The Senate met at 12 noon and was called to order by the Honorable Chris Van Hollen, a Senator from the State of Maryland.

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

Let us pray.

Eternal God, the source of every good and perfect gift, we thank You for the opportunity on yesterday to reflect on how to strive for a more perfect Union.

On an ominous anniversary, You provided us time to meditate on the question, Where do we go from here, chaos or community? Lord, grant that the searching of our hearts will lead our lawmakers toward greater unity and cooperation, enabling them to find creative strategies to keep our Nation strong.

We pray in Your mighty Name.

Amen.

PLEDGE OF ALLEGIANCE
The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore (Mr. Leahy).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Chris Van Hollen, a Senator from the State of Maryland, to perform the duties of the Chair.

Patrick J. Leahy,
President pro tempore.

Mr. Van Hollen thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS
The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR
The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

FREEDOM TO VOTE ACT
Ms. Klobuchar. Mr. President, I come to the floor today to speak in support of legislation that is critical to our democracy, the Freedom to Vote Act, which I introduced this year with many Senators who worked together through the summer to come up with a bill that would make a difference for our country, with input from secretaries of state across our country, election experts, in order to give the people of this country the right to vote, to protect the right to vote, and to make sure that they understood that they can vote anywhere from any ZIP Code in a safe way because right now, sadly, that is simply not the case in many States in our country.

If you are in North Carolina right now and you want to cast a mail-in ballot and you have COVID or you are in the hospital, you have to get a notary public to sign off on your ballot.

If you are in Georgia, and you don’t register, you are a new resident there, you have moved there from another State, and you are in a big election, and you think, well, I am going to vote in the final place, you are no longer allowed to register in the last month as you were in the past during the runoff election.

As we saw in the last election in 2020 in Houston, in that county—5 million people—there was only one drop-off box in the entire county; Harris County, 5 million people, only one drop-off box.

There are places in States where you wait in line, 8, 10 hours in the hot Sun just to exercise your right to vote.
That is why, through the year, we worked together with, of course, Leader SCHUMER, who brought us together, and Senators MANCHIN, MERRKLEY, PADILLA, KING, Kaine, Tester, and WARNOCK—different Senators coming from different parts of the country with different political views or certain issues, but we came together and cosponsored this bill, which is supported by every Member of the Democratic caucus.

I want to thank all of them for their ongoing hard work to get the bill passed and also to thank Senators SCHUMER, DURBIN, Kaine, and MERRKLEY for joining me on the floor today in support of this bill.

The freedom to vote is fundamental to all of our freedoms, which is why we called it the Freedom to Vote Act. It ensures that people are part of a franchise and that government is accountable to the people, but, today, this fundamental guarantee of our system of government is under attack.

Since the 2020 election, we have seen a persistent and coordinated assault on the freedom to vote in States across the country. I just used a few examples of the laws that have changed, the attempts that have been made in nearly every State, with over 400 bills, to change those laws. But then there have been direct threats. Local election officials, many secretaries of state have told me that they are having trouble now recruiting people to run their election-day and election-week facilities. Why? Because there are threats. There have been polls and studies that have shown that election officials in inordinate numbers are the victims of these threats.

One Republican commissioner in Philadelphia, election commissioner who recently left his job, they actually put his family’s names, young kids’ names, a picture of his house, and his address on the internet so that people can track him down. The emails, the voice messages left, the one left for Katie Hobbs, the secretary of state for Arizona: We will hunt you down, Katie. We will hunt you down.

These attacks on our local election officials and also Members of Congress of both parties—a record number 9,600 in the last year, which is double or triple what it has ever been. You cannot look at the incident of January 6, or that insurrection, on its own. These threats of violence have continued into the year.

And why is that? Well, we know there is this enormous lack of trust right now in the election system. We know that people have wrongly been told, have been given misinformation, have been motivated, as we saw, as those people marched down the Mall on January 6, to believe that somehow our democracy and our voting system is a fraud.

Now, we know that is not right because we hear it from Republican and Democratic local officials all the time. President Trump’s own Homeland Security election head, after the last election, said it was the most secure in the history of America. That was President Trump’s appointee. Former Attorney General Barr made it very clear to the press that there was no fraud in the last election of any kind. But yet this lie continues, and people, sadly, continue to believe it.

And what is the most sad is that elected leaders in States—a number of states, 12, multiple States—are passing laws with the false tenet of fraud and literally taking away people’s right to vote, kicking them off of voting rolls. People who for years have gone to one polling location now can’t figure out where they are supposed to vote; people in Georgia who suddenly have been told—after the last election did it differently—that they have to write their birthday on the outside of an envelope. Anyone who is asked to write the date on an envelope for a ballot, one would assume it is the date that you are putting your ballot in the mail. But, no, it is your birthday. That is the kind of thing we are seeing across the country.

As one court in North Carolina once said about previous efforts to suppress the law, it is discrimination with surgical precision, State by State by State.

These attacks on our democracy demand a federalist response. Just as we saw in the 1960s with civil rights legislation, at some point, the Federal Government had to step in. And, in fact, our own Founding Fathers actually anticipated that this might be necessary because right in the Constitution, it says that Congress can “make or alter” the laws regarding Federal elections—as clear as can be, “make or alter” the laws regarding Federal elections.

So what we are talking about here are some minimum standards in place for how you do early voting, for the fact that you can register, for the fact that you can have drop-off boxes, “make or alter” the rules for Federal elections.

When you have States, certain States messing around to the extent that they are, with the clear intent that they have, this is the moment that we look to the Constitution for guidance, and it is right there.

This is why the need for action could not be more serious. This is why, as Leader SCHUMER has announced, we will be moving to advance the Freedom to Vote Act next week.

With State legislatures beginning to convene for their 2022 legislative sessions this week, with plans to pass more bills that will restrict voting and with primaries for the 2022 election just around the corner, we cannot wait another moment.

Yesterday, we gathered in this Chamber to mark 1 year since the violent mob of insurrectionists stormed into this Capitol. I can see everything like it was in technicolor—when we came back into this Chamber, to our desks, everyone looking in their desks to see if anything had been taken; the videos we saw, which only a few hours before people had invaded and were present; and the walk that Senator BLUNT and the Vice President and I took through the broken glass, spray-painted statues, with the young staff members with the mahogany boxes containing the last of the electoral ballots.

As I said 2 weeks later at the inauguration, this is the moment when our democracy brushes itself off, stands straight, moves forward, “one nation under God, indivisible, with liberty and justice for all.”

You just said that pledge, I say to the Presiding Officer, in this very Chamber. The pages said that pledge in this very Chamber. To me, those are not just empty words; they are a pledge that we must keep.

Election officials, as I noted, across the country have been targeted by an overwhelming increase in the number of threats. We cannot keep that pledge, that liberty and justice for all, and a democracy if we can’t have fair elections and literally people who are just doing their jobs, whether in this building or out in Mississippi or out in Pennsylvania or in Arizona, getting threatened just for counting votes. We actually even heard from the Republican Kentucky secretary of state recently in a hearing that Senator BLUNT and I had about how difficult it is to fill those jobs. Why? Why is it in light of all of this, let’s talk some basics about what the Freedom to Vote Act does.

It strengthens protections for election workers by making it a Federal crime to “intimidate, threaten, or coerce” election workers. It protects election officials from improper removal by partisan actors. It puts a standard in place. So you can’t just throw them out because you don’t like the results. And in recent votes were said that they counted; it establishes a statutory right to vote, to have their votes counted; and it protects against sham audits, like the one we saw in Arizona and the ones being advanced in Wisconsin, Michigan, Texas, and Pennsylvania.

It is worth noting that even though these so-called audits aren’t using reliable methods in Arizona, that sham audit actually found President Biden had a larger margin of victory, and the first round of findings in Texas found nothing that could have changed the outcome in the election.

A few weeks ago, we gathered for the funeral of a great man who served many years in this Chamber, Senator Dole. President Biden reminded us of something he had once said when the debates in this Chamber—when there were actual debates—were raging about civil rights legislation. Bob Dole said this:

No first-class democracy can treat people like second-class citizens.
“No first-class democracy can treat people like second-class citizens.”

We are a first-class democracy. Yet, as I know, 19 States have passed 34 bills that include provisions to restrict voting, and State legislatures are looking at even more. The need for Federal action is urgent.

But as we have seen in States like Georgia, Florida, Iowa, Montana, and Texas, we are up against a coordinated attack aimed at limiting the freedom to vote. Examples—I have used a few already, and I am going to keep using them throughout the weeks ahead.

The new law in Georgia shortens runoffs by 5 weeks and prevents new voters from registering to vote during runoff elections.

In Iowa, a new law cut the days of early voting by 9 days and closes the polls an hour early. That was after the State, in the words of its own Republican secretary of state, shattered its voter turnout record last year. If that shatters the voter turnout record—one, Senator MANCHIN last week, and former West Virginia senator and attorney MERKLEY; the Senator from Virginia, Senator Kaine—why would you then take the hour away?

A new law in Montana says you can no longer register to vote on election day, a primary registration—Mr. DURBIN, the author of this bill, has noted, also limited counties, including nearly the entire State has mail-in balloting, but yet in other States—like I know because my State is proud of our same-day registration, and we have the highest voter turnout in the country in nearly every single election—for 15 years that was in place in Montana—15 years. I didn’t tell it was some new thing that they weren’t used to—15 years. And as part of this coordinated national attack on voting, they took it away.

In 2020, the Texas Governor, as I noted, also limited counties, including Harris County, which has as many people as nearly my entire State, to that one ballot dropoff box.

We cannot hold free and fair elections with laws and procedures like these. This year is the issue—the horrendous issue—of messing around with how the votes are counted and getting rid of the nonpartisan boards and allowing partisan legislatures to count and sham audits.

All of that is covered by our bill, and it is a big problem. But if you rig the elections before the votes are even counted by making it impossible for certain people to vote—in the words of our great colleague Reverend Wm. Wzr=vpmzzr-xp-1-xz1999119111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911199111991119911
and that she continues even to this day because of the gravity of the issue, but we are fortunate to have her leadership—extraordinary leadership—to bring us to this moment where we are facing the issue of voting in America.

Mr. President, I started on Capitol Hill as an intern in the office of U.S. Senator Paul Douglas of Illinois. I was a college student at Georgetown University.

Senator Douglas had served in World War II and came out at the age of 50 to enlist in the Marine Corps and worked his way into a fighting position in the South Pacific. And on the island of Okinawa, he was shot up, and his left arm dangled by his side the rest of his life, much like Bob Dole. He used to refer to that left arm as his paperweight.

He had a way of running a Senate office which would be impossible in these days, but he insisted on signing every letter that went out of his office. And he wrote these letters the way I had been taught in school, which I thought were illegible, but they were his efforts to send personal greetings along with the letters.

Well, you can imagine that they stacked up the letters each day—his staff typed them like they were carbon paper back in the day. And he would come in at 5 o’clock at his conference table with a large stack of letters and start to fold them. Of course, with one arm, he needed help. That is where I came in, and the other interns. We sat next to him and pulled the letters as he signed them.

And we were told by the senior staff in the office that, as interns in that capacity, we weren’t supposed to talk to this great man because he had important thoughts going through his mind and we shouldn’t interrupt him. But, lo and behold, he would open the conversation with me and others, and we felt really fortunate to have a chance to just speak to him for a few minutes.

