fight.

Mr. CASTRO of Texas. What kind of America are we fighting for?

We've been fighting.

We need to fight.

But we also need to fight.

Fight for America.

Mrs. CLINTON. I am going to wake up every day and fight hard.

I have been fighting

We're going to fight.
We're going to fight.
We're going to fight.
We're going to fight.
And I will fight.
Mr. BUTTIGIEG. We're in the fight of our lives right now.
Mr. O'ROURKE. We fight like hell.
Mr. WYDEN. To fight.
Ms. ROSEN. To fight.
Mr. CICILLINE. Fight against the Trump administration.
Democrats are standing up to fight.
We're in this fight in a serious way.
Mr. LIEU. To fight.
Ms. DEGETTE. We're eager to take on this fight.
Get in this fight.
Mrs. GILLIBRAND. I have taken on the fights.
Mr. NEGUSE. As representatives for the people and legislators here in the Halls of Congress, our job is to fight.
Ms. PLASKETT. Who has led us in this fight.
Mr. SWALWELL. To fight for this.
This fight.
Mr. WARNOCK. Every day I am in the United States Senate, I will fight.
Mr. BROWN. One of the things we do is fight—should fight.
Ms. OCASIO-CORTEZ. Because my constituents send me here each and every day to fight.
Ms. Abrams. We have been fighting this fight.
And we need to be side by side to succeed.
So I hope that you will all join us in our fight.
And if we fight.
And as the next Governor of Georgia, I will never stop fighting. We can show the old guard something new, and we can fight.
Ms. DEAN. My fight.
Those fights.
And to fight.
To fight an administration.
Ms. HARRIS. Requiring us to fight and fight we will.
Their fight.
In their fight.
In their fight.
The fight is a fight. And so when we fight the fight that we are in.
When we are fighting this fight.
We fight this fight.
The strength of who we are is we will fight.
And we will fight.
We will fight the fight.
We are in a fight.
The fight.
Fight.
Fight.
It is a fight.
It is a fight.
And it is a fight born out of patriotism.
This is a fight.
Fighting.
I say fight on.
Fight on.
Fight on.
Fight on.
Ms. WARREN. I am here to say one more time in public, this is not a fight I wanted to take on, but this is the fight in front of us now.

Every single one of you and every one of you—that is OK. You didn't do anything wrong. It is a word people use. But please stop the hypocrisy.

Did you tone down the rhetoric last summer when all of this was happening? Did you condemn the rioters, or did you stand with NANCY PELOSI, who said: People are going to do what they are going to do.

(Text of video presentations.)

Ms. HARRIS. This is a movement. I'm telling you, they're not going to stop. And everyone beware because they're not going to stop. They're not going to stop before election day in November, and they're not going to stop after.

Mr. Cuomo. Please, show me where it says a protest is supposed to be polite and peaceful.

Ms. PELOSI. I just don't even know why there aren't uprisings all over the country. Maybe there will be.

Unidentified Speaker. It was a violent night in St. Louis. They shot and killed David in cold blood.

Ms. Hannah-Jones. Destroying property, which can be replaced, is not violence.

Unidentified Speaker. This is an apartment complex on fire. It just collapsed.

Unidentified Speaker. The building just collapsed.

Unidentified Speaker. I don't know where to go now. These people did this for no reason.

Unidentified Speaker. This is just a snapshot of some of the damage people will be waking up to.

Mr. SCHUMER. I am proud of New York, and I am proud of the protests.

Unidentified Speaker. There is damage everywhere you look. Honestly, it looks like a war zone.

Ms. PELOSI. Heartwarming to see so many people turn out peacefully.

Mr. SCHUMER. They keep doing it day after day after day.

In fact, our country is a nation of protests. The patriots were protesters.

Unidentified Speaker. St. John's Church is on fire.

Unidentified Speaker. Can you disavow that was antifa?

Mr. NADLER. That is a myth.

Unidentified Speaker. I hope someone burns down your whole precinct with all y'all inside.

Mr. Velshi. It is not, generally speaking, unruly.

Ms. WATERS. You push back on them, and you tell them they're not welcome anymore, anywhere.

Ms. HARRIS. They are not going to let up, and they should not.

Mr. Counsel SCHOEN. You claim that it is wrong to object to the certification of election results. You, along with your allies in the media, attempted to cancel and censor Members of this Chamber who voiced concerns and objected to certification.

Manager RASKIN, you had been in Congress only 3 days when you objected in 2017. It is one of the first things you did when you got here.

(Text of video presentations of 1–6–2017.)

Mr. RASKIN. I have an objection because 10 of the 29 electoral votes cast by Florida were cast by electors not lawfully certified.

Vice President BIDEN. Is the objection in writing and signed not only by a Member of the House of Representatives but also by a Senator?

Mr. RASKIN. It is in writing, Mr. President.

Vice President BIDEN. Is it signed by a Senator?

Mr. RASKIN. Not as of yet, Mr. President.

Vice President BIDEN. In that case, an objection cannot be entertained.

Ms. JAYAPAL. Mr. President, I object to the certificate from the State of Georgia on the grounds that the electoral vote does not——

Vice President BIDEN. There is no debate. There is no debate.

Mr. GRIJALVA. I object to the certificate from the State of North Carolina based on violation of the——

Vice President BIDEN. There is no debate. There is no debate in the joint session.

Ms. LEE. I object because people are horrified by the overwhelming evidence——

Vice President BIDEN. Section 18, title 3 of the United States Code prohibits debate.

Ms. JACKSON LEE. I object.

(Text of video presentation of 1–6–2005.)

Ms. TUBBS JONES. I object to the counting of the electoral votes of the State of Ohio.

(Text of video presentations of 1–6–2017.)

Mr. MCGOVERN. I object to the certificate from the State of Alabama. The electors were not lawfully certified.

Ms. JACKSON LEE. I object to the 15 votes from the State of North Carolina because of the massive voter suppression and the closing of voting booths in early voting——

Vice President BIDEN. There is no debate. There is no debate.

Ms. JACKSON LEE. 16 to 1——

Vice President BIDEN. There is no debate.

Ms. JACKSON LEE. And the massive voting suppression that occurred——

Vice President BIDEN. The gentlewoman will suspend.

(Text of video presentations of 1–5–2001.)

Mr. FILNER. I have an objection to the electoral votes.

Ms. WATERS. The objection is in writing, and I don't care that it is not signed by a Member of the Senate.

(Text of video presentations of 1–6–2017.)

Ms. WATERS. I do not wish to debate. I wish to ask: Is there one United States Senator who will join me in this letter of objection?

Vice President BIDEN. There is no debate.

Ms. JAYAPAL. The objection is signed by a Member of the House but not yet by a Member of the Senate.

Vice President BIDEN. Well, it is over.

(Laughter.)

Mr. Counsel SCHOEN. And when the House managers realized that the President's actual words could not have incited the riot, as you alleged in your Article of Impeachment, you attempted to pivot. You said that raising the issue of election security and casting doubt on the propriety of our elections was dangerous.

One of the House managers, Mr. CICILLINE, told you that this is not about the words Mr. Trump used in isolation. Rather, it is about the big lie, the claim that the election was stolen. The House managers told you that it is the big lie that incited the riot and that the big lie was President Trump's claim that the election was not a fair election or that the election was stolen.

Claiming an election was stolen, you were told, are words that are inciteful to a candidate's followers and cause people to respond violently. Claiming an election was stolen or not legitimate is something that a candidate should never do because he or she knows or should know that such a

claim and such words can actually incite violent insurrection, you were told.

Well, it seems that the House managers' position must actually be a bit narrower than that. The House managers' position really is that, when Republican candidates for office claim an election is stolen or that the winner is illegitimate, it constitutes inciting an insurrection and the candidate should know it, but Democratic Party candidates for public elective office are perfectly entitled to claim the election was stolen or that the winner is illegitimate or to make any other outrageous claim they can.

It is their absolute right to do so, and it is their absolute right to do so irrespective of whether there is any evidence to support the claim. Democratic candidates can claim that an election was stolen because of Russian collusion or without any explanation at all, and that is perfectly OK and is in no way incitement to an insurrection, and somehow, when Democratic candidates publicly decry an election as stolen or illegitimate, it is never a big lie. You have been doing it for years.

(Text of video presentation of 2–10–2021.)

Mr. Manager CASTRO of Texas. But can you imagine telling your supporters that the only way you can possibly lose is if an American election was rigged and stolen from you? And ask yourself whether you have ever seen anyone at any level of government make the same claim about their own election.

(Text of video presentation of 11–14–2018.)

Mr. BROWN. If Stacey Abrams doesn't win in Georgia, they stole it. It's clear. It's clear. And I say that publicly. It's clear.

(Text of video presentation of 5–4–2019.)

Ms. CLINTON. You can run the best campaign—you can even become the nominee—and you can have the election stolen from you.

(Text of video presentation of 9–29–2019.)

Ms. CLINTON. He knows he's an illegitimate President. He knows. He knows that there were a bunch of different reasons why the election turned out the way it did.

(Text of video presentation of 11–6–2018.)

Ms. Abrams. Votes remain to be counted. There are voices that are waiting to be heard.

(Text of video presentation of 11–16–2018.)

Ms. Abrams. And I will not concede.

(Text of video presentation of 11–18–2018.)

Mr. Tapper. I respect the issues that you're raising, but you're not answering the question. Do you think it was——

Ms. Abrams. I am.

Mr. Tapper. You're not using the word ''legitimate.''

(Text of video presentations of 1–6–2005.)

Ms. PELOSI. There are still legitimate concerns over the integrity of our elections and of ensuring the principle of one person, one vote.

Mr. SANDERS. I agree with tens of millions of Americans who are very worried that when they cast a ballot on an electronic voting machine that there is no paper trail to record that vote.

Ms. PELOSI. But constantly shifting vote tallies in Ohio and malfunctioning electronic machines which may not have paper receipts have led to an additional loss of confidence by the public. This is their only opportunity to have this debate while the country is listening, and it is appropriate to do so.

Mr. Counsel SCHOEN. House Manager CASTRO no longer has to try to imagine it thanks to the distinguished Senator and others. It didn't have to be this way. The Democrats promised unity. They promised to deliver the very COVID relief, in the form of $2,000 stimulus checks, that President Trump called for. They should have listened to their own words of the past. I leave you with the wise words of Congressman JERRY NADLER.

(Text of video presentation of 12–11–1998.)

Mr. NADLER. The effect of impeachment is to overturn the popular will of the voters. We must not overturn an election and remove a President from office except to defend our system of government or our constitutional liberties against the dire threat, and we must not do so without an overwhelming consensus of the American people. There must never be a narrowly voted impeachment or an impeachment supported by one of our major political parties and opposed by the other. Such an impeachment will produce the divisiveness and bitterness in our politics for years to come and will call into question the very legitimacy of our political institutions.

The American people have heard the allegations against the President, and they overwhelmingly oppose impeaching him. They elected President Clinton. They still support him. We have no right to overturn the considered judgment of the American people.

Mr. Speaker, the case against the President has not been made. There is far from sufficient evidence to support the allegations, and the allegations, even if proven true, do not rise to the level of impeachable offenses.

Mr. Speaker, this is clearly a partisan railroad job. The same people who today tell us we must impeach the President for lying under oath almost to a person voted last year to re-elect a Speaker who had just admitted lying to Congress in an official proceeding.

The American people are watching, and they will not forget. You may have the votes, you may have the muscle, but you do not have the legitimacy of a national consensus or of a constitutional imperative. This partisan coup d'etat will go down in infamy in the history of this Nation.

Thank you, Mr. Speaker.

I yield back the balance of my time.

Mr. Counsel SCHOEN. Thank you.

Mr. VAN DER VEEN. Good afternoon again, Senators, Mr. President.

There are two fundamental questions for purposes of this free speech analysis. First, does the First Amendment to the Constitution apply in this Chamber to these impeachment proceedings? Second, if it does, do the words spoken by Mr. Trump at the Ellipse on January 6 meet the definition of ''constitutional incitement'' so as to void the protections afforded by the First Amendment? I will explain why the answers to both of these questions must be a resounding yes.

The Constitution and the First Amendment must certainly apply to these impeachment proceedings, and Mr. Trump's speech deserves full protection under the First Amendment, but before getting into the legal analysis, some preliminary observations about the House managers' case should be made.

First, this case, unfortunately, is about political hatred. It has become very clear that the House Democrats hate Donald Trump. This type of political hatred has no place in our political institutions and certainly no place in the law. This hatred has led the House managers to manipulate and selectively edit Mr. Trump's speech to make it falsely appear that he sought to incite the crowd to violently attack the Capitol. He didn't, and we will show you why.

The hatred has also led the House managers to make some astounding legal arguments. They astoundingly urge you to disregard your oath by ignoring the First Amendment of the Constitution. They also ignore landmark binding United States Supreme Court cases, precedents—Wood and Bond—both of which unequivocally hold that elected officials have core First Amendment rights to engage in the exact type of political speech which Mr. Trump engaged in. I was shocked the House managers not only spent a mere three pages on the First Amendment analysis in their trial memo but that, yesterday, they spent a mere 10 minutes, at the end of their case, as a throwaway. What we have read and what we have heard is devoid of any constitutional analysis, far less than what I would expect from a first-year law student. They left out landmark cases—total intellectual dishonesty.

And, finally, hatred is at the heart of the House managers' frivolous attempt to blame Donald Trump for the criminal acts of the rioters based on double hearsay statements of fringe rightwing groups based on no real evidence other than rank speculation.

Hatred is a dangerous thing. We all have to work to overcome it. Hatred should have no place in this Chamber, in these proceedings.

The second observation.

The Senate is presented with an extraordinary task of sitting in judgment of a former President's words in a speech that he gave at a political event. The House managers accused Mr. Trump of using his words to incite the horrific events at the Capitol on January 6, but yesterday, they gave you a new and novel standard of incitement, with an element of foreseeability, a negligence concept. They cite zero case law. They made it up. This task of applying a completely made-up legal standard of incitement to an impeachment proceeding is truly an unprecedented task for the Senate, and that is something the Senate must

seriously consider when deciding the issue.

Do you want to create a precedent where the Senate will be tasked with sitting in judgment as to the meaning and implied intent of a President's words or words of any elected official?

Will that allow and maybe encourage a majority party to weaponize the awesome power of impeachment against the minority to suppress a point of view?

Will the Senate then have to deal with constant Articles of Impeachment by a majority party accusing minority Presidents or other elected officials of so-called inciteful or false speeches?

You can see where this would lead.

Sadly, we have all seen the political rhetoric get ratcheted up over the last few years. We have all been witnesses to many incendiary words by our officials at political events, broadcast over the media and internet. In each of those instances, will there now be Senate impeachment hearings?

One last observation.

We agree with the House managers: Context does, indeed, matter.

The inflammatory rhetoric from our elected officials must be considered as part of the larger context of Mr. Trump's speech at the Ellipse on January 6.

The inflammatory language from both sides of the aisle has been alarming, frankly, but this political discourse must be considered as part of these proceedings to contextualize Mr. Trump's words.

We have some video to play that highlights some of what I am talking about. I preface this video by noting I am not showing you this video as some excuse for Mr. Trump's speech. This is not about—this is not whataboutism. I am showing you this to make the point that all political speech must be protected.

(Text of video presentations.)

Ms. PELOSI. I just don't even know why there aren't uprisings all over the country. Maybe there will be.

Ms. PRESSLEY. There needs to be unrest on the streets for as long as there is unrest in our lives.

Ms. PELOSI. We gotta be ready to throw a punch.

You have to be ready to throw a punch.

Mr. TESTER. Donald Trump, I think you need to go back and punch him in the face.

Ms. Wallace. I thought he should have punched him in the face.

Mr. BOOKER. I feel like punching him.

Vice President BIDEN. I'd like to take him behind the gym, if I were in high school.

If we were in high school, I'd take him behind the gym and beat the hell out of him.

You know, I wish we were in high school. I could take him behind the gym.

Ms. WATERS. I will go and take Trump out tonight.

Ms. WARREN. Take him out now.

Mr. Depp. When was the last time an actor assassinated a President?

Mr. Wilson. They're still going to have to go out and put a bullet in Donald Trump.

Mr. Cuomo. Show me where it says that protest is supposed to be polite and peaceful.

Ms. WATERS. And you push back on them, and you tell them they are not welcome anymore, anywhere.

Madonna. I have thought an awful lot about blowing up the White House.

Mr. BOOKER. Please, get up in the face of some Congresspeople.

Ms. PELOSI. People will do what they do.

Mr. SCHUMER. I want to tell you, Gorsuch, I want to tell you, Kavanaugh: You have released the whirlwind, and you will pay the price.

Ms. TLAIB. We are going to go in there, we are going to impeach the [bleep].

Ms. Johnson. This is just a warning to you Trumpers: Be careful. Walk lightly. And for those of you who are soldiers, make them pay.

Ms. DeGeneres. If you had to be stuck in an elevator with either President Trump, MIKE PENCE, or Jeff Sessions, who would it be?

Ms. HARRIS. Does one of us have to come out alive?

Mr. Counsel VAN DER VEEN. Again, I did not show you their robust speech to excuse or balance out the speech of my client, for I need not. I showed you the video because in this political forum, all robust speech should be protected, and it should be protected evenly for all of us.

As a brief aside, we should all reflect and acknowledge the rhetoric has gotten to be too much and over the top. It is grating on the collective well-being of the body public, the citizens. Most would like it to stop. But the point is, when you see speech such as this, you have to apply the First Amendment evenly, blindly. She is blind, Lady Justice.

Question No. 1: Does the First Amendment apply to this Chamber in these proceedings?

The House managers' position, as stated in their trial brief, is ''The First Amendment does not apply at all to an impeachment proceeding.'' That is their position. This is plainly wrong. The text of the First Amendment expressly restricts Congress from regulating speech.

It says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

To ignore the Constitution would be contrary to the oath of office of a United States Senator:

> I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same—

Well, you all know the rest.

No, the Senate cannot ignore the First Amendment. The Constitution itself limits the ability of the House to impeach to limited items, such as ''high crimes and misdemeanors.''

The position advanced by the House managers is essentially an unlimited impeachment standard without constitutional guardrails, unmoored to any specific legal test other than the unbridled discretion of Congress.

This is distinctly not the intent of the Framers. The Framers were aware of the danger of any impeachment process that would make the President ''the mere creature of the Legislature,'' a quote directly from the Framers while debating the impeachment process on the floor of the Constitutional Convention of 1787. The Framers were fearful that any impeachment process that gave Congress full discretion on the standard for impeachment would constitute nothing less than a violation—''a violation of the fundamental principle of good Government.''

One Founding Father, James Wilson, wrote extensively on the impeachment process. Mr. Wilson was a renowned legal scholar at the time, a law professor at the University of Pennsylvania in Philadelphia. He was a major force in drafting and adopting the Constitution in 1787. He served as one of the first Supreme—one of the first six Supreme Court Justices from 1789 to 1798. He was appointed by President George Washington. In fact, Wilson taught the first course on the new Constitution to President Washington and his Cabinet—the first in the Nation's history—in Philadelphia at the University of Pennsylvania in 1789.

Wilson, in his law lectures, the first of their kind under the Constitution, plainly states that the Senate may not ignore the Constitution in impeachment proceedings. He states that lawful and constitutional conduct may not be used as an impeachable offense. Let me say that again. He states that lawful and constitutional conduct may not be used as an impeachable offense.

Read along with me:

> The doctrine of impeachments is of high import in the constitutions of free states. On one hand, the most powerful magistrates should be amenable to the law: on the other hand, elevated characters should not be sacrificed merely on account of their elevation. No one should be secure while he violates the constitution and the laws: everyone should be secure while he observes them.

To be clear, James Wilson is saying that the Constitution does indeed apply when judging whether to convict an official by impeachment. If the complained-of conduct is constitutional, it cannot be impeachable. Are we to ignore the words and teachings of James Wilson? The House managers surely want you to.

The House managers have made several references to this letter signed by 140 partisan ''law professors'' calling Mr. Trump's First Amendment defense ''legally frivolous.'' This is really an outrageous attempt to intimidate Mr. Trump's lawyers.

Whenever a lawyer advances a truly ''frivolous'' argument, they may violate professional, ethical rules and could be subject to discipline.

This letter is a direct threat to my law license, my career, and my family's financial well-being. These ''law professors'' should be ashamed of themselves, and so should the House managers.

How dare you? Do you really hate Donald Trump so much that you are willing to destroy good, hard-working people's lives, people that are only

doing their jobs, and, frankly, as counsel for an accused fulfilling a constitutional role? It is astounding, really. I am a citizen, not a politician.

I know these First Amendment arguments are not anywhere close to frivolous. They are completely meritorious.

Interestingly, the law professors' letter was issued on February 5—3 days before we even filed our legal brief in this matter—and they ignored landmark, bedrock Supreme Court cases directly addressing this issue.

In our brief, we have a direct quote from James Wilson, the Founding Father, supporting our position. The direct quote was documented in the Founding Father's original legal papers on the subject. He was the primary draftsman of the Constitution who taught the new Constitution to President Washington. He says so long as acts of elected officials like Mr. Trump are constitutionally protected, he should not be impeached.

We have landmark U.S. Supreme Court decisions—Wood and Bonds, which I will explain in detail—supporting our position.

All of this the House managers and the partisan law professors completely and misleadingly ignore.

Frivolous? Hardly. The letter is a bully tactic, and I think evidence is the House managers know they have a problem with the First Amendment defense on the merits, so they are resorting to such tactics.

The House managers' suggestion that the First Amendment does not apply to this impeachment process is completely untenable.

Ignoring the First Amendment would conflict with the Senators' oath of office. It would also conflict with well-settled Supreme Court precedent and ignore the intent of the Framers of the Constitution, such as James Wilson. Above all else, ignoring the Constitution would adopt the new Raskin ''commonsense'' doctrine we heard yesterday, eroding hundreds of years of First Amendment protections.

We are here under the Constitution. It is illogical what the House managers said. The Constitution does apply to this constitutional impeachment process. It is double talk. Nonsense. Illogical.

If the House managers had their way, they would ignore all of the Constitution. Does that include the Sixth Amendment? The right to counsel? They would have Mr. Trump sitting here without lawyers. And who would be next? It could be anyone—one of you or one of you.

You must reject this invitation to ignore the First Amendment. It is anti-American and would set dangerous precedent forever.

The law has developed over the years to clearly establish elected officials have the right to engage in protected speech. Mr. Trump is not just a guy on the street or a guy at a bar or a fire chief or a police officer—there were a few of them in there—all analogies given by the House managers. These sideways analogies are wrong. Mr. Trump was an elected official, and there is an entire body of law, Supreme Court landmark cases, supporting the conclusion that Mr. Trump actually has enhanced free speech rights because he is an elected official. These cases are ignored by the House managers and the law professors, and that, too, is total intellectual dishonesty.

The Supreme Court has long held that the First Amendment's right to freedom of speech protects elected officials.

Two important, on-point decisions from the Supreme Court—Wood v. Georgia and Bond v. Floyd—expressly contradict the House managers' position. The House managers do not even cite those cases in their brief. They barely acknowledge them in their reply, and they were mum on them yesterday.

In Wood v. Georgia, the Supreme Court addressed the case involving a sitting sheriff whose reelection was being investigated by a grand jury impaneled by a judge based on allegations of irregular ''Negro bloc voting.'' It was in the sixties.

The sheriff spoke publicly in multiple press releases calling the grand jury investigations ''racist,'' ''illegitimate,'' and an attempt to ''intimidate'' voters. He even urged the grand jurors on how to decide the issues and ''not let its high office be a party to any political attempt to intimidate'' voters. The sheriff viewed the grand jury's challenging the legitimacy of his election.

The sheriff even sent a letter to the grand jurors with these allegations, which is an extraordinary step since laws in most States, including Georgia, prohibit attempts to influence or intimidate jurors. The sheriff was charged and convicted of contempt of court and obstruction of the grand jury. But the Supreme Court, in a decision written by Justice Brennan, reversed. The Court held that the First Amendment protected an elected public official's speech because the voting controversy directly affected the sheriff's political career:

> The petitioner was an elected official and had the—

Read with me, please, everybody.

> The petitioner was an elected official and had the right to enter the field of political controversy, particularly where his political life was at stake. The role that elected officials play in our society makes it all the more imperative that they be allowed freely to express themselves on matters of current public importance.

Wood thus stands for the proposition that a difference of political opinion, expressed in speech on an issue of voting irregularity, cannot be punishable where all that was done was to encourage investigation and peaceful political speech—just like Mr. Trump has done here. The legal scholars call that directly on point.

A second case, Bond v. Floyd involved a State legislature punishing an elected official for protected political speech. Bond is particularly instructive here, too. In Bond, the Supreme Court squarely addressed a question of an elected official's punishment by a legislature for statements alleged to have incited public violation of law—the burning of draft cards. The Court unequivocally rejected the idea—advanced here by the House managers—that an elected official is entitled to no protection under the First Amendment. The Supreme Court held that the Georgia House of Representatives was in fact forbidden by the First Amendment from punishing Bond, by not seating him, for advocating against the policy of the United States.

There are three fundamental holdings in Bond.

No. 1:

> The manifest function of the First Amendment in a representative government requires that legislators be given the widest latitude to express their views on issues of policy.

No. 2:

> Just as erroneous statements must be protected to give freedom of expression the breathing space it needs to survive, so statements criticizing public policy and the implementation of it must be similarly protected.

Third holding:

> Legislators have an obligation to take positions on controversial political questions so that their constituents can be fully informed by them, and be better able to assess their qualifications—

Please, read along with me—

> their qualifications for office; also so they may be represented in governmental debates by the person they have elected to represent them.

Mr. Trump enjoys this same First Amendment protection from Congress. The First Amendment's protections guarantee free speech addressing the electoral integrity issues essential to his career that Mr. Trump has consistently advocated.

The House managers argue that ''the First Amendment''—and I quote—''does not shield public officials who occupy sensitive policymaking positions from adverse actions when their speech undermines important government[al] interests.'' That is flat wrong. They are in essence attempting to treat Mr. Trump as their employee.

This is not the law under Wood and Bond. Mr. Trump was elected by the people. He is an elected official. The Supreme Court says elected officials must have the right to freely engage in public speech.

Indeed, the Supreme Court expressly rejected the House managers' argument in Wood v. Georgia, holding that the sheriff was ''not a civil servant,'' but an elected official who had ''core'' First Amendment rights which could not be restricted. That is Wood v. Georgia, page 395, footnote 21.

The House managers do not mention Wood or Bond in the trial brief or anywhere else. Why? Why not? Because it does not fit their narrative or their

story. They want to punish Mr. Trump for engaging in constitutionally protected free speech and they do not want you to consider the issue. But you must.

