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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, January 10, 2022, at 6:30 p.m.

Senate

FRIDAY, JANUARY 7, 2022

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 to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 7, 2022.

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.

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



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That is why, through the year, we worked together with, of course, Leader SCHUMER, who brought us together, and Senators MANCHIN, MERKLEY, PADILLA, KING, KAINE, TESTER, and WARNOCK—different Senators coming from different parts of the country with different political views on 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 MERKLEY 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 right that is the very foundation 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-month 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 target his very family.

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, of 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 our 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 that there was not widespread 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, not just one or two, 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 a 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 this Chamber; 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, “for 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.

So 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 what the results were, what their votes were 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 shattered the voter turnout record, Senator KAINE, to have an hour extra, why would you then take the hour away?

A new law in Montana says you can no longer register to vote on election day. Yet that same-day registration—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. Don’t tell me 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. And, yes, there 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 WARNOCK, “Some people don’t want some people to vote”—does it even matter if you count them if they are not allowed to vote in the first place?

That is why Americans need the Freedom to Vote Act, which builds on the framework put forward by my colleague and former West Virginia secretary of state Senator MANCHIN last summer. As I note, it reflected the work—hard work—of many, many Senators, including ones in this room today: the Senator from Oregon, Senator MERKLEY; the Senator from Virginia, Senator KAINE.

We can’t just sit back and allow for 5 weeks to be cut from the Georgia run-

off period—during which over 1.3 million people voted in 2021—or allow for people to be prevented from registering to vote for runoff elections when nearly 70,000 Georgians registered to vote during that time.

Protecting elections against subversion also won’t bring back same-day registration on election day in Montana unless we do the work from the beginning, which nearly 8,200 Montanans used in 2020 to register or update their registration. That is a lot of people in Montana.

It won’t ensure that over 16 million registered voters in Texas have access to drop boxes. It simply is not enough to just focus on counting the votes if you want to protect things that matter to people.

The best of the best is what the American people want. They want to be able to vote in the safest way possible that works for them. One poll found that 78 percent of Americans, including 63 percent of Republicans—this is from April 2021, Pew—support making early in-person voting available for at least 2 weeks before election day. That is exactly what this bill does.

Sixty-eight percent of Americans, including 59 percent of Republicans, support making election day a national holiday—Pew poll, April 2021. That is what this bill does.

Sixty-one percent of Americans support automatic voter registration—Pew, April 2021. That is what this bill does. If you go in and get your driver’s license—huh?—why would you have to then, when the State has all of your information, have to go in and register again?

So while Senate Republicans claim that this bill isn’t popular, there are people in their own party, time and time again, who have supported these provisions.

How about, for instance, Utah, where nearly the entire State has mail-in balloting, but yet in other States—like I just mentioned in North Carolina—you can’t cast your mail-in ballot without getting a notary public?

That is why the Constitution says that, for Federal elections, Congress can make or alter the rules regarding Federal elections.

For decades, we know voting rights has been a bipartisan issue. In 2006, the Voting Rights Act—I know Senator DURBIN, the author of this bill, has worked so hard on this—was reauthorized. The Voting Rights Act was reauthorized by a vote of 98 to 0. But right now, when we look at changes to the Voting Rights Act in response to a court case out of the Supreme Court, it is so necessary to update that bill right now. Only one Republican, Senator MURKOWSKI of Alaska, voted to even advance that bill to allow for debate. Only one was willing to debate it.

Let’s be clear. When article I, section 4 of the Constitution empowers Congress to make or alter rules for Federal elections at any time—at any time—I believe it is in there for a reason. I

don’t think they just put that in there for, “Oh, let’s just throw this in,” in the very few words of a Constitution for the greatest democracy the world has ever known. No, it was in there for a reason. This is the reason.

We get to one more thing—and then I will turn it over to my colleagues—and that is the need to look at the Senate rules for voting. So I would argue that maybe for the people of this country—the hundreds of millions of people of this country—their voting rules might be just a little, tiny bit more important than our voting rules in this Chamber.

But, nevertheless, acknowledging that, our voting rules have changed many, many times. Since the beginning of the Senate, the rules governing debate have changed, as I said, multiple times. Throughout history, there have been over 160 exceptions to the 60-vote cloture threshold, including nominees, reconciliation, and disapproval of arms sales. Even the number of votes needed to end debate has changed.