So I would prepare, every time I was going to play that role, to read even more about his background so I knew what he had been through. I can recall the day when I worked up the courage and said—they called him Mr. D.—Mr. D. I read somewhere that before Franklin Roosevelt was elected President of the United States, that you were a socialist and a follower of Norman Thomas, another American socialist. Why were you not a Democrat?

He said: “During those days the Democratic Party was the party of southern Democrats who were not good on civil rights and big-city bosses, whom I always fought in the city of Chicago. So socialism was a good alternative for a progressive like me.”

I think he used the word “liberal”—“a liberal like me.”

But then came Roosevelt and opened the door for a lot of us on the liberal side to become part of the Democratic Party, the New Democratic Party—under his leadership.

I always remember that and thought that in the course of American history, so many times, tables have turned, and they are turning on this very issue of voting rights, because if you look at the history of voting rights in this country and the suppression of voting rights, particularly toward African Americans, I am sorry to report that it is not just happening in my lifetime. I am very proud of today—which was guilty of so many sins in the past when it came to discrimination against voters when it came to voting.

And that is the truth of reality that is now interesting today because the tables have turned. The Republican Party, the party of Abraham Lincoln, was the party, by and large, that fought for voting rights for the recently liberated African-American populations after the Civil War and the Democrats in the South that resisted it.

I want to commend a book to those who are following this debate. It is entitled “One Person, No Vote.” And the author, Carol Anderson, who has become a friend of mine. Carol is a professor in African-American studies at Emory University in Georgia, and she writes the history of reconstruction and Jim Crow.

I want to read just a small section of this book to put in perspective what was happening. Here it was, a Civil War in this country, with over half a million Americans dead, with inflamed feelings on both sides of the war. And, after the war, for the first time in African Americans, because of the war and because of constitutional amendments, were going to be enfranchised—actually allowed to vote. And, of course, when they did turn up in great numbers, they ended up electing their own and electing people who were sympathetic to their cause.

Well, there was a backlash, primarily among Democrats in the South, and that backlash led to Jim Crow during Reconstruction and the suppression of the right to vote.

It was horrible. I want to read one part of this book. Carol Anderson’s book, “One Person, No Vote.” She writes:

That became most apparent in 1890 when the Magna Carta State passed the Mississippi Plan, a dizzying array of poll taxes, literacy tests, understanding clauses, newfangled voter registration rules, and “good character” clauses—all intentionally racially discriminatory but dressed up in the genteel garb of bringing “integrity” to the voting booth. This disguised legal innocence was legislative evil genius.

Virginia representative Carter Glass, like so many others, had the thought of bringing the Mississippi Plan to his own state [of Virginia], especially after he saw how well it had worked. He rushed to champion a bill in the legislature that would “eliminate the darker as a political factor . . . in less than five years.” Glass, whom President Franklin Roosevelt would one day describe as “an astute rebel,” planned “not to deprive a single white man of the ballot, but [to] inevitably cut from the existing electorate four-fifths of the Negro voters” in Virginia.

One delegate questioned him: “Will it not be done by fraud and discrimination?”

Glass (answered): “By fraud, no. By discrimination, yes.”

“Discrimination! Why, that is precisely what we propose . . . to discriminate to the very extent . . . permitted . . . under the Federal Constitution, with a view to the elimination of every negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate.”

Well, the Mississippi Plan was picked up by other States. In Louisiana, for example, where more than 130,000 Blacks had been registered to vote in 1894 after the application of these laws, the number dropped from 130,000 to 1,342. African-American registered voters in Alabama plunged from 180,000 to fewer than 3,000 in just 3 years.

I am sorry to say that these were Democrats in the South who were leading that charge. I am sorry to say that that was part of the history of my party. But it is history. It does reflect what is going on today.

Now there is a conscious effort by the other party—the party of Abraham Lincoln—to find ways to reduce the opportunity to vote. And why? Why would they do this? In the last Presidential election, in 2020, we had the largest turnout in the history of the United States, exactly what a democracy should celebrate. And, instead, we find State after State dominated by Republican legislators and Governors trying to find ways to reduce opportunities to vote. Why? Why wouldn’t we want this easy access possible for every eligible American to vote?

Justice Roberts, in his confirmation hearing before the Senate Judiciary Committee, I remember, talked about voting being the right that is the preservation of all other rights. It is so fundamental. You would think that we could accept the premise that if this democracy is to work, the electorate should speak and as many as possible should participate. But today we have 14 States or more to reduce opportunities to vote, and in reducing those opportunities, many people will be denied their chance to speak when it comes to the election.

Congress and our Nation marked the first anniversary of one of the darkest days in American history yesterday: the January 6 insurrection, the day American democracy was nearly lost. That day, an embittered, defeated President Trump sent a murderous mob to attack the Capitol and overturn the election he had lost.

I was honored to join my colleagues yesterday to speak to the bravery of the Capitol Police, the Washington, DC, Metropolitan Police, and the National Guard, who battled not only to defend this building but to defend our way of life and our government. Those defenders of democracy faced down violent extremists for hours. They endured vicious attacks with fists, chemical sprays, baseball bats, flagpoles, steel bars, and other weapons.

It is because of their courageous sacrifice that our democracy survived.
Five police officers who battled the mob on January 6 died over the following days, weeks, and months. Most of them continue to protect us, even as they heal from the wounds of that day. As these officers will tell you, January 6 was not a normal day for tourists in the Capitol, despite what Congressman ANDREW CLYDE, Republican of Georgia, claimed. And the threat of January 6 is not over.

For a few short hours after the insurrection, my Republican colleagues denounced the violence and the former President who provoked it. But sadly, Republican lawmakers throughout America quickly changed their tune. In a matter of days, more and more were intimidated to embrace the former President’s Big Lie that the 2020 election somehow was not legitimate. Since January 6, we have seen a torrent of bills introduced in Republican-controlled legislatures to restrict voting rights and undermine the integrity of our democracy. Republican lawmakers in nearly 20 States—including Georgia, Arizona, and Florida—have passed laws making it harder for millions of Americans to vote, and in some cases, making it easier—and this is so critical for politicians to overturn election results they don’t like.

Let’s be honest. These laws aren’t about preventing voter fraud. They are about giving politicians the power to pick and choose the votes they want to count.

Does that sound like an echo of the history that we lived through right after the Civil War in the 19th and 20th centuries? Instead of denouncing these efforts, our Republican colleagues have resurrected the age-old battle cry that they were using in those days: States’ rights. They insist—falsely—that Congress has no authority to protect citizens whose voting rights are under attack. These laws are under attack.

Does that sound like an echo of the history that we lived through right after the Civil War in the 19th and 20th centuries? Instead of denouncing these efforts, our Republican colleagues have resurrected the age-old battle cry that they were using in those days: States’ rights. They insist—falsely—that Congress has no authority to protect citizens whose voting rights are under attack. These laws are under attack.

Inside the desk in this Chamber of every single Senator is a little book: the U.S. Constitution. I commend it to my colleagues, particularly in light of this debate.

It is article I, section 4 of that Constitution which says: “The Times, Places and Manner of holding elections for Senators and Representatives, shall be prescribed by law; but the Congress may at any time by law make or alter such Regulations, except as to the Places of chusing Senators.”

When you think about what we are trying to do here, as the Senator from Minnesota has described it, we are setting out to establish the standards by law for the choosing of Federal election.

Fast forward about 80 years after that was not a war bill written about the Civil War had come to a close, and the 15th Amendment was ratified to protect the rights of newly freed slaves, including the right to vote. Does that section of the Constitution say? Section 2 of the 15th Amendment: Congress shall have the power to enforce this article by appropriate legislation.

It couldn’t be stated any more clearly. Preventing States from denying citizens their right to vote is not constitutional. It is about, constitutional obligation, and we must honor it.

The International Institute for Democracy and Electoral Assistance is a think tank in Sweden. Every year, for the past 15 years, it has rated the world’s nations according to their commitment to democracy. In 2021, for the first time ever, the United States’ ranking fell to what the group calls “a backsliding democracy.” The report said: “A historic turning point came in 2020–21, when former President Donald Trump questioned the legitimacy of the 2020 elections in the United States.”

We call it the Big Lie. If we in this Senate fail to denounce that Big Lie, do you know what America’s future is going to look like? It won’t be a government of and by the people. It will be a government ruled by political strangers with weak principles.

These are laws―vastly different laws―are a coup in slow motion. They are the continuation of the January 6 assault on this building and our Constitution. They are designed to bring your right to decide your future—and deny it.

Ask yourself why is it that American people don’t decide the outcome of elections, who will? I will tell you: political partisans, special interests, the rich and the powerful.

This Senate has the responsibility to protect the power and the rights of American voters in our democracy. And right now, there are two common-sense proposals before the Senate to do just that. I am honored to cosponsor the Freedom to Vote Act—would preserve the integrity of our elections by establishing minimum standards for voting access in all States, including same-day voter registration and establishing election day as a Federal holiday.

What is behind all that? Just a very basic premise: Eligible voters should not face obstacles in voting. We ought to make it easier for them. Isn’t it an embarrassment to you—it is to me—to watch the newscast show people standing in line—literally, hours to vote? Bless them for their determination to exercise their rights as citizens in this country. But shame on us—this great Nation—that we would make it so inconvenient and so difficult. And now State legislatures across the Nation are doing even worse.

I am grateful to Senator MERKLEY, who is here, and Senator KLOBUCHAR, for leading the efforts on this critical issue. Both of these bills are simple, sensible, and popular. Together, they will protect every eligible voter’s access to the ballot box.

There is no guarantee that more people turning up to vote are all going to vote Democratic. Republicans can vote for either bill. But isn’t it the nature of democracy to leave it to the American people to make that choice, not to those of us in legislatures, either State or Federal?

So how much longer will we allow Mr. Trump’s Big Lie to tear our Nation apart? How much longer will we allow the filibuster to prevent the Senate from even beginning debate on these bills? It goes back to that old States’ rights argument. I mentioned it earlier. Some Republicans have claimed that our proposals would amount to a “Federal takeover of our election system.” To those Republicans, I would say: Open your desk, and open this book, and read.

The baseless claim. These measures are about preventing partisans from poisoning the well of democracy. We cannot stand idly by as Republicans State legislatures enact a wave of unprecedented voter suppression, returning to that grim, dark period in American history of suppression of voting. We cannot accept that the Senate is powerless.

Later this month, we are going to honor Dr. Martin Luther King Jr., a man whose entire life was based on one point in our Constitution. Throughout the civil rights movement, Dr. King would quote a phrase from Thomas Carlyle, the historian, who wrote in his account of the French Revolution: “No lie can live forever.” Right how much longer will we allow Mr. Trump’s Big Lie to tear our Nation apart? How much longer will we accord a simple Senate rule more protection and respect than the Constitution—a Senate rule that began as a clerical error and has been changed 160 times? Right how much longer will we permit the only obstacle standing in the way of stopping this voter suppression is the filibuster. But let’s be clear. There is no Senate rule more
important than our constitutional right to vote. Americans have given their lives to defend our constitutional rights. No one has ever been asked to risk their life to defend the Senate filibuster rule.

