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Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Eternal God, who commands the morning to appear, we place our trust in You. Lord, You keep us from dishonor. Continue to show our lawmakers the path where they should fall. Point them to the right road. When they have doubts, remove their uncertainty with Your wisdom. When they have fears, remind them that You are their refuge and strength. When they experience failure, strengthen them to rise again. Lord, lead them by Your truth and teach them how to honor You.

We pray in Your matchless Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT pro tempore. Pursuant to S. Res. 29, the Secretary of the Senate-elect will now present herself to the desk to take the oath of office.

Sonceria Ann Berry, escorted by Mr. SCHUMER, advanced to the desk of the President pro tempore, and the oath prescribed by law was administered to her by the President pro tempore.

The PRESIDENT pro tempore. Congratulations, Madam Secretary.

(Applause.)

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. SCHUMER. Mr. President, it is a proud day for the Senate, and I ask unanimous consent that the Senate proceed to the consideration of S. Res. 78, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 78) notifying the President of the United States of the election of the Secretary of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 78) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 79, submitted earlier today.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 79) notifying the House of Representatives of the election of the Secretary of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 79) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

The PRESIDENT pro tempore. The majority leader.

SECRETARY OF THE SENATE

Mr. SCHUMER. Mr. President, we begin this week on a joyful note: welcoming an outstanding individual to serve as the new Secretary of the Senate, Ann Berry from the office of one Senator PATRICK LEAHY.

The position of the Secretary of the Senate dates back to April 8, 1789, just 2 days after the Senate achieved its first quorum. Today, 1 day after the conclusion of Black History Month and on the first day of Women's History Month, Ann Berry was just sworn in as the first Black woman to ever serve as Secretary of the Senate—another glass ceiling broken.

It is a testament to her outstanding career as a public servant of the highest caliber. Over her 40 years in Washington, Ann has come to know the ins and outs of the Senate better than just about anyone else who works in the Capitol Complex. She came to Washington, a proud native of Birmingham,

AL, and a graduate of the University of North Alabama, to work for Senator Howell Heflin.

Clearly, word got around about her talents because, over the course of her career, she went to work for Senators CARPER, EDWARDS, MOYNIHAN, JONES, and, most recently, as Senator LEAHY's deputy chief of staff, where she was an indispensable resource not only to Senator LEAHY's office but to my team and to countless other Senators.

I want to thank Senator LEAHY for parting with Ann and lending her considerable talents to the full Senate. He told me he regretted her going, but he was so glad that the Senate had seen her talents.

And thank you, Ann. Thank you for accepting this incredible responsibility. Congratulations on beginning your historic tenure, and we all wish you the best as you work to bring this great institution to life.

As we all welcome Ann to her new role, the Senate bids a fond farewell to Julie Adams and Mary Jones. Over the last 6 years, Julie Adams and Mary Jones have served as Secretary and Assistant Secretary of the U.S. Senate with impeccable skill and unflappable professionalism.

Both are longtime veterans of Washington. Julie worked for many years under Leader MCCONNELL and First Lady Laura Bush, while Mary served in the White House under President George H. W. Bush and, as I remember, because I was, I guess, chairman or ranking member—I can't recall which, maybe both—as staff director of the Senate Rules and Administration Committee, where she did just a great job.

Both of them are friendly and familiar faces around here in the Senate. Both have earned the respect here in the Senate of just about everyone who has worked with them.

Of course, Julie and Mary deserve special praise for their leadership over the last 12 months. As a global pandemic forced the Senate to adapt to new ways, they kept the Senate functioning in the midst of this historic crisis. And in the wake of the horrific attacks on January 6, Julie and Mary were heroic—heroic—in getting the Senate back on its feet only a few hours after the violence had been quelled.

To Julie and Mary, thank you. Thank you for all you have done. The entire Senate wishes you and your families the very best, and we look forward to seeing what the road ahead holds for both of you.

BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Mr. President pro tempore, now, on Senate business, the Senate will have a busy week ahead of it. Today and tomorrow, the Senate will confirm two more members of President Biden's Cabinet: Dr. Miguel Cardona to serve as Secretary of Education and Governor Gina Raimondo to serve as Commerce Secretary.

The Senate will also confirm Dr. Cecilia Rouse to serve as the Chair of the Council of Economic Advisers, another history-making pick who will be the first Black official to head that Department.

All three nominees are exceptionally well qualified. All have received bipartisan support in their respective committees, including a unanimous vote in favor of Dr. Rouse.

As we continue the fight against the pandemic on all fronts—in particular, the damage it has caused our schools and our economy—these nominees will have a difficult and important task ahead of them. It will be very good news once we have them confirmed and on the job.

The Senate will then return to the American Rescue Plan, comprehensive legislation that will help us crush the virus, recover our economy, and get life back to normal.

(Ms. HIRONO assumed the Chair.)

Defeating the pandemic is national priority No. 1: getting our schools to reopen as safely and quickly as possible; helping small businesses hang on until the economy can come roaring back; keeping teachers and firefighters and other essential employees on the job; providing aid to the jobless, food to the hungry, direct cash payments to millions of Americans struggling—struggling—for the cost of rent, groceries, medicine, and utilities; speeding the distribution of the vaccine, which is the cornerstone to ending this awfully dark chapter in American history.

That is what our country needs, and that is what the American Rescue Plan will achieve. To paraphrase Franklin Roosevelt, we must do the first things first.

Last week, the legislation passed in the House of Representatives. This week, the Senate will take up the measure. Let me say that again. The Senate will take up the American Rescue Plan this week.

I expect a hearty debate and some late nights, but the American people sent us here with a job to do: to help the country through this moment of extraordinary challenge; to end, through action, the greatest health crisis our country has faced in a century. And that is just what we are going to do.

VOTING RIGHTS

Mr. SCHUMER. Madam President, on another matter entirely, voting rights, the story of American democracy is a long and messy one, full of contradictions and halting progress. It was a century and a half after our founding before women got the right to vote, another half century before African Americans could enjoy the full rights of citizenship. It took mighty movements and decades of fraught political conflicts to achieve even those basic dignities and establish the United States as a full democracy worthy of the title.

But any American who thinks that today, in 2021, that fight is over—that the fight for voting rights is over—is sorely and, unfortunately, sadly mistaken.

In the wake of the most recent election, an election that the former President has repeatedly lied about and claimed was stolen, more than 253 bills in 43 States have been introduced to tighten voting rules under the pernicious, nasty guise of election integrity.

In Iowa, the State legislature voted to cut early voting by 9 days. Polls will close an hour earlier. And they voted to tighten the rules on absentee voting, which so many—the elderly, the disabled, the frail—depend on.

In Wisconsin, Republican lawmakers have proposed limiting ballot drop boxes to one per municipality—a municipality of hundreds of thousands, and a tiny one gets the small one. I wonder why. I wonder why.