I am very interested in making this place work. I don’t think people would spend all this time getting elected just to come here and stop bills from happening and then go home, but that is pretty much what is going on right now in this Chamber.

I look at those pages. I think about that they came here to watch these grand debates in what is supposed to be the greatest deliberative body of all time, and instead we basically have an empty room.

This is the moment to protect voting rights. And yes, we acknowledge that to do it—because, sadly, we don’t have the bipartisan support that we have had in the past for voting rights and for protecting people’s rights—we have to do it this way. And there is nothing magical about the rules as they are now. If there were, there wouldn’t be 160 exceptions and they wouldn’t have been changed multiple times.

I will end with this. Protecting the freedom to vote has never been easy. Throughout our country’s 245-year history, we have had to course-correct to ensure that our democracy—for the people, by the people—always lived up to our ideals.

Last year, when speaking in Philadelphia, President Biden called the fight to protect voting rights the test of our time. We owe it to ourselves and future generations of Americans to ensure that our democracy is protected.

With that, I thank you, Mr. President, and I turn it over to my colleagues.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I want to thank the Senator from Minnesota. She is an extraordinarily talented legislator and works well in a challenging political environment, and she has tackled this issue with a ferocity and intensity which is seldom seen in the U.S. Senate. It is fitting that she did

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 at the lowest possible level, 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. He volunteered 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 paper-weight.

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 would read them and make notes, 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 did—as they typed them and used 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 showed up—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: DICK, in 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 my Democratic Party—one 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, to me, was a 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 book is written by 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, afterward, for the first time, African Americans, because of the war and because of constitutional amendments, were going to be enfranchised—actually be 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 Magnolia 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 feigned legal innocence was legislative evil genius.

Virginia representative Carter Glass, like so many others, swooned at 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 darkey as a political factor . . . in less than five years.” Glass, whom President Franklin Roosevelt would one day describe as an “unreconstructed 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 extremity . . . permissible . . . 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 1896, 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—then-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 legislatures and Governors trying to find ways to reduce opportunities to vote. Why? Why wouldn't we make it as easy as 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 preservative 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 the opposite: an effort by nearly 20 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 America 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 this 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, many of our 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. They are wrong. They have not taken the time to read history or the Constitution.

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 1, section 4 of that Constitution which says: "The Times, Places and Manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such Regulations, except as to the Places of choosing 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 sentence was written. 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. What does that sec-

tion 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 overreach. It is urgent, constitutional obligation, and we must honor it.

The International Institute for Democracy and Electoral Assistance is a think tank in Sweden. Every year, for more than 50 years, it has ranked 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 strongmen with weak principles.

These new voter-suppression 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 this: If the 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 both. The first is the bipartisan—thank you, Senator MURKOWSKI, of Alaska—John Lewis Voting Rights Advancement Act. It would strengthen the Voting Rights Act of 1965, the crown jewel of the Civil Rights Movement.

For decades, Republicans and Democrats have worked together—on a nearly unanimous basis—to reauthorize and update the Voting Rights Act. As Senator KLOBUCHAR mentioned earlier, there were times when more than 90 Senators would vote in favor of the reauthorization of that act. It reached a point in the House of Representatives where I believe the only Republican Congressman who would stand up and continue to vote for the reauthorization of that act was Jim Sensenbrenner of Wisconsin. He has since retired.

This new version, named in honor of the great John Lewis, our friend and colleague, would restore the full strength and authority of that legislation, which has been dangerously weakened by a series of misguided decisions from the conservative majority on the Supreme Court. I worked with Senators LEAHY, MURKOWSKI, and MANCHIN to craft this compromise bill.

The second bill, which Senator KLOBUCHAR spoke to—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 legislation. Both of these measures 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 for Democrats—or even for Republicans. 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 why is it that our colleagues on the other side are once again using 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.

It is a 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 champion of democracy in our lifetime. 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."

So 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 now, 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 our 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—plotted an overthrow of 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 debate; the future of the American democracy is at stake.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. KAINE. Mr. President, I am so proud to be on the floor with my colleagues Senator DURBIN, Senator MERKLEY, and Senator KLOBUCHAR to work on this 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 that the Senate needs to pass. We have tried to bring these bills to the floor in recent months. The minority party has blocked the effort to even consider the bills, with the sole exception of one Republican, the senior Senator from Alaska, who has been willing to vote to proceed to consideration of the John Lewis Act.