For my Republican colleagues to feign outrage about preserving the rules and norms of this Senate, I would ask them to think back a year ago this week. Where were these precious rules and norms when the leader of the Republican Party—then-President Trump—tried to overthrow the government by disrupting the Senate business? Where were these rules and norms when some of our colleagues echoed the Big Lie that led to that bloody insurrection? And where were these rules and norms when some members of the Republican Party openly endorsed installing Donald Trump to the Presidency against the will of the American people?

Right now, this is not just another political fight. The future of the American democracy is at stake. I yield the floor.

Mr. KAINE. Mr. President, I am so proud to stand in this Chamber and work on an issue of such great importance.

I would like to now discuss the John Lewis Act and the Freedom to Vote Act, critical voting rights proposals that the Senate will soon take up and the Senate is, What should we do about the disturbing, fighting, and amending, the bill passed in a dramatically bipartisan fashion. Democratic support was overwhelming—30 to 2. The House passed its own version in July. A conference report was accepted by both Houses in early August. President Johnson then signed the bill in a ceremony attended by Rosa Parks, John Lewis, Reverend Dr. Martin Luther King, and many other legislative and civil rights leaders.

The Voting Rights Act that was fought for so hard in this Chamber and passed in 1965 is viewed as the most important piece of civil rights legislation in the history of this country. It ushered in dramatic increases in voter turnout, more opportunity for racial minorities not only to vote but also to run for office.

Studies have drawn a direct connection between the act and concrete actions to provide more government services to those who had long suffered from public disinvestment. It is obvious: When all citizens are protected in their right to vote, then government becomes more responsive to all citizens.

The 1965 act was strongly bipartisan, both in its passage and in the frequent reauthorization over the years, most recently in 2006. But since 2006—really beginning with the Obama Presidency—the Republican Party has effectively done a 180 in its long support of expanding the franchise. Hostile Supreme Court rulings in Shelby v. Mississippi and Brnovich v. Democratic National Committee have put the burden back on Congress to fix the Voting Rights Act. But, in contrast to previous history where Republicans would join with us in those efforts, efforts to fix or improve the act have foundered because now the Republican Party is unwilling to support voting rights.

I talk about the 1965 act because it is notable to me for two reasons. First, it came at a time when many States, primarily in the South, including my own Commonwealth of Virginia, were undertaking massive efforts to disenfranchise African-American voters. And there was a culminating event—shocking violence against John Lewis and others as they tried to press for voting rights, and that violence galvanized the Nation and this body into action so we could protect voting and protect our democracy.

History repeats itself. Today, we are seeing a full-out assault on voting and our entire electoral system. Now it is not just limited to Southern States. Now it is not just directed solely at African-American voters. Now it is not just an attack led by bigoted State or local officials—threats to those public servants who serve as election officials. These are partisan efforts only occurring in States with Republican leadership, and they pose a grave threat to our democracy.

The violence of January 6 also continues in a tremendous spike in threats to those public servants who serve as election officials—threats to their lives, threats to their families—all designed to intimidate those who won’t bend to the will of the former President and those who have been dragged into his full-scale assault on our democracy.

The Senate stands at the same moral crossroads where we stood in the spring of 1965. There is an assault on voting and elections, on the very system of democracy that distinguishes our Nation. The assault has led to shutdowns and acompanhements on a scale and scope specifically designed to disenfranchise millions of people, and the question for the Senate is, What should we do about it?

Just as in 1965, there came an unforgettable episode of violence directly related to the attacks on our system of elections. The Capitol itself was attacked on a particular day and hour for a particular purpose: to stop the certification of the electoral outcome. A particular moment was injured that day as a result of this attack on our democracy. Five Virginia law enforcement officers lost their lives as a result of that day.

The violence wasn’t just a riot; it was violence designed to disenfranchise the 80 million people who had voted for Joe Biden and KAMALA HARRIS. That singular event ranks among the largest disenfranchisement efforts in the history of this country.

History repeats itself, and the attacks on our democracy continue. In Republican State legislatures all across this country, as has been demonstrated by my colleague from Minnesota, efforts are underway to restrict voting, to make it harder for people to vote if they are more likely to vote for Democrats, to make it easier to challenge and intimidate voters with the hope that it will discourage their participation and dilute the count of votes, and to interfere with the certification of elections by duly-sworn election officials. These are partisan efforts only occurring in States with Republican leadership, and they pose a grave threat to our democracy.

The violence of January 6 also continues in a tremendous spike in threats to those public servants who serve as election officials—threats to their lives, threats to their families—all designed to intimidate those who won’t bend to the will of the former President and those who have been dragged into his full-scale assault on our democracy.

The Senate stands at the same moral crossroads where we stood in the spring of 1965. There is an assault on voting and elections, on the very system of democracy that distinguishes our Nation. The assault has led to shutdowns and acompanhements on a scale and scope specifically designed to disenfranchise millions of people, and the question for the Senate is, What should we do about it?

Just as in the John Lewis Act and the Freedom to Vote Act, we find a solution for the moment, just as the Senate found in the Voting Rights Act a solution for its time.
The Lewis Act restores the preclearance process contained in section 5 of the Voting Rights Act by coming up with a fair process for determining which jurisdictions must seek preclearance of voting changes. No longer is preclearance limited to certain states with long histories of discriminatory electoral practice; instead, every region and community is treated the same, subject to preclearance for a fixed period of years following any voting rights violations. It avoids preclearance if there have been no such violations.

The Freedom to Vote Act sets minimal standards for access to the ballot in Federal elections, mandates transparency in campaign contributions, requires nonpartisan redistricting for congressional seats, and provides remedies to block partisan efforts to take power away from duly-sworn election officials. It is designed for the dangers to block partisan efforts to take power away from duly-sworn election officials. It is designed for the dangers of years following any voting rights violations. So, when you remove these obstacles in their way, and more people participate—not necessarily good for Democrats, not always good for Republicans, but always good for the health of a democracy. That is why we need to pass these bills. I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

Mr. SCHUMER. Mr. President, I usually don’t give such lengthy speeches, but today I will be on the floor for a little while, and I have 12 sections to my speech. The first section is on voting rights, of course.

The first section is history, equality, democracy, and the Founders’ vision. And I begin with a quote.

To understand political power right, and derive it from its original, we must consider, what state all men [and women] are naturally in? That is a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other person.

John Locke published those words in England anonymously—anonymously—exactly 100 years before the Constitution of the United States came into effect a very, very long time ago, at least to the human mind.

They were published not in the era of Republicans but of kingdoms; not of Presidents but of Monarchs; not of citizens but rather subjects. It was an era when many argued and took up arms for the idea that the King derived power from the decrees of Heaven, and here John Locke said, no, political power, in fact, comes from free individuals.

These words were circulated for years in secret—because to hold these views back then was treason. Locke went further:

The natural state is also one of equality in which all power and jurisdiction is reciprocally, and no one has more than another. It is evident that all human beings are equal amongst themselves.

These words, these ideas, a third of a millennium old, but it is right there staring us in the face. All men and women are naturally free, and men and women are naturally equal.

I will admit this may be lofty stuff, but history lessons matter—because these ideas were the initial blueprints for a different sort of political order. These are the ideas that would take shape in the continent, articulated a century later in the words of the American Declaration of Independence.

These were the original ideas for what would inspire the Framers to create—not a kingdom but a Republic, a democratic society, a place where people equal in rank decide their own leaders and create free elections.

It reminds me of the words of James Madison as well:

Who are to be the electors of the federal representatives? Not those who are poor, not those who have learned, nor those who are ignorant; nor those who are peers of the realm, nor those who are Philip II, and those who are Queen Elizabeth. All men and women are naturally equal.

Section 2: American History is a Long March Toward Universal Suffrage. That is the noble side of our early history, worthy of remembering and pursuing to this day. There is, of course, a more complicated, more frustrating reality. We cannot be afraid to admit and to recognize. And one we hide from or, worse, try to erase at our own peril.

We all know that when our country was founded, mass participation in representative government might have been the object of the Founders, but it certainly was not a practice. Immediately excluded were 700,000 enslaved men and women, counted as three-fifths of a person for the purpose of congressional representation. And it was zero-fifths of a person for all other matters of human dignity. Women, too, were left out.

Also cast aside and brutalized were those who lived on this continent for thousands of years before the colonial era, for whom full participation in political life, in practicality, has never, never been made real, even till today. And through it all—through it all—voting requirements were left to the States to choose for themselves so that depending on which side of a State boundary you lived on, a different side or set of rules might apply to you in determining your worthiness to choose your own leaders.

So despite Madison’s sentiments, at the time of our Constitution’s ratification, you had to be a White male, often times Protestant, landowner to vote.

By the election of 1800, barely more than 1 in 10 Americans were even eligible to vote. Of the 16 States then in the Union all but 3 limited suffrage to property holders or taxpayers.

And here is another truth too: Despite all that, the story of democracy...
in America has been a long march, a very long, tortuous march toward universal suffrage.

In America, our holy struggle has been to take these words of our Framers, to take the idea that everyone should vote freely and equally and to make it real. Whatever way the people can make it real.

It is an exercise in making better what was once woefully imperfect, of having hope that we can make even more. In the future, indeed, this is written into the very, very first statement of our Constitution, making a more perfect Union.

So, from the get-go, generations of Americans have sought to truly establish the United States as a full democracy. We fought a bloody Civil War to end slavery. Women organized and reached for the ballot.

The civil rights movement brought an end to the vicious segregation of the mid-20th century. And here in Congress, we passed the Voting Rights Act, the National Voter Registration Act, and the 14th, 15th, 19th, 23rd, 24th, and 26th Amendments to expand the franchise until there were no more boundaries.

Now unfortuantely, the march has not always been linear. Throughout our Nation's history, moments of significant progress have been followed by reactionary backlash. That backlash takes many forms: White supremacy, democracy, fear, and political violence, and much, much more.

Today, it lives on in the internet, in the dark corners of online places that deal not in truth but in conspiracies that I would call wacky or bizarre, if they weren't so darn dangerous. It also lives, sadly, in the cascade of deranged propaganda we see emanating from certain cable news networks.

Unfortunately, it seems, led by one party, the most dishonest President in history, we are entering another one of those dark periods.

That is what we are talking about here today on the Senate floor.

Section 3: The Origins of the Big Lie.
If there is anything else, besides free and fair elections, that has been central to our national political character, it has been our largely unbroken fidelity to the peaceful transfer of power—peaceful transfer of power.

You can't talk about voting rights and free and fair elections and democracy without also presupposing that the leaders are willing to step down when their turns are over, when they have lost elections. Thankfully, our leaders have, by and large, honored this tradition, whether that has been in victory or in defeat. Nobody likes losing, but sometimes you have to move on. That is life.

But then came Donald Trump. Like many before him, Trump ran for re-election in 2020 and lost his race. In fact, he lost to Joe Biden by 7 million votes and 74 electoral college votes. I shouldn't have to say that, but it is the truth, and sometimes the truth gets distorted around here.

But rather than accept defeat, rather than follow in the noble tradition of those who came before him, Donald Trump rejected the results of the 2020 election and claimed, without a shred of evidence, without any evidence, that the election was rigged, that it was stolen, that it was a con job unlike anything we have ever seen before. He planted the seeds of that lie long before the election even happened. Yes, the Big Lie was planted.