Question 2: Does Mr. Trump's speech deserve protection under the First Amendment?

There is no doubt Mr. Trump engaged in constitutionally protected political speech that the House has, improperly, characterized as ''incitement of insurrection.'' The fatal flaw of the House's arguments is that it seeks to mete out governmental punishment—impeachment—based on First Amendment political speech.

Speech for political purposes is the kind of activity to which the First Amendment offers its strongest protection. These are bedrock principles recognized by our Supreme Court for decades. The Court has stated in no uncertain terms the importance of these principles to our democratic principles:

The general proposition that freedom of expression upon public questions is secured by the First Amendment has long been settled by our decisions. The constitutional safeguard, we have said, ''was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.''

New York Times v. Sullivan.

Our First Amendment decisions have created a rough hierarchy in the constitutional protection of speech. Core political speech occupies the highest, most protected position. . . .

Even political speech that may incite unlawful conduct is protected from the reach of government punishment. The Court has said:

Every idea is an incitement, and if speech may be suppressed whenever it might inspire someone to act unlawfully, then there is no limit to the State's censorial power.

The government may not prohibit speech because it increases the chances of an unlawful act will be committed ''at some indefinite time'' in the future. The House managers showed you a series of tweets going all the way back to 2015 in an effort to prove ''incitement.'' All of that evidence is totally irrelevant under the constitutional definition of incitement.

Brandenburg v. Ohio is really the landmark case on the issue of incitement speeches. The applicable case was mentioned yesterday. In the Brandenburg v. Ohio case, another landmark, the Court held the government may only—the government may only—suppress speech for advocating the use of force or a violation of law if ''such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.''

The Brandenburg holding has been interpreted as having three basic prongs to determine if speech meets the definition of ''incitement.''

The Brandenburg test precludes speech from being sanctioned as incitement to a riot unless—

This is one—

the speech explicitly or implicitly encouraged use of violence or lawless action,

Two:

the speaker intends that his speech will result in use of violence or lawless action, and—

Three—

the imminent use of violence or lawless action is the likely result of the speech.

The House managers cannot get past the first prong of the Brandenburg test. They have not and cannot prove Mr. Trump explicitly or implicitly encouraged use of violence or lawless action—period.

Brandenburg requires a close examination of the words themselves. The words are either important or they are not. The House managers admitted that the incitement issue is not about the words. Why not? Because on the face of it, Mr. Trump's words are no different than the figurative speech used by every one of the Senators assembled here today. If it is not about the words but about the ''Big Lie'' of a ''stolen election'' then why isn't House Manager RASKIN guilty, since he tried to overturn the 2016 election? The more the House managers speak, the more hypocrisy gets revealed—hypocrisy.

Even though they say it is not about the words, the law under Brandenburg requires a close analysis of the words to determine incitement. So we need to look at those words.

Mr. Trump did the opposite of advocating for lawless action—the opposite. He expressly advocated for peaceful action at the Save America rally. He explicitly stated—these are the words:

I know that everyone here will soon be marching over to the Capitol building to peacefully and patriotically make your voices heard.

''To peacefully and patriotically make your voices heard''—that is how this President has spoken for years when he condemns violence, lawlessness, and rioters.

The House managers have played manipulated, selectively edited parts of Mr. Trump's speech. They focus heavily on the word ''fight.'' The President used the word ''fight'' 20 times in his speech. They picked only two. Why? Why not the other 18? Because they don't tell the story in the way they want to tell it.

Here are all of them. Listen to the context.

(Text of video presentation of 1–6–2021.)

President TRUMP. And, Rudy, you did a great job. He's got guts. You know what? He's got guts unlike a lot of people in the Republican Party. He's got guts. He fights. He fights. I'll tell you.

Thank you very much, John. Fantastic job. I watched. That is a tough act to follow, those two.

There's so many weak Republicans. And we have great ones. JIM JORDAN and some of these guys—they're out there fighting. The House guys are fighting. But it's—it's incredible.

Many of the Republicans, I helped them get in. I helped them get elected.

Did you see the other day where Joe Biden said: I want to get rid of the America First policy? What's that all about? Get rid of. How do you say I want to get rid of America First? Even if you're going to do it, don't talk about it, right? Unbelievable what we have to go through. What we have to go through.

And you have to get your people to fight. And if they don't fight, we have to primary the hell out of the ones that don't fight. You primary them. We're going to. We're going to let you know who they are. I can already tell you, frankly.

Republicans are constantly fighting like a boxer with his hands tied behind his back. It's like a boxer. And we want to be so nice. We want to be so respectful of everybody, including bad people. And we're going to have to fight much harder.

And Mike Pence is going to have to come through for us, and if he doesn't, that will be a, a sad day for our country, because you're sworn to uphold our Constitution.

And the accountability says if we see somebody in there that doesn't treat our vets well or they steal, they rob, they do things badly, we say: Joe you're fired. Get out of here.

Before you couldn't do that. You couldn't do that before.

So we've taken care of things. We've done things like nobody's ever thought possible. And that's part of the reason that many people don't like us, because we've done too much. But we've done it quickly.

And we were going to sit home and watch a big victory, and everybody had us down for a victory. It was going to be great and now we're out here fighting. I said to somebody, I was going to take a few days and relax after our big electoral victory. 10 o'clock it was over.

The American people do not believe the corrupt, fake news anymore. They have ruined their reputation. But you know, it used to be that they'd argue with me. I'd fight. So I'd fight, they'd fight, I'd fight, they'd fight. Pop pop. You'd believe me, you'd believe them. Somebody comes out. You know, they had their point of view; I had my point of view. But you'd have an argument.

Now what they do is they go silent. It's called suppression, and that's what happens in a Communist country. That's what they do. They suppress. You don't fight with them anymore unless it's a bad story. They have a little bad story about me. They make it 10 times worse, and it's a major headline.

But Hunter Biden, they don't talk about him. What happened to Hunter? Where's Hunter?

With your help over the last four years, we built the greatest political movement in the history of our country and nobody even challenges that.

I say that over and over, and I never get challenged by the fakeness, and they challenge almost everything we say.

But our fight against the big donors, big media, big tech, and others is just getting started. This is the greatest in history. There's never been a movement like that.

Our brightest days are before us. Our greatest achievements, still away.

I think one of our great achievements will be election security. Because nobody until I came along had any idea how corrupt our elections were.

And again, most people would stand there at 9 o'clock in the evening and say I want to thank you very much, and they go off to some other life. But I said something's wrong here, something is really wrong, can have happened.

And we fight. We fight like hell. And if you don't fight like hell, you're not going to have a country anymore.

Our exciting adventures and boldest endeavors have not yet begun. My fellow Americans, for our movement, for our children, and for our beloved country.

And I say this despite all that's happened. The best is yet to come.

''A boxer fighting with his hand tied behind his back''? ''Members of Congress fighting''? ''Rudy being Rudy.'' These are the metaphorical, rhetorical uses of the word ''fight.'' We all know that, right?

Suddenly, the word ''fight'' is off limits. Spare us the hypocrisy and false indignation. It is a term used over and over and over again by politicians on both sides of the aisle. And, of course, the Democrat House Managers know that the word ''fight'' has been used figuratively in political speech forever. But don't take it from me. It is best to listen to them.

(Text of video presentations.)

Ms. HARRIS. Our mission is to fight.
Our job is to fight.
We are in a fight.
We are in a fight.
We are in a fight.
Mr. SCHUMER. Democrats are fighting as hard as we can.
Mr. CICILLINE. Democrats are standing up to fight.
Ms. HARRIS. We know how to fight.
We like a good fight.
Mr. SCHUMER. Democrats are going to fight like hell.
Mr. O'ROURKE. We fight like hell.
Mr. SWALWELL. We're going to fight like hell.
Mr. McDonough. I will fight like hell.
Mr. BLUMENTHAL. We're going to fight like hell.
I'm going to fight like hell.
Fight like hell.
Ms. ROSEN. I will fight like hell.
Ms. CORTEZ MASTO. We have to fight like hell.
Mr. SANDERS. I know many of the Senators and Members of the House will fight like hell.
Mr. Perez. We're going to fight like hell.
Ms. KLOBUCHAR. We're going to fight like hell.
Vice President BIDEN. Fight like hell.
Ms. PELOSI. And we just have to fight.
Mrs. CLINTON. We're going to fight.
We are going to fight.
We're going to fight.
We're going to fight.
Mr. LIEU. Because we will have to fight.
Ms. ROSEN. To fight.
Mr. SANDERS. Political revolution.
That means that millions—
Millions.
Millions.
Have got to stand up—
And fight.
And fight.
And fight.
Stand up and fight back.
Mr. WYDEN. Fight.
Vice President BIDEN. Continue to fight.
Once again, fight.
Mr. RASKIN. Back the fight.
Mr. SCHUMER. We are fighting back.
Ms. DEAN. My fight. To fight an administration.
Ms. WARREN. You don't get what you don't fight for.
Mr. CASTRO of Texas. We will also fight him and challenge him in every way that we can.
Mr. KAINE. Fight him in Congress, fight him in the courts, fight him in the streets.
Mr. CASTRO of Texas. In the Congress, in the courts, and in the streets.
Mr. RASKIN. There's the fight.
There's the fight.
There's the fight.
And then there's the fight to defend.
Ms. DEGETTE. We're eager to take on this fight.
Ms. HARRIS. The American people are going to have to fight.
Ms. WARREN. Get in this fight.
Ms. DEGETTE. Get in this fight.
Mr. BOOKER. Around the clock fighting.
We've got to keep fighting and keep focused.
Mr. Buttigieg. We will fight when we must fight.
Mr. CASTRO of Texas. We've been fighting.
But we need to fight.
But we also need to fight.
Vice President BIDEN. Always going to be an uphill fight.
Ms. KLOBUCHAR. This is going to be a fight.
Ms. HARRIS. We always must fight.
Mr. Buttigieg. We're in the fight of our lives.
Mr. CICILLINE. We're going to be in for the fight of our lives.
Mr. KAINE. This is the fight of our lives.
Vice President BIDEN. Fight of their lives.
Ms. WARREN. We are in this fight for our lives.
Ms. HARRIS. We cannot ever give up fighting.

Hypocrisy. The reality is, Mr. Trump was not in any way, shape, or form instructing these people to fight or to use physical violence. What he was instructing them to do was to challenge their opponents in primary elections, to push for sweeping election reforms, to hold Big Tech responsible—all customary and legal ways to petition your government for redress of grievances, which, of course, is also protected constitutional speech.

But the House Managers don't want you to focus on those things because, again, it does not fit their story. In the end, I leave you with this quote from Benjamin Franklin:

> Freedom of speech is a principal pillar of a free government; when this support is taken away, the constitution of a free society is dissolved, and tyranny is erected on its ruins.

Thank you.

RECESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate recess for a 15-minute break.

There being no objection, at 1:53 p.m., the Senate, sitting as a Court of Impeachment, recessed until 2:34 p.m.; whereupon the Senate reassembled when called to order by the President pro tempore.

COUNSELS' PRESENTATION—CONTINUED

The PRESIDENT pro tempore. Who seeks recognition?

Mr. Counsel CASTOR. I do, Mr. President.

The PRESIDENT pro tempore. Mr. Castor is recognized.

Mr. Counsel CASTOR. Mr. President, Members of the Senate, good afternoon.

It has been my great privilege over the past couple of weeks to lead this outstanding team of lawyers and dedicated professionals in the defense of the 45th President of the United States. One of the most difficult things in leading such a talented group is deciding who is responsible for what and the strategy and the order in which we will present our evidence.

You have heard from Mr. van der Veen and Mr. Schoen on the importance of the First Amendment and the importance of due process of law, and because I had the opportunity to set out the schedule, I decided that I would take the last substantive part of the case for myself. You can take that two ways. The first, perhaps, is the best, and that would be that it is almost over. The second is that perhaps you have to wait another hour for it to be over.

The reason why I chose this section—and believe me, it was a very difficult decision to make because I thought that the other arguments presented by Mr. Schoen and Mr. van der Veen were outstandingly researched, thoroughly vetted, and wonderfully and articulately presented by them. But the critical issue in this case is the very narrow issue that is charged against the 45th President, and that issue is, did the 45th President engage in incitement of—they continue to say ''insurrection''? Clearly, there was no insurrection.

''Insurrection'' is a term of art defined in the law, and it involves taking over a country, a shadow government, taking the TV stations over, and having some plan on what you are going to do when you finally take power. Clearly, this is not that. What our colleagues here across the aisle meant is incitement to violence, to riot. So the word ''incitement'' is the critical case and the critical issue in the case.

Now, the first time that you heard from us, I told you that you would never hear from our side that what happened on January 6 was anything other than horrific and that the 45th President of the United States and his lawyers and his entire team adamantly denounce that violence by those criminals that occurred in this very Chamber, this very building.

There was a reason why we started our presentation back on Tuesday in that way, because I did not want the Senators to consider that there was any challenge to that particular fact. Yet the House managers, knowing it was not contested at all, chose to spend 14-plus hours showing you pictures of how horrific the attack on the United States Capitol was. They spent no time at all in connecting legally the attack on the Capitol to the 45th President of the United States, which is the only question that needs to be answered, is, Was Donald Trump responsible for inciting the violence that came to this building on January 6?

Now, by any measure, President Trump is the most pro-police, anti-mob rule President this country has ever seen. His real supporters know this. He made it clear throughout his Presidency. He made it clear during the violence this past summer. He made it clear on January 6. But politics changes things. Politics has created and interposed an element that should

not be here. It has interposed the element of hatred. And the political world changes when hatred becomes part of the dynamic.

As we wrote in our answer to the original charging document—and I hope that this is a phrase that lives on long after we are all departed and I hope someday this becomes the mantra by which all of us operate who work for the benefit of the public—that political hatred has no place in the American justice system and most certainly no place in the Congress of the United States.

To illustrate the contrast that I am speaking of, we have a video.

(Text of video presentations.)

President TRUMP. I am your President of law and order and an ally of all peaceful protesters.

Vice President BIDEN. The vast majority of the protests have been peaceful.

President TRUMP. Republicans stand for law and order, and we stand for justice.

Ms. PELOSI. I just don't even know why there aren't uprisings all over the country, and maybe there will be.

President TRUMP. My administration will always stand against violence, mayhem, and disorder.

Ms. PRESSLEY. There needs to be unrest in the streets for as long as there is unrest in our lives.

President TRUMP. I stand with the heroes of law enforcement.

Ms. WATERS. (Inaudible.)

You tell them that they are not welcome anymore, anywhere.

President TRUMP. We will never defund our police. Together, we will ensure that America is a nation of law and order.

Vice President BIDEN. If I were in high school, I would take him behind the gym and beat the hell out of him.

Mr. TESTER. I think you need to go back and punch him in the face.

Mr. BOOKER. I feel like punching him.

President TRUMP. We just want law and order. Everybody wants that.

Mr. SCHUMER. I want to tell you, Gorsuch, I want to tell you, Kavanaugh: You have released the whirlwind, and you will pay the price.

President TRUMP. If we want law and order, we have to have law and order.

Mr. Cuomo. Show me where it says that protesters are supposed to be polite and peaceful.

President TRUMP. We believe in safe streets, secure communities, and we believe in law and order.

Is there truly anyone in this Chamber who disagrees with the words as spoken by President Trump on that video? Surely not. Surely not.

This contrast and in this context, I ask you to keep that in mind. My colleagues here—actually, my colleague here, Mr. RASKIN, hopes that you don't. They have used selective editing and manipulated visuals to paint a picture far different from this truth.

Make no mistake, and I will repeat it now and anytime I am ever asked, January 6 was a terrible day for our country. The attack on this building shocked us all. President Trump did not incite or cause the horrific violence that occurred on January 6, 2021. They know that. We know the President did not incite the riot because of his plain words that day, as Mr. van der Veen elucidated on a few moments ago. We know the President could not have incited the riots because of the timeline of the events of that day.

We heard a great deal from the House managers about their prosecutorial bona fides and their ability to analyze evidence, apply it to statutes, use timelines, and figure out what happened based on circumstantial evidence and direct evidence and testimony and forensic analysis. I can't recall any of the House managers who got up that didn't make some reference to prosecutorial bona fides. Well, I spent more than three decades locking up killers. And I do know a little bit about applying facts to the law.

We know that the President would never have wanted such a riot to occur because his longstanding hatred for violent protesters and his love for law and order is on display, worn on his sleeve every single day that he served in the White House. But if we are going to apply the facts to the statute, it has to be done systematically. It has to be done with precision, the way a court would expect us to do that.

Let's look at the letter of the law. Again, Mr. van der Veen gave you an overview of the Brandenburg case and some of the related cases. You notice that when Mr. Van der Veen listed the elements that he took verbatim or close to verbatim right out of Brandenburg, they bore no reference whatsoever to the elements that flashed up by the Democratic managers the other day repeatedly. He actually used the Supreme Court's case. He didn't make it up.

Let's look at the letter of the law. The Supreme Court of the United States, over 50 years ago, laid out a clear test to determine whether speech is incitement. Under that test, the Brandenburg v. Ohio test, there are three elements that must be proven beyond a reasonable doubt, by a preponderance of the evidence—whatever the Senate considers—I suggest beyond a reasonable doubt.

First, the speech in question must explicitly or implicitly encourage the use of violence or lawless action. But here the President's speech called for peaceful protests.

Second, the speaker must intend that his speech will result in the use of violence or lawless action. And, again, as Mr. van der Veen pointed out, the President clearly deplores rioters and political violence and did so throughout his term as President and never hesitated to express his admiration for the men and women that protect this country.

Finally, the third element under the Brandenburg test is the imminent use of violence—imminent use of violence—in other words, right then. The imminent use of violence or lawless action must be the likely result of the speech—the likely result of the speech. Well, that argument is completely eviscerated by the fact that the violence was preplanned, as confirmed by the FBI, Department of Justice, and even the House managers—not the result of the speech at all.

Several of my colleagues of the House managers got up and spoke about the proceeding in the House being like a grand jury proceeding. Well, I have been in grand jury proceedings. I have run grand juries. In grand jury proceedings, you call witnesses; you hear evidence; you make transcripts; you take affidavits; you develop physical evidence; you hear reports from police officers; you hear forensic analysis from scientists; in fact, you invite the target of the grand jury to come in and testify if he or she pleases to be heard by the grand jury.

Which one of those things happened in the House prior to the Impeachment Article? I don't believe any of them happened. So the suggestion that what happened in the House was anything at all like a grand jury investigating a case and referring it for prosecution is complete nonsense. And if the House managers are trying to fool you about that, you must ask yourself: What else are they trying to fool you about?

Let's look more closely at the President's speech. We have mentioned this lie before, but it is so critical, we need to talk about it again. The President asked that the attendees at his rally peacefully make their voices heard.

(Text of video presentation.)

President TRUMP. I know that everyone here will soon be marching over to the Capitol Building to peacefully and patriotically make your voices heard.

The managers would have you believe that the President's supporters usually follow his every word but, in this case, imputing some imaginary meaning to them while ignoring his most clear instructions. President Trump said ''peacefully and patriotically make your voices heard.'' And the House managers took from that ''go down to the Capitol and riot.'' So you are supposed to put yourselves in the heads of the people who hear ''peacefully and patriotically make your voices heard'' and conclude that those words do not mean what the President said.

More than that, the President criticized the destruction wrought by left-wing anarchists and rioters. He told his supporters that they build; they don't destroy.

(Text of video presentation.)

President TRUMP. If this happened to the Democrats, there'd be hell all over the country going on. There'd be hell all over the country. But just remember this: You're stronger. You're smarter. You've got more going than anybody. And they try and demean everybody having to do with us. And you're the real people. You're the people that built this Nation. You're not the people that tore down our Nation.

Is it possible, listening to those words in the proper cadence without them being edited or the sound changed so that they are indistinguishable or sounds as though the crowd is right there, but listening to it here as you have here, unedited by us—is it

possible that President Trump's disdain for political violence could be any clearer to the persons listening as he was speaking?

Is it possible his words could have been misunderstood?

I suggest to you that is the possibility.

Now, the House managers said the President told the crowd: ''You have to get [out] your people to fight.'' The House managers' claim is that the President of the United States was telling the audience to get each other to physically fight, but that is not what the President said.

The people who should fight, he said, were Members of Congress. If they don't fight, what the President said is, what should the rally attendees do? If Members of Congress wouldn't fight for the principles they held dear, what was it that the President specifically told his supporters at that rally he wanted them to do? He wanted them to support primary challenges.

Now, nobody in this Chamber is anxious to have a primary challenge. That is one truism I think I can say with some certainty. But that is the way we operate in this country. When the people of a State want to change their Representatives and their Senators, they use the electoral process. President Trump told his listeners that if their Members of Congress won't fight for their views, then go back home and find others that will. That is what President Trump said—the people who should fight were the Members of Congress.

(Text of video presentations.)

Mr. Manager NEGUSE. ''You have to get your people to fight,'' he told them.

President TRUMP. You have to get your people to fight. And if they don't fight, we have to primary the hell out of the ones that don't fight. You primary them. We're going to let you know who they are. I can already tell you, frankly.

It is pretty stark contrast when you watch that video, isn't it? When you see the House manager tell you—and I don't know if we're under oath here, but when I walked into this room, I sure as heck felt as if I was under oath and felt like I was speaking not only to Senators of the United States but before the entire world and with God watching.

And a House manager got up here and told you that the President of the United States, on January 6, 2021, told the crowd that they had to go and fight. And the implication that they wanted you to draw was that he was sending them down to Capitol Hill to go and breach the building and trash the very sacred Halls of Congress.

But we now know that is not at all anything near what the President said. What the President said was: If you can't get your Members of Congress to do as you would like them to do, you primary them. That is the American way.

The first way that the House managers presented and wanted you to conclude, that is the criminal way. But what the President said was the American way.

Again, the House managers manipulated President Trump's words. I can't stand here and pretend to tell you that I know every time from all those videos that the House managers manipulated what the President said, put up evidence that was not with the foundation of correctness and admissibility we expect. I can't tell you that I picked up every one. I don't think Mr. van der Veen or Mr. Schoen or any of the others who worked with us can tell you that.

But what I can tell you is there were an awful lot of times. And I know at least some of you were judges in previous lives. If one of the lawyers was able to create the impression that one side intentionally presented false or misleading evidence, that judge would give an instruction called falsus in uno, falsus in omnibus: False in one thing, false in everything. In other words, if they are trying to fool you about one thing, not only might they be trying to fool you in something else, but under that maxim of the law, you may conclude they are trying to fool you in everything else.

President Trump was immediate in his calls for calm and respect for law enforcement. The House managers emphasized President Trump's tweet in the 6 p.m. hour where he told the crowds:

Go home with love & in peace. Remember this day.

What is it they left out? Well, the House starts their recitation of what President Trump said as far as the aftermath of when the Capitol was breached at roughly 6 p.m. What they don't tell you and didn't tell you—and which you probably don't know because I think I am the first one to say it in this forum—is at 2:38, President Trump urged protesters at the U.S. Capitol to stay peaceful:

Please support our Capitol Police and Law Enforcement. They are truly on the side of our Country. Stay peaceful!

Before we run the graphic, I just want to point out to you, President Trump's speech ended at 1:11 p.m. So at 2:38 p.m., by the time word reaches the President that there is a problem down here, he is out urging people to support the police, stay peaceful, support our Capitol Police and law enforcement. They are on the side of the country. Stay peaceful.

At 3:13 p.m., President Trump urged protesters at the U.S. Capitol to remain peaceful:

No violence. Remember, WE are the Party of Law and Order. Respect the law and our great men and women in blue.

3:13 p.m.

President Trump's words couldn't have incited the riot at the Capitol. The day's events make this clear. Let's walk through the actual timeline.

At 11:15 a.m. police security camera videos show crowds forming at First Street, near the Capitol Reflecting Pool. This is a full 45 minutes before President Trump even took the stage on January 6. Let me repeat that. Violent criminals were assembling at the Capitol, over a mile away, almost an hour before the President uttered a single word on the Ellipse. You did not hear that fact during the hours and hours of the House managers' presentation, did you?

When the President spoke, what did he call for? He called for rally attendees to peacefully and patriotically make their voices heard, for them to walk down Pennsylvania Avenue to cheer on Members of Congress.

President Trump went on for more than an hour, ending at 1:11. Now, why is this important? Because of all of the events that I am about to describe, they all occurred before—before—President Trump's remarks concluded.

At 12:49 p.m., the first barriers at the U.S. Capitol Grounds were pushed over, and the crowd entered the restricted area.

At 1:05 p.m., Acting Defense Secretary Christopher Miller received open source reports of demonstrator movements to the U.S. Capitol.

At 1:09 p.m., U.S. Capitol Police Chief Steven Sund called the House and Senate Sergeant at Arms, telling them he wanted an emergency declared, and he wanted the National Guard called.

The point: Given the timeline of events, the criminals at the Capitol were not there at the Ellipse to even hear the President's words. They were more than a mile away, engaged in their preplanned assault on this very building. This was a preplanned assault—make no mistake—and that is a critical fact.

Watch this.

(Text of video presentation of 2–10–2021.)

Mr. Manager CICILLINE. Does anyone in this Chamber honestly believe that but for the conduct of President Trump that that charge in the Article of Impeachment, that that attack on the Capitol would have occurred? Does anybody believe that?

(Text of video presentations.)

Mr. Blitzer. It was not some sort of spontaneous decision by a bunch of ''protesters'' to go up to Capitol Hill and storm Capitol Hill. This was all planned out.

Mr. Tapper. How much of it was planned? How much of this was strategized ahead of time?

Mr. Perez. They are getting indications, some evidence that indicates that there was some level of planning.

Ms. Quijano. There appears to be premeditation.

Mr. Muir. An FBI internal report the day before the siege, warning of a violent war at the Capitol.

Ms. Quijano. The FBI issued a warning of a ''war'' at the Capitol.

Mr. Colbert. The FBI warned law enforcement agencies about this specific attack.

(Text of audio presentation.)

Be ready to fight. Congress needs to hear glass breaking, doors being kicked in.

(Text of video presentations.)

Mr. D'Antuono. We developed some intelligence that a number of individuals were planning to travel to the DC area with intentions to cause violence. We immediately shared that information.

Ms. Herridge. And they pushed out that information through this JTTF structure.

Mr. D'Antuono. It was immediately disseminated through a written product and briefed to our command post operation to all levels of law enforcement.

Unidentified Speaker. The FBI says two pipe bombs discovered near the Capitol on January 6 were placed there the night before.

