



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, FIRST SESSION

Vol. 167

WASHINGTON, THURSDAY, MAY 20, 2021

No. 88

Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable JACKY ROSEN, a Senator from the State of Nevada.

PRAYER

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

Let us pray.

Almighty God, You store up goodness for those who have reverence for You. Give our lawmakers such reverential awe for Your purposes that they will receive the maximum You desire to give.

Lord, lavish them with Your protection and grace, blessing them as a watching nation and world look at the unfolding of Your prevailing providence. May our Senators strive to walk with integrity, staying on the path that You have chosen. Show them daily the wonders of Your unfailing love. Continue to be their help and shield as they worship and trust You.

We pray in Your Holy 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, May 20, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JACKY ROSEN, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. ROSEN 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.

RECOGNITION OF THE MAJORITY LEADER

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

MEASURE PLACED ON THE CALENDAR—H.R. 3233

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

The PRESIDING OFFICER. The leader is correct.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 3233) to establish the National Commission to Investigate the January 6 Attack on the United States Capitol Complex, and for other purposes.

Mr. SCHUMER. Madam President, in order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

JANUARY 6 COMMISSION

Mr. SCHUMER. Madam President, January 6 was only a few months ago. The memory is still fresh for all of us who experienced it firsthand.

A violent mob stormed the citadel of democracy, assaulted our Capitol po-

lice, and tried to halt the peaceful transfer of power. One hundred forty officers were injured. Five people would eventually lose their lives in connection to the attack.

I was within 20 feet of these hooligans.

It was one of the darkest moments in American democracy—the first time the Capitol was breached since the War of 1812, over 200 years ago. And yet, not 5 months later, many on the Republican side are trying to whitewash what happened.

Here is what one Senate Republican said about the attack last night: “By and large, it was peaceful protests . . . except for a few agitators,” he said. “Even calling this an insurrection” was wrong.

If there was ever a justification for creating a bipartisan Commission to study and report on the truth behind the attack of January 6, the comments of that Senator provide it.

Republicans in both Chambers are trying to rewrite history in fealty to or in fear of the former President, Donald Trump. Republicans in both Chambers are trying to erase the memory of January 6 and perpetuate the Big Lie. They are now likening the mob on January 6 to a group of “normal tourists.” Anyone who has seen the pictures of them breaking through the Capitol barriers knows that these weren’t normal tourists.

They are calling the mob, not the police, the victims of the attack. We have dead and injured police officers, and they are calling the mob the victims?

Only a week ago, the House Republicans fired Congresswoman CHENEY for the crime of merely repeating the truth about the election. It certainly wasn’t about policy. Congresswoman CHENEY voted with President Trump far more than the Member who replaced her. She was fired because she stood up to the Big Lie. It was a Thomas More moment here in 2020, and all of the shameful comments by Republicans

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



Printed on recycled paper.

S3173

reveal that a bipartisan Commission is even more necessary than it once was.

We always needed to look into it, but the fact that there is such denial, there is such lying, and there is such obeisance to Donald Trump's Big Lie and to his fundamentally dishonest personality, makes the need for the truth, for a Commission greater than it ever has been. For the sake of our democracy, it is crucial to end the poison of the Big Lie, to establish an independent and trusted record of what transpired, and to make sure an event like January 6 never, never happens again.

Yesterday, the House of Representatives passed legislation establishing just such a Commission with a strong bipartisan vote. Thirty-five Republicans joined Democrats in approving the measure, defying their leadership, who turned tail at the eleventh hour in an act of utter spinelessness.

Last night and now—just now—I began the rule XIV process that would make this legislation available for consideration on the floor of the Senate. I just moved to place the legislation for a Commission on the floor under rule XIV. It is my intention to bring the bipartisan legislation for the January 6 Commission up for a vote.

My Senate Republican colleagues must now ask themselves: Are they going to join us in pursuing the truth or are they going to cover for Donald Trump and his Big Lie? I understand the Republican leader has decided to oppose the bill. The Republican leader, who called the January 6 attack a “disgrace,” who said he believed there was “no question” Donald Trump was “morally responsible” for the attacks, now finds this whole endeavor unnecessary.

