



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, FIRST SESSION

Vol. 167

WASHINGTON, WEDNESDAY, JANUARY 6, 2021

No. 4

Senate

The Senate met at 12:30 p.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

Almighty God, have compassion on us with Your unfailing love. As our lawmakers prepare to formally certify the votes cast by the electoral college, be present with them. Guide our legislators with Your wisdom and truth as they seek to meet the requirements of the U.S. Constitution. Lord, inspire them to seize this opportunity to demonstrate to the Nation and world how the democratic process can be done properly and in an orderly manner. Help them to remember that history is a faithful stenographer, and so are You.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. LANKFORD). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

REPORT OF THE SECRETARY OF THE SENATE

The PRESIDING OFFICER laid before the Senate the following letter from the Secretary of the Senate, which was ordered to lie on the table:

DEAR MR. PRESIDENT: On Tuesday, January 5, 2021, the President of the United States sent by messenger the attached sealed envelope addressed to the President of the Senate dated January 5, 2021, said to contain a message regarding additional steps addressing the threat posed by applications and other software developed or controlled by Chinese companies. The Senate not being in session on the day which the President delivered this message, I accepted the message at 5:00 p.m., and I now present to you the President's message, with the accompanying papers, for disposition by the Senate.

Respectfully,

JULIE A. ADAMS,
Secretary of the Senate.

The PRESIDING OFFICER. The Senator from Iowa.

MEASURE PLACED ON THE CALENDAR—S. 11

Mr. GRASSLEY. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 11) to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

Mr. GRASSLEY. In order to place the bill on the calendar under the provisions of rule XIV, I would object to its further reading.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 13

Mr. GRASSLEY. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 13) to establish an advisory committee to make recommendations on improvements to the security, integrity, and administration of Federal elections.

Mr. GRASSLEY. Mr. President, I now ask unanimous consent for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

JOINT SESSION OF THE TWO HOUSES—COUNTING OF ELECTORAL BALLOTS

The PRESIDING OFFICER. Under the provisions of S. Con. Res. 1, the Senate will now proceed as a body to the Hall of the House of Representatives for the counting of the electoral ballots.

Thereupon, the Senate, at 12:51 p.m., preceded by the Secretary of the Senate, Julie E. Adams, and the Deputy Sergeant at Arms, Jennifer Hemingway, proceeded to the Hall of the House of Representatives for the purpose of counting electoral ballots.

The VICE PRESIDENT. Pursuant to S. Con. Res. 1 and section 17, title III, U.S. Code, when the two Houses withdraw from the joint session to count the electoral vote for separate consideration of an objection, a Senator may speak to the objection for 5 minutes and not more than once. Debate shall not exceed 2 hours, after which the Chair will put the question: Shall the objection be sustained?

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



Printed on recycled paper.

The clerk will report the objection made in the joint session.

The senior assistant legislative clerk read as follows:

Objection from Representative GOSAR from Arizona and Senator CRUZ and others, "We, a Member of the House of Representatives and a United States Senator, object to the counting of the electoral votes of the State of Arizona on the ground that they were not, under all of the known circumstances, regularly given."

RECOGNITION OF THE MAJORITY LEADER

The VICE PRESIDENT. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the majority leader and the Democratic leader be allowed to speak and that following their remarks, the majority leader and the Democratic leader each control up to 1 hour of debate time and be authorized to yield up to 5 minutes of that time to any Senator seeking recognition. Further, I ask unanimous consent that the Senators be permitted to insert statements into the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The VICE PRESIDENT. The majority leader.

CHALLENGE TO THE ELECTORAL COLLEGE

Mr. MCCONNELL. Mr. President, we are debating a step that has never been taken in American history: whether Congress should overrule the voters and overturn a Presidential election.

I have served 36 years in the Senate. This will be the most important vote I have ever cast.

President Trump claims the election was stolen. The assertions range from specific local allegations, to constitutional arguments, to sweeping conspiracy theories. I supported the President's right to use the legal system. Dozens of lawsuits received hearings in courtrooms all across our country, but over and over, courts rejected these claims, including all-star judges whom the President himself nominated.

Every election, we know, features some illegality and irregularity, and, of course, that is unacceptable.

I support strong State-led voting reforms. Last year's bizarre pandemic procedures must not become the new norm. But, my colleagues, nothing before us proves illegality anywhere near the massive scale—the massive scale that would have tipped the entire election, nor can public doubt alone justify a radical break when the doubt itself was incited without any evidence.