Unidentified Speaker. New video appears to show a person suspected of planting pipe bombs near the U.S. Capitol the night before.

Unidentified Speaker. The FBI now says the bombs were planted the night before the Capitol siege, between 7:30 and 8:30 p.m.

Mr. Muir. They were planted the day before.

Ms. Herridge. It all goes to the idea of premeditation and coordination among individuals.

Mr. Comey. This was a planned assault of people going after a castle.

Mr. Counsel CASTOR. So, to answer the question of the House manager, ''Does anybody believe that this would have occurred but for the speech of Donald Trump?'' I do.

All of these facts make clear that the January 6 speech did not cause the riots. The President did not cause the riots. He neither explicitly nor implicitly encouraged the use of violence or lawless action but, in fact, called for the peaceful exercise of every American's First Amendment right to peacefully assemble and petition their government for redress of grievances. In other words, the Brandenburg standard is not made out.

The House managers admitted many facts are unknown. Even Speaker PELOSI admitted not knowing the real cause of the violence when she called for a 9/11-style Commission to examine the facts and causes that led to the violence.

(Text of audio presentation.)

On the screen is Speaker PELOSI's call for the 9/11 Commission.

Let's touch now on the second absurd and conflated allegation in the House managers' single Article.

President Trump's phone call to Georgia Secretary of State Brad Raffensperger—surreptitiously recorded, by the way—included multiple attorneys and others on the call. Let me point out the very obvious fact that the House managers ignored. The private call that was made public by others cannot really be the basis to claim that the President intended to incite a riot, because he did not publicly disclose the contents of the call.

How could he have hoped to use this call to invite his followers if he had no intent to make the conversation public and, indeed, had nothing to do with its being secretly recorded?

The House managers told you that the President demanded that the Georgia secretary of state ''find'' just over 11,000 votes. The word ''find,'' like so many others the House managers highlighted, is taken completely out of context. The word ''find'' did not come out of thin air. Based on an analysis of publicly available voter data that the ballot rejection rate in Georgia in 2016 was approximately 6.42 percent and even though a tremendous amount of new, first-time mail-in ballots were included in the 2020 count, the Georgia rejection rate in 2020 was a mere fourtenths of 1 percent—a drop-off from 6.42 percent to .4 percent.

President Trump wanted the signature verification to be done in public. How can a request for signature verifications to be done in public be a basis for a charge for inciting a riot?

With that background, it is clear that President Trump's comments and the use of the word ''find'' were solely related to his concerns with the inexplicable dramatic drop in Georgia's ballot rejection rates.

Let's examine how the word ''find'' was used throughout that conversation.

Mr. Trump's first use of the word ''find'' was as follows:

We think that, if you check the signatures, a real check of the signatures going back in Fulton County, you will find at least a couple hundred thousand of forged signatures of people who have been forged, and we are quite sure that's going to happen.

President Trump also used ''find'' as follows:

Now, why aren't we doing signature, and why can't it be open to the public, and why can't we have professionals do it instead of rank amateurs who will never find anything and don't want to find anything? They don't want to find—you know, they don't want to find anything. Someday, you'll tell me the reason why, because I don't understand your reasoning, but, someday, you'll tell me the reason why, but why don't you want to find?

President Trump echoed his previous sentiments again in the context of pursuing a legitimate and robust investigation into the lack of signature verification for mail-in and absentee ballots.

And why can't we have professionals do it instead of rank amateurs who will never find anything and don't want to find anything? They don't want to find anything. You know, they don't want to find anything. They don't want to find—you know, they don't want to find anything. Someday, you'll tell me why, because I don't understand your reasoning, but, someday, you'll tell me why, but why don't you want to find?

We can go through signature verification, and we'll find hundreds of thousands of signatures, and you could let us do it, and the only way you can do it, as you know, is to go to the past, but you didn't do that in Cobb County. You just looked at one page compared to another. The only way you could do a signature verification is to go from one that's signed on November ''whatever,'' recently, and compare it to 2 years ago, 4 years ago, 6 years ago, you know, or even 1, and you'll find that you have many different signatures, but in Fulton, where they dumped ballots, you will find that you have many that aren't even signed and that you have many forgeries.

Mr. Trump continued to use the word ''find'' throughout the conversation, each and every other time in the context of his request that Mr. Raffensperger undertake a review of signature verifications and his concerns, generally, with ballot integrity and his reported electoral deficit. Here are a few examples.

But why wouldn't you want to find the right answer, Brad? Instead of keep saying that the numbers are right, because those numbers are so wrong.

Another example:

We think that, if you check the signatures—a real check of the signatures—going back in Fulton County, you will find at least a couple hundred thousand of forged signatures of people who have been forged, and we are quite sure that's going to happen.

Moreover, there was nothing untoward with President Trump or any other candidate, for that matter, speaking with the lead elections officer of the State. That is why the Georgia secretary of state took a call, along with members of his team, one of whom decided to record it and release it to the press. The only reason this conversation is being discussed in this Chamber is because, once again, the media and their Democratic allies distorted the true conversation to mislead you and the American public. So we have a complete lack of evidence to the Article of Impeachment presented by the House managers.

So why are we here?

Politics. Their goal is to eliminate a political opponent, to substitute their judgment for the will of the voters.

(Text of video presentations.)

Mr. Capehart. Why bother with a Senate trial of Donald Trump? He's no longer President.

Mr. Pelley. He will be out of office anyway.

Ms. Wallace. Is it to keep him from ever running again?

Ms. DEGETTE. To make sure he may never run for office again.

Mr. CASTRO of Texas. To keep him from running for office again.

Mr. KAINE. So Donald Trump will not be able to run for office again.

Ms. BALDWIN. Barring him from running for office again.

Mr. VAN HOLLEN. To disqualify him from running for office.

Ms. CLARK of Massachusetts. To disqualify him from ever running for office again.

Mr. SCHIFF. To disqualify him from running for office again.

Mr. Emanuel. It's about focusing so that he can never run again.

Mr. SCHUMER. To remove him from ever running for office again.

Mr. POCAN. To never be able to run for office again.

Ms. KLOBUCHAR. To ban former President Trump from running again.

Mr. GREEN of Texas. If we don't impeach this President, he will get reelected.

Mr. Counsel CASTOR. The goal is to eliminate a political opponent, to substitute their judgment for the will of the voters.

Members of the Senate, our country needs to get back to work. I know that you know that, but, instead, we are here. The majority party promised to unify and deliver more COVID relief, but, instead, they did this. We will not take most of our time today—us of the defense—in the hopes that you will take back these hours and use them to get delivery of COVID relief to the American people.

Let us be clear. This trial is about far more than President Trump. It is about

silencing and banning the speech the majority does not agree with. It is about canceling 75 million Trump voters and criminalizing political viewpoints.

That is what this trial is really about. It is the only existential issue before us. It asks for constitutional cancel culture to take over in the United States Senate.

Are we going to allow canceling and banning and silencing to be sanctioned in this body?

To the Democrats, who view this as a moment of opportunity, I urge you instead to look to the principles of free expression and free speech. I hope, truly, that the next time you are in the minority, you don't find yourself in this position.

To the Republicans in this Chamber, I ask when you are next in the majority, please resist what will be an overwhelming temptation to do this very same thing to the opposing party.

Members of the Senate, this concludes the formal defense of the 45th President of the United States to the Impeachment Article filed by the House of Representatives.

I understand that there is a procedure in place for questions, and we await them; thereafter, we will close on behalf of President Trump.

Mr. President, we yield the balance of our time.

The PRESIDENT pro tempore. The majority leader.

RECESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that we take a 15-minute recess.

There being no objection, at 3:16 p.m., the Senate, sitting as a Court of Impeachment, recessed until 3:54 p.m.; whereupon the Senate reassembled when called to order by the President pro tempore.

SENATORS' QUESTIONS

The PRESIDENT pro tempore. The Senate will come to order.

Pursuant to the provisions of S. Res. 47, the Senate has provided 4 hours during which Senators may submit questions in writing directed either through the managers on the part of the House of Representatives or counsel for the former President.

The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the answers within the 4-hour question period be limited to 5 minutes each, and if the questions are directed to both parties, the times be equally divided; furthermore, that questions alternate sides proposing questions for as long as both sides have questions.

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

Mr. SCHUMER. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The Senator will submit it.

The question from Senator SCHUMER with Senator FEINSTEIN is directed to the House managers.

The clerk will read it.

The legislative clerk read the question as follows:

Isn't it the case that the violent attack and siege on the Capitol on January 6 would not have happened if not for the conduct of President Trump?

The PRESIDENT pro tempore. The House managers have up to 5 minutes.

Mr. Manager CASTRO of Texas. Good afternoon, everybody. To answer your question very directly, Donald Trump assembled the mob. He assembled the mob, and he lit the flame. Everything that followed was because of his doing, and although he could have immediately and forcibly intervened to stop the violence, he never did. In other words, this violent, bloody insurrection that occurred on January 6 would not have occurred but for President Trump.

The evidence we presented in trial makes this absolutely clear. This attack, as we said, didn't come from one random speech, and it didn't happen by accident, and that mob didn't come out of thin air.

Before the election, Donald Trump spread lie after lie about potential fraud—an election, remember, that hadn't even happened yet. Months before the election took place, he was saying it was rigged and that it was going to be stolen. All of his supporters believed that the only way he was going to lose is if the election was stolen, if the election was rigged.

And when he did lose, he spent week after week inciting his supporters to believe that their votes had been stolen and that the election was fraudulent and it was their patriotic duty to fight like hell to stop the steal and take their country back.

And, remember, this is in the United States, where our vote is our voice. You tell somebody that an election victory is being stolen from them, that is a combustible situation.

And he gave them clear direction on how to deal with that.

For example, on December 19, 18 days prior to January 6, President Trump told them how and where to fight for it. He first issued his call to action for January 6. This was a ''save the date'' sent 18 days before the event on January 6, and it wasn't just a casual one-off reference or a singular invitation.

For the next 18 days, he directed all of the rage he had incited to January 6; and that was, for him, what he saw as his last chance to stop the transfer of power, to stop from losing the Presidency. And he said things like, ''Fight to the death'' and January 6 will be a ''wild'' and ''historic day.'' And this was working. They got the message.

In the days leading to the attack, report after report, social media post after social media post, confirmed that these insurgents were planning armed violence, but they were planning it because he had been priming them, because he had been amping them up. That is why they were planning it.

And these posts, confirmed by reports from the FBI and Capitol Police, made clear that these insurgents were planning to carry weapons, including guns, to target the Capitol itself. And yet Donald Trump, from January 5 to the morning of his speech, tweeted 34 times, urging his supporters to get ready to stop the steal.

He even, on the eve of the attack, warned us that it was coming. He warned us that thousands were descending into DC and would not take it anymore.

When they got here at the Save America March, he told them again in that speech exactly what to do. His lawyer opened with:

Let's have trial by combat.

That was Rudy Giuliani. And Donald Trump brought that message home. In fact, he praised Rudy Giuliani as a fighter, and President Trump used the words ''fight'' or ''fighting'' 20 times in that speech.

Remember, you have just told these people—these thousands of people—that somebody has stolen your election, your victory; you are not going to get the President that you love.

Senators, that is an incredibly combustible situation when people are armed and they have been saying that they are mad as hell and they are not going to take it anymore.

He looked out to a sea of thousands, some wearing body armor, helmets, holding sticks and flag poles, some of which they would later use to beat Capitol Police; and he told them that they could play by different rules—play by different rules. He even, at one point, quite literally, pointed to the Capitol as he told them to ''fight like hell.''

After the attack, you know, we have shown clearly, well, that once the attack began, insurgent after insurgent made clear they were following the President's orders. You saw us present that evidence of the insurgents who were there that day who said: I came because the President asked me to come. I was here at his invitation. You saw that of the folks that were in the Capitol that day.

The PRESIDENT pro tempore. The time has expired.

Are there further questions?

Mr. GRAHAM. Mr. President.

The PRESIDENT pro tempore. Does the Senator from South Carolina have a question?

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

I send a question to the desk on behalf myself, Senators CRUZ, MARSHALL, and CRAMER to counsel.

The PRESIDENT pro tempore. Senator GRAHAM, for himself, Senator CRUZ, Senator MARSHALL, and Senator CRAMER, submits a question to the counsel for Donald Trump.

The clerk will read the question.

The legislative clerk read as follows:

Does a politician raising bail for rioters encourage more rioting?

The PRESIDENT pro tempore. Counsel has 5 minutes.

Mr. Counsel CASTOR. Yes.

The PRESIDENT pro tempore. Does counsel yield back the rest of their time?

Mr. Counsel CASTOR. I do.

The PRESIDENT pro tempore. Counsel's time is yielded back.

Are there other questions?

Mr. WARNOCK. Mr. President.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. WARNOCK. I send a question to the desk.

The PRESIDENT pro tempore. Send it to the desk.

The Senator from Georgia, Senator WARNOCK, has a question for the House Managers.

The clerk will read the question.

The legislative clerk read as follows:

Is it true or false that in the months leading up to January 6th, dozens of courts, including State and Federal courts in Georgia, rejected President Trump's campaign's efforts to overturn his loss to Joe Biden?

The PRESIDENT pro tempore. The House manager is recognized for 5 minutes.

Mr. Manager RASKIN. Mr. President, Senators, that is true. That is true.

I want to be clear, though, that we have absolutely no problem with President Trump having pursued his belief that the election was being stolen or that there was fraud or corruption or unconstitutionality. We have no problem at all with him going to court to do it and he did and he lost in 61 straight cases. In Federal court and State court, in the lowest courts in the land, in the U.S. Supreme Court, he lost it.

He lost in courts in Pennsylvania, Arizona, Georgia, Michigan, Minnesota, Nevada, and Wisconsin. All of them said the same thing; they couldn't find any corruption; they couldn't find any fraud, certainly nothing rising to a material level that would alter the outcome of any of the elections; and there was no unconstitutionality. That is the American system.

So, I mean, it is hard to imagine him having gotten more due process than that in pursuing what has come to be known popularly as the big lie, the idea that somehow the election was being stolen from him. We have no problem with the fact that he went to court to do all those things.

But notice, No. 1, the big lie was refuted, devastated, and demolished in Federal and State courts across the land, including by eight judges appointed by President Donald Trump himself.

We quoted earlier in the case what happened in Pennsylvania, where U.S. District Court Judge Matthew Brann said: In the United States, this can—that

This Court has been presented with strained legal arguments without merit and speculative accusations . . .

In the [United States of America], this cannot justify the disenfranchisement of a single voter, let alone all the voters of its sixth most populated state. Our people, laws, and institutions demand more.

Then it went up to Judge Stephanos Bibas, who is a Trump appointee, who is part of the appeals court panel. He said:

The Campaign's claims have no merit. The number of ballots it specifically challenges is far smaller than the [roughly] 81,000-vote margin of victory. And it never claims fraud or that any votes were cast by illegal voters. Plus, tossing out millions of mail-in ballots would be drastic and unprecedented, disenfranchising a huge swath of the electorate and upsetting all down-ballot races too.

Which, incidentally, they weren't being challenged, even though it was the exact same ballot that had been brought.

So the problem was when the President went from his traditional combat, which was fine, to intimidating and bullying State election officials and State legislators, and then finally, as Representative CHENEY said, summoning a mob, assembling a mob, and then lighting the match for an insurrection against the Union.

When he crossed over from nonviolent means, no matter how ridiculous or absurd—that is fine. He is exercising his rights—to inciting violence, that is what this trial is about.

We heard very little of that from the presentation of the President's lawyers. They really didn't address the facts of the case at all. There were a couple of propaganda reels about Democratic politicians that would be excluded in any court in the land. They talked about the Rules of Evidence. All of that was totally irrelevant to the case before us. Whatever you think about it, it is irrelevant, and we will be happy, of course, to address the First Amendment argument too.

Ms. COLLINS. Mr. President.

The PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The question is from Senator COLLINS and Senator MURKOWSKI. It is for the counsel for the former President.

The clerk will read the question.

The legislative clerk read as follows:

Exactly when did President Trump learn of the breach of the Capitol, and what specific actions did he take to bring the rioting to an end, and when did he take them? Please be as detailed as possible.

Mr. Counsel VAN DER VEEN. Is it possible to read the question again?

The PRESIDENT pro tempore. The clerk will read the question again.

The legislative clerk read as follows:

Exactly when did President Trump learn of the breach of the Capitol, and what specific actions did he take to bring the rioting to an end, and when did he take them? Please be as detailed as possible.

The PRESIDENT pro tempore. Mr. van der Veen.

Mr. Counsel VAN DER VEEN. The House Managers have given us absolutely no evidence, one way or the other, on that question.

We are able to piece together a timeline, and it goes all the way back to December 31; January 2, there is a lot of interaction between the authorities and getting folks to have security beforehand on the day. We have a tweet at 2:38, so it was certainly sometime before then.

With the rush to bring this impeachment, there has been absolutely no investigation into that. And that is the problem with this entire proceeding.

The House Managers did zero investigation, and the American people deserve a lot better than coming in here with no evidence, hearsay on top of hearsay on top of reports that are hearsay.

Due process is required here, and that was denied.

Ms. ROSEN. Mr. President.

The PRESIDENT pro tempore. The Senator from Nevada

Ms. ROSEN. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The Senator from Nevada, Senator ROSEN, submits a question for the House managers.

The clerk will read the question.

The legislative clerk read as follows:

On January 6, the anti-Semitic Proud Boys group that President Trump had told to stand by, laid siege to the Capitol alongside other rioters, including one wearing a ''Camp Auschwitz'' shirt. Is there evidence that President Trump knew or should have known that his tolerance of anti-Semitic hate speech, combined with his own rhetoric, could incite the kind of violence we saw on January 6?

Ms. Manager PLASKETT. Mr. President, Senators, Donald Trump has a long history of praising and encouraging violence, as you saw. He has espoused hateful rhetoric himself. He has not just tolerated it, but he has encouraged hateful speech by others. He has refused, as you saw in the September debate—that interview—to condemn extremists and White supremacist groups, like the Proud Boys, and he has, at every opportunity, encouraged and cultivated actual violence by these groups.

Yes, he has encouraged actual violence, not just the word ''fight.'' He told groups like the Proud Boys, who had beaten people with baseball bats, to stand by.

When his supporters in the 50-car caravan tried to drive a bus of Biden campaign workers off the road, he tweeted a video of that incident with fight music attached to it and wrote: ''I LOVE TEXAS!''

When his supporters sent death threats to the Republican Secretary of State Raffensperger in Georgia, he responded by calling Mr. Raffensperger an enemy of the state, after he knew of those death threats.

And in the morning of the second Million MAGA March, when it erupted in violence and burned churches, he began that day with the tweet: ''We have just begun to fight.''

I want to be clear that Donald Trump is not on trial for those prior statements—however as hateful and violent and inappropriate as they may be. But

his statements, the President's statements make absolutely clear three important points for our case.

First, President Trump had a pattern and practice of praising and encouraging violence, never condemning it. It is not a coincidence that those very same people—Proud Boys, organizers of the Trump caravan, supporters and speakers of the second Million MAGA March—all showed up on January 6 to an event that he had organized with those same individuals who had organized that violent attack.

Second, his behavior is different. It is not just that it was a comment by an official to fight for a cause. This is months of cultivating a base of people who were violent—not potentially violent but were violent—and that their prior conduct both helped him cultivate the very group of people that attacked us; it also shows clearly that he had that group assembled, inflamed, and, in all the public reports, ready to attack. He deliberately encouraged them to engage in violence on January 6.

President Trump had spent months calling supporters to a march on a specific day, at a specific time, for a specific purpose. What else were they going to do to stop the certification of the election on that day but to stop you—but to stop you physically? There was no other way, particularly after his Vice President said that he would refuse to do what the President asked.

The point is this: that by the time he called the cavalry—not calvary but cavalry—of his thousands of supporters on January 6, an event he had invited them to, he had every reason to know that they were armed, violent, and ready to actually fight.

He knew who he was calling and the violence they were capable of, and he still gave his marching orders to go to the Capitol and ''fight like hell'' to stop the steal. How else was that going to happen? If they had stayed at the Ellipse, maybe it would have just been to violently—to fight in protest with their words. But to come to the Capitol?

That is why this is different, and that is why he must be convicted and acquitted—and disqualified.

Mr. HAGERTY. Mr. President, on behalf of Senator SCOTT of South Carolina and myself, I would like to submit a question to the desk.

The PRESIDENT pro tempore. The Senator from Tennessee submits a question.

The question is for counsel for the former President from Senators HAGERTY and SCOTT of South Carolina.

The clerk will read the question.

The legislative clerk read as follows:

Given that more than 200 people have been charged for their conduct at the Capitol on January 6, that our justice system is working to hold the appropriate persons accountable, and that President Trump is no longer in office, isn't this simply a political show trial that is designed to discredit President Trump and his policies and shame the 74 million Americans who voted for him?

Mr. Counsel CASTOR. Mr. President.

The PRESIDENT pro tempore. Counsel is recognized.

Mr. Counsel CASTOR. Thank you, Senators, for that question. That is precisely what the 45th President believes this gathering is about.

We believe in law and order and trust that the Federal authorities that are conducting investigations and prosecutions against the criminals that invaded this building will continue their work and be as aggressive and thorough as we know them to always be and that they will continue to identify those that entered the inner sanctum of our government and desecrated it.

The 45th President no longer holds office, and there is no sanction available under the Constitution, in our view, for him to be removed from the office that he no longer holds. The only logical conclusion is that the purpose of this gathering is to embarrass the 45th President of the United States and in some way try to create an opportunity for Senators to suggest that he should not be permitted to hold office in the future or, at the very least, publicize this throughout the land to try to damage his ability to run for office when and if he is acquitted and, at the same time, tell the 74 million people who voted for him that their choice was the wrong choice.

I believe that this is a divisive way of going about handling impeachment, and it denigrates the great solemnity that should attach to such proceedings.

I yield the remainder of my time, Mr. President.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I send a question for the House managers to the desk because the President's counsel did not answer the question which was posed to them.

The PRESIDENT pro tempore. The Senator will send the question. Debate is not allowed.

The question is from Senator MARKEY, with Senator DUCKWORTH, to the managers on the part of the House of Representatives.

The clerk will read the question.

The legislative clerk read as follows:

Exactly when did the President learn of the breach at the Capitol, and what steps did he take to address the violence? Please be as detailed as possible.

The PRESIDENT pro tempore. Do the House managers wish to respond?

Ms. Manager PLASKETT. Yes. Mr. President, Senators, this attack was on live TV, on all major networks, in realtime. The President, as President, has access to intelligence information, including reports from inside the Capitol.

He knew the violence that was underway. He knew the severity of the threats. And, most importantly, he knew that Capitol Police were overwhelmingly outnumbered and in a fight for their lives against thousands of insurgents with weapons. We know he knew that. We know that he did not send any individuals. We did not hear any tweets. We did not hear him tell those individuals: Stop. This is wrong. You must go back. We did not hear that.

So what else did the President do? We are unclear. But we believe it was a dereliction of his duty, and that was because he was the one who had caused them to come to the Capitol, and they were doing what he asked them to do. So there was no need for him to stop them from what they were engaged in.

But one of the things I would like to ask is we still have not heard and pose to you all the questions that were raised by Mr. RASKIN, Manager RASKIN, in his closing argument: Why did President Trump not tell the protesters to stop as soon as he learned about it? Why did President Trump do nothing to stop the attack for 2 hours after the attack began? Why did President Trump do nothing to help protect the Capitol and law enforcement battling the insurgents?

You saw the body cam of a Capitol Police officer at 4:29, still fighting—4:29 after since what time?—1, 2 in the afternoon. Why did he not condemn the violent insurrection on January 6?

Those are the questions that we have, as well, and the reason this question keeps coming up is because the answer is nothing.

The PRESIDENT pro tempore. Any further questions?

Mr. ROMNEY. Mr. President.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. ROMNEY. I send a question to the desk.

The PRESIDENT pro tempore. The Senator from Utah, Mr. ROMNEY, on behalf of himself and Senator COLLINS, submits a question.

The clerk will read the question.

Oh, I apologize. The question is for both sides, and the time will be evenly divided.

The legislative clerk read as follows:

When President Trump sent the disparaging tweet at 2:24 p.m. regarding Vice President Pence, was he aware that the Vice President had been removed from the Senate by the Secret Service for his safety?

The PRESIDENT pro tempore. The House managers. And time will be evenly divided.

Mr. Manager RASKIN. I'm sorry. Could the question be read again, Mr. President.

The PRESIDENT pro tempore. Of course.

Could the clerk read the question again.

The legislative clerk read as follows:

When President Trump sent the disparaging tweet at 2:24 p.m. regarding Vice President Pence, was he aware that the Vice President had been removed from the Senate by the Secret Service for his safety?

The PRESIDENT pro tempore. The House managers are recognized for 2½ minutes.

Mr. Manager CASTRO of Texas. Thank you. Well, let me tell you what he said at 2:24 p.m. He said:

Mike Pence didn't have the courage to do what should have been done to protect our Country and our Constitution . . . USA demands the truth!

And you know by now what was all over the media. You couldn't turn on the television, you couldn't turn on the radio, you couldn't consume any media or probably take any phone calls or anything else without hearing about this and also hearing about the Vice President.

And here is what Donald Trump had to know at that time because the whole world knew it. All of us knew it. Live television had, by this point, shown that the insurgents were already inside the building and that they had weapons and that the police were outnumbered.

And here are the facts that are not in dispute. Donald Trump had not taken any measures to send help to the overwhelmed Capitol Police.

As President, at that point, when you see all this going on and the people all around you are imploring you to do something and your Vice President is there, why wouldn't you do it? Donald Trump had not publicly condemned the attack, the attackers, or told them to stand down despite multiple pleas to do so, and Donald Trump hadn't even acknowledged the attack.

And, after Wednesday's trial portion concluded, Senator TUBERVILLE spoke to reporters and confirmed the call that he had with the President and did not dispute Manager CICILLINE's description in any way that there was a call between he and the President around the time that Mike Pence was being ushered out of the Chamber, and that was shortly after 2 p.m.

And Senator TUBERVILLE specifically said that he told the President: Mr. President, they just took the Vice President out; I have got to go.

That was shortly after 2 p.m. There were still hours of chaos and carnage and mayhem, and the Vice President and his family were still in danger at that point. Our Commander in Chief did nothing.

The PRESIDENT pro tempore. Counsel for the former President.

Mr. Counsel VAN DER VEEN. The answer is no. At no point was the President informed the Vice President was in any danger. Because the House rushed through this impeachment in 7 days with no evidence, there is nothing at all in the record on this point because the House failed to do even a minimum amount of due diligence.