Section 4: The Big Lie is Just That, a Lie. It is a lie. It is not a misinterpretation. It is not one person looks at it one way; one person looks at it the other, as my colleagues on the other side of the aisle want us to believe. It is just a lie.

To this day, there is not a shred of evidence supporting the fantasy that Donald Trump won the election only to have it stolen from him.

As a general principle, extraordinary claims should come with extraordinary proof. We haven't seen anything close to proof in the 14 or so months since the 2020 election. On the other side of the aisle, the biggest—biggest—lowest of all talking about the election being stolen, have not presented any facts. It is appalling.

So let's examine the record. First, Donald Trump has had plenty of chances to prove his allegations in the court of law. In virtually every instance, he has failed. Let me read an excerpt from USA TODAY, published last year on the day of the insurrection:

"The President and his allies have filed 62 lawsuits in state and federal courts seeking to overturn election results in states that the President lost. A little further it reads: Out of the 62 lawsuits filed challenging the presidential election, 61 have failed."

Sixty-one.

Sixty-two lawsuits in a little under 2 months, and if that is not good enough for some people, let me read further from the article.

Some cases were dismissed—

Says the article—

for lack of standing and others based on the merits of the voter fraud allegations. The decisions have come from both Democratic...and Republican-appointed judges—including federal judges appointed by [Presiden] Trump."

So Trump and his allies went to court to try and make the case for voter fraud and virtually lost at every turn.

Now let us move from the courts to what actually happened in the States during the 2020 election.

Across the board, state officials in States, both red and blue—and, in fact, States that ultimately made the difference in the election—all said the same thing: There was no—no—voter fraud.

Here is what the Republican Secretary of State in Nevada said in April of last year, the State GOP concerns did "not amount to evidentiary support for the contention that the 2020 general election was plagued by widespread voter fraud."

No voter fraud in Nevada.

In Arizona, Secretary of State Hobbs said last year:

"There is absolutely no merit to any claims of widespread voter fraud.

Just this week—just this week—the election department at Maricopa County, the largest county in Arizona, headlined in a Republican, released a 90-page document delivering a point-by-point refusal of claims of voter fraud. Their conclusion? The November 2020 election in Arizona was administered with integrity, and the results were accurate.

Now, we all know, unfortunately, the current attempt to discredit the 2020 election runs headlong into an unimpeachable truth: Donald Trump lost Pennsylvania because Donald Trump received fewer votes. No fraud in Pennsylvania either.

In Wisconsin, the same story, Newsweek: "GOP-Aligned Group Finds No Evidence of Wisconsin Voter Fraud After 10-Month Investigation."

It reads:

"A close review, including a hand count of roughly 20,000 ballots from 20 wards, uncovered no evidence of fraudulent ballots or widespread voter fraud." The report reads:

"Our hand review found that the counts closely matched those reported by the Wisconsin Elections Commission. The review found no evidence of fraudulent ballots. Then we have Michigan. By now, I expect you know how this is going to play out this summer, the GOP—the Republican-controlled State senate released a much anticipated report examining allegations of fraud within their own State. According to the Detroit News, the report's main author, Senator Ed McBroom, a Republican, said "I found no evidence of widespread or systematic fraud," contradicting months of assertions from some members of his own party, including former President Donald Trump.

So let's just take a moment to review all the voter fraud in Nevada. None in Arizona, nor in Georgia or Pennsylvan-ia or Wisconsin. No voter fraud in Michigan.
So it is clear that the reason Donald Trump is not in office today is because he didn’t receive enough votes to win the election. It is that simple. It is indisputable. The court said so, the States say so, and the facts say so. Indeed, even Donald Trump’s own administration refused to back him, he was left with one last-ditch effort to hold on to power: to get the Vice President to reject the results of the election.

A month after the election, it was none other than former Attorney General Bill Barr himself who made clear that the President was lying to the American people.

In an interview with the AP, the Associated Press, about a month after the election—here is a quote. Barr told the AP that “U.S. attorneys and FBI agents have been working to follow up on specific complaints and misinformation they have received, but, to date, we have not seen fraud on a scale that could have effected a different outcome in the election.” Bill Barr, Donald Trump’s acolyte, said that.

Months later, Barr said:

My worry was that there was nothing there. It was all [BS].

Could have effected a different outcome...we have not seen fraud on a scale that they have received, but, to date, we have not seen fraud on a scale that could have effected a different outcome in the election.” Bill Barr, Donald Trump’s acolyte, said that.

When the courts refused to back the former President, when the States refused to back him, and when some of his own administration refused to back him, he was left with one last-ditch effort to hold on to power: to get the Vice President to reject the results of the election.

By now, we all know about the dreadéd tweet he posted in December of 2020: “Big protest in D.C. on January 6th. Be there, will be wild!”

What a sad end to this confrontation this all is in 21st-century America.

Section 5: The Attack on the Capitol. A Short Review.

It was Donald Trump’s Big Lie that soaked our political landscape in kerosene. It was Donald Trump’s rally on the Mall on January 6 that struck the match. And then came the fire, and all of us were here 1 year ago yesterday to watch the fire burn.

Yesterday, many of us spent much of the day responding to what it was like to be here in the Capitol on January 6. I want to commend my colleagues for doing so. But it is shameful my Republican colleagues had to come to the floor to speak as well. They did not come to the floor. This room was empty on this side of the aisle. January 6 was every bit an attack on them as it was on me. All of us suffer when democracy is assaulted. This is not a party matter.

So I want to thank my colleagues who did come to the floor yesterday and everyone across the Capitol who shared their stories yesterday. Many of these stories are painful to visit, but they radiate with the light of truth, and I applaud them all.

Of course, we also pay tribute to all those who put themselves in harm’s way to protect us and protect this building: our Capitol Police, our DC Metro Police, our National Guard. They were outnumbered, unprepared, largely left on their own, but they held the line.

When rioters cleared out of the building, another wave of heroes came in: the men and women who work as the maintenance staff, as technicians. They came in into the night, without complaint, and brought the Capitol back to life so that we were able to continue to count the votes and not let this insurrectionist mob stop American democracy from proceeding forward.

Those who came in represent the best of us—the best of us.

Section 6: The Disease of the Big Lie Lives On.

The attack on the U.S. Capitol may have been limited to a single day; the attack on our democracy, unfortunately, has not ceased.

Since last year, there have been no outright attempts to storm this building to undo the will of the people, thank God, but the disease of the Big Lie continues to spread. Donald Trump has not changed his tune. He keeps insisting that our democracy is rigged and that our elections have been rid-ded with voter fraud. He did it as recently as yesterday. In fact, he was going to have an entire press conference on it before calling it off. It is reported that Republican colleagues didn’t want to hear him spew his lies on this day that has become so sacred to so many. What Donald Trump does is poison. The consequences of the former President’s attacks continue to erode our democracy day by day.

If the enemies of democracy fail to get their way with baseball bats and pipe bombs, they have now turned their focus to a much quieter, much more organized effort to subvert our democratic process from the bottom up—in other words, a slow-motion insurrection but equally as insidious and ultimately more damaging.

Slow-motion insurrection. “Democracy experts alarmed over GOP take-over of election machinery.” That is the AP.

I want to read the following from the AP:

In the weeks leading up to the deadly insurrection at the U.S. Capitol on Jan. 6, a handful of Americans—well-known politicians, obscure local bureaucrats—stood up to block then-President . . . Trump’s unprecedented attempt to overturn a free and fair vote of the American people.

[But] in this year since, Trump-aligned Republicans have worked to clear the path for their next time.

The article continues:

In battleground states—

That is the headline here—

In battleground states and beyond, Republicans are taking hold of the once-overlooked machinery of elections. While the effort is incomplete and uneven, outside experts on democracy and Democrats are sounding alarms, warning that the United States is witnessing a “slow-motion insurrection”—

Slow-motion insurrection—

with a better chance of success than Trump’s failed power grab last year.

They point to a mounting list of evidence: Several candidates who deny Trump’s loss are running for offices that could have a key role in the election of the next president in 2024.

The efforts are poised to fuel misinformation and anger about the 2020 results for years to come.

This is the heart of the matter of what we are here to do. The insurrection that occurred a year ago yesterday is still going on. It may be slow-motion but, in all likelihood, if we do nothing about it, far more damaging to this Republic than even the insurrectionists were on the sixth.

Section 7: Voter Suppression in the States.

It merits repeating again. Twenty-twenty was the safest election we have had in a long time. A record number of Americans cast a ballot that year—over 159 million people. As I have said already, there have been no indications that the result was anything less than free, fair, and accurate.
BUT DESPITE THE FACT THAT THE 2020 ELECTION was free, fair, and accurate, in the year following the 2020 election, at least 19 Republican-led legislatures suddenly decided to rewrite the rules that govern the way people vote in their respective States. At least 93 new laws related across the country that will, as I will explain in a moment, have the effect of making it harder to vote, harder to register to vote, and, worst of all, potentially empower partisans to arbitrate outcomes of future elections instead of nonpartisan election workers. Hundreds—hundreds—more such laws were proposed, and they may very well get enacted in the near future, particularly if we don’t act.

Now, the Republican leader has pointed repeatedly to the 2020 election as proof that there was no effort to suppress the vote. This is nothing but a sleight of hand from the Republican leader. He ignores that the problem today is not about what happened during the 2020 election, it is what happened after.

So, I say to Leader McCONNELL, when you say there was no problem in 2020, then why do we need to change it? And why haven’t all the changes that are occurring after 2020? It is sophistry. Let me say it one more time. It is amazing. The Republican leader has argued that the 2020 election is proof there is no effort to suppress the vote in America, yet it is not what happened during 2020 that we are arguing, although Donald Trump called 2020 “the Big Lie.” Mr. McCONNELL is contradicting him, although he never does it directly, for many different non-admirable reasons.

So any objective observer will admit that different rules have made it harder for people to vote, but the danger is not then, it is what the States have done after the 2020 election, even though some States tried to do it before.

We need to be clear. The timing, the sheer volume, and the nature of these new election laws is not an innocent regression. Policies like these have nothing to do with election integrity: Reducing polling hours and polling places within a State? That is not the law in Texas, Montana, and Texas. What does that have to do with election integrity? Limiting the number, location, or availability of absentee ballot drop boxes—now the law in Georgia, Indiana, and Montana. What does that have to do with election integrity?

Making it harder to register to vote, that is now the law in Texas, Florida, Kansas, Iowa, New Hampshire, and Montana; shortening the window to apply for a mail-in ballots, now the law in Alabama, Arkansas, Georgia, Iowa, and Kentucky; and the use of risky or potentially faulty voter purges, now the law in Alabama, Iowa, and Texas—this passed not one but two laws which will have that effect.

Telling disabled people it is going to be harder for you to vote, does what that have to do with election integrity?

Here is an especially egregious one: limiting early voting days or hours—Georgia, Iowa, Texas. And, of course, as many have condemned for months, criminalizing giving food and water to voters waiting in line to vote. That is now the law in Georgia and Florida.

When Republicans say it is a crime to give voters some food or water in line, do they think they are preventing fraud by denying people a snack? Kafkaesque is writing about the demise of democracy.

Now, in addition to these new laws that are actually on the books, we also need to remember all the proposals they have tried to pass but have not been able to do to date. They tell us all we need to know about the true intentions of these reforms, these so-called proposed laws.