In Arizona, one Republican legislator wants to pass a law allowing the State legislators—listen to this—to ignore the results of the Presidential election and determine their own slate of electors. One legislator in Arizona wants to pass a law allowing State legislators to ignore the results of the Presidential election and determine their own slate of electors. That doesn't sound like democracy. That sounds like dictatorship.

The most reprehensible of all efforts might be found in Georgia, where Republicans have introduced a bill to eliminate all early voting on Sundays, a day when Black churches sponsor get-out-the-vote drives known as ''souls to the polls.''

We have, supposedly—supposedly—come a long way since African Americans in the South were forced to guess the number of jelly beans in a jar in order to be allowed to vote. But it is very difficult to look at the specific laws proposed by Republican legislatures around the country, designed to limit voter participation in heavily African-American and Hispanic areas, to lower turnout and frustrate election administration in urban districts and near college campuses, to gerrymander districts to limit minority representation ''with almost surgical precision,'' to specifically target and thwart Black churches from organizing voting drives—it is difficult, very difficult not to see the tentacles of America's generations-old caste system, typically associated with slavery and Jim Crow, stretching into the 21st century and poisoning the wellspring of any true democracy—free and fair elections.

We see a lot of despicable things these days, but nothing that seems to be more despicable than this. When you lose an election in a democratic society, you update your party platform and appeal to more voters. You don't change the rules to make it harder for your opponents to vote, especially not African Americans, Hispanics, Native Americans, and other voters who have

been historically disenfranchised. That response is toxic to democracy and, indeed, is the very opposite of democracy.

Make no mistake, these despicable, discriminatory, anti-democratic proposals are on the move in State legislatures throughout America. They must be opposed by every American—Democrat, Republican, Independent; liberal, conservative, moderate—who cherishes our democracy.

This is just incredible what they are trying to do—incredible. We must do everything we can to stop it.

MEASURES PLACED ON THE CALENDAR—S. 461 AND S.J. RES. 9

Mr. SCHUMER. Madam President, I understand there are two measures at the desk due for a second reading en bloc.

The PRESIDING OFFICER. The leader is correct.

The clerk will read the bills by title en bloc for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 461) to create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States.

A joint resolution (S.J. Res. 9) proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices.

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

The PRESIDING OFFICER. Objection being heard, the bills will be placed on the calendar.

Mr. SCHUMER. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

KENTUCKY

Mr. MCCONNELL. Madam President, once again, our communities across my home State of Kentucky are enduring the aftermath of severe—very severe—weather. From east to west, heavy rains have drenched the Commonwealth. Sadly, some of the hardest hit areas were still in the midst of trying to recover from last month's dangerous ice and snow. Emergency crews, first responders, and now the Kentucky National Guard are continuing to work around the clock to prevent this bad situation from becoming entirely tragic.

An entire nursing home in Magoffin County was evacuated as a safety precaution. Feet of water submerged vehicles and caused power outages in Calloway County.

Wolfe County firefighters followed the light of a cell phone and saved a family of five who had been trapped in their car.

Once again, Kentucky's brave first responders are stepping up at a time of need. We are all grateful for their dedicated efforts and praying for their safety.

All Kentuckians can help the first responders by continuing to follow the recommendations of local emergency personnel. My team and I are closely monitoring the situation, and we will be ready to assist however we can.

AMERICAN RESCUE PLAN

Mr. MCCONNELL. On another matter, at about 2 a.m. on Saturday morning, House Democrats rammed through the bonanza of partisan spending they are calling a pandemic rescue package. Only Democrats voted for it. Both Republicans and Democrats voted against it.

Last year, under a Republican Senate and a Republican administration, Congress passed five historic coronavirus relief bills—five of them. Not one of the five bills got fewer than 90 votes in the Senate or less than about 80 percent over in the House.

Ah, but alas, this time Democrats have chosen to go a completely partisan route. Even famous liberal economists and liberal editorial boards are saying their half-baked plan is poorly targeted to what families needed.

We have gone from passing public relief with 80 percent and 90 percent bipartisan supermajorities last year to the Speaker of the House ramming this through with just 50.7 percent of the House on Friday night. The bill contains all kinds of liberal spending on pet projects with no relationship whatsoever to pandemic relief.

Remember, we are almost to the 1-year anniversary of a leading House Democrat admitting they see this whole crisis as ''a tremendous opportunity to restructure things to fit our vision.''

So, sorry to all the American families who have just been hoping to get their jobs back, their schools back, and their lives back. Democrats are more interested in some restructuring. That is why only 1 percent—1 percent—of this huge package goes directly to vaccinations—1 percent for vaccinations. That is why it proposes another 12-digit sum of Federal funding for K–12 schools, even though science shows those schools can be made safe right now. About 95 percent of that funding won't even go out this fiscal year. Ninety-five percent of the school funding in this bill won't go out this year. And this is an emergency package?

That is why they are pushing economic policies that would drag down our recovery—like the House's vote for a one-size-fits-all minimum wage policy that would kill 1.4 million jobs or continuing to pay laid-off workers a premium to stay home that would extend well into a recovery where job growth and rehiring will be pivotal.

Whenever their long-term liberal dreams came into conflict with what Americans actually need right now, Democrats decided their ideology should win out.

Well, it doesn't have to be this way. We could have built more practical policies to help the American people move forward. Some Senate Republicans literally went down to the White House and proposed that both sides work together, like we did five times last year. The administration declined. So this is where we are: a bad process, a bad bill, and a missed opportunity to do right by working families.

FOREIGN POLICY

Mr. MCCONNELL. Now, on one final matter, last weekend brought disconcerting headlines for the supporters of freedom and democracy in Asia. In Burma the military junta's month-long coup turned bloody. Eighteen protesters have been murdered and at least a thousand civilian officials have been imprisoned on farcical grounds.

In Hong Kong, China's puppet regime arrested 47 democracy advocates, including some who helped draw millions to the streets in peaceful protests in 2019, and are now holding them without bail.

Unfortunately, in both places, this sort of repression has become a familiar part of life, and it could be a dark preview of developments elsewhere if the free world does not act.

Even as Burma's civilian government made history in 2015, the military made clear it would keep using cronyism and constitutional manipulation to obstruct real popular control. In last year's election, the people overwhelmingly demanded true democracy and economic transparency, but that also raised the risk for those working publicly to make permanent reforms.

The military's detention spree has hit Burma's civilian leaders, including people like Mya Aye, a longtime Muslim pro-democracy leader. It has also swept up some of the brightest economic reformers working to fight corruption and grow prosperity—brave men like Bo Bo Nge, who spent years locked away in Burma's Insein prison in the 1980s and 1990s, built a successful life abroad, and returned to help the civilian government craft economic reforms.

Madam President, I ask unanimous consent that this Washington Post article detailing Bo Bo Nge's story be printed in the RECORD.