What the President did know is that there was a violent—there was a violent riot happening at the Capitol. That is why he repeatedly called via tweet and via video for the riots to stop, to be peaceful, to respect Capitol Police and law enforcement, and to commit no violence and to go home.

But to be clear, this is an Article of Impeachment for incitement; this is not an Article of Impeachment for anything else. It is one count. They could have charged anything they wanted. They chose to charge incitement. So that the question—although answered directly no, it is not really relevant to the charges for the impeachment in this case.

And I just wanted to clear up one more thing. Mr. CASTRO, in his first answer, may have misspoke, but what he said was Mr. Trump had said ''fight to the death.'' That is false. I am hoping he misspoke.

Thank you.

Ms. KLOBUCHAR. Mr. President.

The PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, on behalf of myself and Senators CASEY and BROWN, I send a question to the desk.

The PRESIDENT pro tempore. This is a question from Senator KLOBUCHAR, Senator CASEY, and Senator BROWN to the House managers.

The clerk will read the question.

The legislative clerk read as follows:

In presenting your case, you relied on past precedents from impeachment trials, such as William Belknap's impeachment. After what you have presented in the course of this trial, if we do not convict former President Trump, what message will we be sending to future Presidents and Congresses?

Ms. Manager PLASKETT. As we have shown, President Trump engaged in a course of conduct that incited an armed attack on the Capitol. He did so while seeking to overturn the results of the election and thwart the transfer of power. And when the attack began, he further incited violence aimed to his own Vice President, even demonstrating his state of mind by failing to defend us and the law enforcement officials who protect us.

The consequences of his conduct were devastating on every level. Police officers were left overwhelmed, unprotected. Congress had to be evacuated; our staff barricaded in this building, calling their families to say goodbye. Some of us, like Mr. RASKIN, had children here.

And these people in this building, some of whom were on the FBI's watch list, took photos, stole laptops, destroyed precious statues, including one of John Lewis, desecrated the statue of a recently deceased Member of Congress who stood for nonviolence.

This was devastating. And the world watched us, and the world is still watching us to see what we will do this day and will know what we did this day 100 years from now.

Those are the immediate consequences, and our actions will reverberate as to what are the future consequences. The extremists who attacked the Capitol at the President's provocation will be emboldened. All our intelligence agencies have confirmed this; it is not House managers saying that. They are quite literally standing by and standing ready. Donald Trump told them: This is only the beginning. They are waiting and watching to see if Donald Trump is right that everyone said this was totally appropriate.

Let me also bring something else up. I will briefly say that defense counsel put a lot of videos out in their defense, playing clip after clip of Black women talking about fighting for a cause or an issue or a policy. It was not lost on me, as so many of them were people of color and women and Black women, Black women like myself, who are sick and tired of being sick and tired for our children—your children, our children.

This summer, things happened that were violent, but there were also things that gave some of us Black women great comfort: seeing Amish people from Pennsylvania standing up with us, Members of Congress fighting up with us. And so I thought we were past that. I think maybe we are not.

There are longstanding consequences, decisions like this that will define who we are as a people, who America is. We have in this room made monumental decisions. You all have made monumental decisions. We have declared wars, passed civil rights acts, ensured that no one in this country is a slave. Every American has the right to vote, unless you live in a territory. At this time, some of these decisions are even controversial, but history has shown that they define us as a country and as a people. Today is one of those moments, and history will wait for our decision.

Mr. LEE. Mr. President.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. I send a question to the desk.

The PRESIDENT pro tempore. The Senator from Utah, Mr. LEE, sends a question on behalf of himself, Senator HAWLEY, Senator CRAPO, Senator BLACKBURN, and Senator PORTMAN, and the question is for the counsel for the former President.

The clerk will read the question.

The legislative clerk read as follows:

Multiple State constitutions enacted prior to 1787—namely, the constitutions of Delaware, Virginia, Pennsylvania, and Vermont—specifically provided for the impeachment of a former officer. Given that the Framers of the U.S. Constitution would have been aware of these provisions, does their decision to omit language specifically authorizing the impeachment of former officials indicate that they did not intend for our Constitution to allow for the impeachment of former officials?

Mr. Counsel VAN DER VEEN. Good question, and the answer is yes, of course they left it out. The Framers were very smart men, and they went over draft after draft after draft on that document, and they reviewed all the other drafts of all of the State constitutions, all of them. They picked and chose what they wanted, and they discarded what they did not. What they discarded was the option for all of you to impeach a former elected official.

I hope that is answering your question. Thank you.

Mr. PADILLA. Mr. President.

The PRESIDENT pro tempore. The Senator from California.

Mr. PADILLA. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The Senator from California submits a question for the House managers.

The clerk will read the question.

The legislative clerk read as follows:

Having been on the frontlines of combatting the ''big lie'' over the past 4 years as California's chief elections officer, it is clear that President Trump's plot to undermine the 2020 election was built on lies and conspiracy theories. How did this plot to unconstitutionally keep President Trump in power lead to the radicalization of so many of President Trump's followers and the resulting attack on the Capitol?

Mr. Manager CASTRO. Senators, Donald Trump spent months inciting his base to believe that their election was stolen, and that was the point—that was the thing that would get people so angry. Think about that, what it would take to get a large group of thousands of Americans so angry to storm the Capitol. That was the purpose behind Donald Trump saying that the election had been rigged and that the election had been stolen.

To be clear, when he says the election is stolen, what he is saying is that the victory—and he even says one time, the election victory—has been stolen from them. Think about how significant that is to Americans. Again, you are right, over 70 million—I think 74 million people voted for Donald Trump. And this wasn't a one-off comment. It wasn't one time. It was over and over and over and over and over again, with a purpose.

We are not having this impeachment trial here because Donald Trump contested the election. As I said during the presentation, nobody here wants to lose an election. We all run our races to win our elections. But what President Trump did was different. What our Commander in Chief did was the polar opposite of what we are supposed to do. We let the people decide the elections, except President Trump. He directed all of that rage that he had incited to January 6, the last chance—again, to him, this was his last chance. This was certifying the election results. He needed to whip up that mob, amp them up enough to get out there and try to stop the election results, the certification of the election. And, you all, they took over the Senate Chamber to do that. They almost took over the House Chamber. There were 50 or so or more House Members who were literally scared for their lives up in the Gallery.

A woman who bought into that big lie died because she believed the President's big lie. This resulted in a loss of one of his supporter's lives. A Capitol Police officer died that day—other of President Trump's supporters. Two Capitol Police officers ended up taking their own lives.

Defense counsel—their defense is basically everything President Trump did is OK, and he could do it again. Is that what we believe; that there is no problem with that, that it is perfectly fine if he does the same thing all over again?

This is dangerous. He is inciting his base. He was using the claim of a rigged election. We have never seen somebody do that over and over and over again—tell a lie, say 6 months ahead of time that it is a rigged election.

There is a dangerous consequence to that when you have millions of followers on Twitter and millions of followers on Facebook and you have that huge bully pulpit of the White House and you are the President of the United States. There is a cost to doing that. People are listening to you in a way that, quite honestly, they are not listening to me and they are not listening to all of us in this room.

I just want to clear up—the defense counsel made a point about something that I read earlier. The defense counsel suggested I misspoke. I just want to clarify for the record that the tweet I referenced—let me read you the tweet directly:

If a Democrat Presidential Candidate had an Election Rigged & Stolen, with proof of such acts at a level never seen before, the Democrat Senators would consider it an act of war, and fight to the death. Mitch & the Republicans do NOTHING, just want to let it pass. NO FIGHT!

So Donald Trump was equating what Democrats would do if their election was stolen. He said they'd fight to the death. Why do you think he sent that tweet? Because he is trying to say: Hey, the other side would fight to the death; so you should fight to the death.

I mean, do we read that any other way?

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. HAWLEY. Mr. President, on my behalf and the behalf of Senator CRAMER, I send a question to the desk.

The PRESIDENT pro tempore. Senator HAWLEY, on behalf of himself and Senator CRAMER, sends a question for the counsel and House managers. And following our procedure, the first one to respond after it is read will be the counsel for the former President.

The legislative clerk read as follows:

If the Senate's power to disqualify is not derivative of the power to remove a convicted President from office, could the Senate disqualify a sitting President but not remove him or her?

Mr. Counsel VAN DER VEEN. Would you read that question again, if you would please?

The legislative clerk read as follows:

If the Senate's power to disqualify is not derivative of the power to remove a convicted President from office, could the Senate disqualify a sitting President but not remove him or her?

The PRESIDENT pro tempore. Counsel for the former President has 2½ minutes.

Mr. Counsel VAN DER VEEN. No. But I can't let this rest. Mr. CASTRO attributed a statement the time before last that he was up here that Donald Trump had told his people to fight to the death. I am not from here. I am not like you guys. I was being very polite in giving an opportunity to correct the record, and I thought that is exactly what he would do.

But instead, what he did is he came up and illustrated the problem with the presentation of the House case. It has been smoke and mirrors, and, worse, it has been dishonest. He came up and tried to cover when he got caught, as they were caught earlier today with all of the evidence, checking tweets, switching dates—everything they did.

And bear in mind, I had 2 days to look at their evidence. And when I say 2 days, I mean they started putting in their evidence. So I started being able to get looking at it. That is not the way this should be done.

But what we discovered was, he knew what he was doing. He knew that the President didn't say that to his people. What he said was, if it happened to the Democrats, this is what they would do. In his speech that day, you know what he said? He said, if this happened to the Democrats, if the election were stolen from the Democrats, all hell would break loose. But he said to his supporters: We are smarter. We are stronger. And we are not going to do what they did all summer long.

So what he did was he misrepresented a tweet to you to put forth the narrative that is wrong. It is wrong. It is dishonest, and the American people don't deserve this any longer. You must acquit.

The PRESIDENT pro tempore. The Representative from the House of Representatives has 2½ minutes.

Mr. Manager RASKIN. Thank you, Mr. President.

That was profoundly inaccurate and irrelevant to what the question is. So I am going to get back to the question.

So under article II, section 4, a President who is in office must be convicted before removal and then must be removed before disqualification.

OK. But if the President is already out of office, then he can be separately disqualified, as this President is. But these powers have always been treated as separate issues, which is why I think there have been eight people who have been convicted and removed, and just three of them disqualified.

And, as you know, there is a totally separate process within the Senate for doing this. The Constitution requires a two-thirds vote for conviction. But for disqualification, it is a majority vote. It is a separate thing. So people could vote to convict and then vote not to disqualify. If they felt that the evidence demonstrated the President was guilty of incitement to insurrection, they could vote to convict. If they felt they didn't want to exercise the further power established by the Constitution to disqualify, they wouldn't even have to do that. And that could be something that is taken up separately by the Senate and by a majority vote.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The Senator from Massachusetts has a question for the House managers.

The clerk will read the question.

The legislative clerk read as follows:

The defense's presentation highlighted the fact that Democratic Members of Congress raised objections to the counting of electoral votes in past joint sessions of Congress. To your knowledge, were any of those Democratic objections raised after insurrectionists stormed the Capitol in order to prevent the counting of electoral votes and after the President's personal lawyer asked Senators to make these objections specifically to delay the certification?

Mr. Manager RASKIN. Thank you very much, Mr. President, for the opportunity to respond to that.

The answer is no, we are not aware that any other objections were raised in the counting of electoral college votes, either by Democrats or Republicans. This has been kind of a proud bipartisan tradition under the electoral college because the electoral college is so arcane and has so many rules to it.

I think that my cocounsel on the other side had some fun because I was one of the people who took, I think, about 30 seconds in 2016 to point out that the electors from Florida were not actually conforming to the letter of the law because they have a rule in Florida that you can't be a dual officeholder. In other words, you can't be a State legislator and also be an elector. That was improper form.

I think then-Vice President Biden properly gaveled me down and said: Look, we are going to try to make the electoral college work, and we are going to vindicate the will of the people.

And that is pretty much what happened.

Nobody has stormed the Capitol before or, as Representative CHENEY, the secretary of the Republican conference said, gone out and summoned a mob, assembled a mob, incited a mob, and lit a match. As Representative CHENEY said, all of this goes to the doorstep of the President. None of it would have happened without him and everything is due to his actions. This would not have happened.

That is the chair of the House Republican conference, who was the target of an effort to remove her, which was rejected on a vote of by more than 2 to 1 in the House Republican conference, when there was an attempt to remove her for voting for impeachment and becoming a leader for vindicating our constitutional values.

So please don't mix up what Republicans and Democrats have done, I think, in every election for a long time, to say there are improprieties going on in terms of conforming with State election laws, with the idea of mobilizing a mob insurrection against the government that got 5 people killed, 140 Capitol officers wounded, and threatened the actual peaceful succession of power and transfer of power in America.

If you want to talk about reforming the electoral college, we can talk about reforming the electoral college. You don't do it by violence.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CRAMER. My apologies to the Senator from Massachusetts for butting in.

I send a question to the desk for the former President's attorneys.

The PRESIDENT pro tempore. The question from Senator CRAMER is for the counsel for the former President.

The clerk will read the question.

The legislative clerk read as follows:

Given the allegations of the House manager that President Trump has tolerated anti-Semitic rhetoric, has there been a more pro-Israel President than President Trump?

Mr. Counsel VAN DER VEEN. No. But it is apparent that nobody listened to what I said earlier today, because the vitriolic speech needs to stop. You need to stop.

There was nothing funny here, Mr. RASKIN. We aren't having fun here. This is about the most miserable experience I have had down here in Washington, DC. There is nothing fun about it.

And in Philadelphia, where I come from, when you get caught doctoring the evidence, your case is over, and that is what happened. They got caught doctoring the evidence, and this case should be over.

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The Senator from Vermont, Mr. SANDERS, has a question for both the counsel for the former President and the House managers.

The clerk will read the question, and following our procedure, the House managers will go first.

The legislative clerk read as follows:

The House prosecutors have stated over and over again that President Trump was perpetrating a big lie when he repeatedly claimed that the election was stolen from him and that he actually won the election by a landslide.

Are the prosecutors right when they claim that Trump was telling a big lie or, in your judgment, did Trump actually win the election?

The PRESIDENT pro tempore. The House managers have up to 2½ minutes.

Ms. Manager PLASKETT. As we all know, President Trump did lose the election by 7 million votes, 306 electoral votes. By the time of the January 6 attack, the courts, the Justice Department, all 50 States across the country had done—agreed that the votes were counted. The people had spoken, and it was time for the peaceful transfer of power as our Constitution and the rule of law demands. Sixty-one courts—61 courts—the President went to. That is fine, appropriate. He lost. He lost. He lost the election. He lost the court case.

As Leader MCCONNELL recognized the day after the electors certified the votes on December 14, he said:

Many millions of us had hoped that the Presidential election would yield a different result, but our system of government has processes to determine who will be sworn in on January 20. The electoral college has spoken.

Patriotism. Sometimes, there is a reason to dispute an election. Sometimes, the count is close. Sometimes, we ask for a recount, go to courts. All of that is appropriate. I lost my first election. I stayed in bed for 3 days. We do what we need to do, and we move on. This was not that because, when all of these people confirmed that Donald Trump had lost, when the courts, his—his—Department of Justice, State officials, Congress, his Vice President were ready to commit to the peaceful transfer of power—the peaceful transfer of power—Donald Trump was not ready, and we are all here because he was not ready.

Day after day, he told his supporters false, outlandish claims of why this election was rigged. Now, let's be clear: President Trump had absolutely no support of these claims, but that wasn't the point of what he was doing. He did it to make his supporters frustrated, to make them angry.

The PRESIDENT pro tempore. Time has expired.

Counsel for the former President is recognized for 2½ minutes.

Mr. Counsel VAN DER VEEN. Thank you.

May I have the question read again and not have it count against my time?

The PRESIDENT pro tempore. Of course.

The clerk will read the question again.

The legislative clerk read as follows:

The House prosecutors have stated over and over again that President Trump was perpetrating a big lie when he repeatedly claimed that the election was stolen from him and that he actually won the election by a landslide.

Are the prosecutors right when they claim that Trump was telling a big lie or, in your judgment, did Trump actually win the election?

The PRESIDENT pro tempore. Counsel for the former President has 2½ minutes.

Mr. Counsel VAN DER VEEN. Who asked that?

Mr. SANDERS. I did.

Mr. Counsel VAN DER VEEN. My judgment is irrelevant in this proceeding. It absolutely is. What is supposed to happen here is the Article of Impeachment——

The PRESIDENT pro tempore. The Senate will be in order.

Senators, under the rules, cannot challenge the content of the response.

Counsel will continue.

Mr. Counsel VAN DER VEEN. May I have the question read again, please?

The legislative clerk read as follows:

The House prosecutors have stated over and over again that President Trump was perpetrating a big lie when he repeatedly claimed that the election was stolen from him and that he actually won the election by a landslide.

Are the prosecutors right when they claim that Trump was telling a big lie or, in your judgment, did Trump actually win the election?

Mr. Counsel VAN DER VEEN. In my judgment, it is irrelevant to the question before this body. What is relevant in this Impeachment Article is, were Mr. Trump's words inciteful to the point of violence and riot? That is the charge. That is the question; and the answer is, no, he did not have speech that was inciteful to violence or riot.

Now, what is important to understand here is the House managers have completely, from the beginning of this case to right now, done everything except answer that question—the question they brought before you, the question they want my client to be punished by. That is the question that should be getting asked.

The answer is, he advocated for peaceful, patriotic protest. Those are his words. The House managers have shown zero—zero—evidence that his words did anything else. Remember, all of the evidence is this was premeditated; the attack on the Capitol was preplanned. It didn't have anything to do with Mr. Trump in any way, what he said on that day on January 6 at that Ellipse, and that is the issue before this Senate.

Now, on the issue of contesting elections and the results, the Democrats have a long, long history of just doing that. I hope everybody was able to see the video earlier today. Over and over again, it has been contested. When Mr. Trump was elected President, we were told that it was hijacked.

The PRESIDENT pro tempore. The former President's counsel's 2½ minutes has expired.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I send a question to the desk for both parties.

The PRESIDENT pro tempore. The Senator from Wisconsin sends a question for both counsel for the former President and the House managers.

The clerk will read the question, and the counsel for the former President will have the first 2½ minutes.

The legislative clerk read as follows:

The House managers assert that the January 6 attack was predictable, and it was foreseeable. If so, why did it appear that law enforcement at the Capitol were caught off guard and unable to prevent the breach? Why did the House Sergeant at Arms reportedly turn down a request to activate the National Guard, stating that he was not comfortable with the optics?

The PRESIDENT pro tempore. Counsel for the former President is recognized.

Mr. Counsel VAN DER VEEN. Would you read the question again, please?

The PRESIDENT pro tempore. The clerk will read the question again.

The legislative clerk read as follows:

The House managers assert that the January 6 attack was predictable, and it was foreseeable. If so, why did it appear that law enforcement at the Capitol were caught off guard and unable to prevent the breach? Why did the House Sergeant at Arms reportedly turn down a request to activate the National Guard, stating that he was not comfortable with the optics?

Mr. Counsel VAN DER VEEN. Holy cow. That is a really good question.

Had the House managers done their investigation, maybe somebody would have an answer to that, but they didn't. They did zero investigation. They did nothing. They looked into nothing. They read newspaper articles. They talked to their friends—you know, a TV reporter or something or something or another.

But, Jiminy Cricket, there is no due process in this proceeding at all, and that question highlights the problem. When you have no due process, you have no clear-cut answers, but we do know that there was, I think, a certain level of foreseeability. It looks like, from the information they were presenting, some law enforcement knew that something could be happening.

In my presentation, we knew that the mayor, 2 days before—before—had been offered to have Federal troops or National Guard deployed, beef up security here, and Capitol Police. It was offered. So somebody had to have an inkling of something. My question is, Who ignored it and why? If an investigation were done, we would know the answer to that too.

Thank you.

The PRESIDENT pro tempore. The House managers have 2½ minutes.

Ms. Manager PLASKETT. First, if defense counsel has exculpatory evidence, you are welcome to give it to us. We would love to see it. You have had an opportunity to give us evidence that would exculpate the President. Haven't seen it yet.

Everyone—the defense counsel wants to blame everyone else except the person who was most responsible for what happened on January 6, and that is President Trump, Donald Trump. He is the person who foresaw this the most because he had the reports; he had access to the information. He, as well, had—we all know how he is an avid cable news watcher. He knew what was going to happen. He cultivated these individuals. These are the undisputed facts.

The National Guard was not deployed until over 2 hours after the attack. I heard reference to Mayor Bowser in the defense's presentation. Mayor Bowser does not have authority over the Capitol or Federal buildings. She could not deploy the National Guard to the Capitol. That is outside of the jurisdiction of the Mayor of the District of Columbia.

At no point in that entire day did the President of the United States, our Commander in Chief, tell anyone—law enforcement struggling for their lives, insurgents who felt empowered by the sheer quantity of them, any of us in this building, or the American people—that he was sending help.

He did not defend the Capitol. The President of the United States did not defend the Capitol of this country. It is indefensible.

The PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. Senator MERKLEY submits a question for the House managers.

The clerk will read the question.

The legislative clerk read as follows:

If a President spins a big lie to anger Americans and stokes the fury by repeating the lie at event after event and invites violent groups to DC the day and hour necessary to interrupt the electoral college count and does nothing to stop those groups from advancing on the Capitol and fails to summon the National Guard to protect the Capitol and then expresses pleasure and delight that the Capitol was under attack, is the President innocent of inciting an insurrection because in a speech he says ''be peaceful''?

The PRESIDENT pro tempore. The House managers have 5 minutes.

Mr. Manager CASTRO of Texas. You all ask a very important question, which is, given everything that the President did leading up to the election, after the election, and leading up to January 6, all of the incitement of his supporters, whom he convinced with a big lie over and over that the election had been stolen from them and from him, and then once the mob had stormed the Capitol, the Vice President was in danger, the Speaker was in danger, the Members of the House and the Senate and all the staff here—the janitorial staff, the cafeteria workers, everybody—and all of the hot rhetoric that he spoke with and then simply a few times said ''stay peaceful''—remember, he said ''stay peaceful'' when they had already gotten violent, when they had already brought weapons, when they had already hurt people. What he never said was: Stop the attack. Leave the Capitol. Leave immediately.

Let me be clear. The President's message in that January 6 speech was incendiary. So in the entire speech, which was roughly 1,100 words, he used the word ''peaceful'' once, and using the word ''peaceful'' was the only suggestion of nonviolence. President Trump used the word ''fight'' or ''fighting'' 20 times.

Now, again, consider the context. He had been telling them a big lie over and over, getting them amped up, getting them angry because an election had been stolen from them. There are thousands of people in front of him. Some of them are carrying weapons and arms. They are angry. He is telling them to fight.

President Trump's words in that speech, just like the mob's actions, were carefully chosen. His words incited their actions. Now, how do we know this? For months, the President had told his supporters his big lie that the election was rigged, and he used the lie to urge his supporters not to concede and to stop the steal.

Mr. Manager RASKIN. If you rob a bank and on the way out the door, you yell ''respect private property,'' that is not a defense to robbing the bank.

The PRESIDENT pro tempore. The Senator from Texas.

Mr. CRUZ. Mr. President, I send a question to the desk directed at both sides.

The PRESIDENT pro tempore. The Senator from Texas has a question for both sides.

The clerk will read the question, and the House managers will go first for 2½ minutes.

The legislative clerk read as follows:

Out of their 16 hours, the House managers devoted all of 15 minutes to articulating a newly created legal standard for incitement: 1, was violence foreseeable; 2, did he encourage violence; 3, did he do so willfully? Is this new standard derived from the Criminal Code or any Supreme Court case?

While violent riots were raging, KAMALA HARRIS said on national TV:

They're not gonna let up—and they should not.

And she also raised money to bail out violent rioters.

Using the managers' proposed standard, is there any coherent way for Donald Trump's words to be incitement and KAMALA HARRIS' words not to be incitement?

Mr. Manager RASKIN. Thank you, Mr. President and Senators.

I am not familiar with the statement that is being referred to with respect to the Vice President, but I find it absolutely unimaginable that Vice President HARRIS would ever incite violence or encourage or promote violence. Obviously, it is completely irrelevant to the proceeding at hand, and I will allow her to defend herself.

The President's lawyers are pointing out that we have never had any situation like this before in the history of the United States, and it is true. There has never been a President who has encouraged a violent insurrection against our own government. So we really have nothing to compare it to. So what we do in this trial will establish a standard going forward for all time.

Now, there are two theories that have been put before you, and I think we have got to get past all of the picayune, little critiques that have been offered today about this or that. Let's focus on what is really at stake here.

The President's lawyers say, echoing the President, his conduct was totally appropriate; in other words, he would do it again. Exactly what he did is the new standard for what is allowable for him or any other President who gets into office.

Our point is that his incitement so overwhelmed any possible legal standard we have that we have got the opportunity now to declare that Presidential incitement to violent insurrection against the Capitol and the Congress is completely forbidden to the President of the United States under the impeachment clauses.

So we set forth for you the elements of encouragement of violence, and we saw it overwhelmingly. We know that he picked the date of that rally. In fact, there was another group that was going to have a rally at another date, and he got it moved to January 1. He synchronized exactly with the time that we would be in joint session, and as Representative CHENEY said:

He summoned that mob, he assembled that mob, he incited that mob, he lit the match.

Come on, get real. We know that this is what happened.

The second thing is the foreseeability of it. Was it foreseeable? Remember Lansing, MI, and everything we showed you. They didn't mention that, of course. Remember the MAGA 2 march, the MAGA 2 rally. They didn't mention that. The violence all over the rally, the President cheering it on, delighting in it, reveling in it, exalting in it.

Come on. How gullible do you think we are? We saw this happen. We just spent 11 or 12 hours looking at all that.

The PRESIDENT pro tempore. The managers' time has expired.

Counsel for the former President has 2½ minutes.

Mr. Counsel VAN DER VEEN. Senator CRUZ, I believe the first part of your question refers to the newly created Raskin doctrine on the First Amendment, and he just—his answer actually gave you a new one: appropriateness.

The standard that this body needs to follow for law is Brandenburg v. Ohio, and the test really—the three-part test really comes out of Bible Believers v. Wayne County, to be specific. The speech has to be explicitly or implicitly encouraged, the use of ''violence.'' In other words, it has to be in the words itself, which is—clearly, it is not in the words itself. That is step one. They don't get past it.

Two, the speaker intends that his speech will result in use of violence or lawless action. There is no evidence of that, and it is ludicrous to believe that that would be true.

Third, the imminent use of violence or lawless action is likely to result from speech.

Also, they fail on all three points of the law as we know it and needs to be applied here.