Of course, that wasn't always the case. In the aftermath of the Capitol attack, the Republican leader, Senator McCONNELL, said we needed a “serious and thorough review” of the attacks, but very quickly the goalposts started to move. A few weeks after the attack, Republicans started complaining that the Democratic proposals for establishing a Commission were too partisan. When Democrats accepted all the changes—all the changes—requested by House Republicans, the Senate Republican leader said that his conference was undecided but “willing to listen.” But now, once again, the goalposts have shifted. Now the Republican leader believes we don't need a bipartisan Commission at all.

Let me be very clear to my Republican colleagues: There is no good justification for opposing the Commission. The Commission is not partisan. It will have a 50–50 split of Democrats and Republicans with subpoena powers requiring cooperation from both sides. It was negotiated on a bipartisan basis by both the chairman and the ranking member of the House Homeland Security Committee. It won the support of 35 Republicans on the House floor.

The Commission is not duplicative. The scope of the investigations into

January 6 by our Senate committees is very focused. We need a dedicated bipartisan Commission to look at the whole picture. The fact that our committees can investigate didn't stop Congress from establishing a 9/11 Commission. A January 6 Commission is necessary for the same reasons that the 9/11 Commission was necessary.

The real reason it seems Republican leaders are suddenly opposed to this bipartisan Commission is they don't want to talk about the Big Lie at all. They don't even want to investigate how former President Trump instigated an attack on our democracy because he was angry about losing the 2020 election and lied to the American people about the results.

Even now, 5 months to the day after he left office, the Republican Party is still so terrified of Donald Trump that they are apparently willing to abandon the truth and the safety of our democracy on into the future.

Maybe, despite the opposition of the Republican leader—the unfortunate and sad opposition of the Republican leader—enough of my Republican colleagues will step up and join with Democrats to establish the Commission. They will get a chance to do so very soon.

U.S. INNOVATION AND COMPETITION ACT

Mr. SCHUMER. On another matter, the Senate continues to make great progress on the modified Endless Frontier Act, now called the U.S. Innovation and Competition Act. Yesterday, we considered two amendments and added one of them to the bill, a bipartisan amendment led by Senators HIRONO and TILLIS. Today, we will consider another two amendments.

As my colleagues know, the bill itself is the product of at least six Senate committees and already includes input of nearly every Member of the Senate. And, as promised, we are working in a bipartisan way, in a much more open way than the Senate used to act, to allow amendments and have debate.

This is an issue where our two parties are working together with a great deal of cooperation. Down to a Member, I believe we all want to see the United States maintain its position as the global economic leader in the 21st century. We all want to see America stay No. 1 in science and technology. It is so important for jobs, for our economic security, for our national security.

We have an extraordinary opportunity to set our country on a path to outinnovate, outproduce, and outcompete the world in the industries of the future. Let's keep working and deliver a strong bipartisan result by the end of next week.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

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

CHINA

Mr. McCONNELL. Madam President, we know that competition with China will shape America's security and prosperity for decades to come. That is a fact. The legislation on the floor purports to deal with this issue. It covers a huge range of topics, from economics to education, to foreign and defense policy. Earlier this week, I voted with the majority of Senators to proceed to this important debate, but as Members have noted, this bill did not come out of committee quite ready for prime time. It needs thorough floor consideration, with a robust, bipartisan amendment process.

Today, we will vote on a very important amendment that I will be proud to support. Ranking Member INHOFE and Vice Chairman SHELBY have legislation that will return the pivotal issue of the funding of our national defense to the center of the conversation about competing with China, and this is right where it belongs.

All the soft power in the world will only benefit us as long as we have the hard power to back it up. We must maintain our military edge against China and Russia. Yet, for all of this talk about competing with China, the Biden administration's budget proposal seeks to cut defense spending after inflation.

China's long-term military investments are paying dividends that really should alarm us, but Democrats want to pump the brakes on our own? Fewer resources for our own men and women in uniform? Less defense innovation? What sense does that make?

If there is truly broad bipartisan support for taking our competition with China more seriously, there ought to be big bipartisan support for the Inhofe-Shelby amendment later today.

(Mr. HICKENLOOPER assumed the Chair.)

BORDER SECURITY

Mr. McCONNELL. Mr. President, on another matter, our Nation's southern border is still in crisis. The Biden administration still won't admit it. Much of the media would prefer not to cover it, but the facts are clear, and they are unacceptable.

A few days ago, Customs and Border Protection issued its report on the month of April. The number of encounters with illegal entrants was 3 percent