



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, THURSDAY, JANUARY 13, 2022

No. 9

Senate

(Legislative day of Monday, January 10, 2022)

The Senate met at 10 a.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.

Mighty God, our strong fortress, we worship You, for Your mercies are new each day.

Lord, You keep us safe, protecting us with the shield of Your divine blessings. Continue to bless our lawmakers. Give them the wisdom to call for Your help and receive Your deliverance from trouble. Dispel the shadows that surround them with Your divine light.

Lord, take hold of their future, doing for them, this day and always, more than they can ask or imagine.

We pray in Your merciful 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.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Vermont.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

REMEMBERING HARRY REID

Mr. SCHUMER. Madam President, before I begin my remarks, I see my dear friend, the President, sitting there—the Senator from Nevada—and I am just thinking, last night, as we watched Harry Reid leave the Senate for the final time: Harry, we miss you, but we know you are still here to guide us. Thank you.

VOTING RIGHTS

Mr. SCHUMER. Madam President, on defending democracy—something Leader Reid would have been passionate about, if he were still with us here, and he is telling us that now—over the next few days, the U.S. Senate will face a critical and unavoidable question: Are its Members going to act to protect our democracy and protect voting rights or will its Members choose the path of obstruction, inaction, and side with the Big Lie overtaking our precious experiment in self-rule?

We had two professors come to us 2 days ago, the authors of “How Democracies Die,” and one of the main ways that democracies die is when one political party refuses to accept the results of an election that was run freely and fairly. That is what is happening here. They showed how important this is and how there is unfortunate historical precedent in doing what we did.

And earlier this week, President Biden made that clear. He made clear to the Nation—and to all of us who

serve in the Senate—that the time to answer the question about whether allowing the Big Lie, so ruinous to a democracy, to overtake our precious experiment in self-rule will prevail.

As the Senate has done many times in its history, it must soon act again to safeguard democracy from the dangers of the present day: the power of dark money, voter suppression, and efforts to subvert the democratic process from the bottom up.

I commend President Biden for offering a strong speech, and I look forward to having him join Senate Democrats later today at our caucus meeting to discuss the path forward.

Yesterday, I shared with my Democratic colleagues our plan for what the next few days are going to look like in this Chamber and how I, as majority leader, will move to finally begin, at last, a floor debate on the voting rights legislation.

Later today, the House of Representatives will pass a message that will include the language of the two bills Republicans have filibustered for months—the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act.

As permitted under the existing rules, we will have the ability to proceed to the legislation and debate it on a simple majority basis—something that has been denied to us four times in the last several months because Republicans didn’t want to move forward. Then the Senate will finally hold a debate on the voting rights legislation for the first time in this Congress, and every Senator will be faced with a choice of whether or not to pass this legislation to protect our democracy.

There has been a lot of gas-lighting here on the floor lately from the other side about power grabs, about takeovers, but precious little in terms of substance. I have not heard them mention what Republican legislatures are

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



Printed on recycled paper.

S195

doing. That is not the thrust of their speech. They say: Oh, it is a power grab. Oh, it is a takeover.

Well, my friends, if there was ever a power grab, it is what is happening in the State legislatures right now, where Republican legislators are taking away people's sacred right to vote and aiming it particularly at certain groups—people of color, young people, people in urban areas, older people, disabled people.

So let me remind my colleagues what these bills actually do. The Freedom to Vote Act and the John Lewis Voting Rights Advancement Act are balanced, effective, and commonsense bills that build on the work that this Chamber has done in the past to protect democracy, and it was often done with bipartisan votes. The transformation of the Republican Party in the era of Donald Trump is apparent and nasty, and, most importantly, really dangerous to our democracy.

These laws set basic standards for all American citizens to vote safely and vote securely, while protecting elections from attempts at subversion. What is wrong with that? How is that a power grab, to allow people to vote? It is the people who should have the power, not politicians and State legislative bodies to take it away.

The bill also fights against the power of Big Money that has cascaded into our system, and so much of it is now being used to try and intimidate legislators, Senators, and Congressmen from preserving this right to vote.

