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## Senate

(Legislative day of January 10, 2022)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by Rabbi Moshe Feller, the director, Upper Midwest Merkos Chabad-Lubavitch, from St. Paul, MN.

The guest Chaplain offered the following prayer:

Almighty God, Master of the Universe, the Members of this august body, the U.S. Senate, convene here today to fulfill one of the Seven Commandments which You issued to Noah and his family after the Great Flood: the commandment that all society be governed by just laws.

As stated in the book of Genesis and its sacred commentaries, You issued at that time the following seven laws: to worship You and You alone; never to blaspheme Your Holy Name; not to commit murder; not to commit adultery, incest, or any sexual misdeeds; not to steal, lie, or cheat; not to be cruel to any living creature; and that every society be governed by just laws based on the recognition and acknowledgement of You, O God, as the sovereign Ruler of all humankind and all nations.

Grant, Almighty God, that the Members of the Senate constantly realize that by enacting just laws they are doing Your will. Almighty God, I beseech You today to bless the Senate and our entire Nation in the merit of two spiritual giants of our time and of our country, Rabbi Yosef Yitzchak Schneerson of saintly blessed memory—the sixth Lubavitch Rebbe—and his successor, the Rebbe, Rabbi Menachem Schneerson, of saintly blessed memory.

Tomorrow, the 10th day of the Hebrew month of Shevat, is the anniversary of the transition of their leader-

ship. It is a day of reflection and action and one which should energize us to be God-conscious beings. Their holy mission continues through our acts of goodness and kindness, hastening the harmonious era of the messianic redemption. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RESERVATION OF LEADER TIME

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

### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Alan Davidson, of Maryland, to be Assistant Secretary of Commerce for Communications and Information.

Mr. PETERS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

### FILIBUSTER

Mr. MCCONNELL. Mr. President, something disturbing is happening in Washington this week. A group of politicians are trying to set aside election results, overrule American voters, and break—break—our institutions to get a political outcome they want.

I am speaking, of course, about the Senate Democratic leader and the radical left. The Senate Democratic leader is trying to bully his own Members into breaking their word, breaking the Senate, and silencing the voices of millions of citizens so that one political party can take over our Nation's elections from the top down.

In January 2021, a mob tried to intimidate and change the Senate, and they failed. In January of 2021, the Senate stayed true to itself, and it stood strong.

But in January of 2022, some of the Senate's own Members want to permanently damage this institution from within. They want to shatter its central feature. The Democratic leader is using fake hysteria—fake hysteria—about 2021 State laws to justify a power grab he began floating actually back in 2019 and an election takeover that was first drafted in 2019.

President Biden has spread so much misinformation about the basic facts of State voting laws that he was called out and debunked by—listen to this—the Washington Post. A sitting President of the United States who pledged to lower the temperature and unite America now invokes the brutal racial hatred of Jim Crow segregation to smear—to smear—States whose new voting laws are more accessible than, for example, Delaware. Ten days of early voting and excuse-only absentees in Delaware is just fine, but 17 days of

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



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early voting and no-excuse absentees in Georgia is racist Jim Crow?

The Senate Democratic leader pretends it is a civil rights crisis that Georgia has enshrined more early voting and more absentee balloting than his own State of New York has ever allowed. This is misinformation. It is a Big Lie designed to reduce faith in our democracy, justify a top-down election takeover, and justify smashing the Senate itself. Some years back, a veteran Democratic Senator explained:

[The] nuclear option is ultimately an example of the arrogance of power . . . [it] would transform the Senate from the so-called cooling saucer our Founding Fathers talked about . . . to a purer majoritarian body.

That was then-Senator Joe Biden. He continued:

At its core, the filibuster is not about stopping a nominee or a bill, it is about compromise and moderation.

Now, before President Biden abruptly reversed this position he held for decades, he was actually in very good company. Senator Robert Byrd of West Virginia, the legendary Senate institutionalist, was this crucial tradition's fiercest defender. The current Democratic leader has tried to invoke Senator Byrd in support of this push to vandalize the Senate. This is more misinformation. Senator Byrd went out of his way to rebut Leader SCHUMER's arguments, years in advance. Here is a direct quote from Senator Byrd:

Proponents of the so-called nuclear option cite several instances in which they inaccurately allege that I blazed a procedural path toward an inappropriate change in Senate rules. They're dead wrong—

Said Senator Byrd—

Dead wrong. They draw analogies where none exist and create cockeyed comparisons that fail to withstand even the slightest intellectual scrutiny.

That is how Senator Byrd felt about it. Down to his final public statements before his death in 2010, Senator Byrd was completely consistent:

I oppose cloture by a simple majority, because it would immediately destroy the uniqueness of this institution . . . minority rights would cease to exist in the U.S. Senate.

Senator Byrd, shortly before his death.

That Democratic leader knew how to serve and protect the Senate.