Some of the most epic moments in the history of this Chamber have come as we grappled with voting rights. After the Civil War, the debate surrounding the 13th, 14th, and 15th Amendments were epic struggles about the Nation's new recommitment to the equality principle after the Civil War, and those struggles included dramatic discussions about voting connected to both the 14th and 15th Amendments. The struggle for women's suffrage, culminating in the 1919 passage of the 19th Amendment in the Senate, was also a pivotal moment for this body.

I believe the most dramatic voting rights struggle in the Chamber was the passage of the 1965 Voting Rights Act. Civil rights activist John Lewis and others marching for voting rights were savagely beaten on the Edmund Pettus Bridge in Selma, AL, in March of 1965. The building frustration of those denied votes in many States, together with that shocking instance of violence, coalesced into a final push to get a comprehensive voting rights bill approved. President Johnson addressed a joint session of Congress on March 15,

just 8 days after the attack on John Lewis, and he threw his support behind the Voting Rights Act.

The Senate began floor consideration of the bill on April 22. After more than a month of vigorous debating, filibustering, fighting, and amending, the bill passed, and it passed in a dramatically bipartisan fashion. Democratic support was 47 to 16. Republican support was overwhelming—30 to 2. The House passed its own version in July. A conference report was passed and then 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 communities that 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 essentially 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 attack 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 in one region. The attack emanated from the previous President,

with years of attacks on the integrity of American elections—attacks that ratcheted up in the closing phase of the 2020 election.

President Trump, after losing that race, then went on a wild search for a way to hold on to power, making up lies about the election, spearheading meritless lawsuits in many States to challenge the result, directly asking election officials to “find” him enough votes to win key jurisdictions, and even trying to strong-arm his own Vice President into violating his constitutional oath so that he would deliver a victory to the losing candidate.

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. More than 100 police officers were 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, to interfere with the counting 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.

So 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 shocking and cataclysmic violence specifically designed to disenfranchise millions of people, and the question for the Senate is, What should we do about it?

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 geographies or 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 violation and able to avoid 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 of the moment and will both protect people's right to vote and give them confidence that their vote will be counted and an election result will be accurate and fair.

It is high time we take up these bills and pass them, and the floor debate should be vigorous, with an opportunity for colleagues to make their case and offer amendments. The Nation is watching us and needs to understand where every Member of the body stands on this critical issue.

I acknowledge one sad reality of this likely debate. Protecting voting rights is unlikely to attract Republican support as it did in 1965. I hope I am wrong. I would be very happy to apologize for being wrong, but I have had enough conversations with my Republican colleagues, and I watched their votes on the floor as we brought these matters up before. I think I understand what they will likely do. But even if we get no Republican support, we cannot shrink from the task. The stakes are too high and the moment is too meaningful to allow for any evasion. If we pass this bill, it will be good for Republicans and Democrats and Independents because it is good for democracy.

As I close, I will just bring up a recent example to show why expanding voting is not just good for one party. We just had a Governor's election in Virginia, November 2021. My preferred Democratic candidate lost, but the election, in a bigger way, was good for democracy because the turnout in the election went up by 25 percent over the turnout in the Governor's race 4 years before. More people participated, and that is a good thing.

Why did the turnout go up? The turnout went up because Democrats earned control of both houses of our State legislative chamber and made a set of changes—much like the changes in the Freedom to Vote Act—to make it easier for people to participate and give them confidence in the integrity of the ballot and certification of results. Guess what. When Democrats did that,

turnout went up by 25 percent. And the winner wasn't a Democrat; the winner was a Republican.

Doing things like the Freedom to Vote Act isn't partisan, even though the vote in here will be partisan. It is good for all.

That increase in turnout by almost 25 percent almost set a record in Virginia. There was only one Governor's race where the turnout jump was even bigger, and it was when my father-in-law was elected Governor of Virginia in 1969. My father-in-law, Linwood Holton, had run as a Republican for Governor in 1965 and lost. He ran again in 1969 and won, and the turnout went up by 65 percent between his two races. That is the one that sets the record in Virginia. Why did turnout go up? Because the Voting Rights Act was passed and because the U.S. Supreme Court in *Harper v. Virginia* in 1966 struck down poll taxes as a precondition of voting in State elections.