And the bill ends partisan gerrymandering. We have all seen situations—the legislature of Wisconsin, the State Assembly, where 53 percent of the people voted for Democratic legislators in 2020, but only about a third of the seats are Democratic due the severe nature of this gerrymandering.

And, so importantly, these bills restore the critical preclearance provisions that were once part of the Voting Rights Act that many of my Republican colleagues supported in the past, which a conservative majority on the Supreme Court shamefully gutted roughly a decade ago.

Democrats have tried for months—months—to convince our Republican colleagues to join us on a bipartisan basis to begin debate on these bills, to no avail. We presented these reasonable, commonsense proposals, as I said, many of which had been voted on by Republicans in the past. We presented them on the floor in June, August, October, and November. Each time I promised my Republican colleagues they would have the opportunity to voice their concerns and offer germane amendments. I wouldn't limit the germane amendments that they wished to offer.

We have lobbied Republicans privately and tried to engage them in both the Senate Rules Committee and the Senate Judiciary Committee. Every step of the way—every step of the way—we have been met with near

total resistance. To date, none of our efforts have produced any meaningful engagement from the other side of the aisle.

But Members of this Chamber were elected to debate and to vote, particularly on an issue as vital to the beating heart of our democracy as this.

I have said for months that just because Republicans have refused to work with us to protect voting rights does not mean Democrats would stop working to move forward on our own. The matter is simply too important. It is the wellspring of our democracy, the right by which all other rights are secured—voting.

I am reading the biography of Grant, by Chernow. The No. 1 thing the southern segregationists, who happened to be Democrats at the time, wanted to take away from the newly freed slaves was the right to vote. They knew that, if Black people didn't have the right to vote in the South, they would have no power—no power over our laws, no power of where resources go, no power to decide the directions of the country. And that was the No. 1 thing they wanted to prevent.

So it is so vital to keep people's right to vote, particularly when some of the laws—too many—are aimed at the people of color, reminding us that racism is the poison of America still.

So we will move forward. The path I have laid out sets up a process by which Senators can finally make clear to the American people where they stand on protecting our democracy. Republicans will have a chance to show where they stand on preserving the right of every eligible citizen to cast a ballot.

Republicans will have a chance to make clear where they stand on fighting efforts to empower partisan actors to subvert the election process and create more Big Lies in the future. Republicans will have a chance to make clear where they stand on fighting the power of dark money, which so many Americans oppose—Democrats and Republicans. And Republicans will have a chance to show where they stand on ending partisan gerrymandering.

Of course, to ultimately end debate and pass anything, we will also need 10 Republicans to join us, ultimately, on cloture. If they don't, we will be left with no choice but to consider changes to Senate rules so we can move forward. And changing Senate rules has been done many times before in this Chamber. This is not the first, second, or third time that this is happening.

All of us must make a choice about whether or not we will do our part to preserve our democratic Republic this day and age. We cannot be satisfied in thinking that democracy will win out in the end if we are not willing to put in the work, strength, and courage to defend it.

Last night, I read the op-ed published by President Obama that eloquently laid out what really is at stake here. I encourage my colleagues to read it if

they haven't already. He reminded us that democracy is not a given. It is not self-executing. But it can indeed survive and thrive if we are prepared to follow in the footsteps of the great Americans who did their part to defend democracy before us, many of them giving their lives. We are now being called upon to do our part.

Madam President, I now ask unanimous consent to have printed in the RECORD the Obama op-ed, which I will bring to the desk shortly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Jan. 12, 2022]

FORMER PRESIDENT OBAMA IN USA TODAY: WE NEED TO FOLLOW JOHN LEWIS' EXAMPLE AND FIGHT FOR OUR DEMOCRACY

[By Former President Barack Obama]

"The world, and future generations, will be watching," Obama writes as he calls on Senate to "do the right thing" and pass legislation to protect voting rights.

When I spoke at John Lewis' memorial service two years ago, I emphasized a truth John knew better than just about anyone. Our democracy isn't a given. It isn't self-executing. We, as citizens, have to nurture and tend it. We have to work at it. And in that task, we have to vigilantly preserve and protect our most basic tool of self-government, which is the right to vote.