The most reprehensible were, of course, the attempts in States like Georgia and Texas to eliminate early voting on Sunday—a day, of course, when many churchgoing African Americans participate in “souls to the polls.” Did they show that Sunday voting is more fraudulent than other voting? No. We know what they are up to.

What an astonishing coincidence, outlawing voting on a day when African-American churches sponsor a get-out-the-vote effort. Have they shown that using drop-off ballot boxes creates more fraud than other? No. These are aimed at suppressing certain types of people who vote normally.

Policies like these have nothing to do with election integrity. When you say you can’t vote on Sunday, it is the same intention of those old restrictions that used to require African Americans to guess the number of jellybeans in a jar before they were allowed to cast a ballot. What regression.

Now, of course, our Republican friends—many of them—reject these ideas. It is not a surprise. But very, very, very often, they speak with astonishing and stunning honesty. As one State rep in Arizona said when defending his State’s efforts to defend Republican voting: Everyone shouldn’t be voting.

That is what he said. I wonder who “everyone” was? Indeed, he actually said, “We don’t mind putting security measures in that won’t let everybody vote—but everybody shouldn’t be voting.”

And every now and then, the very plain and simple truth makes its way to the surface.
That is now the law in Arizona.

In Georgia, Secretary of State Brad Raffensperger has now been effectively fired from the State election board, months after refusing to go along with President Trump’s request to find enough votes to give him a win.

Appalling, my friends. Donald Trump calls up and asks the secretary of state of his own party to find enough votes. He gets fired, and they are all defending it or shrugging their shoulders or putting their heads in the sand—and I have never seen anything quite like this.

By the way, for those who don’t know, the State election board in Georgia is responsible for, among other things—investigating voter irregularities. Amazing, just amazing.

There are other examples across the country. Let’s turn to Texas.

According to the Voting Rights Lab, a particularly sinister new policy is now the law in that State.

The recently-enacted election omnibus bill, S.B. 1, prohibits local officials from modifying election procedures to better serve voters. It also increases the likelihood of poll workers disrupting polling places and ballot verification and counting locations. The bill increased the ability of poll watchers to move freely throughout an election area, including areas containing voters waiting in line, checking in, or casting their ballots.

Again, it is helpful to look at those pernicious proposals that were introduced at the State level but have not been enacted into law.

One bill in Arizona would have given flat out to the State legislature the authority to cancel the certification of electors by a simple majority vote.

So looking through the record, the conclusion is not in doubt. Republicans across the board justify these new laws by saying they want to make it easier to vote but harder to cheat, but when you are looking at what they are actually doing, it is perfectly clear that they don’t oppose the exact opposite—making it harder to vote and easier to steal an election.

And this, my friends, is just the tip of the iceberg. These State legislatures will soon return to session this year and keep going, all imported by Donald Trump’s Big Lie.

And what is missing is the profile in courage—enough profiles in courage—enough people, whether it is in this Senate Chamber, in the House Chamber, in the legislatures on the Republican side, saying: I want to be a Republican. I want Republicans to win, but I am not going to stoop to this level of beginning to dismember our democracy.

Let’s make a final crucial point about what we are seeing playing out in the States. Everything I just described at the State level is being done on a partisan basis. This is a Republican con job, with zero efforts being made to get any input from Democrats. Should we doubt that the Republican legislatures keep going? Should we in this Chamber fail to do something about it or respond with insufficient force, our democracy could very well cross a fatal point of no return.

And then the unthinkable becomes real. Democracy erodes and could—horror of horrors—vanish, as it has in other nations in the course of world history. What history shows us is, when these pernicious activities start, when a mob starts, when a leader just lies to gain power, if people don’t rise up, it happens.

America, don’t be complacent. It is happening, and it is a great danger. In many nations, a democracy devolved to dictatorship, it started in ways similar to this, and the majority of good people said, “Uh, we don’t have to worry about it.”

Well, we do. That is why we are here. That is why Senator Merkley and I and Klobuchar and Dursbin and others have taken to the floor today.

Section 10: The Senate will vote again on voting rights.

So what is the way forward? Do we accept these developments as inevitable? Do we say it is not so bad? Do we look the other way? Do we tell ourselves this dark cloud will pass and the disease of the Big Lie is just going to cure itself?

We only The risk is too great.

What we must do is remember the words of our great friend, John Lewis, who shortly before his death said:

When you see something that is not right, you must say something. You must do something. Democracy is not a state. It is an act, and each generation must do its part to help build what we called the Beloved Community. . . .

Well, right now, the Senate is being called to take action. So as soon as next week, we intend to bring up legislation back to the floor of this Chamber, to protect our democracy and shore up the right to vote. Everyone in this Chamber will once again have the opportunity to go on record.

Will our Democratic colleagues and my Republican colleagues in a bipartisan manner moving forward on defending democracy? As soon as next week, they will be called on to give us an answer, and they know the eyes of history are watching. Maybe the few ideologues don’t, but most of them do—most of them do.

And next week, our Republican friends will be called to give us an answer. If there is any fight that this body should know how to win, it is protecting the right to vote and strengthening our right to vote.

Throughout this Chamber’s history, in the aftermath of the Civil War, during the 1960s, throughout the second half of the 20th century, passing voting rights legislation has been one of the Senate’s crowning achievements. And now, in this moment of peril for democracy, the Senate now needs to work to pass the Freedom to Vote Act. We need to work to pass the John Lewis Voting Rights Advancement Act.

We must do much so we can send these bills to President Biden’s desk and they be signed into law—preventing, undoing, the pernicious activities that I have documented in the past hour.

For months—for months—we have tried to get our Republican colleagues to join us. After all, voting rights should not be partisan. It hasn’t been. What history shows us is, that it has been devoted by Ronald Reagan, George H.W. Bush, George W. Bush—hardly big liberals, hardly Democratic sympathizers—oh, no.

We have tried to continue in that bipartisan spirit. We have tried to do this less than four times to begin a simple debate here on the floor about this matter. We have lobbied our Republican friends privately. We have gone through regular order. We have attempted to debate them on the floor. We have presented reasonable, commonsense proposals in June, August, October, and November. Each time—each time—I personally promised my Republican colleagues and my Democratic colleagues, particularly the two ideological wings, that they would have ample opportunities to voice their concerns, offer germane amendments, and make changes to our proposals. At no point did we ever ask our Republican friends to vote for our legislation. We simply been asking them to begin debating, just as the Senate was intended to do.

Off the floor, we have held public hearings, group discussions with Senators, and one-on-one meetings with the other side to try to win some support. Senators Manchin and Kaine and Tester and King and Dursbin and Klobuchar and Leahy and many more have all met with Republicans to initiate a dialogue. At every turn, we have been met with resistance. Next week, we will try again. They will go on record again. But, of course, obstruction is all we have been able to see so far.

As an aside, one of the arguments we have heard from the other side is that this is an attempt at a Federal takeover of our elections. The sophistry, the dishonesty is legion.

The Founders, whom my Republican colleagues invoke when it is time to confirm a rightwing judge, wrote in the Constitution that the Congress precisely has the power to pass laws to determine the time, place, and manner of Federal elections. This is nothing new. We have done it over and over again with amendments and with legislation—bipartisan.

The problem isn’t simply that they oppose our proposals for voting rights legislation. They now even refuse to support legislation they embraced in the past, including the policies in the John Lewis Voting Rights Advancement Act.

Remember, the Voting Rights Act was reauthorized five times through its history, including by Presidents Nixon, Reagan, and Bush. Many of my Republican colleagues have worked in the past to improve preclearance provisions similar to the ones contained in our latest proposal.
If it was good enough for Republicans back then—Republicans who were true conservatives—it should be good enough for our Republican friends today. But they won't even support that. In fact, they won't even support a vote to open debate.

The sole exception in 10 months has been our colleague, the Senator from Alaska—once on four votes. But where is the rest of the party of Abraham Lincoln? Down to the last Member, the rest of the Republican conference has refused to acknowledge that our country faces a serious threat to democracy.

Leader McConnell, this week, seemed to refer to laws I talked about earlier as mainstream here on the floor. What is he talking about? Maybe they are mainstream in failed democracies, but his proposals are unacceptable in the United States.

So it is clear that the modern Republican Party has dropped the ball on protecting voting rights. The party of Lincoln is increasingly becoming the party of the Big Lie, not just Donald Trump but just everybody here, with the rare exception.

Section 11: Restore the Senate. The Senate is better than this. A simple look at our history shows we are better than this. The same institution that passed civil rights legislation, the New Deal, the Great Society, and the bills of Reconstruction, should be more than capable of defending democracy in the modern era. But, today, the partisan ship, the Big Lie, the looming specter of Donald Trump and his vindictiveness, his dishonesty, is a shadow that is cast over this entire Chamber and leads to the gridlock we have.

This Chamber is not capable of functioning when one side’s strategy for legislation is inflexible, total, unthinking, unwilling to admit fact and actually work to buttress the Big Lie, such as that the Federal Government shouldn’t be involved in how Federal offices are voted for.

The Senate is no longer a cooling saucer. It is a deep freezer. Anyone who has been here for more than a few years knows the gears of the Senate have ossified. The filibuster is used far more than in the past decade. My colleague from Oregon, Jeff Merkley, and I are among the few who today are calling for reforming the Senate. Why? Because, yes, debate is a central feature of this body and always will be. But at the end of the day, so is governing, so is taking action when needed. The Senate has run its due course.

This is why I said at the very beginning of my remarks, we must adapt for the sake of our democracy. Back then, it was the partisan ship, the Big Lie, that our Founders called it, "God's noble experiment." Today, that debate we have now face a choice. They can follow in the footsteps of our patriotic predecessors in this Chamber or they can sit by, just as the segregationist-oriented Democrats in the post-Civil War era did it, and try to have democracy unravel.

But I do not believe that we want our democracy to unravel. I do not believe it is the ultimate destiny of this country. It is a grand country—as the Founding Fathers called it, "God's noble experiment."

I believe—I truly believe—our democracy will long endure after these latest attacks. I believe that because of what I said at the very beginning of my remarks. The long history of this country is a long march toward expanding democracy, toward making more perfect what our Founders sought to establish.

It took millions of Americans hundreds of years to make this country what it is today—Americans of every age and color and creed who marched and protested, who stood up and sat in; Americans who died defending democracy in its darkest and lowest hours.

On Memorial Day in 1864, Oliver Wendell Holmes told his war-weary audience that: "When [one] accepts from Fortune her spade, and will look downward and dig, or from Aspiration her saw and will hew the ice, the one and only one success which it is [yours] to command is to bring to [your] work a mighty heart."

I have confidence that Americans of a different generation—our generation—those of us in this Chamber—will bring to our work a mighty heart: to fight for what is right, to fight for the truth, to never lose faith, and to protect the precious gift handed down to us by those brilliant Framers. And by the grace of God, I know that our democracy shall not perish in this hour but rather endure today, tomorrow, and for generations to come.
I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am pleased to be here with my colleagues today to emphasize the incredible importance of righting the wrongs that the Fourteenth Amendment for our democratic Republic: Senator KLOBUCAR of Minnesota, who spoke with the perspective of the chair of our Rules Committee and her experience in her State of Minnesota; Senator SCHUMER, who just took us on a tour through history, bringing us to that point of saying: Let's make sure that our democratic Republic does not perish, that it endures; that that responsibility sits on our shoulders.