I don't know why he said he never heard KAMALA HARRIS say about the riots and the people rioting and ruining our businesses and our streets that they are not going to let up and they should not because we played it three times today. We gave it to you in audio, I read it to you, and you got it in video. That is what she said. But it is protected speech. Her speech is protected also, Senator. That is the point.

You all have protections as elected officials, the highest protections under the First Amendment, and that First Amendment applies here in this Chamber to this proceeding. And that is what you need to keep focused on. You need to keep focused on what is the law and how do we apply it to this set of facts. It is your duty. You can't get caught up in all of the rhetoric and the facts that are irrelevant. You need to keep focused on what is the issue before you decided based on the law—Brandenburg and Bible Believers—and apply it to the facts, and that requires you to look at the words, and there were no words of incitement of any kind.

The PRESIDENT pro tempore. The counsels' time has expired.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The Senator from Washington, Senator MURRAY, has a question for the House managers.

The clerk will read the question.

The legislative clerk read as follows:

At 6:01 p.m. eastern time on January 6, President Trump tweeted:

These are the things that happen when a sacred landslide election victory is so unceremoniously and viscously stripped away from great patriots who have been badly and unfairly treated for so long.

Adding for rioters to ''go home with love and in peace.''

What is the relevance of this tweet to President Trump's guilt?

The PRESIDENT pro tempore. The House managers are recognized for up to 5 minutes.

Mr. Manager CASTRO of Texas. Senators, this was a key quote and a key statement by the President that day—that horrific day.

Remember, the Capitol had been stormed. It had been attacked. People had yelled, ''Hang Mike Pence.'' People had gone after Speaker PELOSI. People brought baseball bats and other weapons. Many Members of Congress in the Senate and the House were fearful for their own lives.

The President didn't call the National Guard. His own administration didn't list him as somebody who they had spoken with to activate the Guard. And he said:

Remember this day forever.

So if he was not guilty of inciting insurrection, if this is not what he wanted, if it wasn't what he desired, by that time the carnage had been on television for hours. He saw what was going on. Everybody saw what was going on.

If it wasn't what he wanted, why would he have said, ''Remember this day forever''? Why commemorate a day like that, an attack on the U.S. Capitol, for God's sake? Why would you do that, unless you agreed that it was something to praise, not condemn; something to hold up and commemorate?

No consoling the Nation, no reassuring that the Government was secure, not a single word that entire day condemning the attack or the attackers or the violent insurrection against Congress.

This tweet is important because it shows two key points about Donald Trump's state of mind. First, this was entirely and completely foreseeable, and he foresaw it, and he helped incite it over many months.

He's saying: I told you this was going to happen if you certified the election for anyone else besides me, and you got what you deserve for trying to take it away from me.

And we know this because that statement was entirely consistent with everything he said leading up to the attack.

Second, this shows that Donald Trump intended and reveled in this. Senators, he reveled in this. He delighted in it. This is what he wanted. ''Remember this day forever,'' he said—not as a day of disgrace, as it is to all of us, but as a day of celebration and commemoration, and if we let it, if we don't hold him accountable and set a strong precedent, possibly a continuation later on.

We will, of course, all of us, remember this day but not in the same way that Donald Trump suggested. We will remember the bravery of our Capitol and Metro police forces. We will remember the officer who lost his life and sadly the others who did as well, and the devastation that was done to this country because of Donald Trump.

The PRESIDENT pro tempore. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The Senator from Louisiana, Mr. CASSIDY, has a question for both counsel for the former President and counsel for the House.

The clerk will read it, and counsel for the former President will go first, for 2½ minutes, and then the House of Representatives will have 2½ minutes.

The legislative clerk read as follows:

Senator TUBERVILLE reports that he spoke to President Trump at 2:15 p.m. He told the President that the Vice President had just evacuated. I presume it was understood at this time that rioters had entered the Capitol and threatened the safety of Senators and the Vice President. Even after hearing of this, at 2:24 p.m. President Trump tweeted that Mike Pence ''lacked courage,'' and he did not call for law enforcement backup until then.

This tweet and lack of response suggests President Trump did not care that Vice President Pence was endangered, or that law enforcement was overwhelmed. Does this show that President Trump was tolerant of the intimidation of Vice President Pence?

The PRESIDENT pro tempore. Counsel has 2½ minutes.

Mr. Counsel VAN DER VEEN. Directly, no. But I dispute the premise of your facts. I dispute the facts that are laid out in that question and, unfortunately, we are not going to know the answer to the facts in this proceeding because the House did nothing to investigate what went on.

We are trying to get hearsay from Mr. TUBERVILLE. There was hearsay from Mr. LEE—I think it was two nights ago—and we ended where Mr. LEE was accused of making a statement that he never made. But it was a report from a reporter from a friend of somebody who had some hearsay that they heard the night before at a bar somewhere. I mean, that is really the kind of evidence that the House has brought before us. And so I have a problem with the facts in the question because I have no idea, and nobody from the House has given us any opportunity to have any idea.

But Mr. Trump and Mr. Pence have had a very good relationship for a long time, and I am sure Mr. Trump very much is concerned and was concerned for the safety and well-being of Mr. Pence and everybody else who was over here.

Thank you.

The PRESIDENT pro tempore. The manager on the part of the House of Representatives has 2½ minutes.

Mr. Manager RASKIN. Thank you, Mr. President.

Counsel said before: This has been my worst experience in Washington. For that, I guess we are sorry, but, man, you should have been here on January 6.

The counsel for the President keeps blaming the House for not having the evidence that is within the sole possession of their client, who we invited to come and testify last week.

We sent a letter on February 4. I sent it directly to President Trump, inviting him to come and to explain and fill in the gaps of what we know about what happened there. And they sent back a contemptuous response just a few hours later. I think they, maybe, even responded more quickly to my letter than President Trump did as Commander in Chief to the invasion and storming of the Capitol of the United States.

But in that letter I said: You know, if you decline this invitation, we reserve all rights, including the right to establish at trial that your refusal to testify supports a strong adverse inference.

What's that? Well, Justice Scalia was the great champion of it. If you don't testify in a criminal case, it can't be used against you. Everybody knows that. That is the Fifth Amendment privilege against self-incrimination.

But if it is a civil case and you plead the Fifth or you don't show up, then, according to Justice Scalia and the rest of the Supreme Court, you can interpret every disputed fact against the defendant. That is totally available to us.

So, for example, if we say the President was missing in action for several hours and he was derelict in his duty and he deserted his duty as Commander in Chief, and we say that, as inciter-in-chief, he didn't call this off and they say: Oh, no, he was really doing whatever he can. If you are puzzled about that, you can resolve that dispute—that factual dispute—against the defendant who refuses to come to a civil proceeding. He will not spend one day in jail if you convict him. This is not a criminal proceeding. This is about preserving the Republic, dear Senate. That is what this is about—setting standards of conduct for the President of the United States so this never happens to us again.

So rather than yelling at us and screaming about how ''we didn't have time'' to get all of the facts about what your client did, bring your client up here and have him testify under oath about why he was sending out tweets denouncing the Vice President of the United States while the Vice President was being hunted down by a mob that wanted to hang him and was chanting in this building: ''Hang Mike Pence. Hang Mike Pence.'' ''Traitor. Traitor. Traitor.''

The PRESIDENT pro tempore. The time for the answer is up.

Next question?

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I send a question to the desk directed to the House managers.

The PRESIDENT pro tempore. The Senator from West Virginia has a question for the House managers.

The clerk will read the question.

The legislative clerk read as follows:

Would the President be made aware of the FBI and intelligence information of a possible attack and would the President be responsible for not preparing to protect the Capitol and all elected officials of government with National Guard and law enforcement as he did when he appeared in front of the Saint John's Episcopal Church?

Ms. Manager PLASKETT. It is the responsibility of the President to know.

The President of the United States, our Commander in Chief, gets daily briefings on what is happening in the country that he has a duty to protect. Additionally, the President would have known, just like the rest of us know, all of the reports that were out there and publicly available.

How many of you received calls saying to be careful on January 6, to be careful that day?

I'm not—I'm seeing reports. It doesn't seem safe. How much more would the President of the United States?

Donald Trump, as our Commander in Chief, absolutely had a duty and a sworn oath to preserve, protect, and defend us and to do the same for the officers under his command. And he was not just our Commander in Chief. He incited the attack. The insurgents were following his commands, as we saw when we read aloud his tweets attacking the Vice President.

And with regard to the Vice President, I'm sure they did have a good relationship, but we all know what can happen to one who has a good relationship with the President when you decide to do something that he doesn't like. I am sure some of you have experienced that when he turns against you after you don't follow his command.

You heard from my colleagues that, when planning this attack, the insurgents predicted that Donald Trump would command the National Guard to help them. Well, he didn't do much better. He may not have commanded the Guard to help them, but it took way, way too long for him to command the Guard to help us.

This is all connected. We're talking about free speech? This was a pattern and practice of months of activity. That was the incitement. That is the incitement—the activity he was engaged in for months before January 6, not just the speech on January 6. All of

it, in its totality, is a dereliction of duty of the President of the United States against the people who elected him—all of the people of this country.

Mr. SULLIVAN. Mr. President.

The PRESIDENT pro tempore. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I send a question to the desk for the former President's counsel.

The PRESIDENT pro tempore. The Senator from Alaska, Senator SULLIVAN, has a question for the House counsel.

The clerk will read the question.

The legislative clerk read as follows:

Mr. SULLIVAN. Mr. President.

The PRESIDENT pro tempore. For the former President's counsel. Sorry about that.

Mr. SULLIVAN. Thank you, sir.

The legislative clerk read as follows:

The House manager said yesterday that due process is discretionary, meaning the House is not required to provide and, indeed, did not provide in this snap impeachment any constitutional protection to a defendant in the House impeachment proceedings. What are the implications for our constitutional order of this new House precedent combined with the Senate's power to disqualify from public office a private citizen in an impeachment trial?

The PRESIDENT pro tempore. Counsel has 5 minutes.

Mr. Counsel VAN DER VEEN. Mr. President, that is a complicated question. Could I have that read again?

The legislative clerk read as follows:

The House managers said yesterday that due process is ''discretionary,'' meaning the House is not required to provide, and indeed did not provide in this snap impeachment, any constitutional protections to a defendant in House impeachment proceedings. What are the implications for our constitutional order of this new House precedent combined with the Senate's power to disqualify from public office a private citizen in an impeachment trial?

Mr. Counsel VAN DER VEEN. Mr. President, well, first of all, due process is never discretionary. Good Lord, the Constitution requires that the accused have the right to due process because the power that a prosecutor has to take somebody's liberty when they are prosecuting them is the ultimate thing that we try to save.

In this case, just now, in the last 2 hours, we have had prosecutorial misconduct. What they just tried to do was say that it is our burden to bring them evidence to prove their case, and it is not. It is not our burden to bring any evidence forward at all.

What is the danger? Well, the danger is pretty obvious. If the majority party doesn't like somebody in the minority party and they are afraid they may lose the election or if it is somebody in the majority party and there is a private citizen who wants to run against somebody in the majority party, well, they can simply bring impeachment proceedings. And, of course, without due process, they are not going to be entitled to a lawyer. They are not going to be entitled to have notice of the charges against them.

It puts us into a position where we are the kind of judicial system and governing body that we are all very, very afraid of. From what we left hundreds of years ago, and when regimes all around this world that endanger us—that is how they act; that is how they conduct themselves: without giving the accused due process, taking their liberty, without giving them just a basic fundamental right, under the 5th to the 14th applied to the States, due process. If you take away due process in this country from the accused, if you take that away, there will be no justice and nobody, nobody will be safe.

But it is patently unfair for the House managers to bring an impeachment proceeding without any—again, without any investigation at all and then stand up here and say: One, they had a chance to bring us evidence; and, two, let's, let's, let's see what we can do about flipping around somebody's other constitutional rights to having a lawyer or to having a—to see the evidence at all. It just gets brought in without anybody, as it was here, without anybody having an opportunity to review it beforehand. They actually sent it to us on the 9th, the day after we started this.

So it is a really big problem. The due process clause applies to this impeachment hearing, and it has been severely and extremely violated. This process is so unconstitutional because it violates due process. I am not even going to get into the jurisdiction part.

The due process part should be enough to give anybody who loves our Constitution and loves our country great pause to do anything but acquit Donald Trump.

Thank you.

The PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I send a question to the desk for the House managers.

The PRESIDENT pro tempore. The Senator from Connecticut, Senator BLUMENTHAL, has a question for the House managers.

The clerk will read the question.

The legislative clerk read as follows:

Former President Trump and his attorneys have cited the Brandenburg v. Ohio case in support of their argument that the First Amendment protects Trump. Did the Brandenburg case prohibit holding public officials accountable, through the impeachment process, for the incitement of violence?

Mr. Manager RASKIN. Thank you, Mr. President, Senators.

So let's start with the letter of more than 140 constitutional law professors, which I think they described as partisan in nature. That is a slur on the law professors, and I hope that they would withdraw that. There are very conservative luminaries on that list, including the cofounder of the Federalist Society, Ronald Reagan's former Solicitor General, Charles Fried; as well as prominent law professors across the intellectual, ideological, and First Amendment spectrum. And they all called their First Amendment arguments frivolous, which they are.

Now, they have retreated to the position of Brandenburg v. Ohio. They want their client to be treated like a guy at the mob, I think they said, a guy in the crowd who yells something out. Even on that standard, this group of law professors said there is a very strong argument that he is guilty even under the strict Brandenburg standard.

Why? Because he incited imminent, lawless action and he intended to do it and he was likely to cause it. How did we know he was likely to cause it? He did cause it. They overran the Capitol, right?

So even if you want to hold the President of the United States of America to that minimal standard and forget about his constitutional oath of office, as I said before, that would be a dereliction of legislative duty on our part if we said all we are going to do is treat the President of the United States like one of the people he summoned to Washington to commit an insurrection against us. OK.

The President swore to preserve, protect, and defend the Constitution of the United States. That is against all comers, domestic or foreign. That is what ours says, right? Did he do that? No. On the contrary. He is like the fire chief. He doesn't just say: Go ahead and shout ''fire'' inside a theater. He summons the mob and sends the mob to go burn the theater down, and when people start madly calling him and ringing alarm bells, he watches it on TV. And he takes his sweet time for several hours and turns up the heat on the deputy fire chief, whom he is mad at because he is not making it possible for him to pursue his political objectives.

And then, when we say, ''We don't want you to be fire chief ever again,'' he starts crying about the First Amendment. Brandenburg was a case about a bunch of Klansmen who assembled in a field, and they weren't near anybody such that they could actually do violent damage to people, but they said some pretty repulsive, racist things. But the Supreme Court said they weren't inciting imminent lawless action because you couldn't have a mob, for example, break out, the way that this mob broke out and took over the Capitol of the United States of America.

And, by the way, don't compare him to one of those Klansmen in the field asserting their First Amendment rights. Assume that he were the chief of police of the town who went down to that rally and started calling for, you know, a rally at the city hall and then nurturing that mob, cultivating that mob, pulling them in over a period of weeks and days, naming the date and the time and the place, riling them up beforehand, and then just say: Be my guest. Go and stop the steal.

Come on. Back to Tom Paine. Use your common sense. Use your common

sense. That is the standard of proof we want. They are already treating their client like he is a criminal defendant. They are talking about beyond a reasonable doubt. They think that we are making a criminal case here.

My friends, the former President is not going to spend 1 hour or 1 minute in jail. This is about protecting our Republic and articulating and defining the standards of Presidential conduct, and if you want this to be a standard for totally appropriate Presidential conduct going forward, be my guest, but we are headed for a very different kind of country at that point.

The PRESIDENT pro tempore. The Senator from Kansas.

Mr. MARSHALL. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The Senator from Kansas, Mr. MARSHALL, has a question for the counsel for the former President.

The clerk will read the question.

The legislative clerk read as follows:

The House Managers' single Article of Impeachment is centered on the accusation that President Trump singularly incited a crowd into a riot. Didn't the House managers' contradict their own charge by outlining the premeditated nature and planning of this event and by also showing the crowd was gathered at the Capitol even before the speech started and barriers were pushed over some 20 minutes before the conclusion of President Trump's speech?

Mr. Counsel VAN DER VEEN. Yes. The House managers contradicted their own charge by outlining the premeditated nature and planning of this event and by also showing the crowd gathered at the Capitol, even before the speech started, and barriers were pushed over some 20 minutes before the conclusion of President Trump's speech. The answer is yes.

And I want to take the rest of my time to go back to the last question because it was completely missed by the House managers.

Brandenburg v. Ohio is an incitement case. It is not an elected official case. That is Wood and Bond. And the whole problem that the House managers have in understanding the First Amendment argument here is that elected officials are different than anybody else. He is talking about fire chiefs. Fire chiefs are not elected officials. Police officers aren't elected officials.

Elected officials have a different, a higher standard on the holdings that I gave you—the highest protections, I should say. It is not a higher standard. It is a higher protection to your speech because of the importance of political dialogue. Because of what you all say in your public debate about policy, about the things that affect all of our lives, that is really important stuff, and you should be free to talk about that in just about any way that you can.

Brandenburg comes into play, from a constitutional analysis perspective, when you are talking about incitement. Is the speech itself inciteful to riot or lawlessness—one of the two—and the answer here is no.

In Brandenburg, through—again, Bible Believers require you to look at the words of the speech. You actually can't go outside the words of the speech. You are not allowed to in the analysis.

So all the time they are trying to spend on tweets going back to 2015 or everything they want to focus on that was said in the hours and the days afterward are not applicable or relevant to the scholastic inquiry as to how the First Amendment is applied in this Chamber in this proceeding. So, again, we need to be focused on what is the law and then how do we apply it to this set of facts.

So it is important to have that understanding that elected officials and fire chiefs are treated differently under First Amendment law, and that is to the benefit of you all, which is to the benefit of us all because we do want you to be able to speak freely without fear that the majority party is going to come in and impeach you or come in and prosecute you to try to take away your seat where you sit now. That is not what the Constitution says should be done.

But, yes, they do. They do contradict themselves, of course.

Thank you.

The PRESIDENT pro tempore. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I send a question to the desk for the House managers.

The PRESIDENT pro tempore. The Senator from Maryland, Senator VAN HOLLEN, has a question for the managers.

The clerk will read the question.

The legislative clerk read as follows:

Would you please respond to the answer that was just given by the former President's counsel?

The PRESIDENT pro tempore. The House manager will be recognized.

Mr. Manager RASKIN. Mr. President, thank you.

I am not sure which question the Senator was referring to, but let me quickly just dispense with the counsel's invocation again of Bond v. Floyd. This is a case I know well, and I thank him raising it.

Julian Bond was a friend of mine. He was a colleague of mine at American University. He was a great civil rights hero. In his case, he got elected to the Georgia State Legislature and was a member of SNCC, the Student Nonviolent Coordinating Committee, the great committee headed up by the great Bob Moses for a long time. He got elected to the Georgia Legislature, and they didn't want to allow him to be sworn in. They wouldn't allow him to take his oath of office because SNCC had taken a position against the Vietnam war. So the Supreme Court said that was a violation of his First Amendment rights not to allow him to be sworn in.

That is the complete opposite of Donald Trump. Not only was he sworn in on January 20, 2017, he was President for almost 4 years before he incited this violent insurrection against us, and he violated his oath of office. That is what this impeachment trial is about—his violation of his oath of office and his refusal to uphold the law and take care that the laws are faithfully executed.

Please don't desecrate the name of Julian Bond, a great American, by linking him with this terrible plot against America that just took place in the storming of the U.S. Capitol.

I am going to turn it over to my colleague Ms. PLASKETT.

Ms. Manager PLASKETT. Thank you.

Let's just be clear. President Trump summoned the mob, assembled the mob, lit the flame. Everything that followed was his doing. Although he could have immediately and forcefully intervened to stop the violence, he didn't. In other words, this attack would not have happened without him.

This attack is not about one speech. Most of you men would not have your wives with one attempt of talking to her.

(Laughter.)

It took numerous tries. You had to build it up. That is what the President did as well. He put together the group that would do what he wanted, and that was to stop the certification of the election so that he could retain power to be President of the United States, in contravention of an American election.

The PRESIDENT pro tempore. The Senator from Florida.

Mr. RUBIO. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The question is from the Senator from Florida, and it is to both sides.

The clerk will read the question. The House managers will go first for the first 2½ minutes.

The legislative clerk read as follows:

Voting to convict the former President would create a new precedent that a former official can be convicted and disqualified by the Senate. Therefore, is it not true that under this new precedent, a future House, facing partisan pressure to ''Lock her up,'' could impeach a former Secretary of State and a future Senate be forced to put her on trial and potentially disqualify from any future office?

The PRESIDENT pro tempore. The House managers go first.

Mr. Manager RASKIN. Mr. President, Senators, three quick points here.

First of all, I don't know how many times I can say it. The jurisdictional issue is over. It is gone. The Senate settled it. The Senate entertained jurisdiction exactly the way it has done since the very beginning of the Republic in the Blount case, in the Belknap case, and you will remember, both of them, former officials.

In this case, we have a President who committed his crimes against the Republic while he was in office. He was impeached by the House of Representatives while he was in office. So the hypothetical suggested by the gentleman

from Florida has no bearing on this case because I don't think you are talking about an official who was impeached while they were in office for conduct that they committed while they were in office.

The PRESIDENT pro tempore. The counsel for the former President has 2½ minutes.

Mr. Counsel VAN DER VEEN. Thank you.

Could I have the question read again to make sure I have it right and can answer it directly?

The legislative clerk read as follows:

Voting to convict the former President would create a new precedent that a former official can be convicted and disqualified by the Senate. Therefore, is it not true that under this new precedent, a future House, facing partisan pressure to ''Lock her up,'' could impeach a former Secretary of State and a future Senate be forced to put her on trial and potentially disqualify from any future office?

Mr. Counsel VAN DER VEEN. If you see it their way, yes. If you do this the way they want it done, that could happen to, the example there, a former Secretary of State. But it could happen to a lot of people, and that is not the way this is supposed to work. Not only could it happen to a lot of people, it would become much more regular too.

But I want to address that, and I want you to be clear on this. Mr. RASKIN can't tell you on what grounds you acquit. If you believe—even though there was a vote that there is jurisdiction, if you believe jurisdiction is unconstitutional, you can still believe that. If you believe that the House did not give appropriate due process in this, that can be your reason to acquit. If you don't think they met their burden in proving incitement, that these words incited the violence, you can acquit. Mr. RASKIN doesn't get to give you under what grounds you can acquit. So you have to look at what they have put on in its totality and come to your own understanding as to whether you think they have met their burden to impeach.

But the original question is an absolutely slippery slope that I don't really think anybody here wants to send this country down.

Thank you.

Mr. BENNET. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The Senator from Colorado sends a question to the desk.

I would note just for the—as the hour tends to get late, I would note for all counsel, as Chief Justice Roberts noted on January 21, 2020, citing the trial of Charles Swayne in 1905, all parties in this Chamber must refrain from using language that is not conducive to civil discourse.

The Senator from Colorado, Senator BENNET, has a question for the House managers, and the clerk will read the question.

The legislative clerk read as follows:

Since the November election, the Georgia Secretary of State, the Vice President, and other public officials withstood enormous pressure to uphold the lawful election of President Biden and the rule of law. What would have happened if these officials had bowed to the force President Trump exerted or the mob that attacked the Capitol?

The PRESIDENT pro tempore. The House managers have 5 minutes.

Mr. Manager CASTRO of Texas. I want to take a minute and remind everybody about the incredible pressure that Donald Trump was putting on election officials in different States in this country and the intimidation that he was issuing, and I want to remind everyone of the background of Donald Trump's call to one secretary of state, the secretary of state from Georgia, Mr. Raffensperger.

Donald Trump tried to overturn the election by any means necessary. He tried again and again to pressure and threaten election officials to overturn the election results. He pressured Michigan officials, calling them late at night and hosting them at the White House.

He did the same thing with officials in Pennsylvania. He called into a local meeting of the Pennsylvania Legislature, and he also hosted them at the White House, where he pressured them.

In Georgia, it was even worse. He sent tweet after tweet attacking the secretary of state until Mr. Raffensperger got death threats to him and his family. His wife got a text that said:

Your husband deserves facing a firing squad.

A firing squad for doing his job.

Mr. Raffensperger stood up to him. He told the world that elections are the bedrock of this society and the votes were accurately counted for Donald Trump's opponent.

Officials like Mr. Sterling warned Trump that if this continued, someone is going to get killed, but Donald Trump didn't stop. He escalated it even further. He made a personal call.

He made a personal call. You heard that call because it was recorded. The President of the United States told the secretary of state that if he does not find votes, he will face criminal penalties.

Please, Senators, consider that for a second, the President putting all of this public and private pressure on elected officials, telling them that they could face criminal penalties if they don't do what he wants.

And not just any number of votes that he was looking for—Donald Trump was asking the secretary of state to somehow find the exact number of votes Donald Trump lost the State by. Remember, President Biden won Georgia by 11,779 votes. In his own words, President Trump said:

All I want to do is this. I just want to find 11,780 votes.

He wanted the secretary of state to somehow find the precise number, plus one, of votes that he needed to win.

As a Congress and as a nation, we cannot be numb to this conduct. If we are and if we don't set a precedent against it, more Presidents will do this in the future. This will be a green light for them to engage in that kind of pressure and that kind of conduct.

This could have gone a very different way if those elected officials had bowed to the intimidation and the pressure of the President of the United States. It would have meant that, instead of the American people deciding this election, President Trump alone would have decided this American election. That is exactly what was at stake, and that is exactly what he was trying to do. He intended, wanted to, and tried to overturn the election by any means necessary. He tried everything else that he could do to win. He started inciting the crowd; issuing tweet after tweet; issuing commands to stop the count, stop the steal. He worked up the crowd, sent a ''save the date.''

So it wasn't just one speech or one thing; he was trying everything. He was pressuring elected officials. He was riling up his base, telling them the election had been stolen from them, that it had been stolen from him. It was a combination of things that only Donald Trump could have done. For us to believe otherwise is to think that somehow a rabbit came out of a hat and this mob just showed up here on their own, all by themselves.

This is dangerous, Senators, and the future of our democracy truly rests in your hands.

The PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I send a question to the desk.

The PRESIDENT pro tempore. The Senator from Texas, Mr. CORNYN, has a question for both counsel for the former President and the House managers.

The clerk will read the question, and we will recognize first the counsel for the former President.

The legislative clerk read as follows:

The House managers have argued that if the Senate cannot convict former officers, then the Constitution creates a January exception pursuant to which a President is free to act with impunity because he is not subject to impeachment, conviction, and removal and/or disqualification. But isn't a President subject to criminal prosecution after he leaves office for acts committed in office, even if those acts are committed in January?