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

[From the Washington Post, March 1, 2021]

AN AMERICAN SUCCESS STORY IS LOST IN MYANMAR'S COUP

(By Shibani Mahtani)

HONG KONG.—Bo Bo Nge's path typified that of his generation's brightest and bravest: Jailed as a student for protesting Myanmar's military regime in 1988, he spent years learning English from dictionary pages

smuggled into his Yangon cell. After his release and continued persecution, he fled to the United States.

He made a new life, rising from dishwasher to an economist with a six-figure salary. But his heart never left Myanmar, and armed with a Ph.D., he returned home as a democratic transition took hold, leading to his appointment in 2017 as deputy governor of the central bank—where he served alongside others who fought for democracy three decades earlier.

Just after dawn on Feb. 1, five soldiers appeared at Bo Bo Nge's home in Myanmar's capital, Naypyidaw, and demanded he come with them, according to his wife. She and his friends have not heard from him since.

Bo Bo Nge's fate, along with that of other intellectuals, lawyers and young leaders detained in the military coup that deposed Aung San Suu Kyi's civilian government, once again epitomizes dashed hopes for a better future in Myanmar. These reformers and technocrats, whose skills and experience helped salvage the country's antiquated financial system in recent years, are now silenced and subject to the whims of isolationist generals.

In Myanmar coup, grievance and ambition drove military chiefs power grab.

At the same time, Myanmar's security forces are cracking down on protesters, killing 18 on Sunday. More than 1,130 people, including Bo Bo Nge, have been arrested since the coup.

His predicament is made more urgent by his health issues and the fragile state of Myanmar's economy, already battered by the coronavirus pandemic. Banks have closed their doors as hundreds of thousands of people, including tellers, resist the coup by refusing to go to work, pushing the economic system closer to collapse. The few military-linked banks that remain open have restricted customer numbers, while the central bank is limiting withdrawals across financial institutions, raising fears of a cash shortage.

''When someone like Bo Bo arrived back in Myanmar, it was like a bottle of water to a person in the desert,'' said Ba Win, a former provost of Bard College at Simon's Rock, who helped Bo Bo Nge move to the United States. Bo Bo Nge, he added, ''had the intellectual training and discipline to look at economic issues in a way that transcended parochial political interests.''

In an interview with Frontier magazine, Win Thaw, the military's chosen replacement for Bo Bo Nge, accused protesters and those participating in the civil disobedience movement of ''destroying their own country's economy.''

''Policies differ from one government to another, but they should have a common goal, which is to develop the country and not trouble the people,'' he said. The military government, he added, is ''doing their best.''

Bo Bo Nge's first stint in detention was at Yangon's lnsein prison, where he served more than four years for participating in the 1988 pro-democracy uprising, which the military regime brutally crushed. The sprawling complex is one of the city's most visible landmarks, where behind towering metal gates prisoners were subjected to torture and other inhumane treatment. There, Bo Bo Nge's health began to deteriorate, and his teeth rotted from neglect, friends and family say.

Locked up alongside academics and intellectuals, he was exposed to lofty conversations about history, economics and philosophy. He and his fellow prisoners would bury smuggled English dictionary pages under the muddy floors of their cells, studying them furiously when guards were not around. By the time he was released in 1993, Bo Bo Nge was fluent, and after a stint exporting taro stems harvested from Myanmar's lnle Lake to South Korea, he moved to America's lush, mountainous Berkshires, where he attended community college.

''He was immediately helpful, kind and so good-natured,'' said Marion Lathrop, 84, who hosted Bo Bo Nge with her husband, Don, then a professor at Berkshire Community College. ''It was kind of hard to grasp the fact that someone with that nature could have gone through that kind of ordeal.''

Immediately, friends said, Bo Bo Nge got down to business, acquiring a driver's license and a car to drive between his odd jobs and college. In 2001, two years after his arrival, he won a scholarship to Bard College, and after graduation, he pursued a master's degree in economics at Johns Hopkins University.

Through those years, he maintained a long-distance love with his future wife, Hnin Wai Lwin, better known by her nickname Me Kyi, whom he met on lnle Lake at her shop where she sold trinkets under a famed pagoda. Their international calls were a source of entertainment for her village—where residents could listen in on a central broadcast as phones were scarce—before she joined him in Massachusetts seven years after his departure, according to several friends.

His first job was at a subsidiary of the American Institute of Economic Research, where he eventually earned six figures—epitomizing the American immigrant success story. Colleagues were ''immediately struck by his brilliance,'' said Seth Hoffman, now vice president of that subsidiary, American Investment Services.

''Given his particular skill set, Bo Bo could have gone on, if he was reoriented in a different direction, to be on a bond desk in a major investment bank,'' Hoffman said. ''He could have had a more comfortable life.''

But Bo Bo Nge, heartened by a hopeful yet uncertain military-led transition to democracy that began in 2010, wanted to do ''something more than make money,'' according to Ba Win. Inspired by a conversation the two had about a lack of skilled leaders in Myanmar—the military shuttered its best universities after the 1988 uprising and reopened them only in 2014—Bo Bo Nge pursued a doctorate at the School of Oriental and African Studies in London, where Suu Kyi was a research student in the 1980s.

When he went back to join the government as deputy central bank governor in 2017, the military had ceded some control to a civilian leadership and the economy was making great strides. Poverty had been halved from a decade prior, growth was picking up, and reformists were driving policy changes, keeping down inflation and modernizing the central bank. In the recent coup, several of Suu Kyi's leading economic advisers were detained, including Australian economist Sean Turnell, and Min Ye Paing Hein, a former World Bank economist who was the deputy industry minister. None have been heard from since they were taken by authorities.

As the military tightens its hold on power and the prospect of reconciliation grows dim, the European Union and other Western countries are readying sanctions against Myanmar's generals and their economic interests, following moves by the United States.

A general strike on Feb. 22, meanwhile, added momentum to Myanmar's civil disobedience movement. Many taking part in the resistance say sacrificing the economy is their only way to bring down the junta and achieve democracy.

Zaw Zaw, a 41-year-old garment factory owner in Yangon, said he sold an apartment and his car to support those who are forgoing a paycheck to participate in acts of disobedience against military rule. Soon he will run out of things to sell, he admits, but says he will do anything to keep the resistance afloat.

''The country's economy was already in danger'' before the coup, he said. ''Whether or not the generals hold an election in a year as promised, the economy will collapse anyway. So it is worthwhile to sacrifice everything to bring them down.''

Since her husband was taken on Feb. 1, Hnin Wai Lwin has had trouble sleeping and has lost her appetite. Memories of basic facts—when they arrived in the United States, her husband's age—are fading or have become confused. She has moved back to Shan state up north, away from the military-run capital, Naypyidaw, for her safety and that of their 5-year old son, who she said is always asking for his father, unable to comprehend what has happened.

She cannot stop thinking about the health of her husband, who is in his 50s, and whether he has run out of the limited supply of medicines she packed in a bag before he left with the soldiers. In an interview, she said Bo Bo Nge was suffering from gastrointestinal disease and hypertension, for which he needs medical treatment.