So fancy that. You make it easier for people to vote, you remove discriminatory 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

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

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 and 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—anonymous—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 Republics 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—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 recip-

rocal, 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 millennia old, but it is right there staring us in the face. All men and women are naturally free, and all 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 that would take shape here in this 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 the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names. . . . The electors are to be the great body of the people of the United States.

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, one we should not 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 allotment, but 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, oftentimes 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, torturous 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 live freely and equally and to make it real in 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 progress 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, yes, in this 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, we all know, unfortunately, 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, tyranny, demagoguery, 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, compelled by 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 reelection 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 born then.

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—loudest talkers 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 [President] 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, headed by 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 and reliable. This has been proven throughout statutorily required accuracy tests, court tests, hand counts performed by political parties, and post-election audits. No fraud in Arizona.

Let's turn to Georgia. The secretary of state in Georgia published an op-ed in the Washington Post last year to defend his State's results.

He wrote:

Georgia's voting system has never been more secure or trustworthy.

They had multiple recounts in Georgia, importuned by Trump supporters. They had a hand recount. The result was the same every time: No voter fraud in Georgia.

In Pennsylvania, one Pennsylvania Republican legislator said the following about his own party's efforts to conduct a so-called forensic audit:

The current attempt to discredit the 2020 election runs headlong into an unmistakable 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 end. Last 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 “he 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. No voter fraud in Nevada. None in Arizona, nor in Georgia or Pennsylvania 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 said so.

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 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 suspicion all the way was that there was nothing there. It was all [BS].

I will note that Mr. BARR used a different word at the end of that quote, which I am not repeating here.

But this is the Attorney General, the President's acolyte, who sided with him through impeachment and issue after issue. Even he says there is no fraud.

How can so many people still cling to this? Elected officials, responsible elected officials—they are doing damage, true damage, to our Republic—true damage.

I rarely agree with the Attorney General. On this, he is on the mark. The Big Lie is BS—BS.

So let me state once again, although it should hardly need repeating, that the 2020 election was not in dispute. Donald Trump did not have an election stolen from him. Nothing about 2020 was rigged, as he says. But today—today—a frightful amount of Americans still believe what Mr. Trump is saying is true, tens of millions of Americans—a minority, yes, but a sizeable one that cannot be ignored. That is the Big Lie in a nutshell. To them, it doesn't matter that there is no substance to these arguments. To them, it doesn't matter that the President's own allies have debunked it. They want to believe it anyway, and believe it, they do.

Donald Trump, about the most pernicious President we have ever had—not about; the most pernicious President—no President has done this. Well, he understands that. He understood from the moment the polls closed on election night that all he had to do was repeat the lie again and again and again, and it would take a life of its own.

Now, sadly and greatly troubling the whole country, the Big Lie is poisoning our democracy—poisoning it. Conspiracy theories are spreading online. Cable news anchors are spewing falsehoods and generating a sense of rage among their viewers.

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 January 6.

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

What a sad documentation 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 recounting 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. January 6 was every bit an attack on them as it was on anyone else. It is shameful that my Republican colleagues did not 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 anyone else. 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 rigged 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 was reported that his own 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 words 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 takeover 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 the 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 disinformation and anger about the 2020 results for years to come.

This is the heart of the matter of why we are here today. 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-two 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 33 new laws have been passed 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 non-partisan 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 do you ignore 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, but 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 coincidence. It didn't just happen, springing up in each State on its own. No. Over the course of the year, we have kept hearing the same justification for many of these laws. State Republicans said we need to preserve "election integrity" over and over again. They said we need to safeguard against voter fraud.

But take a look at the actual policies that are now law, and tell me if you think they have anything to do with election integrity: Reducing polling hours and polling places within a State? That is now the law in Iowa, 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 Florida—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 Arizona, Iowa, Kentucky, Louisiana, Texas, Utah, and New Hampshire; increasing barriers for voters with disabilities, that is now the law in Alabama, Iowa, and Texas—which passed not one but two laws which will have that effect.

Telling disabled people it is going to be harder for you to vote, what does 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—Kafka was 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 from voting, not everybody.

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 every so 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.

When you lose an election, you are not supposed to stop people from voting, even if they didn't vote for you. That is democracy, my Republican friends. That is democracy. If you lose an election, you are supposed to try harder to win over the voters you lost. Instead, Republicans across the country are trying to stop the other side from voting. That tears apart—rips apart—the very fabric of our democracy.