There are more than 4,500 words in the Constitution, but the three that matter most are the first three: “We the People.” Our Founders printed those words in supersize font, saying this is what it is all about, that we do not give our government power and authority in America as descended from Kings or the elite or the powerful; that our government takes its authority and power from the people up. And that is accomplished through the ballot box.

We are a nation with a government, as President Lincoln so eloquently said, “of the people, by the people, and for the people.” That is why the ballot box is the beating heart of our democracy. It is the ballot box that is the physical manifestation of every American’s sacred right to have a voice in their government through their vote because, as Lyndon Johnson told us, “The vote is the most powerful instrument yet devised by man, for breaking down injustice.”

For 245 years, since our Declaration of Independence, through war and depression, through civil strife and terrorist attack, our democracy has persevered. It has weathered storms. Through those storms, it has continued to shine as a beacon of light to the world, as Ronald Reagan so fondly spoke of it, to serve as a beautiful, shining city on the hill.

All elections begin with the ballot box; all elections begin after generation, we have worked to extend access to the ballot box, recognizing that the vision of the Constitution wasn’t fulfilled until every American had the ability to exercise their right to vote. And for most of our lives in this generation, we haven’t really worried about the strength of our democratic institutions.

We have read about Presidents around the world writing a new constitution and throwing the old out away from entering the double doors down that hallway to move the mob leader of that group, shoving him to the floor... Although it held on that day, democracy held—barely, but democracy held. We rendered.

The insurrectionists on January 6, 2021, came all too close to stopping democracy in its tracks that day. Here in the Chamber, we were ushered into a safer location, and along with us went the three ballot boxes pictured here.

This is a picture that I took when I was so pleased to see these ballot boxes that had traveled with us to safety, because the mob did enter this Chamber, and had these boxes still been here in the well of the Senate, they would have opened them and they would have destroyed those ballots because that was what they were intent on doing, to throw our ballots from various States to alter the outcome of the election. They couldn’t get to them because they were safe with us.

These boxes were crafted by real artists who work here in the Senate, and those boxes, a larger box, because some of the States were sending larger certifications of the ballots, the electoral college ballots, from their State.

Well, we were determined to return to the Chamber that evening, to come back here and reclaim this Chamber from the mob, replace these boxes in the well of the Senate, transport them to the House through the rhythm of counting the electoral college votes, and make sure the certification of the election went ahead. And it did. We completed our work, and the House and Senate certified the election results.

The physical attack on our national temple, our revered Capitol Building, was intended to prevent the counting of ballots—the most important act marking the transfer of power from one President to the next.

You know, our leaders in the early phase of our country weren’t sure that this system would survive. Would the first President of the United States declare that he would continue beyond the bounds of the Constitution regardless of an election or prevent the election from happening? It was one of the motivations behind supporting George Washington as the first President, because people had faith that he would honor the vision in that Constitution and set the rhythm for the generations that followed. And he did.

So on January 6, 2021, 1 year and 1 day ago, democracy held—barely, but it held. Although it held on that day, the attack on our Federal elections has continued nonstop through the year that has followed.

Now is the question we now face. In State after State, Republican legislatures are erecting barriers to the ballot box to make it more difficult for specific groups of Americans to vote—
making it more difficult for Native Americans to vote, for Black Americans to vote, and for college students to vote. It is our responsibility, in the face of these attacks on the right to vote, to say: Hell, no. We will not let any group in America be blocked from voting.

We will guarantee the right of every citizen to exercise the most fundamental act of a citizen in democracy: the act of putting a ballot into a ballot box. You let the machines make a mistake. You let the machines make a mistake in a State where they don’t show up or you put out messages saying, “We hope you will vote on this day,” which is a week after the real vote so people don’t show up on election day.

All of these things happen. And when I read about them happening, I think about how important early voting and vote-by-mail are. If you want to look at ballots being stolen—the right to vote being stolen, the corruption of voting—look to these corrupt activities on election day. Those are stealing the votes. That is where the crime is being committed, and that is the crime we need to stop.

Now, in Oregon, we were the first State to have vote-by-mail. And it is estimated that under this law, what so many have worked and fought for, marched and sacrificed for over 245 years. These forces cannot win by the power of their numbers. They want to change the rules. They want to rig the vote.

So how do you do that? Well, the States make laws to make it harder to register to vote. The States make laws to allow those on the voting rolls to be thrown off without them even knowing they have been thrown off, to purge the voting rolls in a discriminatory fashion. You make it harder for early voting. You make it harder to vote by mail, and the consequence of making early voting and vote-by-mail hard is you direct the voting to election day, and on election day, you have a set of time-tested tactics to block the ballot box. What are these tactics?

Well, one, you understand the precinct voting location so the line is very long in places where you don’t want people to vote. In Georgia, in the last election, in those precincts, where the electorate was 80 percent White, the wait time was an average of about 5 minutes. In those precincts where the electorate was 80 percent Black, the wait time was about 50 minutes, or 10 times longer. This did not happen by accident.

What else can be done? You move the location of the precinct voting location so people go to the wrong place in the places where you don’t want them to vote. You put them in places where there isn’t much parking so they have to walk a long way to get to the polling place. You let the machines malfunction and have no one around to fix them to increase the length of the line. You ban volunteers from giving food and water to the people who are standing in line, hour after hour after hour. You put out text messages saying, “We are so sorry you missed the vote last week,” when, in truth, the vote is the next Tuesday coming, but you make people think they missed the vote so they won’t show up or you put out messages saying, “We hope you will vote on this day,” which is a week after the real vote so people don’t show up on election day.

What else are you doing? You are making it harder to vote by having discriminatory purging of the voting rolls.

Seventy percent of Arizonans are on that permanent early voting list. Eighty percent of Arizona voters cast a ballot by mail in 2020.

It is estimated that under this law, 200,000 voters in the State of Arizona might be removed from the list, and many of them will not realize they have been removed until it is too late. I think about how significant that is in a State that President Biden won by less than 11,000 votes.

What else in Arizona? You have the power being taken away of the secretary of state to control election litigation, to defend the ballot box, and it is being moved to the attorney general. Now, why would Arizona move it from the attorney general? Well, they are moving it because the secretary of state is a Democrat and the attorney general is a Republican and they want a partisan angle on enforcement of voting laws.

I will tell you one bill that hasn’t been enacted that really is something very scary to think about. It says, essentially, that the legislature can revoke the certification of the State’s Presidential election by majority vote. While they can’t change the vote for one person, but the legislature, which is Republican, could then vote to assign the electors to the person that the legislature wants instead of whom the people of that State want.

That is an incredible—incredible—perversion and shows you how far this conversation is going to create partisan control of the outcome. The election was won fair and square by one person, and the State legislature says: ‘This year, we are assigning our electoral votes to the other person.’

Florida—Florida has enacted an omnibus election bill. It attacks mail-in voting. It requires voters to continually renew their request for a mail-in ballot. You let people use that that was once every 4 years, but now it is continuous. One-third of Floridians voted by mail in 2018. One-half mailed in their ballots in 2020. An overwhelming majority of those were Democrats. So if you take away all the mail-in ballots, you can warp the outcome of the election.

Their omnibus bill puts up restrictions on drop boxes, requiring them to
be supervised in person. They make it hard to drop off your ballots. And the goal, of course, is if you make it harder to drop off ballots, maybe that ballot will sit on your kitchen counter and never get filed and never, therefore, have an impact. And Florida, like Georgia, has stopped volunteers from handing out food and water to voters waiting in long lines.

Every time I hear that, I think: Are we not familiar with the story of the good Samaritan who goes down the road, and someone beats up someone on the side of the road and goes over to help that individual and gets them to safety and covers the expenses for their lodging and their food? Well, here, good Samaritans are being outlawed from providing food and water to people trapped in line for a long period of time.

That is not just in Florida but in Georgia too. So let’s turn to Georgia. They enacted legislation that attacks early voters. It eliminates 5 weeks of early voting in runoff elections—5 weeks. Over 1.3 million people voted in 2021’s runoffs in Georgia that brought Senators Warnock and Ossoff over to the Senate. It attacks voting registration.

You can’t register to vote when a runoff election is occurring. You have to already have registered for the general election. And why did they do that? Because 70,000 people registered to vote during the 2021 runoffs, and more Democrats than Republicans registered in that period. So, prejudicially, they want to cut that off. They want to virtually eliminate the drop boxes. They are relying on far more in the urban Atlanta metro area than in rural counties. And the law says you can have no more than one drop box for every 100,000 registered voters, meaning that four counties that make up the greater Atlanta metro area will now only have about 20 drop boxes, a reduction of one to two of the drop boxes that were there before.

About half of the absentee voters in the Atlanta metro area used those drop boxes. And then it says those drop boxes have to be inside early voting sites, meaning that they are only available during the hours those early voting sites are open. So if you are going to work at a 6 a.m., you can’t drop off your ballot. And if you are getting home and picking up your kids and getting home past 5 p.m., or whatever the early voting sites close, then you can’t vote then either by dropping off your ballot at a ballot box.

Cobb County Elections Director Janine Eveled said, and refers to the box.

They are no longer useful. The limited numbers mean you cannot deploy them in significant numbers to reach the voting population.

In Georgia, also, the law gives power to interfere directly with people’s votes. The legislature has been given power—the partisan legislature has been given power—over the State election board, and the State election board can replace the local election boards and, thereby, influence how they behave to the benefit of the Republican Party. It also gives ability of an individual to challenge countless numbers of voters’ rights to cast a ballot.

To sum up, in Georgia, they are making it harder to get a ballot in the mail. They are making it easier to intimidate voters at the polls, and they are making it easier to rig the results after the votes have been cast.

How about Iowa? Iowa enacted omnibus election legislation that attacks early voting and takes away 9 days of early voting. It reduces it by a third, 29 to 20 days. It attacks in-person voting. As Senator KLOBUCAR pointed out, it says you have to close the polls an hour earlier, making it harder for people who work late in the evening to be able to vote. It attacks vote-by-mail.

Let’s turn to Montana. Montana has enacted SB 59, which eliminates same-day registration. It has been in place for 15 years. Nearly 8,200 Montanans used that option on election day in 2020—but, prejudicially, wiped out.

SB 169 also, as a matter of fact, required certain high schools to specify IDs to get two forms of ID in order to vote at the polls, making it harder to vote at the polls.

HB 50, also enacted, prohibits the mailing of ballots to new voters who did not vote in the primary election but are not yet 18, an attack on younger voters. Why? Because younger voters tend to vote more often for the Democratic candidate.

And SB 319 bans voter registration activities on public college campus buildings such as dorms, study halls, and athletic facilities, an absolute attack on the ability of college students to vote. Why? Because they tend to vote more Democratic.

This is a strategy of deliberately attacking the ability to vote of young Americans, college students, Native Americans, and Black Americans to vote is so wrong. It is unethical. It violates the very premise of our Constitution, which gives every American the right—the equal right—to participate.