''I am also not in good health, and we are not together,'' she said. ''I am very sorry. We should be together, whatever the circumstance.''

Kyaw Ye Lynn in Yangon contributed to this report.

Mr. MCCONNELL. Madam President, even foreign nationals have been subjected to unjustified detention. The world is closely watching the case of Sean Turnell, an Australian scholar who has spent years helping Burma's civilian leaders unlock its economic potential.

The administration has been right to condemn the junta and to consult with Congress on an appropriate response. But as Burma's protesters begin to pay the ultimate price for speaking out, the United States must make it clear that military and police officials will face crippling costs of their own. This should include the military-owned holding companies, which have deep roots in Burma's economy. It is time to lead an international effort to support the people of Burma.

It is also time to strengthen our calls for an international response to China's shameless human rights abuses, beginning with Hong Kong. Another round of arrests in the last several days has sent a new wave of student activists to prison with no due process. They join veteran pro-democracy performers like my friends Martin Lee and Jimmy Lai, who were already rounded up.

The United States cannot outsource our moral authority in championing democracy around the world. When we stay silent, the voice of the international community is channeled through forums where the most notorious human rights abusers preside over their own trials.

The ironically named U.N. Human Rights Council boasts a membership including such paragons of virtue as the Russian Federation, which has begun sending residents to prison for non-state-sanctioned religious beliefs; and Venezuela, whose rap sheet the

State Department spells out as ''arbitrary detention,'' ''forced disappearances,'' and ''extrajudicial killings''; and Cuba, whose government exports repressive tools to countries like Venezuela; and, of course, the People's Republic of China itself, where the hypocrisy stretches from repression in Hong Kong to internment and torture of the Uighur people in Xinjiang.

The Biden administration has advertised a foreign policy focused on human rights and democracy and quite publicly announced its intention to rejoin the U.N. Human Rights Council. Fine, let Burma and Hong Kong and Xinjiang and Belarus be tests of this administration's approach to the council. But the White House must not put much trust into this corrupted institution. We should be uniting like-minded democracies around actions that the United Nations panels are either unwilling or unable to take. With respect to Hong Kong, the prior administration took several concrete steps, from closing PRC investment loopholes in Hong Kong to opposing targeted sanctions.

Now is the time for the Biden administration to show its resolve as it confronts serious tests of its own.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

MAIDEN SPEECH

Mr. TUBERVILLE. Madam President, I rise today to speak on the Senate floor for the first time as a U.S. Senator from the great State of Alabama.

I want to share some thoughts on how we can work together as a team to improve the lives of our constituents and to provide more opportunity for the next generation of Americans, but before I begin, I want to take a moment to thank the people of Alabama.

For the last 2 years, I have traveled the State, from Mobile to Muscle Shoals, from the Wiregrass to Lake Guntersville, and many places in between. I talked to folks from all walks of life. Mostly, I listened, which is something we can all do better. I listened to people's hopes, and I listened to their concerns. I heard what they thought was going right in our country and State and what they thought was going wrong, and even after being a football coach my entire career, working day and night, running for the Senate was still the hardest thing I have ever done, but I enjoyed every minute.

In the end, I asked the people of Alabama to trust me with the responsibility of representing them here in Washington, and they did. It is humbling. It is an opportunity to serve my country that I respect, cherish, and will always honor. My staff and I will work hard every day to live up to that trust.

Like the Presiding Officer, my constituents sent me to Washington to represent them and to help make their lives better. I recognize we all have our differences, but we are all on the same team. We have got an offense and a defense, but at the end of the day, we are still on the same team. One of the things we can do together as a team is to create more opportunity for more people. In my view, that starts with education.

I have been an educator, a coach, and a mentor to young people for 40 years. I recruited 18- to 19-year-olds from all over the country and all walks of life. I saw how they lived. I was a father figure to hundreds of young men who had one or no parents. I coached young people from all backgrounds—rich, poor, and everybody in between. I mentored young people of all races, religions, and economic backgrounds.

As someone who has had a chance to travel across the country and this globe for my career, I have seen how other people live. One thing I have learned is that education is the key to freedom—the key to freedom—the freedom to live the life you want. I have seen firsthand how education can give you a leg up and a way out. It is a way to achieve the American dream. When we empower our young people with a quality education, we give them the gift of an opportunity, the greatest gift our country can give our citizens. And what I found out as a coach is that, when people are given an opportunity to better themselves, they usually take it.

I think I can safely say I have been in more public schools than any Senator ever. Too often, I have found that we are failing our young people by not providing the quality education they deserve. It is not about money; it is about people; it is about what we value and what we teach. Improving education in this country should be one of the, if not the top, priorities we have. That is why I am proud to be a new member of the Senate Health, Education, Labor, and Pensions Committee. On the HELP Committee, we need to work together as a team to do three things.

First, we need to recognize that parents and teachers know how to best educate our young people in their communities because we are all different. The Federal Government does not need to tell parents in Alabama how to teach their kids. We don't need a one-size-fits-all education curriculum. What works in San Francisco will not necessarily work in Scottsboro, AL.

Second, we should recognize that education takes many forms. Not every student in America needs to go to a 4-year college or university. To ensure our country remains competitive in the 21st century, we need to promote STEM education to those students who have an interest in math and science, but to remain strong, this country also needs welders, plumbers, nurses, equipment operators, electricians, and craftsmen. These are jobs that have excellent pay and great futures. If the Democrats want to pass a massive infrastructure bill, they need to first ask: Who is going to build it? That is why I will be looking for any opportunity to support career technical programs that prepare a skilled workforce. Our goal should be to restore America to a country that makes things again.

No. 3, we have got to start teaching our young people moral values again. That starts with putting God and prayer back in our schools. Our kids need structure, and they need to learn right from wrong. I have watched everything that has happened in education over the past few decades from a front-row seat on my sideline as a coach. It is embarrassing. As a person who chooses to spend their career in education, I now have the opportunity to say something as a U.S. Senator.

Our young people are our No. 1 hope for this country's future. If we don't recognize that, we are going to lose our country as we know it. As of 2018, the United States is 13th in the world for reading, 18th for science, and we are 36th in the world for math. That is unacceptable.

This country was built on hard work. It was built on competition, whether it is business or individual. Education and athletics teach you how to compete, how to have grit, determination, and to work together as a team. Now, you can learn everything you want from books, but if you don't learn to persevere and compete, it is hard to succeed.

Some people in this country think that you are owed something simply because you live in the United States of America. This country doesn't owe you a job or a paycheck. This country only owes you one thing, and that is an opportunity, but what is great about this country is that it also gives you the opportunity to fail. That might sound a little funny coming from a football coach who spent his entire career trying to win, but here, if you fail, this country will give you a chance to get back on your feet and try to succeed again and again. You don't get that opportunity in most countries on God's green Earth.