So let's be abundantly clear. These anti-voter laws are on the books today only—only—because their authors cited the Big Lie and are trying to succeed where the insurrection failed. A slow-motion insurrection, that is all it is, equally, if not more damaging to our Republic.

Section 9: Election subversion. Disenfranchising millions of Americans is bad enough, but there is actually another more sinister component to these laws, because Republicans aren't just trying to suppress the vote, they are trying to subvert the vote. They are trying to subvert the very machinery of the Democratic process itself.

It is not enough that they make it harder for people to vote; they are making it more likely that those who do vote could see—God forbid—their ballots called into question, subject to unwarranted and dangerous scrutiny, and maybe get thrown out entirely.

In States like Arizona, Kansas, Arkansas, Georgia, Republican legislatures are trying to give more power to themselves and other partisan bodies to undermine, override, or neuter bipartisan election boards and county election officials. In a number of States, they have already succeeded.

Last August, a report from ABC News noted that at least 10 new State laws have shifted power over elections from nonpartisan election officials to partisan entities—from nonpartisan people to partisan entities. Why? It is obvious to figure that out.

Here is what ABC News said:

Among the dozens of election reform laws changing rules regarding how voters cast ballots, several have also diminished secretaries of states' authority over elections or shifted aspects of election administration to highly partisan bodies, such as state legislators themselves or unevenly bipartisan election boards.

A separate report from Protect Democracy, a nonprofit founded by former White House and DOJ officials, warned last summer that:

Many state legislatures are pursuing a strategy to politicize, criminalize, and interfere in election administration. Their course of action threatens the foundations of fair, professional, and non-partisan elections.

Let's go through some of the examples. In Arizona, ABC News reported last August that under a new law passed by the Republican legislature:

The Arizona Democratic secretary of state, Katie Hobbs, can no longer represent the state in lawsuits defending its election code. The power now lies exclusively with the Republican attorney general—but only through January 2, 2023, when [coincidentally] Hobbs' term ends.

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 secure 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. 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 partisan poll watchers disrupting polling places and ballot verification and counting locations. The bill increased the ability of poll watchers to move freely throughout an election location, 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 to date 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 are doing the opposite—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 importuned 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 State Republican legislatures keep going? Should we in this Chamber fail to do something about it or respond with insufficient force, our de-

mocracy 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 other countries that 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 DURBIN 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 can't. 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 Republicans join Democrats 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 our democracy 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 get both done so we can send these bills to President Biden's desk and they be signed into law—preventing, undoing, the pernicious activi-

ties 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 in the past. It has been supported 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 no 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 who have some doubts, 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 have 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 DURBIN 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 hear 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 engage, refused to debate, even 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 turned its back 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 partisanship, 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 making up lies 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 today than ever before—by some measures, the filibuster is used as much as 10 times today compared to the past decade. My colleague from Oregon is an expert on this, and my guess is he will speak on it.

Some might wonder if any of the great accomplishments of the past would have had a chance of passage today. Would the Social Security Act pass the modern Senate? Medicare and Medicaid? Civil rights? We sure hope they would, but it is difficult to see with the way the Chamber works this day.

As I have said since the fall, if this sort of obstruction will continue, I believe the Senate needs to be restored to its rightful status as the world's greatest deliberative body. It was that in

the past. It is certainly, certainly, not that now. It earned that title precisely 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 once the debate has run its due course.

This is an old, old fight in this Chamber. Over 100 years ago, the great Senator of Massachusetts, Henry Cabot Lodge, said that "to vote without debating is perilous, but to debate and never vote is imbecile."

"To vote without debating is perilous, but to debate and never vote is imbecile." We should heed those words today, and Democrats are currently exploring the paths we have available to restore the Senate so it does what the Framers intended: debate, deliberate, compromise, and end in the vote.

As I said in my "Dear colleague" earlier this week, if Republicans continue to hijack the rules of the Chamber to prevent us from protecting our democracy, then the Senate will debate and consider changes to the rules on or before January 17, Martin Luther King, Jr., Day.

As we hold this debate, I ask my colleagues to consider this question: If the right to vote is the cornerstone of our democracy, then how can Democrats permit a situation in which Republicans can 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?

This asymmetry cannot hold. If Senate Republicans continue to abuse the filibuster to prevent this body from acting, then I would plead with the Senate, particularly my colleagues on this side of the aisle, to adapt. And we must adapt for the sake of our democracy so we can pass the legislation I talked about earlier.