This Democratic leader wants power so badly he will misrepresent his own late predecessor if it helps him get it. Senator Byrd's successor, the current senior Senator from West Virginia, has eloquently restated the very same points. Our colleague Senator MANCHIN published an op-ed explaining why "there is no circumstance in which I will vote to eliminate or weaken the filibuster"—Senator MANCHIN.

He pointed out that finding compromise across party differences and differing regional interests was "never supposed to be easy . . . but it is the work we were elected to do." He noted that current rules guarantee "that

rural and small states and the Americans who live in them . . . always have a seat at the table."

Our colleague also pointed out that the 60-vote threshold keeps Federal law durable and predictable:

If the filibuster is eliminated or budget reconciliation becomes the norm, a new and dangerous precedent will be set to pass sweeping, partisan legislation every time there is a change in political control . . . our nation may never see stable governing again.

This has been a key point for Senators on both sides going back generations. In his farewell address before retirement, our former colleague, Lamar Alexander, put it this way: The Senate rules exists to "force broad agreements on controversial issues that become laws that most of us will vote for and that a diverse country will accept."

In other words, major changes need major buy-in. Otherwise, every policy would ping-pong wildly whenever the gavels change hands.

This is a point which our colleague, the senior Senator from Arizona, has explained powerfully. As Senator SINEMA wrote just a few months ago, "the 60-vote threshold . . . compels moderation and helps protect the country from wild swings . . . and radical reversals in Federal policy."

Sometimes the effect of the filibuster is to block bills outright. Republicans are using the tool to stop one-party election takeovers. In 2020, Democrats used it to kill Senator TIM SCOTT's police reform bill. But as President Biden argued decades ago, the filibuster is about more than what gets blocked. It shapes almost everything the Senate actually does pass. It gives all kinds of citizens and all kinds of States a meaningful voice in nearly everything.

By breaking the Senate, this Democratic leader wants to silence the voices of millions and millions of Americans. He wants to throw whole regions of the country into a political power outage because those voters don't agree with his radicalism. We will see which Senators have the courage and the principle to put a stop to it.

Finally, on a more practical level, I want to make something very, very clear. Fifty Republican Senators, the largest possible minority, have been sent here to represent the many millions of Americans whom Leader SCHUMER wants so badly to leave behind. So if my colleagues try to break the Senate to silence those millions of Americans, we will make their voices heard in this Chamber in ways that are more inconvenient for the majority and this White House than what anybody has seen in living memory.

Last year, the Senate passed major bipartisan legislation on infrastructure, on hate crimes, on government funding, on competing with China. Last year, Senators helped speed through noncontroversial nominations.

So what would a postnuclear Senate look like? I assure you, it would not be more efficient or more productive. I personally guarantee it.

Do my colleagues understand how many times per day the Senate needs and gets unanimous consent for basic housekeeping? Do they understand how many things would require rollcall votes, how often the minority could demand lengthy debate?

Our colleagues who are itching for a procedural nuclear winter have not even begun to contemplate how it would look. Our colleagues who are itching to drain every drop of collegiality from this body have not even begun to consider how that would work.

If the Democratic leader tries to shut millions of Americans and entire States out of the business of governing, the operations of this body will change. Oh, yes, that much is true. But not in ways that reward the rulebreakers, not in ways that advantage this President, this majority, or their party—I guarantee it.

The PRESIDING OFFICER. The Republican whip.

#### VOTING RIGHTS ACT

Mr. THUNE. Mr. President, later today, President Biden will be speaking in Georgia as part of Democrats' effort to convince the American people that voting rights are under attack so they can justify their attempt to abolish the Senate filibuster to pass their partisan election legislation.

A noted Democrat operative once famously said that you should never let a good crisis go to waste. He meant, of course, that a crisis could give you the opportunity to push things through that you might not be able to get done in the ordinary course of things. It is a lesson the Democrats have learned well.

Last March, for example, Democrats used the cover of the COVID crisis to pass a so-called COVID relief bill that had very little to do with COVID relief and had a lot to do with expanding the role of government and providing payoffs to Democrat constituencies.

But, unfortunately for Democrats, when it comes to election legislation, there is no crisis for Democrats to exploit, so Democrats have spent the past year busily trying to manufacture one. I say the past year, but Democrats have actually been claiming there is a voting crisis for much longer.

The source of the election bill that we will likely vote on this week is H.R. 1—election legislation that was first introduced by Democrats back in 2019. Back then, Democrats told us that our election system was broken and that we needed this bill to fix it. After all, a Republican had won the last Presidential election and beat a favored Democrat candidate. Surely, surely, that meant our system was in trouble. But then the 2020 elections came along, and Democrats won the Presidency and a majority—albeit a narrow majority—in both Houses of Congress. Voter turnout was massive, and a Pew Research Center poll found that 94 percent of people found it easy to vote—94 percent. So all of a sudden, it was pretty