That being said, I appreciate the opportunity to serve with Chairwoman MURRAY and Ranking Member BURR, and I look forward to getting down to work and returning education to one of our top priorities.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Miguel A. Cardona, of Connecticut, to be Secretary of Education.

The PRESIDING OFFICER. The Democratic whip.

RAISING THE MINIMUM WAGE

Mr. DURBIN. Madam President, back in 2017, before anyone had ever heard of COVID–19, our Republican colleagues could hardly vote fast enough for a $1.9 trillion tax bill. Most of the benefits of that bill went to the wealthiest people in America—$1.9 trillion in tax cuts, most of it to the ultrawealthy and large corporations. And of course there was little talk about the deficit and the debt when that was going on.

Now we are in the midst of a pandemic, and COVID–19 has killed more than half a million Americans. Americans are hurting. Our economy is hurting. Millions are unemployed. And our friends across the aisle are asking how little we can get away with doing at this moment in time. They want to know how much we can cut from President Joseph Biden's American Rescue Plan. Can we cut money to open schools? Can't we just wait? Let's just wait and see what happens. That is their question. How about cutting funds to help keep families from losing their homes? How about cutting the funds for vaccination sites? How low can we go?

One point nine trillion dollars in tax cuts for millionaires and billionaires—no problem. A President who denies the truth about a pandemic as it rages across America—no problem. But when Americans elect a new President with a mandate and a plan to finally break the back of this pandemic, get our economy back on its feet, get our kids back in schools, and actually help American families, suddenly a lot of folks on the other side of the aisle have lost interest.

Do you remember last year? I do. We discovered this COVID–19 and started to worry about it, as we should. In March of last year, we passed a bill that cost almost $2 trillion—the largest spending bill in the history of the United States—under President Trump, and it got 96 votes in the Senate—96 votes. Every Democrat and every Republican Senator who voted, voted for it, and I was one of them. Did I stop and say: Wait a minute; President Trump may get credit for this. No. We had an American crisis, a challenge, and we needed to respond to it.

And then what happened in December of last year, while President Trump was still in office? The second COVID–19 rescue plan came through, some $900 billion. I was one of those who were part of drawing it up, and I voted for it, no questions asked. We were still in the midst of a pandemic. The economy was flat on its back. I didn't care that Donald Trump was still President; there was work to be done for America. Ninety-two Senators voted for that; 96 in March, 92 in December under President Trump.

Well, how many Republican Senators are now stepping up to help us with the American Rescue Plan that President Biden has proposed? I am still waiting. None so far. Now it has become a partisan exercise to talk about dealing with the real pandemic and economic crisis of this country.

What is going on in this Chamber? Have we decided now, since we have a new President of a different political faith, that the other side cannot support efforts to increase the amount of money for vaccines and distribution across America, to send a cash payment to families who are struggling to get by, to give unemployment benefits to millions of Americans when those benefits are scheduled to run out in just 2 weeks?

All we hear from the other side is: You know, we may be overspending here. We should have thought of this before.

Yes, you should have, and you didn't under a Republican President. Now it has become an issue.

A year ago, at the beginning of the pandemic, 96 to zero for a $2 trillion COVID relief plan. Maybe if we had had an administration that wisely managed the COVID response, we wouldn't have been in that mess. Maybe if we had had a President who for the first year of this coronavirus wasn't making up stories that it is going to go away; it will disappear by Easter; it won't be a problem if everybody would just take a shot of Lysol; a new chemical I have discovered some of my friends are taking and all the rest—remember that? Remember those press conferences? And what was going on while the last President was ignoring the reality of that COVID–19 pandemic? America was getting sick, and Americans were dying.

We have 5 percent of the world's population and 20 percent of the COVID–19 deaths. What is going on here in a great nation like America? Well, for a year, we didn't get it together because we didn't have a President who accepted reality. Now we have a President who accepts reality and wants to do something about it. He was elected to lead, and he wants to lead.

Where is the Republican support? Democrats were there for the Trump plan; Republicans aren't there for the Biden plan. We wasted time and resources, but now President Biden wants to turn it around.

The American Rescue Plan, proposed by President Biden and passed by the House of Representatives last week without a single Republican vote, no Republican support for it, has the support of 80 percent of the American people—overwhelming majority of Democrats and Independents, even Republicans. It turns out the only people in America who are against this approach of taking this pandemic seriously are the Republicans in the House of Representatives and apparently in the Senate.

Every day this Senate delays passing the Biden American Rescue Plan, more small businesses close their doors, workers lose their jobs, parents turn to food banks and soup kitchens to feed their families, and more and more families face homelessness.

One provision that was included in the House version of the American Rescue Plan will not be part of the Senate plan, and that is the gradual increase in the Federal minimum wage.

Now, I understand. The rules in the Senate, particularly when it comes to reconciliation, as conceived by the late Robert C. Byrd, are almost impossible to understand and defend. I get it. I am not blaming any one person for that. That is a reality, and I have been here for a while, and I have seen it. So currently we cannot offer the Federal minimum wage under the so-called reconciliation bill because of the Byrd rules.

Our Senate Parliamentarian ruled last week that passing a Federal minimum wage increase as part of the rescue plan is not permitted under those rules. I respect the Parliamentarian's judgment. I may disagree and I may be disappointed, but I respect her judgment. Our Republican friends should know this, however: Senate Democrats aren't going to give up on raising the minimum wage. The issue is not going away.

Do you know how long it has been since we raised the minimum wage in America? Twelve years. Twelve years. The Presiding Officer knows that. That is the last time we increased the Federal minimum wage.

Twenty-nine States have done something about it, but 21 have not, and we don't have a change in the Federal law. That is the longest that our Nation has ever gone without raising the minimum wage since Congress created that wage in 1938.

During this pandemic, billionaires—people like Jeff Bezos, Elon Musk, Bill Gates, Mark Zuckerberg—they have done pretty well. They have seen their net worth increase by billions, even tens of billions of dollars. How about middle-class families? What do they see? They see their savings dwindle, and they find it almost impossible to make ends meet.

Fortunately, as I said, many States are acting. Washington is not. In 29 States, including Illinois, the State minimum wage is higher than the Federal minimum wage. The Federal minimum wage is $7.25 an hour. In Illinois, our State minimum wage is set to reach $15 an hour by 2025, just like the Biden plan. Most States that have increased their minimum wage have done so because their State legislatures have come to the rescue. Some States, like Missouri and Arkansas, raised the minimum wage by ballot measures.

Americans support raising the minimum wage.

I see Senator LEAHY from Vermont has come to the floor. Remember when we used to have a colleague back there in the back row who would stand up and bellow about the minimum wage? His name was Ted Kennedy from Massachusetts. He didn't let a month go by or 2 months go by without reminding us that a lot of people were struggling to get by in this country and we sit here in Washington ignoring it, and that is why he would push for an increase in the minimum wage.