In conclusion—the last section—now, as I near the end of my remarks, let me appeal to an important moment from history. In the aftermath of the Civil War and as the Nation began the colossal work of Reconstruction, America was more divided than at any point in history. I am reading Grant's biography now. That is clear. It was hard to imagine that a single nation could endure after the bloody conflict of the previous 4 years.

At the time, the Congress set to work on granting newly freed slaves the basic freedoms that had long been denied to them. Back then, it was the party of Lincoln, which a century and a half later bears little resemblance to what we see among their ranks today. These freedoms were eventually enshrined federally in the 14th and 15th Amendments, granting due process and the right to vote to all citizens, regardless of color or race.

Today, these amendments rank as some of the greatest and most revered accomplishments in congressional history. They are proof that our country is capable of living up to its founding promise, if—if—we are willing to put in the work.

But at the time, the minority party in both Chambers refused to offer a single vote—a single vote—for any one of the civil rights legislations put forth during Reconstruction—not one vote, not one vote. And it was, of course, the Democratic Party that was not offering the vote. They argued these bills represented nothing more than the partisan interest of a majority—a power grab, they said, if you will, from vengeful northerners.

But that didn't stop the majority. If basic freedoms meant going it alone, they knew they had to do it.

To the patriots after the Civil War, this wasn't partisan. It was patriotic, and the American democracy is better off today because the patriots in this Chamber at the time were undeterred by minority obstruction.

On this day—on this day—the day after we mark the 1-year anniversary of an armed insurrection at the U.S. Capitol, rooted in the Big Lie that is eroding our democracy, the question before the Senate is, How will we find a path forward on protecting our freedoms in the 21st century?

Members of this body 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.

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 our 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 1884, Oliver Wendell Holmes told his war-weary audience that "whether [one] accepts from Fortune her spade, and will look downward and dig, or from Aspiration her axe and cord, and will scale 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 voting rights as the foundation for our democratic Republic: Senator KLOBUCHAR of Minnesota, who spoke with the perspective of the chair of our Rules Committee and her experience in her State of Minnesota; Senator DURBIN, who so understands the challenges from his decades of public service and service in this Chamber; Senator KAINE of Virginia, who brought forth some of the challenges over time that have existed targeting Black Americans; and 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.

Mr. President, 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 take our government's 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 ever devised . . . 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 the while, through generation after generation, we have worked to expand 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 without process, of wiping out the clause that limited them to two terms or to one term and continuing on, or shows that were put on in terms of leg-

islative function that was just a cover story for authoritarian power.

But, here, we have thought we have practiced for more than 200 years converting the power of the people into representative democracy and decisions made through the House and the Senate and the President of the United States. We took for granted that they worked because they had worked for generation after generation, election after election, year after year.

But now, in recent years, we have come to realize that we shouldn't have taken the strength of our institutions for granted. We have come to see all too clearly that these institutions are fragile. We have seen the relentless efforts to undermine faith in our institutions. We have seen the attacks on our free press. We have seen the siloing of channels of information into different 24-hour cable news networks, and we have seen the echo chamber of social media.

We have experienced the impact that has occurred attacking the basic right to vote being torn away by the highest Court in the land, to political leaders deliberately lying to and deceiving the American people, and fanning the flames of hate and bigotry, of division and discrimination, for their political gain.

Then, just over a year ago, we saw it culminate in a violent mob of extremists stirred up and unleashed by a man who couldn't face the reality of his electoral loss, and that mob stormed this very building to stop the wheels of democracy from turning.

I was sitting here in this Chamber, and I well remember the agents rushing down the center aisle up to the podium to sweep away the Vice President to safety, wondering why they were running down the aisle because that doesn't happen here in the Senate. We heard the sounds of people outside these doors and wondered what was going on. We saw our Sergeant at Arms team start to lock the doors of this Chamber—all of it in just an extraordinary moment. Then, because we have smartphones, we started to understand what was going on outside of the Capitol and inside of the Capitol.

Later, we learned of the incredibly valiant acts of an officer named Eugene Goodman, who, as the first wave of the mob ascended the staircase that is just outside the Chamber in this direction, proceeded to essentially challenge the leader of that group, shoving him slightly and backing up away—down that hallway to move the mob away from entering the double doors that were closer by, buying more time for the security of this Chamber.