At the time, various state legislators across the country had already passed a variety of laws designed to make voting harder. It was an attack on everything John Lewis fought for, and a challenge to our most fundamental democratic freedoms.

Since then, things have only gotten worse.

SLOW UNRAVELING OF BASIC DEMOCRATIC PRINCIPLES

While the American people turned out to vote at the highest rate in a century in the last presidential election, members of one of our two major political parties—spurred on by the then-sitting president—denied the results of that election and spun conspiracy theories that drove a violent mob to attack our Capitol.

PROTESTERS ATTACK THE CAPITOL ON JAN. 6

Although initially rejected by many Republicans, those claims continued to be amplified by conservative media outlets, and have since been embraced by a sizable portion of Republican voters—not to mention GOP elected officials who do, or at least should, know better. Those Republican officials and conservative thought leaders who have courageously stood their ground and rejected such anti-democratic efforts have found themselves ostracized, threatened and subjected to primary challenges.

Meanwhile, state legislators in 49 states have introduced more than 400 bills designed to suppress votes. Some of these bills we've seen before: legislation that would discourage voters, including racial minorities, low-income voters and young people from casting a ballot. Others aim to treat certain polling locations differently, creating one set of rules for voters living in cities and another set for people living in more conservative, rural areas.

We're also seeing more aggressive attempts to gerrymander congressional districts. Gerrymandering, which essentially allows politicians to choose their voters instead of the other way around, isn't new—and both parties have engaged in it.

But what we're seeing now are far more aggressive and precise efforts on the part of Republican state legislatures to tilt the playing

field in their favor. In states that have approved new congressional maps, there are now 15 fewer competitive districts than there were before. Fewer competitive districts increases partisanship, since candidates who only have to appeal to primary voters have no incentive to compromise or move to the center.

Finally and perhaps most perniciously, we've seen state legislatures try to assert power over core election processes including the ability to certify election results. These partisan attempts at voter nullification are unlike anything we've seen in modern times, and they represent a profound threat to the basic democratic principle that all votes should be counted fairly and objectively.

The good news is that the majority of American voters are resistant to this slow unraveling of basic democratic institutions and electoral mechanisms. But their elected representatives have a sacred obligation to push back as well—and now is the time to do it.

Now, there are bills in front of the Senate that would protect the right to vote, end partisan gerrymandering, and restore crucial parts of the Voting Rights Act. Bill sponsors have diligently reached out to their Republican colleagues to obtain their support. Sadly, almost every Senate Republican who expressed concern about threats to our democracy in the immediate aftermath of the Jan. 6 insurrection has since been cowed into silence or reversed their positions. When one of the bills in front of the Senate today was introduced in November, every Democrat supported it. And every Republican but one voted against moving it forward.

Protecting our democracy wasn't always a partisan issue. The Voting Rights Act was the result of Democratic and Republican efforts, and both President Reagan and President George W. Bush signed its renewal when they were in office. But even if Senate Republicans now refuse to stand up for our democracy, Democrats should be able to get the job done with a simple majority vote. There are already 50 Senators who support bills to safeguard elections. The only thing standing in the way is the filibuster—a Senate procedure that allows a minority of just 41 Senators to prevent legislation from being brought up for a vote.

The filibuster has no basis in the Constitution. Historically, the parliamentary tactic was used sparingly—most notably by Southern senators to block civil rights legislation and prop up Jim Crow. In recent years, the filibuster became a routine way for the Senate minority to block important progress on issues supported by the majority of voters. But we can't allow it to be used to block efforts to protect our democracy. That's why I fully support President Joe Biden's call to modify Senate rules as necessary to make sure pending voting rights legislation gets called for a vote. And every American who cares about the survival of our most cherished institutions should support the president's call as well.

PROTECTING OUR DEMOCRATIC INSTITUTIONS

For generations, Americans of every political stripe have taken pride in our status as the world's oldest continuous democracy. We have spilled precious blood and spent countless treasure in defense of democracy and freedom abroad. But as we learned during the Jim Crow era, our role as democracy's defender isn't credible when we violate the rights and freedoms of our own citizens. And at a time when democracy is under attack on every continent, we can't hope to set an example for the world when one of our two major parties seems intent on chipping away at the foundation of our own democracy.