We are told that $15 an hour is exorbitant by some and that it is going to hurt the economy. The truth is just the opposite. Raising the Federal minimum wage gradually to $15 an hour will strengthen the American economy because minimum wage workers are most likely to spend the money they get on the necessities of life as soon as they get it—food, clothing, housing.

Last week, one of our Republican colleagues gave a speech and said that he worked for $6 an hour when he was a kid and he is opposed to the $15-an-hour minimum wage. Well, if you took that six bucks an hour and just matched it with inflation, it would be up over $15 an hour today. Reminiscing about the ''good old days'' of $6 an hour is only done by people who don't have to live on $6 an hour.

Contrary to popular misconceptions, most minimum wage workers are not teenagers. According to the Economic Policy Institute, 59 percent of workers who would benefit from the Federal minimum wage are women—women. They are taking a beating in this pandemic. They stay at home to watch the kids who can't go to school, trying to deal with daycare that has closed down, losing their own jobs—that is the reality.

Many mothers—two-thirds of them are the sole or primary breadwinners in their family and count on the minimum wage. Nearly one in four workers who would receive a raise under the $15 Federal minimum wage is a Black or Latina woman.

During this pandemic, America has relied on minimum wage workers to do the hard work and dangerous work in the pandemic. Do you want to know the real pandemic heroes? Do you want to reduce poverty and raise opportunity in America? Pay workers a living wage. Allow workers to share the economic prosperity they are creating with their dedication and labor.

At this moment, we may not have a path, but I hope we can find one. It is time for us to raise the minimum wage, to give the American workers the real wage they need to survive, and to show that we really do value the dignity of work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I want to associate myself with the words of the distinguished deputy leader. Nobody has said it better. Nobody could. But in the meantime, we have to get up and vote.

Madam President, I am going to put in a quorum call for just a minute, and then I will take it off.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. DUCKWORTH). Without objection, it is so ordered.

IMPEACHMENT

Mr. LEAHY. Madam President, earlier this month, actually for the first time in—earlier last month, I should say, in February, for the first time in our Nation's history, the Senate convened as a Court of Impeachment to try a former President for a high crime and misdemeanor.

For 5 days, every Member of the Senate was here to hear presentations and arguments from an extraordinarily intelligent group of Congressmen and Congresswomen representing the House of Representatives. We also heard from counsel for former President Donald Trump. After listening to the compelling evidence presented by the House managers, I voted to convict President Trump for inciting the Capitol riots on January 6, and I will have a lot more to say about my vote to convict the former President in a later statement.

Today, though, I am going to speak about the unique role I had in this historic trial as its Presiding Officer. It is unique in the history of the Senate, and I thought for my fellow Senators and, also, for historical purposes I would like you all to know some of my feelings.

Now, I understand why some of my Republican friends were skeptical of a Democratic Senator presiding over the trial of a Republican former President. I noted the Constitution does not contemplate that the Chief Justice would preside over the impeachment trial of a former President, but I also note the impeachment process, no matter who presides, is inherently and often intensely divisive. Presidential impeachments have historically been partisan. Having a member of one particular party in the Chair presiding over the trial could understandably give some pause.

Now, as my fellow Senators know, I did not ask, I did not seek to preside over this trial, but I am occupying the constitutional office of the President pro tempore, and because I am, it was incumbent upon me to do so. A Court of Impeachment is not a civil or a criminal court; it is a constitutional court. And the President pro tempore, as a constitutional officer, has historically presided over impeachment trials of non-Presidents. As President Trump's term had expired before the trial began, the responsibility to preside over this historic trial fell to me, as it would have anybody who would have been President pro tempore. I just happened to be.

I was not going to shirk my duty. My staff and I spent hundreds of hours poring over the constitutional background of these trials. I read transcripts. I read everything. And what I found is, throughout our Nation's history, each President pro tempore has almost without exception belonged to a political party, and each has no doubt had their own personal and political views on the matters before the Senate. But when presiding over the Senate, as I go back through history, I see Presidents pro tempore have historically served as a neutral arbiter, issuing rulings where appropriate and preserving order. I consider holding the Office of the President pro tempore and the responsibilities that come with it as one of the highest honors but also one of the most serious responsibilities of my career here in the Senate.

When presiding over an impeachment trial, the President pro tempore takes an additional—not just his regular role but an additional one to do impartial justice according to the Constitution and the laws. This is an oath that I take extraordinarily seriously.

In fact, to demonstrate my commitment to preside over the trial with fairness and transparency, before the trial I wrote a letter to every single Senator and the parties to the trial. In it I made clear my intention and my solemn obligation was to conduct the trial with fairness to all. I committed to adhering to the Constitution and to applicable Senate rules, precedents, and governing resolutions.

I committed to consulting with the Senate's esteemed and nonpartisan Parliamentarian, Elizabeth MacDonough, and I committed to being guided by Senate precedent should a motion or an objection or a request or an application be put before me. I reiterated that any decision I made—any decision I made—from the Chair would be subject to the review of the full Senate—every Democratic Senator, every Republican Senator, every Independent Senator. And I stated I would put any matter before the entire Senate in the first instance where appropriate in light of the precedents and practices of the Senate, giving all Senators an equal say in resolving the issue at the outset. I also informed all Senators, though, that I would enforce the Senate rules, and I would enforce the precedent governing decorum and do what I could to ensure the trial reflected the best traditions of the Senate.

Now, with the trial behind us, I believe I made good on those commitments. My job wasn't to shape the trial or to direct or slant it in any particular way but to make sure the rules were followed, the proceedings were fair to all parties, consistent with the will of the whole Senate, and I believe it was.

I did my best. I followed the advice of the Parliamentarian and enforced our rules and precedents. Where objections were raised, they were ultimately resolved without a vote challenging the rulings I made from the Chair.

While I never faced this situation, before the start of the trial I had decided—and I had informed the Parliamentarian of my decision—that should a ruling of mine be appealed, I would abstain from voting as a Senator on the question of whether to sustain my own ruling. Now, I know from the Constitution and the practices and the rules of the Senate, the Presiding Officer is fully empowered to do so—to vote—and it happens routinely during legislative sessions. But in going back through all the hundreds of pages—the thousands of pages—I could not find a historical precedent for Presiding Officers doing so during impeachment trials, and I was determined to strictly adhere to precedent, even if it limited my authority as a Senator in this instance.

Now I would note that, on two occasions during the trial, I felt it was necessary to remind counsel—and I did, as did Chief Justice Roberts during President Trump's first trial—to refrain from using language that was not conducive to civil discourse. On the final day of the trial, when it got a little bit heated, I was prepared to do so in stronger terms, if needed. Yet, during closing arguments, I believe neither side gave me reason to do so.

Now, like those who presided over the three prior Presidential impeachment trials in our history, I understood each of my decisions was important historically and would become important precedents to guide those who preside over trials in the future, just as I had read and studied the precedents of past trials.