It is hard to believe that men and women in this building were chanting for the death of NANCY PELOSI and the death of the Vice President of the United States of America, calling for him to be hanged.

Because we started to understand the threat, I heard whispered phone calls to loved ones saying: I am OK. I think I am fine.

We saw fear and pain in the eyes of some of our staff, who were simply doing their job to help our democracy function that day.

We know how that day lingers in the hearts of our Capitol Police officers, and I continue to grieve with them for the trauma and loss they endured and to appreciate so much the service they 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 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, was to destroy the 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 there was a new box, 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.

This 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. That is why we must pass, without delay, the Freedom to Vote Act and the John Lewis Voting Rights Act.

The 2020 election was free. It was fair. It was secure. In every analysis, in every court hearing, in every recount, in every audit, we have found that the election of 2020 was free and fair and secure. We have seen that proven time and time and time again.

It was the most scrutinized election ever held in this country. It was also the election with the largest turnout ever in this country. More than 159 million Americans cast a ballot. But instead of celebrating the integrity of that election—that beautiful display of democracy, the embodiment of the “we the people” Republic—some in our country have spent this past year trying to undermine our Republic, to lie about it, to tear it down, to tear down what so many have worked and fought for, marched and sacrificed for over 245 years. These forces cannot win by the power of their ideas so 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 understaff 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.

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 started with the Republican Party saying: Let's get everybody signed up for absentee ballots because we know we can increase turnout. And then the Democrats said: That is a really good idea. Let's get all our folks to sign up for absentee ballots.

So when I first ran for the State legislature, half the State was voting by absentee ballot, and half was voting at the polls. And then in the next election, the State said: We liked voting by absentee ballot so much, let's give vote-by-mail to everyone. And it was embraced by both parties.

And I remember going door-to-door and people telling me: We really love not having to worry about the challenges of election day—of parking; of weather; I have a bad hip, and I can't stand in line; I have to pick up my children after I get off work, and I won't have time to stand in line.

Why did President Trump attack vote-by-mail? He hated vote-by-mail because it takes away the cheating on election day that he feels can be implemented to benefit Republicans across this country. President Trump is the primary proponent of cheating Americans out of their right to vote.

This Chamber has to act. We are seeing the strategies unfold in State after State. Last year, 440 bills were introduced in multitudinous States aimed at restricting the freedom to vote. Thirty-four of those bills have been passed into law in 19 States, restricting access to the ballot box, threatening the integrity of our elections.

The first week of this new year, 13 bills were filed in Arizona and New Hampshire. Eighty-eight bills were introduced last year that are carrying over into the 2022 legislative session in nine States, including swing States like Pennsylvania and Wisconsin.

We can see how prevalent the activity is. Now, when we were wrestling with the right to vote in the 1960s, it was primarily a challenge of the Southern United States using strategies targeted at Black Americans. But now, we

have a challenge of strategies being enacted across the country targeting Black Americans and Native Americans and young Americans.

So let's take a look at this, at some of the key swing States. Arizona—for over a decade, voters have been mailed a ballot.

Now, currently, if you are an infrequent voter, and you don't vote early in two election cycles, you can be removed from the permanent early voting list—meaning you no longer automatically receive that ballot, meaning that you are expecting it, but you don't get it. When you realize that you have to get to the polls, it may be too late, making it harder for targeted voters 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.

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 secretary of state, where it has always been, to 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—meaning the State might 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: Too bad, 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. It used to be 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 vote-by-mail, the thought is 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 he sees someone beaten up by 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 voting. 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 here 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 relied 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 to one-fifth 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 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 Eveler said, and refers to the boxes:

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 elec-

tion 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 KLOBUCHAR 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 HB 176, 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, requires voters who do not have certain specified 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 are eligible to vote on election day 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 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 off the rolls. 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—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 legislatures are creating prejudicial laws to block Democratic constituencies—constituencies 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 2 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?

Now, some have said: You 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 could make a 3-percent difference in the outcome of the balloting. 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, 0.1 percent; Senator CORTEZ 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 two 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 here we are at that moment where we have to defend the ability of the citizen to participate. That vigilance, that responsibility, that weight of preserving our “We the People” Republic is on our shoulders. So the Freedom to Vote Act needs to be passed to ensure 15 days of early voting; to ensure access to vote-by-mail; to provide relief for voters waiting in long lines; to ensure that poll workers exist in sufficient numbers for the polling places and have adequate training to operate them effectively; to take on gerrymandering through national standards so that the House of Representatives, down this hallway outside this door, reflects the will of the people instead of being rigged for the powerful.