New Hampshire—in one new law, the secretary of state is enabled to make up their own system of confirming voter residency so that it is easier to take voters down. Why is that important? Well, the Republican legislature is going to choose the secretary of state in New Hampshire, and ideas have been floated in regard to “Let’s require residency to be written so that your car has to be registered here if you are a student who is here.” And students can’t afford to reregister the car; so students won’t be able to vote—another attack on college students, as an example.

Texas and Texas attacks the drop boxes. The new law eliminates ballot drop boxes for 16 million voters—16 million. The Governor limited counties to just one drop box in 2020. The 4.7 million residents in Harris County, where Houston is located, have to share one drop box for a population equal to the entire population of Louisiana. It stops 127,000 voters in Harris County who availed themselves of curbside voting to avail themselves of curbside voting in the future. The legislature eliminated it.

I think the point should be adequately clear at this moment that in State after State after State, Republican legislators and Republican-controlled legislative bodies have been using pre-judicial laws to block Democratic constitutions—constitutions that tend to favor the Democratic Party—from voting. This is completely unacceptable, and it is up to us to defend the rights of every American to vote.

Now, there are three States where the Republicans control the House and the Senate but not the Governorship: Wisconsin, Pennsylvania, North Carolina. And we know that changes may well happen there in the next 4 years. Those Governors may be gone. Last year, the Democratic Governor of Wisconsin vetoed six bills that would have severely restricted citizens’ ability to vote. So who knows what is going to come next? We know, all these measures won’t make that big a difference. Don’t worry about it.

Well, I can tell you, those who say that are wrong. Let’s think about how it would affect this Senate. Let’s say those measures would make a 3 percent difference in the outcome of the ballots. If that were the case, then we would have seven Democratic Senators who are here today who would not have been here. It wouldn’t be a 50–50 Senate; it would be a 57–43. Senator OSSOFF won by 1.2 percent; Senator PETERS of Michigan, 1.7 percent; Senator KELLY of Arizona, 2.4 percent; Senator KYRSTEN SINEMA of Arizona, 2.4 percent; Senator HASSAN of New Hampshire, 3 percent. Senator MASTO, 2.4 percent, Nevada. Seven Senators would not be here today if you changed the outcome by 3 percent.

There is a huge difference between a 50–50 Senate and a 57–43. That is what this is about. It is about the targeting of swing States by Republican legislatures to seize control of this body against the voting will of the citizens of the United States of America.

This is why we have to set minimum standards that guarantee access to ballot, minimum standards for vote-by-mail, minimum standards for early voting, minimum standards for registration, minimum standards so folks are not purged off the voting rolls without their knowledge.

I think about democracy, which we sometimes assume is the path more traveled by countries around the world, and there was a period of a decade or so where we saw the birth of a lot of new democracies. Now, this last decade, we have seen many of them slide into authoritarianism around the world. The truth is, most of the world
is not governed by democracies. It is governed by authoritarian governments. Democracy is the road less traveled. It takes incredible vigilance to defend the ability of the citizen to participate. And, now, under the sway of President Trump, who has become the chief champion of cheating Americans out of their right to vote, they have decided to abandon their responsibility to defend the Constitution.

You know, in July of 1963, about a month after President Kennedy unvelied his Civil Rights Act, Martin Luther King, Jr. gave interviews, and his words today still ring true. He said: “The tragedy is that we have a Congress with a Senate that has a minority of misguided senators... that want [to keep]... people from even voting.”

We thought that was cured in 1965. We have gone decades where we were completely united around defending the right to vote. And, suddenly, we have seen this past year the continuation. The assault on the Capitol to disrupt the counting of electoral votes has been continued as an assault in State after State after State to stop Democratic constituencies from exercising their right to vote.

Raphael Warnock, Senator from Georgia, elected by less than 3 percent, said it boils down to this: “Some people don’t want some people to vote.”

Well, if you have sworn an oath to the Constitution, you have sworn an oath to every citizen has a full opportunity to vote.

So much depends on the makeup of this body. Whether you care about voting rights or attacking climate chaos or healthcare or housing, whether you care about civil liberties and safe working conditions for workers, those decisions are affected by the makeup of this body.

And the theory of a democratic republic is that if the majority viewpoint is honored, we will work to address those issues that the majority cares about.

And the majority does care about healthcare and housing and good working conditions and clean air and clean water and taking on the warming of this planet. The majority cares about that. Do you believe the ability of the minority to express their viewpoints, you have destroyed that very premise of our democracy.

And voting rights is different than every other issue. On every other issue, if we go off track, then the citizens can say: What have you done? You lose my support. I am voting for the other party or the other candidate. You promised to take on that challenge, and then you didn’t. You have lost my support and you are exercising my ballot to put in people who will actually address issues we care about.

But voting rights is different because that issue is about whether or not the voters actually can exercise their outrage with us if we veer off track. If you compromise voting, then the voters no longer have the ability to throw you out—throw the bums out—and bring fresh voices to bear on the issues they care about. That is why this is so important.

I am going to pivot to a little bit of history because for us to be able to vote on voting rights in this Chamber, we have a problem, and the problem is, the current rule of the Senate requires 60 votes to allow us to get to a final vote, a final majority vote.

In essence, we have become a Chamber where policies cannot be passed except by 60 votes of support. Many say that this was never the way the Senate was designed. Isn’t this the way that our Founders envisioned the Senate? Didn’t they talk about the Senate being a cooling saucer—an expression attributed to President Washington that historians say, but still it captures the understanding of this Chamber—that is, that this Chamber would be a little more steady than the House would because we would have longer terms, 6-year terms instead of 2-year terms?

Now, it was debated that maybe 12-year terms, maybe lifetime appointments to the Senate, but in the end, the Founders settled on 6-year terms to make this Chamber a little less rash to some current trends that might be ill-considered than the Chamber down the hall. That is the cooling saucer.

The Founders said that because Senators will have a larger territory than House members, they will have more direct constituencies. They don’t just have a city or just a rural area; they will probably have both and have to be thinking about how laws affect the farm, the ranch, the suburb, the city, the manufacturing, all the different aspects of our economy. So Senators will have a broader view. That is the cooling saucer.

Then the Founders threw in something else and said: Furthermore, we are going to say Senators will be elected indirectly by State legislatures, not by the people. Again, give them a little more insulation from citizens being very upset about something that hasn’t been well thought through.

And never, ever, does it occur to our Founders want this Chamber to have a supermajority barrier, and we know this so clearly because they said so. When they were writing the Constitution, they were operating under the Confederation Congress, and the Confederation Congress required a supermajority, and it was paralyzed. It couldn’t even raise the money to take on Shays’ Rebellion. So those who were working to design our 1787 Constitution said: Whatever you do, don’t embed a supermajority.

Let’s see what they said. Hamilton, in Federalist Paper No. 22, said that with the minority in control of the majority, the result will be “tedious delays... and... contemptible compromises of the public good.” He said the real impact of a supermajority will be “to embarrass the administration, to destroy the energy of government.”

On another occasion, he summed it up this way. He said:

Two thirds of the whole number of members had been required, it would... amount in practice to a necessity of unanimity. And the history of every political establishment in which this principle has prevailed, is a history of impotence, perplexity, and disorder.
Why would he say that? Because the Confederation Congress was a setting of impotence, perplexity, and disorder. I don’t know what other places around the world he was thinking of, but he was certainly thinking of the Government of the United States at that very moment.

Madison, in Federalist Paper 56, said: It would be no longer the majority that would rule: the power would be transferred to the minority.

He was noting that the principle of free government would be reversed.

The principle of free government is that you go the direction the majority weighs in on, not the minority. But when you require 60 votes to go down path A, and without them, you go down path B, then you go the direction the minority wants. You have done exactly what Madison said we must not let happen. We are reverting the principle of free government.

So we see two things. We have seen that—as the filibuster is used more and more and eating up the time of the Senate, we have seen amendments decline dramatically. We saw, for example, in the 109th Congress some 314 amendments. That has declined significantly. In the last Congress, the 116th Congress. We are currently in the 117th. Why is it? Well, Senators can’t come to the floor and offer an amendment.

When I was here as an intern covering the floor for Senator Hatfield during the Tax Reform Act of 1976, I watched how one amendment was debated for an hour or so, voted on, and then half a dozen to a dozen Senators would say to the Chair: “Mr. President, Mr. President,” and the Chair was supposed to call on whomever he heard first—at that point, it was always a man in the Chair—and that person would offer an amendment, and an hour later, they would vote on it. And then again, there would be a group seeking to get the next amendment, and they would go on until they were exhausted.

That debate on a bill might go on for days and days or be spread over the course of numerous weeks, with other intervening activity, as in the Tax Reform Act of 1976, but every Senator knew they could offer an amendment. If they cared about a tax issue, they could offer it, and this body would have to debate and have to take action on it. But not today—not today.

We twiddle our thumbs while the majority and minority leaders negotiate over amendments. The minority leader wants to protect Republicans from having to vote on issues that they might be embarrassed by or that constituencies might not support. So we twiddle our thumbs while the leaders of the two parties negotiate. That is not how the Founders envisioned this Senate.

This process of requiring 60 votes—it isn’t just the 60 votes; it is also the time it eats up because, in order to get that vote to close debate, you have to file a cloture motion and you have to wait an intervening day. So if you file it on a Monday, you have to wait until Wednesday. Then, if it should pass and you close debate, you have to have 30 hour notice. But the Senator or the Senator’s advisor wasn’t allowed to vote during those 30 hours, they get another hour, so tack on a few more hours. So every cloture motion eats up a week of the Senate’s time, even if it is successful.

Well, we can see in the charts I am going to put up how this is destroying the Senate.

After 1965, after the Voting Rights Act, the filibuster, the cloture motion lost its racist taint because we had passed the 1965 Voting Rights Act. So Senators started to think, Well, we can use this on other issues. But, still, it was pretty much under control until the early seventies.

In the early seventies, you saw an increase to about a dozen motions per year, in 1971, 1972, 1973. In 1974, it exploded to almost three dozen, and if you think about that eating up 36 weeks of the Senate’s time, people yelled: This is terrible. This is terrible. It was capped it in March of 1975, but that reform actually backfired after a few years, and Senators started to use this cloture motion—this cloture requirement in ways it hadn’t been used but rarely in times past. It hadn’t been even to proceed with bills to the floor. It hadn’t been used on nominations. It hadn’t been used on nominations.

But let’s take a look at how that has changed. Let’s look first at the amendments—actually, cloture on nominations.

That one didn’t make it through the printer in time, but here is the story: On nominations, there were only three cloture motions in the history of the United States before 1975—three. After 1975 to now, 852 times cloture has been filed on nominations; 852 weeks of the Senate’s time potentially obstructed.

Let’s look at motions to proceed. Before the reform in 1975, only 16 times in our history had cloture motions been filed to keep a bill from being debated on the floor of the Senate. Think about it. If the filibuster was about enhancing debate, extending debate, here it is being used to prevent debate, prevent a bill from being voted on. That is very relevant to the election bill we have been talking about because, as Majority Leader Senator SCHUMER pointed out, four times now, Republicans have voted to prevent an election bill from being debated, ever getting started, a debate occurring on the floor of the Senate.

It is the most anti-democratic thing to do, and both parties have done it, but it is a practice that needs to end, and it is a practice that exploded in the eighties, in the nineties, in the 2000s, in the 2010s—blocking bills from ever getting to the floor 175 times in the decade 2010 through 2020.