Since the conclusion of the trial, both Republican and Democratic Senators have thanked me for being fair, and I appreciate that greatly. I may have had a prominent role for this historic trial, but I was committed to not shaping it in any way. I just wanted to give voice to our institution's precedents and rules and to otherwise let the Senate determine the trial's structure and direction, to let each side present its case, and let the chips fall where they may, but let the Senate do its job.

I have now had the opportunity to sit as a judge and juror in numerous impeachment trials, including three trials of Presidents. All were historic moments for the Senate and this country.

I hold no illusion that the Senate was at its best for every moment of every trial, but each has nonetheless increased my respect for our system of government and our Constitution.

I was proud to uphold my oath as a Senator and as a Presiding Officer, my oath to do impartial justice according to our Constitution and the laws during last month's trial. There are some things I consider far more important than allegiance to any person or political party, and my commitment to the Constitution and this great institution of the Senate are listed high among them.

I have felt from the first day I came here that the Senate can be and should be the conscience of the Nation. I wanted to help make sure that conscience was upheld, and I appreciate the fact that my colleagues elected me President pro tempore and gave me this opportunity.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BUDGET EARMARKS

Mr. GRASSLEY. Madam President, the Appropriations Committee is reportedly preparing to announce the return of earmarks. That is a process that, around here, we know. People back home might not know, so let me explain that the process of earmarks inserts individual projects designated for specific interests into a bill, most often an appropriations bill. When I say ''individual projects,'' it means Senators doing it for probably their district or their State.

Earmarks are a practice that has become a symbol to the American people of the waste and out-of-control spending in Washington. I am strongly against the return of earmarks.

The earmark moratorium was implemented as a direct result of the events leading up to the election of 2010, and there was clearly a mandate coming from that 2010 election to do away with earmarks. So people sometimes think, through the elections or through contacting Congress, they don't have an impact. In this case, it had a very dramatic impact that has lasted at least until now, and hopefully it will last longer.

The American people spoke because they were worried at that time about the country's growing Federal deficit and ballooning public debt—something we aren't as concerned about now as we were then and we ought to be concerned about more so now because the debt has more than doubled during that period of time.

At that time, back in 2010, the debt was estimated to be 62 percent of gross domestic product.

In 2009, President Obama and congressional Democrats passed a $787 billion stimulus bill that was filled with wasteful spending, special projects, and unauthorized programs that completely violated the rules of the road for responsible governance.

In September 2010—so at the time of the election I am talking about—in a Rasmussen poll, 61 percent of U.S. voters said cutting government spending and deficits would do more to create jobs than President Obama's proposed $50 billion infrastructure program. It was pretty evident, then, from people's opinion at that time, that the election of 2010 sent a clear message that the American people wanted Congress to stop wasteful spending. So it didn't take long for President Obama to get the message. He had a weekly address on November 13, 2010, calling upon Congress to stop earmarks. He said: ''Given the deficits that have mounted over the past decade, we can't afford to make these investments''—in things like infrastructure, education, research, and development—''unless we are willing to cut what we don't need.''

Now, I am going to give you a further Obama quote, and it is a fairly long one, but it is coming from a Democratic President.

I agree with those Republican and Democratic members of Congress who've recently said that in these challenging days, we can't afford what are called earmarks. Those are items inserted into spending bills by members of Congress without adequate review.

Now, some of these earmarks support worthy projects in our local communities. But many others do not. We cannot afford Bridges to Nowhere like the one that was planned a few years back in Alaska. Earmarks like these represent a relatively small portion of overall federal spending. But when it comes to signaling our commitment to fiscal responsibility, addressing them would have an important impact.

We have a chance to not only shine a light on a bad Washington habit that wastes billions of taxpayer dollars, but take a step towards restoring public trust. We have a chance to advance the interests not of Republicans or Democrats, but of the American people; to put our country on a path of fiscal discipline and responsibility that will lead to a brighter economic future for all. And that's a future I hope that we can reach across party lines to build together.

Remember, President Obama said in 2010 that earmarks are bad. Unlike 2020—today we are in even more dismal fiscal shape with even larger Federal deficits and a ballooning Federal debt. According to the Congressional Budget Office, the Federal debt held by the public stood at 100 percent of GDP at the end of fiscal year 2020 and is projected to reach 102 percent of GDP at the end of 2021.

In other words, even though we have the largest economy in the world, we owe more than the entire U.S. economy is producing in a year. If we stay on this course, CBO projects that by 2031, debt will equal 107 percent of GDP, the highest in the Nation's history.

America cannot afford to go back to including earmarks in some ill-conceived effort to grease the wheels to pass legislation only because it includes the pet projects of Members of Congress.

While a small part of the budget—and I would have to admit, earmarks are a small part of the budget—earmarks can cause Members of Congress to focus on projects for their districts or States instead of holding government accountable and being fiscally responsible.

Congress should follow regular order by authorizing funding for programs

with very specific criteria. Legislation, including funding bills, should be passed on its merits, not on whether an earmark is included.

Dr. Tom Coburn, former Senator from Oklahoma, said:

> Earmarks are the gateway drug to . . . spending addiction.

There is an insatiable appetite for projects, and this leads to large bills weighed down with spending our country can ill afford, whether we are talking about appropriations or authorization bills.

A Congressional Research Service—CRS, as we know it—study showed that from 1994 to 2011, there was a 282-percent jump in earmarks in appropriations bills. In the fiscal year 1994 appropriations bill, there were 4,155, and—can you believe this?—by 2011, that number for earmarks had risen to 15,887. Also according to the CRS, the total value of earmarked funds increased from about $35 billion for 6,000 earmarks in 2000 to over $72 billion for nearly 16,000 earmarks in 2006.

Earmarks get out of control when there is no effective check on total spending, while at the same time, earmarks lead to overspending. Committee chairmen kindly say to the Members who have earmarks in bills or who want earmarks in bills: Are you going to vote for this appropriations bill if we put your earmark in? That sort of thing should never be a determination whether or not a Member votes for an appropriations bill.

So you shouldn't feel pressured to support a vicious cycle of increased spending on bad legislation just because it includes earmarks, especially in this time of the pandemic. Congress should be focused on targeted spending to continue to help the American people who are suffering to recover, not finding ways to load up a bill with sweeteners that may be problematic on their own.

According to a 2016 Economist/YouGov poll, 63 percent of Americans approve the ban on earmarks; only 12 percent disapproved.

This quote by Citizens Against Government Waste President Tom Schatz to this publication, Just the News, makes a strong argument for not lifting the earmark ban. He said:

> Earmarks are the most corrupt, costly, and inequitable practice in the history of Congress. They led to members, staff, and lobbyists being incarcerated.

You know, there are people who went to jail because of how some of this stuff was handled. In the form of legalized bribery, Members of Congress vote for tens or hundreds of billions of dollars in appropriations bills in return for a few million dollars in earmarks for their State or congressional district.