The Constitution gives us here in Congress a limited role. We cannot simply declare ourselves a national

board of elections on steroids. The voters, the courts, and the States have all spoken. They have all spoken. If we overrule them, it would damage our Republic forever.

This election actually was not unusually close. Just in recent history, 1976, 2000, and 2004 were all closer than this one. The electoral college margin is almost identical to what it was in 2016. If this election were overturned by mere allegations from the losing side, our democracy would enter a death spiral. We would never see the whole Nation accept an election again. Every 4 years would be a scramble for power at any cost. The electoral college, which most of us on this side have been defending for years, would cease to exist, leaving many of our States with no real say at all in choosing a President.

The effects would go even beyond the elections themselves. Self-government, my colleagues, requires a shared commitment to the truth and a shared respect for the ground rules of our system. We cannot keep drifting apart into two separate tribes with a separate set of facts and separate realities with nothing in common except our hostility toward each other and mistrust for the few national institutions that we all still share.

Every time—every time in the last 30 years that Democrats have lost a Presidential race, they have tried a challenge just like this—after 2000, after 2004, and after 2016. After 2004, a Senator joined and forced the same debate. And, believe it or not, Democrats like Harry Reid, DICK DURBIN, and Hillary Clinton praised—praised and applauded the stunt. Republicans condemned those baseless efforts back then, and we just spent 4 years condemning Democrats' shameful attacks on the validity of President Trump's own election. So there can be no double standard. The media that is outraged today spent 4 years aiding and abetting the Democrats' attacks on our institutions after they lost.

But we must not imitate and escalate what we repudiate. Our duty is to govern for the public good. The United States Senate has a higher calling than an endless spiral of partisan vengeance.

Congress will either overrule the voters, the States, and the courts for the first time ever or honor the people's decision. We will either guarantee Democrats' delegitimizing efforts after 2016 became a permanent new routine for both sides or declare that our Nation deserves a lot better than this. We will either hasten down a poisonous path where only the winners of elections actually accept the results or show we can still muster the patriotic courage that our forebears showed not only in victory but in defeat.

The Framers built the Senate to stop short-term passions from boiling over and melting the foundations of our Republic. So I believe protecting our constitutional order requires respecting the limits of our own power. It would be unfair and wrong to disenfranchise

American voters and overrule the courts and the States on this extraordinarily thin basis, and I will not pretend such a vote would be a harmless protest gesture while relying on others to do the right thing. I will vote to respect the people's decision and defend our system of government as we know it.

RECOGNITION OF THE MINORITY LEADER

The VICE PRESIDENT. The Democratic leader is recognized.

CHALLENGE TO THE ELECTORAL COLLEGE

Mr. SCHUMER. Mr. Vice President, as prescribed by the Constitution and the laws of the Nation, the purpose of this joint session is for tellers, appointed on a bipartisan basis by the two Houses, to read to the Congress the results of an election that has already happened. We are here to receive an announcement of a vote that has already been certified by every State in the Union and confirmed by the courts many times—many times over. We are here to watch the current Vice President open envelopes and receive the news of a verdict that has already been rendered. It is a solemn and august occasion, no doubt, but it is a formality.

The Congress does not determine the outcome of elections; the people do. The Congress is not endowed with the power to administer elections; our States are given that power.

By the end of the proceedings today, there will be confirmed once again something that is well known and well settled: The American people elected Joe Biden and KAMALA HARRIS to be the next President and Vice President of the United States. Yet a number of our colleagues have organized an effort to undermine and object to that free and fair election. They are in the minority. They will lose; they know that. They have no evidence of widespread voter fraud upon which to base their objections. That is because there is none. There is none, not brought before any of the courts successfully.

They know that President Trump and his allies have suffered a defeat in court after court across the country, losing no fewer than 62 legal challenges. And, I might add, many Republican-appointed judges—some appointed by President Trump—rendered those decisions.

They know—you all know—that Joe Biden and KAMALA HARRIS are going to be sworn in as President and Vice President of the United States on January 20, but they are going to object to the counting of the vote anyway, and in the process, they will embarrass themselves, they will embarrass their party, and worst of all, they will embarrass their country.

This insurrection was fortunately discouraged by the leadership of the majority party, but it was not quelled.