



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, WEDNESDAY, JANUARY 12, 2022

No. 8

Senate

(Legislative day of Monday, January 10, 2022)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Eternal God, who causes the morning stars to sing together, Your presence fills us with joy. Show our lawmakers the path that leads to life. As they strive to serve You faithfully, guide their steps to the destination You choose.

Lord, remind them that You know their hearts and hear their requests for help. Continue to be their refuge and strength, a very present help in troubled times. Keep Your people safe and surround them with the shield of Your favor.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

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 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 PRESIDENT pro tempore. The Senator from Colorado.

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

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

The senior assistant 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. HICKENLOOPER). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

BIDEN ADMINISTRATION

Mr. MCCONNELL. Mr. President, 12 months ago, a newly inaugurated President Biden stood on the west front of the Capitol, and here is what he had to say:

My whole soul is in this: bringing America together, uniting our people, uniting our nation.

Yesterday, that very same man delivered a deliberately divisive speech that was designed to pull our country further apart.

Twelve months ago, this President said we should see each other not as adversaries but as neighbors. Yesterday, he called millions of Americans his domestic "enemies."

Twelve months ago, the President called on Americans to "join forces,

stop the shouting, lower the temperature," but yesterday, he shouted that if you disagree with him, you are George Wallace. George Wallace? If you don't pass the laws he wants, you are Bull Connor. And if you oppose giving Democrats untrammelled one-party control of the country, well, you are Jefferson Davis.

Twelve months ago, this President said "disagreement must not lead to disunion." Ah, but yesterday, he invoked the bloody disunion of the Civil War—the Civil War—to demonize Americans who disagree with him. He compared—listen to this—a bipartisan majority of Senators to literal traitors. How profoundly—profoundly—un-*Presidential*.

Look, I have known, liked, and personally respected Joe Biden for many years. I did not recognize the man at the podium yesterday.

American voters did not give President Biden a mandate for very much. He got a tied Senate and negative coat-tails in the House—the narrowest majorities in over a century. The President did not get a mandate to transform America or reshape society, but he did arguably get a mandate to do just one central thing that he campaigned on. Here is what that was: Bridge a divided country; lower the temperature; dial down the perpetual air of crisis in our politics. That is the one central promise that Joe Biden made. It is the one job citizens actually hired him to do. It is the one project that would have actually been consistent—consistent—with the Congress that voters elected. Ah, but President Biden has chosen to fail his own test.

The President's rant—rant—yesterday was incoherent, incorrect, and beneath his office. He used the phrase "Jim Crow 2.0" to demagogue a law that makes the franchise more accessible than in his own State of Delaware. He blasted Georgia's procedures

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



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regarding local election officials while pushing national legislation with almost identical language on that issue.

The President implied that things like wildly popular ID laws are—listen to this—“totalitarian.” Totalitarian? Ironically, on the same day, Washington, DC’s Democratic mayor told citizens to bring both a photo ID and a vaccine card anytime they leave the house.

The President repeatedly invoked the January 6 riot, while himself using irresponsible, delegitimizing rhetoric that undermines our democracy.

The sitting President of the United States compared American States to “totalitarian states.” He said our country will be an “autocracy” if he does not get his way—if he does not get his way.

So the world saw our Commander in Chief propagandize against his own country—his own country—to a degree that would have made Pravda blush. There was no consistent standard behind anything the President said. He trampled through some of the most sensitive and sacred parts of our Nation’s past. He invoked times when activists bled and when soldiers died, all to demagogue voting laws that are more expansive than what Democrats have on the books in his own home State.

Georgia has more days of early voting than Delaware or New York. Georgia has no-excuse absentee voting, which Delaware and New York do not have. If Georgia or Texas presents Jim Crow emergencies, then so do a whole lot of Democratic-run States.

The Senate Democratic leader has gone on cable TV saying Georgia “is greatly restricting or eliminating early voting.” That is a lie, provably false. Georgia has more early voting than New York. The Democratic leader has tried to fearmonger about one rural Georgia county that condensed multiple voting locations into one—one rural Georgia county. Well, the county is overwhelmingly red. They were clearly not involved in trying to suppress Democratic votes—70 percent Republican in that one county in 2020.

So take a step back for a minute. President Biden’s story is that democracy is on death’s door, but he spent 9 months chasing a reckless taxing-and-spending spree before addressing it. It must not be that much of an emergency. Citizens are meant to believe a return of Jim Crow is on the table, but this was only President Biden’s sixth priority after he was blocked from spending \$5 trillion on windmills and welfare. Democrats’ own behavior refutes their false hysteria.