And the bill is needed to take on dark money, money no one knows where it comes from. If you or I donated \$100 to a campaign, it is recorded. Everyone knows that we donated that money. But if the billionaire spends tens of millions or hundreds of millions of dollars, it is done in secret, dark money. Americans of every political entity—Democratic, Republican, Independent—know this is corrupt, know that it shouldn’t happen, know that the same things should apply to the billionaire as to the ordinary citizen.

We need to pass the Freedom to Vote Act, and we need to pass the John Lewis Voting Rights bill. That bill restores preclearance. The 1965 bill, the Voting Rights Act, was a preclearance bill. It said that those States that have conducted violations of the rights of citizens to vote can’t change election laws without getting them precleared to make sure they are not prejudicial on the basis of race.

The Supreme Court has gutted that. The Supreme Court has operated as a supreme legislature of the land and decided it wanted to legislate out what this body and the House of Representatives passed overwhelmingly in a bipartisan fashion.

The 2013 Shelby County decision opened the floodgates to voter suppression and voter repression with laws like the ones I have been talking about. Preclearance protects us against those corrupt strategies that are yet to come, while the Freedom to Vote Act protects us against the activities that have already occurred. We need to do both.

All of us, Democrats and Republicans, should be working together as the two parties did in 1965, as they did each and every time to renew authorization of the Voting Rights Act, until now.

But, 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 unveiled his Civil Rights Act, Martin Luther King was here in Washington, DC, giving 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 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 ensure 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 living wages and safe 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. If you take and assault 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 I am 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 think, Isn’t this 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 he never said, 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 trend 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 diverse constituents. They won’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.

But never, ever, ever did 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:

If 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 58*, 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 reversing the principle of free government.

So we have seen 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 to just 26 amendments 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 first 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 it, would have to take a vote 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. The majority leader wants to protect majority Members from voting on issues they might be embarrassed by or that constituencies might not support. So we twiddle our thumbs while the leaders of the two parties debate. 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 hours of debate. Then, if a Senator 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 are about to 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.

So they reformed 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 used on motions to proceed with bills to the floor. It hadn't been used on amendments. 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 ever being debated. 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 negotiating 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. The 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 100 weeks in a year.

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, and 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 difficult, 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.

But 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 whole 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 failing in our 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 responsibility under the Constitution, 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. That means it comes before 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 Members 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 press has been able to examine what is in 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 initial Senate—26 Members—they had a motion to move the prior question in the rule book, but they never used it. So in 1805, when Aaron Burr directed the rewriting of the rules, he said: We never use this rule, so let's take it out because we all listen to each other before we vote.

That is a big positive. Every Member should be heard in this Chamber. Every Member should be able to participate and have the ability to put amendments forward, have their voice heard. We should not become the House. The House of Representatives—the majority runs over the top of the minority.

It is a better Chamber for having the voices of minority and majority weighing in on legislation, having amendments from both parties being considered. That is the reinvigoration of the filibuster in its best light.

You know, a year ago and 1 day, a mob attacked the Presidential election, but in the ensuing year, we have had 19 States attack Federal elections for House and Senate Members by changing the rules in their State prejudicially to try to block the young, the

college students, the Tribal members, the Black Americans from voting. It is wrong, but it is happening, and it is on our shoulders, our responsibility, to stop that.

Earlier, I referred to the fact that the path of democracy is not the road most taken. Most of the people in the 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 powerful. We have been that 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 freedom 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, reports, 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-BE47) 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-BD73) 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 "Findings of Failure to Submit State Implementation Plan Revisions for the 2016 Oil and Natural Gas Industry Control Techniques Guidelines for the 2015 Ozone 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:

COMMODITY 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

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, VICE SCOTT WALLACE STUCKY, TERM EXPIRED.

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.

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:

To be colonel

SHAWN D. SMITH

WITHDRAWALS

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

CLAYBORNE 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 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, VICE JAMES L. HENDERSON, TERM EXPIRED, 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, VICE RICHARD G. FRANK, WHICH WAS SENT TO THE SENATE ON OCTOBER 28, 2021.