Looking at cloture motions on amendments, it was considered unacceptable to prevent votes on amendments until the 1970s, and then the practice expanded. So you couldn’t actually get your amendment up because of the filling of the tree and the negotiation between the two bodies, but if you did get it up, you could end up with it being blocked because it was blocked by a 60-vote requirement to close the debate on the amendment. That practice has continued and gone up and up and up.

How about on final passage? Final passage before 1975, that is virtually the only place where cloture was used, and that expanded as well.

So we are seeing that the cloture motion that takes up a week expanded in every single realm, and now, we are at an average of more than 100 per year—more than 100 per year. We don’t have a prioritized agenda in the Senate.

So the filibuster in its best form—its best form—is the ability of the minority to stand here on the floor and speak to delay action while they use that leverage to negotiate amendments or to negotiate compromise. But that is turned around. Both sides have an incentive to reach a deal.

They have an incentive to reach a deal because those who are filibustering—it takes time and effort. That is an effort, so they have an incentive to reach a deal. And the majority, which is responsible for getting things done, has the goal of not having lots of time eaten up by filibuster. So both sides have an incentive to negotiate. We are under the current 60-vote requirement, that is not a filibuster; it is a 60-vote requirement. It is a minority veto, and because it is a minority veto, it doesn’t incentivize negotiation. It does the exact opposite, especially with the polarized tribal politics of today.

The base of both parties wants us to stop the other party, and so we paralyze each other.

It is Mahatma Gandhi to whom it is attributed the phrase “An eye for an eye makes the world blind.” It is the same challenge here. If Democrats do everything they can to prevent Republican ideas from getting into law to be tested and Republicans do everything they can to prevent the Democratic ideas from being tested, then no ideas are tested, and no issues are addressed, and the legislature fails in its responsibility to the people of the United States of America, and that is what is happening right now.

We are falling in line with responsibility to the people of the United States of America.

Now, there are two ways that we can get that election bill—so vital to our democracy and our institution, so vital to defending the rights of Americans to vote—to the floor of the Senate and off the floor.

One is to create a carve-out that says we will not apply the 60-vote standard to the election bill because the election bill is too vital.

The second is to rehabilitate, reenergize the filibuster, return to the vision...
that if you want to slow things down, you have to be on the floor speaking. The way that it worked was that you kept that power in place by making sure there were continuous speeches, one after the other, because if there was a break, the Chair could call the question. The Chair could control the public. That is a good thing. The public of the United States will see us arguing the pros and cons of whether to defend or not defend the voting rights of Americans. They would see us debating whether to stop billionaires from buying elections or not with dark money. They would see us debating the finer points of stopping gerrymandering so the principle of equal representation would either be honored or not honored. That debate would be healthy for the United States of America.

Those are the only two possibilities right now to have an election bill enacted to protect the rights of Americans: a carve-out or restore the filibuster. I powerfully believe the best path is to restore the filibuster. The Senate is better off by having the rights of the minority honored, the ability of minority voices to be heard; to slow things down to seek amendments; to slow things down to seek compromise; to slow things down to make sure a complicated bill has been weighed in by experts; to slow things down to make sure the public has been asked to examine the bill. That is all positive. That doesn’t happen with a carve-out.

So I hope we will reinvigorate the filibuster; that all 50 of us will say: Let’s restore the balance in the Senate where the minority can slow things down for those valuable reasons but ultimately cannot block a final vote being taken.

This idea was here from the start. The original Senate—26 Members—they acted to protect the rights of Americans: a carve-out or restore the filibuster.

Earlier, I referred to the fact that the path of democracy is not the road most traveled. We in this world operate under authoritarian governments. We have been the shining light to the world to say the right thing in human rights is for governance to flow up from the people, not down from the power holders. We have been the shining light. But if we cannot make this Chamber function, then the world does not look at us and say, That is the model we want to follow. If we cannot protect the rights of Americans to vote because their names are stripped out of the voting rolls or they are blocked from registering to begin with or blockades are put around the ballot box to make it hard for them to participate, then we are not in a position where the world looks to us and says, That system works. So it is incumbent on us to fix it.

As I was thinking about these roads, the authoritarian road and the democratic road, the role of the Republic and the Republican road being the road less taken, it brings to my mind the poem by Robert Frost, “The Road Not Taken.”

Two roads diverged in a yellow wood,
And sorry I could not travel both.
He goes on to say at the end of the poem:

Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

That is how his poem ends.

We have taken the road less traveled, the road of power flowing up from the people. It is the right road to take, and it makes the difference.

Look at the vast difference between human rights being crushed by China, enslaving a million people in Xinjiang Province, stripping the democratic voice of the people, the right to free speech in Hong Kong, versus the free road we have in our Nation. Our road is the right road. We have to make it work. To make it work, we need to pass the Freedom to Vote Act and the John Lewis Voting Rights Act, and we need to do it now.

MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

The messages received today are printed at the end of the Senate proceedings.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers and documents, and were referred as indicated:

EC-2881. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration’s Annual Report for fiscal year 2021; to the Committee on Energy and Natural Resources.

EC-2882. A communication from the Biologist of the Branch of Recovery and Conservation Planning, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Technical Corrections for 18 Southwestern United States Species Found in Arizona, New Mexico, and Texas” (RIN1018–BD75) received in the Office of the President of the Senate on December 16, 2021; to the Committee on Environment and Public Works.

EC-2883. A communication from the Biologist of the Branch of Recovery and Conservation Planning, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Technical Corrections for Northeast Species” (RIN1018–BD75) received in the Office of the President of the Senate on December 16, 2021; to the Committee on Environment and Public Works.

EC-2884. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Subpart J—Failure to Submit State Implementation Plan Revisions for the 2016 Oil and Natural Gas Industry Control Techniques Guidelines for the 2013–2015 National Ambient Air Quality Standards (NAAQS) and for States in the Ozone Transport Region (‘FRL No. 9251–01–OAR) received in the Office of the President of the Senate on December 15, 2021; to the Committee on Environment and Public Works.

EC-2885. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Regulatory Guide (RG) 1.132. Revision 3, ‘Geologic and Geotechnical Site Characterization Investigations for Nuclear Power Plants’” received in the Office of the President of the Senate on December 15, 2021; to the Committee on Environment and Public Works.

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. BLUMENTHAL (for himself and Mrs. BLACKBURN):
S. 3447. A bill to authorize the National Service Animals Monument Corporation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS
S. 377
At the request of Mrs. GILLIBRAND, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 377, a bill to promote and protect from discrimination living organ donors.

S. 868
At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 868, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period for disability insurance benefits under such title and waive the 24-month waiting period for Medicare eligibility for individuals with Huntington’s disease.

ORDERS FOR MONDAY, JANUARY 10, 2022
Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, January 10; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; and that upon conclusion of morning business, the Senate proceed to executive session and resume consideration of the Davidson nomination.

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

ADJOURNMENT UNTIL MONDAY, JANUARY 10, 2022, AT 3 P.M.
Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 3:09 p.m., adjourned until Monday, January 10, 2022, at 3 p.m.

NOMINATIONS
Executive nominations received by the Senate:

COMMODOITY FUTURES TRADING COMMISSION
SUMMER KRISTINE MERSINGER, OF SOUTH DAKOTA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2023, VICE DAN MICHAEL BERKOVITZ.
CAROLINE D. PHAM, OF NEW YORK, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2027, VICE DAWN DEBERRY STUMP, TERM EXPIRING.

THE JUDICIARY
MUSSETTA TIA JOHNSON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR A TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE SCOTT WALLACE STUCKY, TERM EXPIRING.

DEPARTMENT OF THE TREASURY
VENTRIS C. GIBSON, OF VIRGINIA, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS, VICE DAVID J. RYDER.

WITHDRAWALS
Executive Message transmitted by the President to the Senate on January 7, 2022 withdrawing from further Senate consideration the following nominations:

CLAYBORN CARSON, OF CALIFORNIA, TO BE A MEMBER OF THE CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD. (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JUNE 17, 2021.
ROBERT OTTO BURCIAGA VALDEZ, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE RICHARD G. FRANK, WHICH WAS SENT TO THE SENATE ON OCTOBER 28, 2021.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
REBECCA E. JONES GASTON, OF OREGON, TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ELIZABETH DARLING.
JANUARY CONTRERAS, OF ARIZONA, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE LYNN A. JOHNSON.

DEPARTMENT OF STATE
CAROLINE KENNEDY, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLeniPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF AUSTRALIA.
MICHELLE KWAN, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLeniPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.
ROBERT A. WOOD, OF NEW YORK, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

IN THE ARMY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL’S CORPS UNDER TITLE 10, U.S.C. SECTIONS 624 AND 7064:

SHAWN D. SMITH

DEPARTMENT OF THE ARMY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL’S CORPS UNDER TITLE 10, U.S.C. SECTIONS 624 AND 7064:
Chamber Action

Routine Proceedings, pages S83–S101

Measures Introduced: One bill was introduced, as follows: S. 3447.

Bose Nomination: Senate continued consideration of the nomination of Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration, Department of Transportation.

Pages S85–100

Davidson Nomination—Agreement: A unanimous-consent agreement was reached providing that at approximately 3 p.m., on Monday, January 10, 2022, Senate resume consideration of the nomination of Alan Davidson, of Maryland, to be Assistant Secretary of Commerce for Communications and Information.

Nominations Received: Senate received the following nominations:

- Summer Kristine Mersinger, of South Dakota, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2023.
- Caroline D. Pham, of New York, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2027.
- Musetta Tia Johnson, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for a term of fifteen years to expire on the date prescribed by law.
- Ventris C. Gibson, of Virginia, to be Director of the Mint for a term of five years.
- Rebecca E. Jones Gaston, of Oregon, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.
- January Contreras, of Arizona, to be Assistant Secretary for Family Support, Department of Health and Human Services.
- Caroline Kennedy, of New York, to be Ambassador to the Commonwealth of Australia.

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

- Clayborne Carson, of California, to be a Member of the Civil Rights Cold Case Records Review Board, which was sent to the Senate on June 17, 2021.
- Robert Garcia, of California, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2023, which was sent to the Senate on June 24, 2021.
- Robert Otto Burciaga Valdez, of New Mexico, to be an Assistant Secretary of Health and Human Services, which was sent to the Senate on October 28, 2021.

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Adjournment: Senate convened at 12 noon and adjourned at 3:09 p.m., until 3 p.m. on Monday, January 10, 2022. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S101.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.
House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 6:30 p.m. on Monday, January 10, 2022.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR MONDAY, JANUARY 10, 2022

(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
Committee on Rules, Full Committee, hearing on H.R. 1836, the “Guard and Reserve GI Bill Parity Act of 2021”; H.R. 4673, the “EVEST Act”; and the Senate Amendment to H.R. 5746, the “NASA Enhanced Use Leasing Extension Act of 2021”, 2 p.m., Webex.
Next Meeting of the SENATE
3 p.m., Monday, January 10

Senate Chamber

Program for Monday: Senate will resume consideration of the nomination of Alan Davidson, of Maryland, to be Assistant Secretary of Commerce for Communications and Information, and vote on the motion to invoke cloture thereon at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
6:30 p.m., Monday, January 10

House Chamber

Program for Monday: To be announced.