Twelve months ago, the President said that “politics need not be a raging fire destroying everything in its path.” That was just 12 months ago, but yesterday, he poured a giant can of gasoline on the fire.

Twelve months ago, the President said every disagreement doesn’t have to be a cause for total war, but yesterday,

he said anyone who opposes smashing the Senate—smashing the Senate—and letting Democrats rewrite election law is a domestic “enemy” and—listen to this—a traitor like Jefferson Davis.

One week ago, President Biden gave a January 6 lecture about not stoking political violence—1 week ago. Yesterday, with the world’s largest megaphone, he invoked the literal Civil War and said we are on the doorstep of “autocracy.” He talked about domestic “enemies”—rhetoric unbecoming of a President of the United States.

In less than a year, “restoring the soul of America” has become this: Agree with me or you are a bigot. Agree with me or you are a bigot—from lowering the temperature to invoking totalitarian States and the Civil War.

This inflammatory rhetoric was not an attempt to persuade skeptical Democrat or Republican Senators. This whole display—this whole display—in fact, you could not invent a better advertisement for the legislative filibuster than a President abandoning rational persuasion for pure demagoguery. You could not invent a better advertisement for the legislative filibuster than what we have just seen: a President abandoning rational persuasion for pure—pure—demagoguery.

A President shouting that 52 Senators and millions of Americans are racist unless he gets whatever he wants is proving exactly why the Framers built the Senate to check his power.

This whole display is the best possible argument for preserving—preserving—the Senate rules that extend deliberation, force bipartisan compromise, and let cooler heads prevail. Nothing proves it better than this episode. It offers a perfect case study in why Senator Biden was right about the filibuster and President Biden is wrong.

One respected scholar explained it this way:

The smallest majority we’ve ever seen in our politics is trying to change the rules for how people get elected in every [single] state. . . . That’s just about the best argument for the filibuster you could possibly imagine.

The citizens of the greatest country in the world deserve for their elected officials to treat them like grownups. The adults of America deserve to hear from the adults in Washington, DC.

I will close with some basic truths.

Obviously, our country is more divided than it should be, no doubt.

In recent years, I have vocally criticized people across the political spectrum who have sought to legitimize elections when they win and delegitimize democracy when they are polling badly or when they lose.

I criticized the top Democrats’ hysteria after 2016, when their rhetoric had 66 percent of Democrats across America falsely convinced that Russia had hacked our voting machines and changed the tallies. Sixty-six percent of Democrats thought that after 2016. I

criticized Speaker PELOSI and House Democrats who spent the runup to 2020 hyping conspiracy theories and suggesting the election would presumptively be illegitimate if their side lost.

In December 2020 and January of last year, our side of the aisle defended our constitutional process despite political pressure, and we had, of course, a literal mob. But now it is President Biden and Leader SCHUMER and other Washington Democrats who don’t like their poll numbers. So they are reversing their tune yet again. The people who spent November 2020 through January 2021 preaching sermons about the strength and the sanctity of our democracy are now undertaking to delegitimize the next election in case they lose it.

We have a sitting President—a sitting President—invoking the Civil War, shouting about totalitarianism and labeling millions of Americans his domestic enemies.

We have a Senate Democratic leader who now frequently calls American elections “a rigged game.”

Look, this will not be repaired with more lies, more outrage, and more rulebreaking.

Unfortunately, President Biden has rejected the better angels of our nature. So it is the Senate’s responsibility to protect the country. This institution was constructed as a firewall against exactly—exactly—the kind of rage and false hysteria we saw on full display yesterday. It falls to the Senate to put America on a better track. It falls to us. So this institution cannot give in to dishonorable tactics. We cannot surrender to this recklessness. We have to stand up, stand strong, protect the Senate, and defend the country.

The PRESIDING OFFICER. The Senator from Texas.

FILIBUSTER

Mr. CORNYN. Mr. President, I want to applaud the Republican leader, the Senator from Kentucky, for saying what needed to be said. If there is a unique role for the U.S. Senate in our system of government, it is to be the place where debate and deliberation, common sense and compromise, prevail over demagoguery.

And, unfortunately, what we heard from President Biden yesterday was sheer demagoguery. And I agree that it was not only unbecoming of the President of the United States; it was, frankly, embarrassing. Many of us were embarrassed for him that he would resort to that sort of rhetoric, particularly when Members of his own political party are not on board asking him to do what he wants to do, which is to break the rules of the U.S. Senate.

So until this debate began, many Americans probably didn’t think twice about something called the filibuster. And as we have all tried to explain why it is important and what role the filibuster plays in our system of government, I think it is perhaps best described as a mechanism to force us to