Mr. Counsel CASTOR. The Senator from Texas's question raises a very, very important point. There is no such thing as a January exception to impeachment. There is only the text of the Constitution, which makes very clear that a former President is subject to criminal sanction after his Presidency for any illegal acts he commits.

There is no January exception to impeachment. There is simply a way we treat high crimes and misdemeanors allegedly committed by a President when he is in office—impeachment—and how we treat criminal behavior by a private citizen when they are not in office.

The PRESIDENT pro tempore. The House managers.

Mr. Manager RASKIN. Mr. President, Senators, thank you for this excellent question.

Wouldn't a President who decides to commit his crimes in the last few weeks in office, like President Trump by inciting the insurrection against the counting of electoral college votes, be subject to criminal prosecution by the U.S. attorney for the District of Columbia, for example, the Department of Justice?

Well, of course he would be, but that is true of the President regardless of when he commits his offense in office. In other words, that is an argument for prosecuting him if he tried to stage an insurrection against the Union in his third year in office or his second year in office. You could say, well, he could be prosecuted afterwards.

The reason that the Framers gave Congress—the House the power to impeach; the Senate the power to try, convict, remove, and disqualify, was to protect the Republic. It is not a vindictive power.

I know a lot of people are very angry with Donald Trump about these terrible events that took place. We don't come here in anger, contrary to what you heard today. We come here in the spirit of protecting our Republic, and that is what it is all about. But their January exception would essentially invite Presidents and other civil officers to run rampant in the last few weeks in office on the theory that the House and the Senate wouldn't be able to get it together in time—certainly according to their demands for months and months of investigation—wouldn't be able to get it together in time in order to vindicate the Constitution. That can't be right. That can't be right.

We know that the peaceful transfer of power is always the most dangerous moment for democracies around the world. Talk to the diplomats. Talk to the historians. They will tell you that is a moment of danger. That is when you get the coups. That is when you get the insurrections. That is when you get the seditious plots. And you know what, you don't even have to read history for that. You don't even have to consult the Framers. You don't have to look around the world. It just happened to us. The moment when we were just going to collect the already-certified electoral college votes from the States by the popular majorities within each State—except for Maine and Nebraska, which do it by congressional district as well as statewide, but otherwise, it is just the popular majorities in the States. And we were about to certify it, and we got hit by a violent, insurrectionary mob.

Don't take our word for it. Listen to the tapes, unless they are going to claim those are fabricated too. And the people are yelling: ''This is our house now'' and ''Where are the 'blank' votes at?'' and ''Show us the votes,'' et cetera.

The PRESIDENT pro tempore. The time is up.

Mr. Manager RASKIN. Thank you.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Mr. President, it is my understanding that there are no further questions on either side.

The PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. That is correct. I know of no further questions on our side.

Mr. SCHUMER. I ask unanimous consent that the time for questions and answers be considered expired.

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

Mr. SCHUMER. Now, Mr. President, I ask unanimous consent that it be in order for myself and Senator MCCONNELL to speak for up to 1 minute each and then it be in order for me to make a unanimous consent request as if in legislative session.

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

OFFICER EUGENE GOODMAN CONGRESSIONAL GOLD MEDAL ACT

Mr. SCHUMER. Mr. President, in a moment I will ask the Senate to pass legislation that would award Capitol Police Officer Eugene Goodman the Congressional Gold Medal.

In the weeks after the attack on January 6, the world learned about the incredible, incredible bravery of Officer Goodman on that fateful day.

Here in this trial, we saw new video, powerful video showing calmness under pressure, his courage in the line of duty, his foresight in the midst of chaos, and his willingness to make himself a target of the mob's rage so that others might reach safety.

Officer Goodman is in the Chamber tonight.

Officer Goodman, thank you.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The Republican leader.

Mr. SCHUMER. Leader MCCONNELL.

Mr. MCCONNELL. Oh, I am sorry.

Mr. SCHUMER. I just want to say I think we can all agree that Eugene Goodman deserves the highest honor Congress can bestow. But before we move to pass this legislation, I want to be clear that he was not alone that day. The Nation saw and has now seen numerous examples of the heroic conduct of the Capitol Police, the Metropolitan Police, and the SWAT teams that were with us on January 6 here in the Capitol, protecting us. Our heartfelt gratitude extends to each and every one of them, particularly now as members of the force continue to bear scars, seen and unseen, from the events of that disgraceful day. Let us give them all the honor and recognition they so justly deserve.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I am pleased to join the majority leader's request.

January 6 was a day of fear for those who work here in the Capitol and of sadness for many more watching from afar, but that awful day also introduced our Nation to a group of heroes whom we in Congress were already proud to call our colleagues and to whom we owe a great debt.

In the face of lawlessness, the officers of the U.S. Capitol lived out the fullest sense of their oaths. If not for the quick thinking and bravery of Officer Eugene Goodman in particular, people in this Chamber may not have escaped that day unharmed. Officer Goodman's actions reflect a deep personal commitment to duty and brought even greater distinction upon all of the brave brothers and sisters in uniform. So I am proud the Senate has taken this step forward, recognizing his heroism with the highest honor we can bestow.

(Applause, Senators rising.)

Mr. SCHUMER. Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 35 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 35) to award a Congressional Gold Medal to Officer Eugene Goodman.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Van Hollen substitute amendment which is at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 890) in the nature of a substitute was agreed to, as follows:

[Purpose: In the nature of a substitute]

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Officer Eugene Goodman Congressional Gold Medal Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On January 6, 2021, the United States Capitol Building was attacked by armed insurrectionists.

(2) Members of the United States Capitol Police force were overrun and insurrectionists breached the Capitol at multiple points.

(3) Around 2:14 in the afternoon, United States Capitol Police Officer Eugene Goodman confronted an angry group of insurrectionists who unlawfully entered the Capitol, according to video footage taken by Igor Bobic, a reporter with the Huffington Post.

(4) Officer Goodman, alone, delayed the mob's advance towards the United States Senate Chamber and alerted his fellow officers to the location of the insurrectionists.

(5) Upon reaching a second floor corridor, Officer Goodman noticed the entrance to the Senate Chamber was unguarded.

(6) As the mob approached, Officer Goodman intentionally diverted attention away from the Senate entrance and led the mob to an alternate location and additional awaiting officers.

(7) At 2:15 in the afternoon, a Washington Post reporter from inside the Senate Chamber noted ''Senate sealed'' with Senators, staff, and members of the press inside.

(8) Officer Eugene Goodman's selfless and quick-thinking actions doubtlessly saved lives and bought security personnel precious time to secure and ultimately evacuate the Senate before the armed mob breached the Chamber.

(9) Amidst a shocking, unpatriotic attack on the Capitol, Officer Goodman's heroism is recognized not only by Members of Congress and staff but also by the people of the United States they represent.

(10) By putting his own life on the line and successfully, single-handedly leading insurrectionists away from the floor of the Senate Chamber, Officer Eugene Goodman performed his duty to protect the Congress with distinction, and by his actions, Officer Goodman left an indelible mark on American history.

(11) Officer Goodman's actions exemplify the heroism of the many men and women who risked their lives to defend the Capitol on January 6, 2021.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Officer Eugene Goodman.

(b) DESIGN AND STRIKING.—

(1) IN GENERAL.—For the purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(2) IMAGE AND NAME.—The design shall bear an image of, and inscription of the name of, Officer Eugene Goodman.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

The bill (S. 35), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

(The bill, as amended, will be printed in a future edition of the RECORD.)

MORNING BUSINESS

SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following committee rules be printed in the RECORD.

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

SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

PATTY MURRAY, CHAIR

RULES OF PROCEDURE (AS AGREED TO FEBRUARY 11, 2021)

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chair may, upon proper notice, call such additional meetings as she may deem necessary.

Rule 2.—The chair of the committee or of a subcommittee, or if the chair is not present, the ranking majority member present, shall preside at all meetings. The chair may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is physically present.

Rule 5.—With the approval of the chair of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and (1) has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a ''yea and nay'' vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing or executive session it intends to hold at least one week prior to the commencement of such hearing or executive session. In the case of an executive session, the text of any bill or joint resolution to be considered must be provided to the chair for prompt electronic distribution to the members of the committee.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chair and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chair may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chair in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chair thereof.

Rule 14.—The chair of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution shall be before the committee or a subcommittee for final consideration, the clerk

shall distribute to each member of the committee or subcommittee a document, prepared by the sponsor of the bill or joint resolution. If the bill or joint resolution has no underlying statutory language, the document shall consist of a detailed summary of the purpose and impact of each section. If the bill or joint resolution repeals or amends any statute or part thereof, the document shall consist of a detailed summary of the underlying statute and the proposed changes in each section of the underlying law and either a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and, in italics, the matter proposed to be added, along with a summary of the proposed changes; or a side-by-side document showing a comparison of current law, the proposed legislative changes, and a detailed description of the proposed changes.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chair and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chair and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chair of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chair of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chair of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chair, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term ''majority'' as used in the committee's rules and guidelines shall refer to the party of the chair for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chair at least 24 hours before an executive session. The chair shall promptly distribute all filed amendments electronically to the members of the committee. The chair may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A(*a*) of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(*a*) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing.

Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony may be submitted and distributed electronically.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY RULES OF PROCEDURE

Ms. STABENOW. Mr. President, the Committee on Agriculture, Nutrition,

and Forestry has adopted rules governing its procedures for the 117th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BOOZMAN, I ask unanimous consent that a copy of the Committee rules be printed in the RECORD.

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

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY—117TH CONGRESS

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION RULES OF PROCEDURE

Ms. CANTWELL. Mr. President, the Committee on Commerce, Science, and Transportation has adopted rules governing its procedures for the 117th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules for the Senate Committee on Commerce, Science, and Transportation be printed in the RECORD.

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

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION—117TH CONGRESS

RULE I—MEETINGS OF THE COMMITTEE

1. IN GENERAL.—The regular meeting dates of the Committee shall be the first and third Wednesdays of each month. Additional meetings may be called by the Chair as the Chair may deem necessary, or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. OPEN MEETINGS.—Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. STATEMENTS.—Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of the witness's testimony in as many copies as the Chair of the Committee or subcommittee prescribes. In the event a witness fails to file a timely written statement in accordance with this rule, the Chair of the Committee or subcommittee, as applicable, may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from members without the benefit of giving an opening statement.

4. FIELD HEARINGS.—Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chair and ranking minority member of the full Committee.

RULE II—QUORUMS

1. BILLS, RESOLUTIONS, AND NOMINATIONS.—A majority of the members, which includes at least 1 minority member, shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

2. OTHER BUSINESS.—One-third of the entire membership of the Committee shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination or authorizing a subpoena. Proxies may not be counted in making a quorum for purposes of this paragraph.

3. TAKING TESTIMONY.—For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of 1 member of the Committee.

RULE III—PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, the required quorum being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or through personal instructions.

RULE IV—CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chair of the Committee prescribes. This rule may be waived with the concurrence of the Chair and the ranking minority member of the full Committee.

RULE V—SUBPOENAS; COUNSEL; RECORD

1. SUBPOENAS.—The Chair, with the approval of the ranking minority member of the Committee, may subpoena the attendance of witnesses for hearings and the production of memoranda, documents, records, or any other materials. The Chair may subpoena such attendance of witnesses or production of materials without the approval of the ranking minority member if the Chair or a member of the Committee staff designated by the Chair has not received notification from the ranking minority member or a member of the Committee staff designated by the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph, the subpoena may be authorized by vote of the Members of the Committee, the quorum required by paragraph 1 of rule II being present. When the Committee or Chair authorizes a subpoena, it shall be issued upon the signature

of the Chair or any other Member of the Committee designated by the Chair. At the direction of the Chair, with notification to the ranking minority member of not less than 72 hours, the staff is authorized to take depositions from witnesses. The ranking minority member, or a member of the Committee staff designated by the ranking minority member, shall be given the opportunity to attend and participate in the taking of any deposition. Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present.

2. COUNSEL.—Witnesses may be accompanied at a public or executive hearing, or the taking of a deposition, by counsel to advise them of their rights. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of the witness at any public or executive hearing, or the taking of a deposition, to advise the witness, while the witness is testifying, of the witness's legal rights. In the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chair may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This paragraph shall not be construed to excuse a witness from testifying in the event the witness's counsel is ejected for conducting himself or herself in such manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of a hearing or the taking of a deposition. This paragraph may not be construed as authorizing counsel to coach the witness or to answer for the witness. The failure of any witness to secure counsel shall not excuse the witness from complying with a subpoena.

3. RECORD.—An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings and depositions. If testimony given by deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee. The record of a witness's testimony, whether in public or executive session or in a deposition, shall be made available for inspection by the witness or the witness's counsel under Committee supervision. A copy of any testimony given in public session, or that part of the testimony given by the witness in executive session or deposition and subsequently quoted or made part of the record in a public session, shall be provided to that witness at the witness's expense if so requested. Upon inspecting the transcript, within a time limit set by the Clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chair or a member of the Committee staff designated by the Chair shall rule on such requests.

RULE VI—BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chair and the ranking minority member of the full Committee.

RULE VII—SUBCOMMITTEES

1. HEARINGS.—Any member of the Committee may sit with any subcommittee during its hearings.

2. CHANGE OF CHAIR.—Subcommittees shall be considered de novo whenever there is a change in the Chair, and seniority on the particular subcommittee shall not necessarily apply.

SENATE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS RULES OF PROCEDURE

Mr. BROWN. Mr. President, the Committee on Banking, Housing, and Urban Affairs has adopted rules governing its procedures for the 117th Congress. Pursuant to Rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator TOOMEY, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS—AMENDED FEBRUARY 11, 2021

RULE 1. REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2. COMMITTEE

[a] Investigations.—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings.—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses.—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions.—No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing via electronic mail or paper mail of the date, time, and place of such session and has been furnished a copy of the measure to be considered, in a searchable electronic format, at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments.—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3. SUBCOMMITTEES

[a] Authorization for.—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership.—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations.—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings.—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses.—Subcommittee interrogation of a witness shall

be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings.—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting.—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

[a] Filing of statements.—Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 30 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements.—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Five-minute duration. Oral statements of witnesses shall be based upon their filed statements but shall be limited to 5 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses.—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted.—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses.—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions.—Questioning of a witness by members shall be limited to 5 minutes duration. Members may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity to question the witness for a second time. This 5–minute period per member will be continued until all members have exhausted their questions of the witness.

After a witness has completed his or her testimony before the Committee or Subcommittee, members may submit questions in writing to the Clerk for the record, which shall be due to the Clerk by a date determined by the Chairman, in consultation with the Ranking Member, but such due date shall be no later than 7 calendar days after the witness's appearance before the Committee or Subcommittee. Any such witness shall respond in writing to any such written question for the record no later than 45 calendar days after the witness's date of appearance before the Committee or Subcommittee. For nominees before the Committee, the Chairman shall, in consultation with the Ranking Member, determine the time periods for the submission of member questions and the receipt of responses from nominees.

RULE 5.—VOTING

[a] Vote to report a measure or matter.—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter. On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7. STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8. COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 11, 2021, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial and other personal information, which shall be kept confidential as indicated on the questionnaire.

Nominees are requested to answer all questions, and to add additional pages where necessary.

SENATE COMMITTEE ON INDIAN AFFAIRS RULES OF PROCEDURE

Mr. SCHATZ. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs Rules for the 117th Congress be printed in the RECORD.

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

SENATE COMMITTEE ON INDIAN AFFAIRS—117TH CONGRESS COMMITTEE RULES

COMMITTEE ON INDIAN AFFAIRS RULES OF PROCEDURE

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, as supplemented by these rules, are adopted as the rules of the Committee to the extent the provisions of such Rules, Resolution, and Acts are applicable to the Committee on Indian Affairs.

MEETING OF THE COMMITTEE

Rule 2. The Committee shall meet on Wednesday while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he or she may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3(a). Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

(b). Except as otherwise provided in the Rules of the Senate, a transcript or electronic recording shall be kept of each hearing and business meeting of the Committee.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, shall be given of the date, place, and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee, with the concurrence of the Vice Chairman, determines that holding the hearing would be non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending concur. In no case shall a hearing be conducted within less than 24 hours' notice.

(b). Each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, at least two (2) business days prior to a hearing, in a format determined by the Committee and sent to an electronic mail address specified by the Committee. In the event a federal witness fails to timely file the written statement in accordance with this rule, the federal witness shall testify as to the reason the testimony is late.

(c). Each Member shall be limited to five (5) minutes of questioning of any witness until such time as all Members attending who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d) The Chairman, in consultation with the Vice Chairman, may authorize remote hearings via video conference.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Any bill, resolution, or other matter to be considered by the Committee at a business meeting shall be filed with the Clerk of the Committee. Notice of, and the agenda for, any business meeting of the Committee, and a copy of any bill, resolution, or other matter to be considered at the meeting, shall be provided to each Member and made available to the public at least three (3) business days prior to such meeting, and no new items may be added after the agenda is published except by the approval of the Chairman with the concurrence of the Vice Chairman or by a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

(c). Any amendment(s) to any bill or resolution to be considered shall be filed by a Member of the Committee with the Clerk not less than 48 hours in advance of the scheduled business meeting. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Except as provided in Senate Rule XXVI 7(a), a quorum is presumed to be present unless a Committee Member notes the absence of a quorum.

(b). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). A measure may be reported without a recorded vote from the Committee unless an objection is made by any Member, in which case a recorded vote by the Members shall be required. A Member shall have the right to have his or her additional views included in the Committee report on the measure in accordance with Senate Rule XXVI 10.

(c). A Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and conforming changes to the measure.

(d). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8(a). Witnesses in Committee hearings who are required to give testimony shall be deemed under oath.

(b). At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witnesses that come before the Committee shall also be under oath. Every nominee shall submit a questionnaire on forms to be provided by the Committee, ethics agreement, and public financial disclosure report, (OGE Form 278 or a successor form) which shall be sworn to by the nominee as to its completeness and accuracy and be accompanied by a letter issued by the nominee within five (5) days immediately preceding the hearing affirming that nothing has changed in their financial status or documents since the documents were originally filed with the Committee. The public financial disclosure report and ethics agreement shall be made available to the public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee, or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affects his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, Internet, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of

the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

IMPEACHMENT

Mr. CRUZ. Mr. President, I ask unanimous consent that the following op-ed be printed in the RECORD.

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

[From the Fox News, Feb. 9, 2021]

SEN. TED CRUZ: SHOULD THE SENATE EXERCISE IMPEACHMENT TRIAL? WHY THE ANSWER MATTERS

(By Ted Cruz)

The constitutional question of whether a former president can be impeached or tried after he has left office is a close legal question. On balance, I believe that the better constitutional argument is that a former president can be impeached and tried—that is, that the Senate has jurisdiction to hold a trial.

However, nothing in the text of the Constitution requires the Senate to choose to exercise jurisdiction. In these particular circumstances, I believe the Senate should decline to exercise jurisdiction—and so I voted to dismiss this impeachment on jurisdictional grounds.

Article I, Section 2 of the Constitution gives the House ''the sole Power of impeachment,'' and Section 3 gives the Senate ''the sole Power to try all impeachments.'' At the time the Constitution was adopted, there was meaningful debate over whether impeachment encompassed so-called ''late impeachments.'' i.e. after the person had left office.

The British common law, which informed the understanding of the Founders, suggests that the better answer is yes.

In the 18th century, there were two English impeachments of note: Lord Chancellor Macclesfield in 1725 and India's Governor-General Warren Hastings, which extended from 1787 to 1795. Both were late impeachments (after they had left office). Shortly after the Founding, a third British impeachment occurred: Lord Melville in 1806. His impeachment also occurred after he left office.

The American experience is similar. In 1797, the House impeached Sen. William Blount, and in 1876 the House impeached Secretary of War William Belknap. Both had left office by the time articles of impeachment were delivered to the Senate.

With Blount, the Senate voted that it lacked jurisdiction (although principally because he had been a senator and not a member of the executive), and with Belknap, the Senate voted that it had jurisdiction but declined to convict.

To be sure, there is textual ambiguity on the question of whether impeachments of a former president are constitutional.

One can look to other provisions of the Constitution—such as article II, Section 4's reference to ''the President'' (not ''a President''), and that same section's language that says an impeached individual who is convicted ''shall be removed from office''—and conclude in good faith that late impeachments are not permissible.

However, given the historical underpinnings and the Constitution's broad textual commitment (''sole power'') of the impeachment power to the House and Senate, I believe the best reading of the Constitution is that the Senate retains jurisdiction. Imagine, for example, that evidence were uncovered that a former president had sold nuclear secrets to the Chinese government. In that instance, where the president had hypothetically committed both treason and bribery (explicit grounds for impeachment in the Constitution), there is little question that both the House and Senate would have exercise jurisdiction to impeach and try those crimes.

Importantly, there are two types of jurisdiction: mandatory and discretionary. With mandatory jurisdiction, the tribunal must hear the case; with discretionary jurisdiction, the tribunal can decide whether to exercise its legal authority to hear the case. For example, the vast majority of the Supreme Court's caseload arises on discretionary jurisdiction—it has the authority to hear most cases, but it doesn't have to do so.

And nothing in the Constitution makes the Senate's impeachment jurisdiction mandatory. ''Sole power'' means ''sole power''—the Senate can decide whether to hear the case.

The present impeachment is an exercise of partisan retribution, not a legitimate exercise of constitutional authority.

The House impeached President Trump in a mere seven days. It conducted no hearings. It examined no evidence. It heard not a single witness.

For four years, congressional Democrats have directed hatred and contempt at Donald J. Trump, and even greater fury at the voters who elected him.

On the merits, President Trump's conduct does not come close to meeting the legal standard for incitement—the only charge brought against him.

His rhetoric was at times over-heated, and I wish it were not, but he did not urge anyone to commit acts of violence. And if generic exhortations to ''fight'' or ''win'' or ''take back our country'' are now indictable, well, be prepared to arrest every candidate who's ever run for office or given a stump speech.

House Democrats argue that these circumstances are different. The situation was politically charged. The protesters were angry. And what started as a peaceful protest on the Ellipse ended up with some of the protestors engaging in a violent terrorist assault on the Capitol that tragically took the life of a police officer.

If that's the new standard—and if strong rhetoric constitutes ''High Crimes and Misdemeanors''—then Congress better prepare to remove House Speaker Nancy Pelosi, D–Calif., Rep. Maxine Waters, D–Calif., Sen. Chuck Schumer, D–N.Y. and former Sen. Kamala Harris, D–Calif., next.

Repeatedly over the past four years, multiple Democrats have engaged in incendiary rhetoric and encouraged civil unrest, including Speaker Nancy Pelosi who expressly compared law enforcement to Nazis, Rep. Waters, who emphatically encouraged a campaign of intimidation and harassment of political opponents, Sen. Schumer, who made threats—by name—to ''release the whirlwind'' against two sitting justices of the Supreme Court, and then-Sen. Harris, who actively campaigned to provide financial support, in the form of bail, for rioters last summer even after hundreds of law enforcement officers were injured and many people, including retired St. Louis police captain David Dorn, were brutally murdered.

There is no coherent rationale that renders President Trump's remarks ''incitement,'' and somehow exonerates the angry rhetoric of countless Democrats. If Trump's speech at the Ellipse was incitement, so too was Schumer's threat on the steps of the Supreme Court.

The honest answer is both may have been irresponsible, but neither meets the legal standard for incitement.

Accordingly, I voted against the Senate taking jurisdiction in this trial. In different circumstances, the Senate could choose to exercise its constitutional authority to try a former office-holder. But here, when the House has impeached without evidence or Due Process, and when it is petty and vindictive and it fails to meet the legal standard, then the Senate should have declined to exercise jurisdiction.

President Trump is no longer in office, and nothing is served—other than partisan vengeance—by conducting yet another impeachment trial.

ADDITIONAL STATEMENTS

TRIBUTE TO LESLEY ROBINSON

● Mr. DAINES. Mr. President, this week I have the honor of recognizing Lesley Robinson of Phillips County. Lesley recently made history when she became the first woman elected as the Montana Stockgrowers Association's second vice president.

Lesley is not afraid to be the first in any venture. Her past experience as a leader in Montana began in 1996 when she became the second woman ever elected to serve on the board of directors for the Montana Stockgrowers. Lesley also ran for office and was elected as a Phillips County commissioner in 2005. During her 12-year tenure as a commissioner, Lesley was a strong advocate for Phillips County and rural Montana. She also had a leadership role on the Executive Committee for the National Association of Counties. Most recently, Lesley served as former Congressman Greg Gianforte's State director.

As a fourth-generation rancher, Lesley knows the importance of hard work. She and her husband, Jim, own a commercial cow/calf and yearling operation near Zortman, MT. Her past leadership roles and ranching experiences have led her to be a fierce voice for agriculture and the importance it has as Montana's No. 1 economic driver.

It is my honor to recognize Lesley for her leadership and service to Montana. I look forward to hearing about her continued success.●

TRIBUTE TO GARY HERBERT

● Mr. ROMNEY. Mr. President, I rise to congratulate my friend Gary Herbert on a career of esteemed public service. Gary's steady hand of leadership as the 17th Governor of Utah guided our State closer to fulfilling its promise of safety, security, and prosperity for all Utahns.

A son of Orem, UT, Gary faithfully answered his call to service in his early life and career. From his missionary service for The Church of Jesus Christ of Latter-day Saints, to his military and civil service as a staff sergeant in the Utah Army National Guard, to elected office, Gary's unwavering early commitment to public service earned him the respect and experience necessary for future success.

Gary Herbert's unique ability to articulate sound public policy on behalf of his community earned him a seat on the Utah County Commission, where he demonstrated principled leadership for 14 years. Soon after, Herbert was elected to serve as lieutenant governor, overseeing multiple statewide commissions and the State electoral office. Four years later, Utahns reaffirmed their State's leadership with a record reelection victory for Governor John Huntsman Jr. and Lieutenant Governor Herbert.

Governor Herbert assumed the mantle of leadership and gubernatorial responsibilities on August 11, 2009, following the resignation of his predecessor. For the next decade, the Governor approached significant challenges with a sharp focus and principled decision making. He surrounded himself with impressive public servants and exemplified a compassionate and nuanced approach to good governance. Through an early economic crisis and a myriad of complex public policy challenges relating to civil liberties, faith, education, infrastructure, and public health, Governor Herbert's legacy reflects his impressive caliber of personal character and leadership in difficult circumstances.