No single piece of legislation can guarantee that we'll make progress on every

challenge we face as a nation. But legislation that ensures the right to vote and makes sure every vote is properly counted will give us a better chance of meeting those challenges. It's how we can overcome the gridlock and cynicism that's so prevalent right now. It's how we can stop climate change, and reform our broken immigration system, and help ensure that our children enjoy an economy that works for everyone and not just the few.

Now is the time for all of us to follow John Lewis' example. Now is the time for the U.S. Senate to do the right thing. America's long-standing grand experiment in democracy is being sorely tested. Future generations are counting on us to meet that test.

Mr. SCHUMER. Finally, as we continue this important conversation about the future of our democracy, I ask my Democratic colleagues to consider the following: If the right to vote is the cornerstone of our democracy, then how can we in good conscience allow for a situation in which the Republican Party can debate and pass voter suppression laws at the State level with only a simple majority vote but not allow the United States to do the same?

Let me repeat that.

If the right to vote is the cornerstone of our democracy, then how can we in good conscience allow for a situation in which the Republican Party can debate and pass voter suppression laws at the State level with only a simple majority vote but not allow the U.S. Senate to do the same?

In the coming days, we will confront this sobering question.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

ISSUES FACING AMERICA

Mr. MCCONNELL. Madam President, a recent survey asked Americans for their view of the most important problems facing our country. Of course, we know what Washington Democrats view as their top priority. President Biden and Senate Democrats have been shouting—actually shouting—at the American people that an evil, racist, anti-voting conspiracy will destroy democracy forever unless Democrats get total one-party control of the entire government, starting next week.

But are the American people buying any of it? Is this what working families want prioritized? So let's take a look. In a recent survey, Gallup asked citizens for their priorities, what they thought we ought to be doing.

Do you know what share of Americans said election law? Less than one-half of 1 percent—one-half of 1 percent. Nobody in this country is buying the fake hysteria that democracy will die unless Democrats get total control.

Here is what people do care about: The top response at 21 percent was poor government leadership. About a year into the Biden administration, the American people's single greatest concern is bad leadership. And when you dig into the other issues, you can see why.

Some of the next largest concerns were either general economic problems or inflation and rising costs, in particular, and no wonder—no wonder. New figures, just yesterday, show our country continues to experience the worst inflation in 40 years—40 years.

Gas prices are nearly a dollar higher than a year ago; grocery prices are up 6.5 percent; and across the economy, inflation has exceeded 5 percent every month for 7 straight months. There is no working family who has not been hurt directly by this.

Another huge chunk of Americans said their chief worry is the coronavirus—certainly no surprise there. A year into the administration that promised it would shut down the virus, well, what do we have? Record-setting new cases. Shortages of testing. Shortages of important treatments, in part, because of the Biden administration's decisions.

We have reports of multiple States potentially limiting or excluding patients from lifesaving treatments on the basis, believe it or not, of their ethnicity.

And still, 2 years into this, notwithstanding abundant vaccines and a milder variant, we have Big Labor bosses in big cities being permitted to lock vulnerable kids out of the classroom.

Oh, and when kids are in the classroom, the Department of Education and the Department of Justice try to persecute concerned parents who dare ask what their kids are learning.

So these are just a few examples of real problems. These are the kinds of places where the American people need this dramatically unpopular administration to entirely refocus.

Yesterday, a new poll indicated that 33 percent of Americans approve of the President—33 percent. When he was inaugurated and pledging to govern for all Americans, to heal and unite the country, this White House enjoyed impressive approval ratings. But as the far left has been handed the reins, the support has cratered.

Now, there is a path forward for my Democratic colleagues to respond to the country they have so badly disappointed, but it isn't to try to break the Senate and rewrite election laws. It is to actually start tracking the issues that American families need tackled.

Now, there are also countless other issues which may not make national headlines but matter hugely to those who are affected. For example, next