Gary's lifetime of public service is sustained by the devotion he shares with former First Lady Jeannette Herbert and their children and grandchildren. Our great State owes Gary Herbert and his family an abundance of gratitude for years of integrity and virtue as Utah's chief public servant. Utah will continue to shine as the brightest star on our American flag.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–409. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure; Civil Money Penalty Inflation Adjustment'' (RIN2590–AB14) received in the Office of the President of the Senate on February 2, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–410. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Collection of Civil Money Penalty Debt'' (RIN3064–AF25) received in the Office of the President of the Senate on February 2, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–411. A communication from the Chief of the Domestic Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Northern Spotted Owl'' (RIN1018–BF01) received in the Office of the President of the Senate on February 3, 2021; to the Committee on Environment and Public Works.

EC–412. A communication from the Vice President of External Affairs, Tennessee Valley Authority, transmitting, pursuant to law, a report relative to a vacancy for the position of Inspector General, Tennessee Valley Authority, received in the office of the President of the Senate on February 2, 2021; to the Committee on Environment and Public Works.

EC–413. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Coverage of Innovative Technology (MCIT) and Definition of 'Reasonable and Necessary'' (RIN0938–AT88) received in the Office of the President of the Senate on February 2, 2021; to the Committee on Finance.

EC–414. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled ''Official Time in Federal Sector Cases Before the Commission'' (RIN3046–AB00) received in the Office of the President of the Senate on February 2, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC–415. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table'' (RIN0906–AB24) received in the Office of the President of the Senate on February 2, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC–416. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Securing Updated and Necessary Statutory Evaluations Timely'' (RIN0991–AC24) received in the Office of the President of the Senate on February 2, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC–417. A communication from the Supervisory Workforce Analyst, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States'' (RIN1205–AC00) received in the Office of the President of the Senate on February 3, 2021; to the Committee on the Judiciary.

EC–418. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Addition of New Standards of Fill for Wine and Distilled Spirits; Amendment of Distilled Spirits and Malt Beverage Net Contents Labeling Regulations'' (RIN1513–AB56) received in the Office of the President of the Senate on February 2, 2021; to the Committee on Commerce, Science, and Transportation.

EC–419. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Safety Standard for Infant Swings'' ((16 CFR Part 1223) (Docket No. CPSC–2013–0025)) received in the Office of the President of the Senate on February 3, 2021; to the Committee on Commerce, Science, and Transportation.

EC–420. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Proposed of Class E Airspace; Paris, Idaho'' ((RIN2120–AA66) (Docket No. FAA–2020–0751)) received in the Office of the President of the Senate on February 2, 2021; to the Committee on Commerce, Science, and Transportation.

EC–421. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Type Certificate Previously Held by Rolls-Royce plc) Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2019–0213)) received in the Office of the President of the Senate on February 2, 2021; to the Committee on Commerce, Science, and Transportation.

EC–422. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the issuance of a Proclamation that terminates the national emergency first declared in Proclamation 9844 of February 15, 2019, with respect to declaring a National Emergency Concerning the Southern Border of the United States, received in the office of the President of the Senate on February 9, 2021; to the Committee on Armed Services.

EC–423. A communication from the President of the United States, transmitting, pursuant to the International Emergency Economic Powers Act, a report relative to the issuance of an Executive Order declaring a national emergency with respect to the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the situation in Burma, received in the Office of the President of the Senate on February 9, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–424. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Transferred Office of Thrift Supervision (OTS) Regulations Regarding Nondiscrimination Requirements'' (RIN3064–AF35) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–425. A communication from the Congressional Assistant, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Capital Planning and Stress Testing Requirements for Large Bank Holding Companies, Intermediate Holding Companies and Savings and Loan Holding Companies'' (RIN7100–AF95) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Banking, Housing, and Urban Affairs.

EC–426. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2022; Updates to State Innovation Waiver (Section 1332 Waiver) Implementing Regulations'' (RIN0938–AU18) received in the Office of the President of the Senate on February 2, 2021; to the Committee on Finance.

EC–427. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR–GIE Avions de Transport Regional Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2020–1133)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–428. A communication from the Management and Program Analyst, Federal

Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Textron Aviation Inc. (Type Certificate Previously Held by Cessna Aircraft Company) Airplanes; Amendment 39–21360'' ((RIN2120–AA64) (Docket No. FAA–2020–1108)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–429. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Yabora Industria Aeronautica S.A. (Type Certificate Previously Held by Embraer S.A.) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2020–1122)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–430. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2016–3343)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–431. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Embraer S.A. Airplanes; Amendment 39–21349'' ((RIN2120–AA64) (Docket No. FAA–2020–0584)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–432. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Turbofan Engines; Amendment 39–21352'' ((RIN2120–AA64) (Docket No. FAA–2020–0592)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–433. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB, Support and Services (Formerly Known as SAAb AB, Saab Aeronautics) Airplanes; Amendment 39–21344'' ((RIN2120–AA64) (Docket No. FAA–2020–0840)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–434. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Yabora Industria Aeronautica S.A. (Type Certificate Previously Held by Embraer S.A.) Airplanes; Amendment 39–21350'' ((RIN2120–AA64) (Docket No. FAA–2020–0842)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–435. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Superior Air Parts, Inc. Engines and Lycoming Engines Reciprocating Engines With a Certain SAP Crankshaft Assembly; Amendment 39–21354'' ((RIN2120–AA64) (Docket No. FAA–2018–1077)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–436. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21334'' ((RIN2120–AA64) (Docket No. FAA–2020–1031)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–437. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled '' Airworthiness Directives; Technify Motors GmbH (Type Certificate Previously Held by Thielert Aircraft Engines GmbH) Reciprocating Engines; Amendment 39–21361'' ((RIN2120–AA64) (Docket No. FAA–2020–1117)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–438. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21345'' ((RIN2120–AA64) (Docket No. FAA–2020–1105)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–439. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21289'' ((RIN2120–AA64) (Docket No. FAA–2020–0573)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–440. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21306'' ((RIN2120–AA64) (Docket No. FAA–2020–0586)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–441. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whittney Division Turbofan Engines; Amendment 39–21361'' ((RIN2120–AA64) (Docket No. FAA–2020–0542)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–442. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Textron Aviation, Inc. Airplanes (Type Certificate Previously Held by Beechcraft Corporation); Amendment 39–21343'' ((RIN2120–AA64) (Docket No. FAA–2020–718)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–443. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hoffman GmbH and Co. KG Propellers; Amendment 39–21347'' ((RIN2120–AA64) (Docket No. FAA–2020–1104)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–444. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21337'' ((RIN2120–AA64) (Docket No. FAA–2020–0570)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–445. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21290'' ((RIN2120–AA64) (Docket No. FAA–2019–0984)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC–446. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21334'' ((RIN2120–AA64) (Docket No. FAA–2020–1031)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER, from the Committee on Environment and Public Works, without amendment:

S. Res. 49. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. REED, from the Committee on Armed Services, without amendment:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. BROWN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 51. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WARNER, from the Select Committee on Intelligence, without amendment:

S. Res. 53. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. SCHATZ, from the Committee on Indian Affairs, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Indian Affairs.

By Mrs. MURRAY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 55. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mrs. MURRAY for the Committee on Health, Education, Labor, and Pensions.

*Miguel A. Cardona, of Connecticut, to be Secretary of Education.

*Martin Joseph Walsh, of Massachusetts, to be Secretary of Labor.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. CASSIDY):

S. 308. A bill to establish a pilot program to address shortages of testing equipment and personal protective equipment through enhanced domestic production, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. LEE, and Mr. COONS):

S. 309. A bill to give Federal courts additional discretion to determine whether pretrial detention is appropriate for defendants charged with nonviolent drug offenses in Federal criminal cases; to the Committee on the Judiciary.

By Mr. WICKER (for himself and Ms. SMITH):

S. 310. A bill to amend the Small Business Act to include hospitals serving rural areas or areas of persistent poverty in the paycheck protection program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. FEINSTEIN (for herself and Mr. CORNYN):

S. 311. A bill to amend the Higher Education Act of 1965 to include certain employment as a health care practitioner as eligible for public service loan forgiveness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. TILLIS, Mr. COONS, Mr. CRAMER, Mr. BOOKER, and Mr. WICKER):

S. 312. A bill to expand eligibility for and provide judicial review for the Elderly Home Detention Pilot Program, provide for compassionate release based on COVID–19 vulnerability, shorten the waiting period for judicial review during the COVID–19 pandemic, and make other technical corrections; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Ms. DUCKWORTH, Mr. BOOKER, Ms. SMITH, Ms. BALDWIN, Mr. SANDERS, Mrs. GILLIBRAND, Mrs. SHAHEEN, Ms. ROSEN, Ms. HIRONO, Mr. MERKLEY, and Mr. HEINRICH):

S. 313. A bill to amend the Food and Nutrition Act of 2008 to expand online benefit redemption options under the supplemental nutrition assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 314. A bill to repeal the Klamath Tribe Judgment Fund Act; to the Committee on Indian Affairs.

By Mr. BLUMENTHAL (for himself and Mr. BOOKER):

S. 315. A bill to amend titles XVIII and XIX of the Social Security Act to ensure quality care for residents of skilled nursing facilities and nursing facilities, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. SCOTT of Florida):

S. 316. A bill to establish a temperature checks pilot program for air transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOOKER (for himself and Mr. BLUMENTHAL):

S. 317. A bill to amend titles XVIII and XIX of the Social Security Act to improve the quality of care for residents of and workers in skilled nursing facilities and nursing facilities during the COVID–19 emergency period, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Mr. WYDEN, Ms. HIRONO, and Mr. BLUMENTHAL):

S. 318. A bill to require the publication of the name of any person pardoned by the President, and for other purposes; to the Committee on the Judiciary.

By Mr. WICKER:

S. 319. A bill to amend the Foreign Agents Registration Act of 1938, as amended, to strengthen the conspicuous statement required on certain informational materials, and for other purposes; to the Committee on Foreign Relations.

By Mr. CASSIDY (for himself and Mr. SCHATZ):

S. 320. A bill to amend the Public Health Service Act to provide that the authority of the Director of the National Institute on Minority Health and Health Disparities to make certain research endowments applies with respect to both current and former centers of excellence, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MORAN (for himself and Ms. ROSEN):

S. 321. A bill to award a Congressional Gold Medal to the members of the Women's Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the ''Six Triple Eight'' ; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TILLIS (for himself, Ms. ERNST, Mr. PORTMAN, Mr. CORNYN, Mrs. HYDE-SMITH, Mrs. CAPITO, Mr. JOHNSON, Mr. MARSHALL, Mr. BURR, and Mr. YOUNG):

S. 322. A bill to amend the Health Insurance Portability and Accountability Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL:

S. 323. A bill to terminate the Department of Education; to the Committee on Homeland Security and Governmental Affairs.

By Ms. WARREN (for herself, Mrs. MURRAY, Mr. BOOKER, Mr. MARKEY, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. CASEY, Mr. WYDEN, Mr. VAN HOLLEN, Mr. MERKLEY, Mr. BROWN, Ms. HIRONO, and Ms. DUCKWORTH):

S. 324. A bill to report data on COVID–19 in Federal, State, and local correctional facilities, and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI:

S. 325. A bill to amend the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act to extend the deadline for a report by the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes; to the Committee on Indian Affairs.

By Ms. KLOBUCHAR (for herself, Mrs. CAPITO, Ms. CORTEZ MASTO, Mr. KING, Mr. BOOZMAN, and Mr. SULLIVAN):

S. 326. A bill to require the Secretary of Commerce to conduct an assessment and analysis of the effects of broadband deployment and adoption on the economy of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KELLY (for himself and Mr. CORNYN):

S. 327. A bill to direct the Administrator of the Small Business Administration to establish a border closure recovery loan program for small businesses located near the United States border, and for other purposes; to the Committee on Finance.

By Ms. WARREN (for herself, Mr. BOOKER, and Mr. BLUMENTHAL):

S. 328. A bill to establish procedures related to the coronavirus disease 2019 (COVID–19) in correctional facilities; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. SCOTT of South Carolina, Ms. SINEMA, and Mr. YOUNG):

S. 329. A bill to require the Secretary of Commerce to conduct an assessment and analysis relating to the decline in the business formation rate in the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. WICKER:

S. 330. A bill to appropriate amounts to the Department of Veterans Affairs to fund State home construction projects that have been approved before the date of the enactment of this Act; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PETERS:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mr. CARPER:

S. Res. 49. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. REED:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. BROWN:

S. Res. 51. An original resolution authorizing expenditures by the Committee on

Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Ms. STABENOW:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. WARNER:

S. Res. 53. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. SCHATZ:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mrs. MURRAY:

S. Res. 55. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Ms. CANTWELL:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Ms. KLOBUCHAR (for herself and Mr. SCOTT of South Carolina):

S. Res. 57. A resolution expressing support for the designation of the week of February 13 through February 20, 2021, as ''National Entrepreneurship Week'' to recognize the importance and contributions of entrepreneurs and startups to the economic prosperity of the United States and the wellbeing of every community across the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S. 13, a bill to establish an advisory committee to make recommendations on improvements to the security, integrity, and administration of Federal elections.

S. 26

At the request of Mr. PORTMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 26, a bill to provide the Administrator of the Drug-Free Communities Support Program the authority to waive the Federal fund limitation for the Drug-Free Communities Support Program.

S. 32

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 32, a bill to provide for the establishment of a standing Health Force and a Resilience Force to respond to public health emergencies and meet public health needs.

S. 35

At the request of Mr. VAN HOLLEN, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. 35, a bill to award a Congressional Gold Medal to Officer Eugene Goodman.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 35, supra.

S. 40

At the request of Mr. BOOKER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 40, a bill to address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes.

S. 59

At the request of Mr. TILLIS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 59, a bill to provide a civil remedy for individuals harmed by sanctuary jurisdiction policies, and for other purposes.

S. 60

At the request of Mr. TILLIS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 60, a bill to provide for the effective use of immigration detainers to enhance public safety.

S. 65

At the request of Mr. RUBIO, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 65, a bill to ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic of China do not enter the United States market, and for other purposes.

S. 74

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 74, a bill to expand opportunity through greater choice in education, and for other purposes.

S. 80

At the request of Ms. ERNST, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S. 80, a bill to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

S. 98

At the request of Mr. CARDIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 98, a bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for neighborhood revitalization, and for other purposes.

S. 120

At the request of Mr. SCHATZ, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 120, a bill to prevent and respond to the misuse of communications services that facilitates domestic violence and other crimes.

S. 121

At the request of Ms. ROSEN, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 121, a bill to amend the Workforce Innovation and Opportunity Act to establish demonstration and pilot projects to facilitate education and training programs in the field of advanced manufacturing.

S. 145

At the request of Mr. DAINES, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 145, a bill to amend title 5, United States Code, to repeal the requirement that the United States Postal Service prepay future retirement benefits, and for other purposes.

S. 171

At the request of Mr. DAINES, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 171, a bill to authorize the Keystone XL Pipeline.

S. 211

At the request of Mr. RUBIO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 211, a bill to prohibit the Secretary of Education from providing Federal elementary and secondary education funds for fiscal year 2021 or COVID–19 relief funds to an elementary school or secondary school that does not offer in-person instruction.

S. 212

At the request of Mr. CARDIN, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Pennsylvania (Mr. CASEY), the Senator from West Virginia (Mrs. CAPITO) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 212, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit against income tax for the purchase of qualified access technology for the blind.

S. 225

At the request of Ms. KLOBUCHAR, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 225, a bill to reform the antitrust laws to better protect competition in the American economy, to amend the Clayton Act to modify the standard for an unlawful acquisition, to deter anticompetitive exclusionary conduct that harms competition and consumers, to enhance the ability of the Department of Justice and the Federal Trade Commission to

enforce the antitrust laws, and for other purposes.

S. 248

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 248, a bill to provide paid family and medical leave benefits to certain individuals, and for other purposes.

S. 255

At the request of Mr. WICKER, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from Oregon (Mr. MERKLEY), the Senator from Arizona (Mr. KELLY), the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Illinois (Ms. DUCKWORTH) were added as cosponsors of S. 255, a bill to establish a $120,000,000,000 Restaurant Revitalization Fund to provide structured relief to food service or drinking establishments, and for other purposes.

S. 278

At the request of Mr. WARNOCK, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 278, a bill to require the Secretary of Agriculture to provide assistance for socially disadvantaged farmers and ranchers and socially disadvantaged groups, and for other purposes.

S.J. RES. 3

At the request of Mr. CRUZ, the name of the Senator from Wyoming (Ms. LUMMIS) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S.J. RES. 4

At the request of Mr. RUBIO, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of not more than 9 justices.

S. CON. RES. 3

At the request of Mr. MANCHIN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Illinois (Ms. DUCKWORTH) were added as cosponsors of S. Con. Res. 3, a concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the last Medal of Honor recipient of World War II, in order to honor the Greatest Generation and the more than 16,000,000 men and women who served in the Armed Forces of the United States from 1941 to 1945.

S. RES. 17

At the request of Ms. ERNST, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Res. 17, a resolution expressing the sense of the Senate that clean water is a national priority and that the April 21, 2020, Navigable Waters Protection Rule should not be withdrawn or vacated.

S. RES. 34

At the request of Mr. MENENDEZ, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Rhode Island (Mr. REED), the Senator from Oregon (Mr. WYDEN), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Wyoming (Ms. LUMMIS) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. Res. 34, a resolution recognizing the 200th anniversary of the independence of Greece and celebrating democracy in Greece and the United States.

S. RES. 45

At the request of Mr. BOOKER, the names of the Senator from Tennessee (Mr. HAGERTY), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Indiana (Mr. BRAUN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Indiana (Mr. YOUNG), the Senator from New Mexico (Mr. LUJÁN), the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. Res. 45, a resolution celebrating Black History Month.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. DURBIN (for himself and Mr. CASSIDY):

S. 308. A bill to establish a pilot program to address shortages of testing equipment and personal protective equipment through enhanced domestic production, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Providers Everywhere in America Act'' or the ''PPE in America Act''.

SEC. 2. DOMESTIC PPE PROCUREMENT PILOT PROGRAM.

(a) IN GENERAL.—Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) is amended by adding at the end the following:

''(6) DOMESTIC PROCUREMENT PILOT PROGRAM.—

''(A) IN GENERAL.—

''(i) REQUIREMENT TO PURCHASE DOMESTIC END PRODUCTS.—For the period of fiscal years 2022 through 2026, subject to clause (ii), the Secretary shall ensure—

''(I) that not less than 40 percent of amounts made available under this section for purposes of procuring covered testing equipment and personal protective equipment for the stockpile under paragraph (1) are allocated to procurement of such equipment that is a domestic end product (as defined in part 25.003 of the Federal Acquisition Regulations maintained under section 1303(a)(1) of title 41, United States Code (or any successor regulations)) manufactured by an entity or entities that enter into a contract with the Secretary to sell such equipment to the Secretary for such purpose; and

''(II) that additional amounts made available under this section for the purposes described in subclause (I), up to 100 percent of such amounts, are allocated to procurement of domestic end products as described in subclause (I), provided that, with respect to any such procurement of domestic end products in excess of the amount required under subclause (I), domestic supply exists and the costs of procuring equipment that is a domestic end product are not unreasonably high compared to other equipment that is not a domestic end product.

''(ii) EXCEPTION.—In the event that there is insufficient domestic end product available for procurement to meet the needs for certain covered testing equipment and personal protective equipment for the stockpile under paragraph (1) while satisfying the requirement of clause (i)(I), or that the cost of procuring equipment that is a domestic end product in quantities required under clause (i)(I) would be unreasonably high compared to other equipment that is not a domestic end product, clause (i)(I) shall apply with respect to the applicable equipment only to the extent that such equipment that is a domestic end product is available and to the extent that the cost is not unreasonable, as applicable.

''(B) SALE OR TRANSFER OF PPE.—

''(i) IN GENERAL.—With respect to any covered testing equipment and personal protective equipment in the stockpile under paragraph (1), the Secretary—

''(I) shall assess the stock of such equipment on a regular basis, and not less frequently than—

''(aa) twice per year, other than during periods described in item (bb); or

''(bb) monthly, during any period in which the Secretary determines it likely that such equipment will be deployed, such as during a public health emergency;

''(II) shall communicate to manufacturers and suppliers of such equipment to the stockpile under paragraph (1) if an assessment under subclause (I) indicates that there will be an increased need for such equipment;

''(III) may, at appropriate intervals and with respect to any such equipment in such stockpile—

''(aa) transfer such equipment to other agencies or operating divisions within the Department of Health and Human Services, or to the Department of Defense, the Department of Homeland Security, the Department of Veterans Affairs, or any other Federal agency or department, in accordance with the needs of such agencies, divisions, or departments; or

''(bb) sell such equipment to health care facilities at a competitive price, as determined by the Secretary, taking into account the current market pricing for the applicable equipment and the operational budget for the stockpile; and

''(IV) may enter into a contract or cooperative agreement with an entity that has expertise in supply chain logistics and management to carry out the activities described in this subparagraph.

''(ii) GROUP PURCHASING ORGANIZATIONS AND MEDICAL PRODUCT DISTRIBUTORS.—In making sales under clause (i)(II)(bb), the Secretary may transact with group purchasing organizations and medical product distributors to facilitate timeliness, logistical assistance, and appropriate pricing, and to determine appropriate amounts of covered testing equipment and personal protective equipment for applicable health care facilities.

''(iii) COMPENSATION TO HHS.—

''(I) TRANSFERS FROM OTHER AGENCIES.—A Federal agency receiving equipment as described in clause (i)(II)(aa) shall transfer to the Secretary such amounts as the Secretary and head of the applicable agency determine to be fair compensation for such equipment.

''(II) SALES OF PPE.—There shall be transferred from the Treasury to the Secretary each fiscal year, for purposes of procuring covered testing equipment and personal protective equipment for the stockpile under paragraph (1), an amount equal to the sum of the amount received in the previous fiscal year from sales described in clause (i)(II)(bb).

''(C) VENDOR-MANAGED INVENTORY.—For purposes of meeting the goals under subparagraph (A), and to promote efficient and predictable operations of the stockpile while mitigating the risk of product expiration or shortages, the Secretary may enter into arrangements, through a competitive bidding process, with one or more manufacturers of domestic end products to establish and utilize revolving stockpiles of covered testing equipment and personal protective equipment managed and operated by such manufacturer. Under such an arrangement—

''(i) the manufacturer (or a subcontractor or agent of the manufacturer)—

''(I) shall—

''(aa) produce or procure covered testing equipment or personal protective equipment for the stockpile under paragraph (1);

''(bb) maintain constant supply, possession, and re-stocking capacity of such equipment in such quantities as the Secretary requires for purposes of the stockpile under paragraph (1); and

''(cc) fulfill or support the deployment, distribution, or dispensing functions of the stockpile at the State and local levels, consistent with paragraph (3); and

''(II) may sell or transfer such equipment for the purposes of the manufacturer's existing inventory and commercial contracts; and

''(ii) the Secretary shall—

''(I) compensate the manufacturer for the covered testing equipment or personal protective equipment; and

''(II) pay a management fee, as appropriate.

''(D) EVALUATION AND REPORT.—

''(i) IN GENERAL.—The Secretary shall—

''(I) conduct an evaluation of the program under this paragraph;

''(II) not later than 2 years after the date of enactment of this paragraph, submit an interim report to Congress on such program; and

''(III) not later than 5 years after the date of enactment of this paragraph, complete such evaluation and submit to Congress a final report on the program.

''(ii) CONSIDERATIONS.—The evaluation and reports under clause (i) shall consider how the program has impacted the continuity of stockpiling and readiness for the stockpile under paragraph (1), implications of the program on the domestic supply chain, cost effectiveness of the program, and access to covered testing equipment and personal protective equipment for the Federal agencies and health care facilities pursuant to subparagraph (B)(i)(II).

''(E) COVERED TESTING EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT.—For purposes of this paragraph, the term 'covered testing equipment and personal protective equipment' means diagnostic supplies (which may include test kits, reagents, and swabs), respirators, masks, gloves, eye and face protection, gowns, and any other appropriate ancillary medical equipment or supplies related to testing or personal protection that meet the Secretary's requirements for inclusion in the stockpile under paragraph (1).''.

By Mr. DURBIN (for himself, Mr. LEE, and Mr. COONS):

S. 309. A bill to give Federal courts additional discretion to determine whether pretrial detention is appropriate for defendants charged with nonviolent drug offenses in Federal criminal cases; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Smarter Pretrial Detention for Drug Charges Act of 2021''.

SEC. 2. RELEASE CONDITIONS AND DETENTION IN FEDERAL CRIMINAL CASES.

Section 3142 of title 18, United States Code, is amended—

(1) by striking ''(42 U.S.C. 14135a)'' each place it appears and inserting ''(34 U.S.C. 40702)''; and

(2) in subsection (e)(3)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively.

By Mrs. FEINSTEIN (for herself and Mr. CORNYN):

S. 311. A bill to amend the Higher Education Act of 1965 to include certain employment as a health care practitioner as eligible for public service loan forgiveness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. FEINSTEIN. Mr. President, I rise today to talk about an issue of critical importance to California: doctor shortages.

First, I want to express my deepest appreciation and gratitude to the entire medical community, particularly the doctors, nurses, and support staff who have been on the frontlines of the coronavirus pandemic. Amidst a severe shortage of protective equipment, they nevertheless continue to work around the clock to save countless lives. I—and my colleagues—are eternally grateful.

I have heard from countless Californians who have said the same thing: we need more doctors.

That is why Congress established the Public Service Loan Forgiveness Program in 2007 to encourage doctors to pursue careers at public and nonprofit facilities, especially in areas experiencing physician shortages. As a result, physicians who provide care in a nonprofit or public hospital can have their student debt forgiven by the Public Service Loan Forgiveness Program after making 120 qualifying monthly payments under a qualifying repayment plan.

However, when the Department of Education issued implementing guidance for the program, it unintentionally excluded California and Texas physicians from being eligible to receive loan forgiveness by requiring that borrowers be classified as employees in order to be eligible for loan forgiveness.

The problem is that under state law in California and Texas, doctors are prevented from being directly employed by corporations, including nonprofit organizations. As a result, physicians in California and Texas who provide medical services at nonprofit hospitals do not currently qualify for the Public Service Loan Forgiveness program.

To make matters worse, the United States is facing a shortage of physicians, especially in California.

The Council on Graduate Medical Education recommends 60 to 80 primary care physicians per 100,000 people. However, statewide in California, the number is already down to just 50 per 100,000 people. And in some places, it is even lower: down to 35 primary care physicians per 100,000 people and 39 per 100,000 people in the Inland Empire and San Joaquin Valley, respectively.

During this difficult and challenging time, it is clear that more medical professionals are needed. And long after this pandemic ends, we will still need more doctors to provide high-quality care, in both rural and urban areas.

That is why I am pleased to introduce the bipartisan ''Stopping Doctor Shortages Act.'' This legislation would help attract more doctors to public service and address the looming physician shortage by fixing a loophole that prevents thousands of doctors from participating in the Public Service Loan Forgiveness Program.

According to the California Medical Association, this bill alone could bring as many as 10,000 physicians to California over the next ten years.

Similar legislation, soon to be introduced in the House by Representatives JOSH HARDER, JAY OBERNOLTE, JOAQUIN CASTRO, and VAN TAYLOR, also enjoys bipartisan support.

I would like to thank Senator JOHN CORNYN for his support on this critical issue and for cosponsoring the bill.

I ask my colleagues to join us to pass the ''Stopping Doctor Shortages Act'' in a timely manner as we continue to find ways to combat the coronavirus pandemic and save lives.

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

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. TILLIS, Mr. COONS, Mr. CRAMER, Mr. BOOKER, and Mr. WICKER):

S. 312. A bill to expand eligibility for and provide judicial review for the Elderly Home Detention Pilot Program, provide for compassionate release based on COVID–19 vulnerability, shorten the waiting period for judicial review during the COVID–19 pandemic, and make other technical corrections; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''COVID–19 Safer Detention Act of 2021''.

SEC. 2. DEFINITION OF COVERED EMERGENCY PERIOD.

Section 12003(a)(2) of the CARES Act (18 U.S.C. 3621 note) is amended—

(1) by striking ''ending on the date'' and inserting the following: ''ending on the later of—

''(A) the date'';

(2) in subparagraph (A), as so designated, by striking the ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(B) the date that is 30 days after the date on which the Bureau of Prisons ceases modified operations in response to COVID–19; and''.

SEC. 3. HOME DETENTION FOR CERTAIN ELDERLY NONVIOLENT OFFENDERS.

Section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) JUDICIAL REVIEW.—

''(i) IN GENERAL.—Upon motion of a defendant, on or after the date described in clause (ii), a court may reduce an imposed term of imprisonment of the defendant and substitute a term of supervised release with the condition of home detention for the unserved portion of the original term of imprisonment, after considering the factors set forth in section 3553(a) of title 18, United States Code, if the court finds the defendant is an eligible elderly offender or eligible terminally ill offender.

''(ii) DATE DESCRIBED.—The date described in this clause is the earlier of—

''(I) the date on which the defendant fully exhausts all administrative rights to appeal a failure of the Bureau of Prisons to place the defendant on home detention; or

''(II) the expiration of the 30-day period beginning on the date on which the defendant submits to the warden of the facility in which the defendant is imprisoned a request for placement of the defendant on home detention, regardless of the status of the request.''; and

(2) in paragraph (5)—

(A) in subparagraph (A)(ii)—

(i) by inserting ''including offenses under the laws of the District of Columbia,'' after ''offense or offenses,''; and

(ii) by striking ''2/3 of the term of imprisonment to which the offender was sentenced'' and inserting ''1/2 of the term of imprisonment reduced by any credit toward the service of the offender's sentence awarded under section 3624(b) of title 18, United States Code''; and

(B) in subparagraph (D)(i), by inserting '', including offenses under the laws of the District of Columbia,'' after ''offense or offenses,''.

SEC. 4. COMPASSIONATE RELEASE TECHNICAL CORRECTION.

Section 3582 of title 18, United States Code, is amended—

(1) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after ''case'' the following: '', including, notwithstanding any other provision of law, any case involving an offense committed before November 1, 1987''; and

(B) in subparagraph (A)—

(i) by inserting '', on or after the date described in subsection (d)'' after ''upon motion of a defendant''; and

(ii) by striking ''after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier,'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

''(d) DATE DESCRIBED.—For purposes of subsection (c)(1)(A), the date described in this subsection is the earlier of—

''(1) the date on which the defendant fully exhausts all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf; or

''(2) the expiration of the 30-day period beginning on the date on which the defendant submits a request for a reduction in sentence to the warden of the facility in which the defendant is imprisoned, regardless of the status of the request.''.

SEC. 5. TEMPORARY SHORTENING OF ADMINISTRATIVE EXHAUSTION.

Section 12003 of the CARES Act (18 U.S.C. 3621 note) is amended by adding at the end the following:

''(e) COMPASSIONATE RELEASE.—For purposes of a motion filed under section 3582(c)(1) of title 18, United States Code, during the covered emergency period—

''(1) the 30-day waiting period requirement in section 3582(d)(2) shall be reduced to not more than 10 days; and

''(2) in the case of a defendant who is, according to guidance from the Centers for Disease Control and Prevention, considered to be at a higher risk for severe illness from COVID–19, including because the defendant is 60 years of age or older or has an underlying medical condition, such risk shall be considered to be an extraordinary and compelling reason under subparagraph (A)(i) of such section 3582(c)(1).

''(f) NONVIOLENT ELDERLY OFFENDERS.—For the purpose of a motion filed under subparagraph (D) of section 231(g)(1) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)(1)), during the covered emergency period, the 30-day waiting period requirement clause (ii)(II) of such subparagraph (D) shall be reduced to 10 days.''.

By Mr. DURBIN (for himself, Ms. DUCKWORTH, Mr. BOOKER, Ms. SMITH, Ms. BALDWIN, Mr. SANDERS, Mrs. GILLIBRAND, Mrs. SHAHEEN, Ms. ROSEN, Ms. HIRONO, Mr. MERKLEY, and Mr. HEINRICH):

S. 313. A bill to amend the Food and Nutrition Act of 2008 to expand online benefit redemption options under the supplemental nutrition assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Expanding SNAP Options Act of 2021''.

SEC. 2. ONLINE PORTAL FOR SNAP BENEFIT REDEMPTION.

Section 7(h)(14) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(14)) is amended—

(1) in subparagraph (A), by striking ''Subject to subparagraph (B), the'' and inserting ''The''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) EBT ONLINE REDEMPTION PORTAL.—

''(i) PURPOSE.—The purpose of this subparagraph is to expand options for and access to food for eligible households by making the online redemption of program benefits, including the acceptance of EBT cards, more widely available to grocery stores, small retailers, and farmers who face barriers in implementing their own online payment portals.

''(ii) CONTRACTS.—Not later than 180 days after the date of enactment of the Expanding SNAP Options Act of 2021, the Secretary shall award on a competitive basis 1 or more contracts to 1 or more eligible entities described in clause (iii) to develop an online portal, to be known as the 'EBT Online Redemption Portal'—

''(I) to allow program participants to use online or mobile electronic benefits transactions, including through the acceptance of EBT cards, to purchase program foods from, and make online payments to, authorized program retailers under the supplemental nutrition assistance program; and

''(II) to facilitate food purchase delivery for program participants using the transactions described in subclause (I).

''(iii) ELIGIBLE ENTITY.—An eligible entity referred to in clause (ii) is any for-profit or nonprofit entity with demonstrable expertise in the development, operation, or maintenance of electronic payment systems (including systems with advanced security protocols), which may include expertise in benefits management or administration of State systems, as determined by the Secretary.

''(iv) APPLICATION; PORTAL FEATURES.—

''(I) APPLICATION.—An eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(aa) a description of how the eligible entity plans to implement the requirements described in clause (v); and

''(bb) a beta plan that has been user-tested.

''(II) PORTAL FEATURES.—In awarding a contract to an eligible entity under clause (ii), the Secretary shall give preference to an eligible entity that demonstrates an ability to implement the following features of an EBT Online Redemption Portal:

''(aa) Client-facing technology with a primary preference for mobile device or smartphone application.

''(bb) Fail-safe systems to maintain privacy and online security of data.

''(cc) Ability to redirect a consumer to an existing online platform of a vendor, if applicable.

''(dd) Ability to update as technologies evolve.

''(ee) Ease of operation for program participants, including multilingual functionality.

''(ff) Interoperability with delivery technologies and interfaces.

''(gg) Identification of participating retailers within geographic proximity to the user.

''(hh) Ability to perform single transactions using mixed tender, including a single transaction for eligible food items using an EBT card and noneligible items using another form of payment.

''(ii) Adherence to a comprehensive business continuity and disaster recovery plan—

''(AA) to allow the portal to recover from any interruption of service; and

''(BB) that includes sufficient back-up systems, equipment, facilities, and trained personnel to implement the plan.

''(v) REQUIREMENTS.—

''(I) IN GENERAL.—The Online EBT Redemption Portal developed by the eligible entity awarded the contract under clause (ii) shall—

''(aa) enable the integrated processing of an online EBT transaction by providing a platform and facilitating the purchasing interaction between the consumer, retailer, third-party processors (for EBT card processing and the secure online entry of a personal identification number), and delivery vendor, as applicable;

''(bb) to deter fraud, have in place for program participants privacy and security protections, similar to protections provided under existing electronic benefit transfer methods, including entry of a personal identification number in a manner that complies with the guidelines of leading national consensus standards organizations, as determined by the Secretary, for encrypting personal identification number entry;

''(cc) be secure and operate in a manner that maintains program integrity, including food item eligibility;

''(dd) be available in an initial or beta version not later than 120 days after the date on which the eligible entity is awarded the contract;

''(ee) be ready to be fully deployed in all States not later than 180 days after the date described in item (dd);

''(ff) be available for use by any retail food store or wholesale food concern authorized under section 9 to accept and redeem benefits under the supplemental nutrition assistance program—

''(AA) at no charge beyond a nominal fee that is not more than reasonably necessary to support maintenance of the portal and subject to the approval of the Secretary; and

''(BB) on an application-based and browser-based platform for smartphones and a browser-based online platform for tablets and computers;

''(gg) adhere to commercial standards for service level availability to ensure the viability of the portal and the use of the portal by retail food stores and wholesale food concerns authorized under section 9 to accept and redeem benefits under the supplemental nutrition assistance program; and

''(hh) perform ongoing maintenance services and retailer enrollment and termination of enrollment activities to ensure continuous operability of the portal.

''(II) EVALUATION OF BETA VERSION.—The Secretary shall conduct a review of the initial or beta version of the Online EBT Redemption Portal under subclause (I)(dd), including by soliciting feedback from program participants.

''(vi) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of the Expanding SNAP Options Act of 2021, the Secretary shall submit to Congress a report on the status of activities carried out under this subparagraph.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, $25,000,000 to provide under the contract described in clause (ii).''.

SEC. 3. BROAD ACCEPTANCE OF SNAP BENEFITS THROUGH ONLINE TRANSACTIONS.

Section 7(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(k)) is amended—

(1) by striking ''on-line'' each place it appears and inserting ''online'';

(2) in paragraph (1)—

(A) by striking ''Subject to paragraph (4), the'' and inserting ''The''; and

(B) by inserting ''in any State'' after ''stores''; and

(3) by striking paragraph (4) and inserting the following:

''(4) TECHNICAL ASSISTANCE.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COVERED ENTITY.—The term 'covered entity' means a public or private nonprofit entity.

''(ii) ELIGIBLE ENTITY.—The term 'eligible entity' means a retail food store or wholesale food concern authorized under section 9 to accept and redeem benefits under the supplemental nutrition assistance program.

''(B) TECHNICAL ASSISTANCE CENTER.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall, on a competitive basis, award 1 or more grants to, or enter into 1 or more cooperative agreements with, 1 or more covered entities to establish a technical assistance center, to be known as the 'SNAP Online Purchasing Technical Assistance Center', to provide—

''(i) to State agencies, eligible entities, and program participants information on and technical assistance with, as applicable—

''(I) accepting program benefits through online transactions;

''(II) using the EBT Online Redemption Portal described in subsection (h)(14)(B);

''(III) in the case of State agencies, conducting outreach to eligible entities to ensure that those eligible entities are informed of the technical assistance provided by the center;

''(IV) research, training, and best practices relating to redeeming program benefits through online transactions; and

''(V) facilitating communication between eligible entities, applicable State agencies, and the Department of Agriculture; and

''(ii) to eligible entities direct grants to defray the technological costs of carrying out the activities described in subclauses (I) and (II) of clause (i).

''(C) QUALIFICATIONS.—At least 1 covered entity that receives a grant or enters into a cooperative agreement under subparagraph (B) shall have expertise in providing technical assistance to food retailers operating under a Federal nutrition program.

''(D) TECHNICAL ASSISTANCE PRIORITY.—In providing technical assistance to eligible entities, the SNAP Online Purchasing Technical Assistance Center shall give priority to eligible entities that are small and limited-resource retailers.

''(E) FUNDING.—There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, $75,000,000 to carry out this paragraph, to remain available until expended, of which not more than 3 percent may be used by the Secretary for administrative expenses.

''(5) PUBLICATION OF ONLINE VENDORS.—The Secretary shall maintain on the website of the Department of Agriculture a publicly available listing, organized and searchable by region, locality, and State, of all approved retail food stores accepting benefits from recipients of supplemental nutrition assistance, including through online transactions.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 48—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. PETERS submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 48

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate and S. Res. 445 (108th Congress), agreed to October 9, 2004, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (in this resolution referred to as the ''committee'') is authorized from March 1, 2021 through February 28, 2023, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2021.—The expenses of the committee for the period March 1, 2021 through September 30, 2021 under this resolution shall not exceed $6,430,401, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2022 PERIOD.—The expenses of the committee for the period October 1, 2021 through September 30, 2022 under this resolution shall not exceed $11,023,545, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2023.—The expenses of the committee for the period October 1, 2022 through February 28, 2023 under this resolution shall not exceed $4,593,144, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2021 through September 30, 2021;

(2) for the period October 1, 2021 through September 30, 2022; and

(3) for the period October 1, 2022 through February 28, 2023.

SEC. 4. INVESTIGATIONS.

(a) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety, including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(5) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into the discovery and development of alternative energy supplies; and

(7) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(b) EXTENT OF INQUIRIES.—In carrying out the duties provided in subsection (a), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(c) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this section, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman is authorized, in its, his, her, or their discretion—

(1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(2) to hold hearings;

(3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(4) to administer oaths; and

(5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(d) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(e) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and any duly authorized subcommittee of the committee authorized under S. Res. 70 (116th Congress), agreed to February 27, 2019, are authorized to continue.

SENATE RESOLUTION 49—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CARPER submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 49

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works (in this resolution referred to as the ''committee'') is authorized from March 1, 2021 through February 28, 2023, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2021.—The expenses of the committee for the period March 1, 2021 through September 30, 2021 under this resolution shall not exceed $3,310,821, of which amount—

(1) not to exceed $4,666 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $1,166 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2022 PERIOD.—The expenses of the committee for the period October 1, 2021 through September 30, 2022 under this resolution shall not exceed $5,675,695, of which amount—

(1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $2,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2023.—The expenses of the committee for

the period October 1, 2022 through February 28, 2023 under this resolution shall not exceed $2,364,874, of which amount—

(1) not to exceed $3,334 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $834 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2021 through September 30, 2021;

(2) for the period October 1, 2021 through September 30, 2022; and

(3) for the period October 1, 2022 through February 28, 2023.

SENATE RESOLUTION 50—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. REED submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 50

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services (in this resolution referred to as the ''committee'') is authorized from March 1, 2021 through February 28, 2023, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2021.—The expenses of the committee for the period March 1, 2021 through September 30, 2021 under this resolution shall not exceed $4,786,564, of which amount—

(1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $11,667 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2022 PERIOD.—The expenses of the committee for the period October 1, 2021 through September 30, 2022 under this resolution shall not exceed $8,205,538, of which amount—

(1) not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2023.—The expenses of the committee for the period October 1, 2022 through February 28, 2023 under this resolution shall not exceed $3,418,947, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $8,333 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2021 through September 30, 2021;

(2) for the period October 1, 2021 through September 30, 2022; and

(3) for the period October 1, 2022 through February 28, 2023.

SENATE RESOLUTION 51—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 51

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs (in this resolution referred to as the ''committee'') is authorized from March 1, 2021 through February 28, 2023, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2021.—The expenses of the committee for the period March 1, 2021 through September 30, 2021 under this resolution shall not exceed $3,730,507, of which amount—

(1) not to exceed $11,666 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $875 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2022 PERIOD.—The expenses of the committee for the period October 1, 2021 through September 30, 2022 under this resolution shall not exceed $6,395,155, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $1,500 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2023.—The expenses of the committee for the period October 1, 2022 through February 28, 2023 under this resolution shall not exceed $2,664,648, of which amount—

(1) not to exceed $8,334 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $625 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2021 through September 30, 2021;

(2) for the period October 1, 2021 through September 30, 2022; and

(3) for the period October 1, 2022 through February 28, 2023.

SENATE RESOLUTION 52—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. STABENOW submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 52

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry (in this resolution referred to as the ''committee'') is authorized from March 1, 2021 through February 28, 2023, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2021.—The expenses of the committee for the period March 1, 2021 through September 30, 2021 under this resolution shall not exceed $3,172,421, of which amount—

(1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $40,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2022 PERIOD.—The expenses of the committee for the period October 1, 2021 through September 30, 2022 under this resolution shall not exceed $5,438,436, of which amount—

(1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $40,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2023.—The expenses of the committee for the period October 1, 2022 through February 28, 2023 under this resolution shall not exceed $2,266,015, of which amount—

(1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $40,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2021 through September 30, 2021;

(2) for the period October 1, 2021 through September 30, 2022; and

(3) for the period October 1, 2022 through February 28, 2023.

SENATE RESOLUTION 53—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 53

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under S. Res. 400 (94th Congress), agreed to May 19, 1976, as amended by S. Res. 445 (108th Congress), agreed to October 9, 2004, in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence (in this resolution referred to as the ''committee'') is authorized from March 1, 2021 through February 28, 2023, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2021.—The expenses of the committee for the period March 1, 2021 through September 30, 2021 under this resolution shall not exceed $4,078,193, of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

(b) EXPENSES FOR FISCAL YEAR 2022 PERIOD.—The expenses of the committee for the period October 1, 2021 through September 30, 2022 under this resolution shall not exceed $6,991,188, of which amount not to exceed $17,144 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2023.—The expenses of the committee for the period October 1, 2022 through February 28, 2023 under this resolution shall not exceed $2,912,995, of which amount not to exceed $7,143 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may

be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2021 through September 30, 2021;

(2) for the period October 1, 2021 through September 30, 2022; and

(3) for the period October 1, 2022 through February 28, 2023.

SENATE RESOLUTION 54—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON INDIAN AFFAIRS

Mr. SCHATZ submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 104, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs (in this resolution referred to as the ''committee'') is authorized from March 1, 2021 through February 28, 2023, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2021.—The expenses of the committee for the period March 1, 2021 through September 30, 2021 under this resolution shall not exceed $1,416,443, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2022 PERIOD.—The expenses of the committee for the period October 1, 2021 through September 30, 2022 under this resolution shall not exceed $2,428,188, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2023.—The expenses of the committee for the period October 1, 2022 through February 28, 2023 under this resolution shall not exceed $1,011,745, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2021 through September 30, 2021;

(2) for the period October 1, 2021 through September 30, 2022; and

(3) for the period October 1, 2022 through February 28, 2023.

SENATE RESOLUTION 55—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 55

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions (in this resolution referred to as the ''committee'') is authorized from March 1, 2021 through February 28, 2023, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2021.—The expenses of the committee for the period March 1, 2021 through September 30, 2021 under this resolution shall not exceed $6,085,953, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $25,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2022 PERIOD.—The expenses of the committee for the period October 1, 2021 through September 30, 2022 under this resolution shall not exceed $10,433,063, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $25,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2023.—The expenses of the committee for the period October 1, 2022 through February 28, 2023 under this resolution shall not exceed $4,347,110, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $25,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2021 through September 30, 2021;

(2) for the period October 1, 2021 through September 30, 2022; and

(3) for the period October 1, 2022 through February 28, 2023.

SENATE RESOLUTION 56—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. CANTWELL submitted the following resolution; from the Committee

on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 56

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation (in this resolution referred to as the ''committee'') is authorized from March 1, 2021 through February 28, 2023, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2021.—The expenses of the committee for the period March 1, 2021 through September 30, 2021 under this resolution shall not exceed $4,561,289, of which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $50,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2022 PERIOD.—The expenses of the committee for the period October 1, 2021 through September 30, 2022 under this resolution shall not exceed $7,869,484, of which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $50,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2023.—The expenses of the committee for the period October 1, 2022 through February 28, 2023 under this resolution shall not exceed $3,278,947, of which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $50,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2021 through September 30, 2021;

(2) for the period October 1, 2021 through September 30, 2022; and

(3) for the period October 1, 2022 through February 28, 2023.

SENATE RESOLUTION 57—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF FEBRUARY 13 THROUGH FEBRUARY 20, 2021, AS ''NATIONAL ENTREPRENEURSHIP WEEK'' TO RECOGNIZE THE IMPORTANCE AND CONTRIBUTIONS OF ENTREPRENEURS AND STARTUPS TO THE ECONOMIC PROSPERITY OF THE UNITED STATES AND THE WELL-BEING OF EVERY COMMUNITY ACROSS THE UNITED STATES

Ms. KLOBUCHAR (for herself and Mr. SCOTT of South Carolina) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 57

Whereas the experiment of self-governance is a profoundly entrepreneurial undertaking, grounded in the spirit of freedom, adventure, and enterprise;

Whereas the entrepreneurial spirit, which is the ability, freedom, and courage to strike out on one's own and build something new, is central to the identity of the United States and woven into the national consciousness;

Whereas the United States is a nation of entrepreneurs, with small businesses—

(1) comprising 99 percent of all businesses in the United States; and

(2) employing nearly half of all workers in the United States;

Whereas the Partnership for 21st Century Skills identified financial, economic, business literacy, and entrepreneurship skills as the types of skills students need in order to enhance workplace productivity and career opportunities;

Whereas students who participate in entrepreneurship education programs have better attendance records, perform better on core subjects, and have lower drop-out rates than those who do not participate in those programs;

Whereas the COVID–19 pandemic has—

(1) closed hundreds of thousands of new businesses, also known as ''startups'', and small businesses, which has disproportionally affected women and people of color; and

(2) destroyed millions of jobs, heightening the urgency of accelerating the post-COVID–19 recovery;

Whereas research has demonstrated that startups—

(1) are disproportionately responsible for the innovations that drive gains in productivity, which, in turn, propel economic growth; and

(2) account for an outsized portion of net new job creation in the United States;

Whereas research has demonstrated that rates of entrepreneurship in the United States have been in decline in recent decades, and that this decline is occurring in all 50 States and across a broad range of industry sectors;

Whereas, in the wake of the COVID–19 pandemic, the United States has seen an increase in startup applications as individuals in the United States embody the entrepreneurial spirit to respond to the crisis;

Whereas, given the importance of a thriving entrepreneurial spirit to innovation, economic growth, job creation, rising wages, and expanding opportunity in the United States, the circumstances surrounding the COVID–19 amount to an emergency;

Whereas reversing the decline in entrepreneurship in the United States requires changes in public policy; and

Whereas National Entrepreneurship Week will focus on innovative ways in which innovation, entrepreneurship communities, and policymakers in the United States can work together to improve the environment for entrepreneurs in the United States with the aim of—

(1) reversing the multi-decade decline in entrepreneurship; and

(2) expanding the rate of participation among women entrepreneurs and entrepreneurs of color: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 13 through February 20, 2021, as ''National Entrepreneurship Week'';

(2) celebrates the importance of entrepreneurs and startups to the United States economy;

(3) recognizes the contributions entrepreneurs make to expand opportunity, provide more inclusive prosperity, and increase the well-being of every community across the United States;

(4) affirms the importance and urgency of enacting policies that promote, nurture, and support entrepreneurs and startups; and

(5) encourages Federal, State, and local governments, schools, nonprofit organizations, and other civic organizations to observe National Entrepreneurship Week annually with special events and activities—

(A) to recognize the contributions of entrepreneurs in the United States;

(B) to teach the importance of entrepreneurship to a strong and inclusive economy; and

(C) to take steps to encourage, support, and celebrate future entrepreneurs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 890. Mr. SCHUMER (for Mr. VAN HOLLEN) proposed an amendment to the bill S. 35, to award a Congressional Gold Medal to Officer Eugene Goodman.

TEXT OF AMENDMENTS

SA 890. Mr. SCHUMER (for Mr. VAN HOLLEN) proposed an amendment to the bill S. 35, to award a Congressional Gold Medal to Officer Eugene Goodman; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Officer Eugene Goodman Congressional Gold Medal Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On January 6, 2021, the United States Capitol Building was attacked by armed insurrectionists.

(2) Members of the United States Capitol Police force were overrun and insurrectionists breached the Capitol at multiple points.

(3) Around 2:14 in the afternoon, United States Capitol Police Officer Eugene Goodman confronted an angry group of insurrectionists who unlawfully entered the Capitol, according to video footage taken by Igor Bobic, a reporter with the Huffington Post.

(4) Officer Goodman, alone, delayed the mob's advance towards the United States Senate Chamber and alerted his fellow officers to the location of the insurrectionists.

(5) Upon reaching a second floor corridor, Officer Goodman noticed the entrance to the Senate Chamber was unguarded.

(6) As the mob approached, Officer Goodman intentionally diverted attention away from the Senate entrance and led the mob to an alternate location and additional awaiting officers.

(7) At 2:15 in the afternoon, a Washington Post reporter from inside the Senate Chamber noted ''Senate sealed'' with Senators, staff, and members of the press inside.

(8) Officer Eugene Goodman's selfless and quick-thinking actions doubtlessly saved lives and bought security personnel precious time to secure and ultimately evacuate the Senate before the armed mob breached the Chamber.

(9) Amidst a shocking, unpatriotic attack on the Capitol, Officer Goodman's heroism is recognized not only by Members of Congress and staff but also by the people of the United States they represent.

(10) By putting his own life on the line and successfully, single-handedly leading insurrectionists away from the floor of the Senate Chamber, Officer Eugene Goodman performed his duty to protect the Congress with distinction, and by his actions, Officer Goodman left an indelible mark on American history.

(11) Officer Goodman's actions exemplify the heroism of the many men and women who risked their lives to defend the Capitol on January 6, 2021.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Officer Eugene Goodman.

(b) DESIGN AND STRIKING.—

(1) IN GENERAL.—For the purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(2) IMAGE AND NAME.—The design shall bear an image of, and inscription of the name of, Officer Eugene Goodman.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Mr. President, I ask unanimous consent that the trial adjourn until 10 a.m. tomorrow, Saturday, February 13, and that this also constitute the adjournment of the Senate.

There being no objection, at 6:29 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Saturday, February 13, 2021, at 10 a.m.