Earmarks go to those in power, as shown during the 111th Congress when the 81 members of the House and Senate Appropriations Committees, who constituted 15 percent of Congress, got 51 percent of the earmarks and 61 percent of the money. Restoring earmarks will lead to the same result.

I have heard the argument that earmarks are needed to pass bills in a bipartisan manner. I have consistently been ranked among the most bipartisan Senators by the Georgetown University Lugar Center. Check it out for yourself. I know from experience that true bipartisanship doesn't come from voting for legislation that I might otherwise have concerns about because an earmark or a pet project is included in the bill. True bipartisanship comes from reaching out across the aisle to reach consensus, even when there are disagreements on other issues, to really get things done for the American people.

President Biden, in his inaugural speech, called for ''Bringing Americans together. Uniting our people. And uniting our nation.'' He also recognized that Americans have serious disagreements. Everyone knows that our country is deeply divided politically. I know from his time in the Senate that President Biden understands that people of good will can have honest disagreements about policy, so he knows that unity does not mean dropping deeply held beliefs and accepting his policy agenda. He said:

> Every disagreement doesn't have to be a cause for total war.
>
> Disagreements must not lead to disunion.

Real unity requires true bipartisanship and working together to discover what binds us together as Americans, even when we strongly disagree politically. Earmarks are not a way to bring this unity, and, in fact, would make this unity more difficult by attempting to paper over fundamental disagreements with window dressing while bypassing the real work of compromise.

Now, in a similar vein, some people argue that earmarks are needed to help pass bills in a timely manner. In 2006, at the height of earmark spending in appropriations bills, only two appropriations bills passed on time. In the 10 years prior to the earmark ban, Congress never enacted more than four standalone appropriations bills on time.

This holds true for reauthorization bills as well. Most, then, as you know the practice is, we just simply extend them for 1 fiscal year at a time.

In the case of the past several highway reauthorization bills, which were notorious for earmarks before the earmark moratorium, all needed multiple extensions before they were signed into law.

I have also heard the argument that article I of the Constitution says that Congress holds the power of the purse and that Congress has ceded its own power without earmarks. I agree that Congress now cedes its own power but not by not having earmarks. Rather, Congress cedes its power by failing to follow the budget process and stick to a budget.

Now, the greatest sin: Congress can be fairly accused of lazy legislation by drafting vague provisions granting authority to Agency heads to work out the details, and most of those details are worked out through massive regulation writing.

Congress can reclaim its legislative authority by including specific guidelines for implementing programs in both authorization and appropriations bills. Congress should regularly review Federal programs to ensure that funding criteria reflect the needs of the Americans and engage in robust oversight of Departments and Agencies to ensure congressional intent is met. Rigorous oversight and well-drafted legislation that clearly sets out congressional intent for how a program should be administered is the constitutional job of Congress.

A good example of Congress not keeping the power of the purse and delegating significant authority to unelected bureaucrats at the programmatic level is the Affordable Care Act, sometimes called ObamaCare, which was rammed through Congress on a party-line vote. The text was around 2,700 pages long, but the regulatory implementation of ObamaCare required well over 20,000 pages. That is a bad way to implement public policy, particularly considering that the law redirected one-fifth of the U.S. economy.

On top of the law are tens of thousands of pages of Federal rules and regulations administered by a score of Federal Departments, Agencies, and Boards. This isn't how our Founding Fathers envisioned Congress protecting the American people, and it is a bad way to do business.

As a matter of fairness, earmark project funding should be merit-based and competitive or allocated by formula. Earmarks undermine State decision making over funds that are allocated to States through formula-based grants. Political decisions should not preempt State and regional decision making. Earmarks should not be a shortcut for State and local governments engaging in long-term planning and budgeting for anticipated needs. And, furthermore, State and local governments and other organizations should not be spending time and money to hire lobbyists to chase after Federal dollars in hopes of getting an earmark.

The money spent on lobbying and travel to pursue an earmark should be applied toward the local project itself. If a Federal Agency or program isn't working, then Members of Congress should fix it instead of seeking a carveout. Highway authorizations bills are a perfectly good example of the problems with earmarks.

In 1987, President Reagan vetoed the Transportation bill because of—guess what—too many earmarks. That bill included only 152 earmarks. In 1998, the Transportation bill, called TEA–21, included 1,850 earmarks. The State of Florida challenged the earmarks included for the State, arguing that the allocated funding did not address the actual transportation needs of the

State. The U.S. Department of Transportation overruled Florida's objections.

In the 2005 bill—so I am going to another Transportation bill; it was called the SAFETEA-LU—included 6,371 earmarks. Let's go over that again. Let's go back. In 1987, President Reagan vetoed a bill because there were only 152 earmarks. Ten years later, TEA–21 included 1,850 earmarks and then, 2005, 6,371 earmarks.

However, under the earmark ban, the last Transportation bill distributed 92 percent of the funding to the States through formulas. And then, you know, that gives States and local governments control over the funding decision based on the needs of the 50 different States, based on safety, engineering, and other objective criteria, as opposed to politically directed earmarks that totally sweep aside those criteria. It was almost a political decision where that money ought to be put.

It should also be pointed out that the majority of the earmark funds in the past came straight out of the allocated formula dollars for each State, which then further eroded merit and State and local decision making. In other words, Washington politicians were making decisions better made by the nonpartisan boards in State capitols and local communities. And when I say ''nonpartisan boards,'' I don't suppose it is that way in all 50 States, but I know in most Midwestern States it is that way.

I know that a lot of good has come from projects that I have helped support in Iowa, when we had our earmarks, and I certainly did not want Iowa to miss out on funding just because of a Washington dysfunction that we called earmarks. However, I also know that many of these earmarks disrupted our State and regional planning efforts. I have no way of knowing what good might have been done had we not had earmarks banned earlier. I do know that I have faith that the Federal money that goes back to Iowa for Iowans and the Iowans deciding how it is to be spent is being spent thoughtfully and well and not with a lot of political consideration.

Any good that might come from my being able to direct small amounts of Federal taxpayer dollars to some worthwhile pilot project would be dwarfed by the negative effects of restarting the mad scramble for earmarks.

So I hope, my colleagues, the rumors I have been hearing about the Appropriations Committee wanting to reinstitute earmarks, I hope that those people would pay some attention to the history of it and particularly pay attention to what President Obama said in 2010 about earmarks and not go through another process, maybe starting out with just a few earmarks but getting up into more than several years, more than 10,000 earmarks in various appropriations bills, and then all of a sudden then have a mandate that came from the electorate, like it did in 2010, and both Republicans and Democrats come back to these halls where we have debate and make policy, saying no more earmarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

NOMINATION OF MIGUEL A. CARDONA

Mr. BLUMENTHAL. Madam President, I couldn't be prouder to stand in the Senate Chamber today and speak on behalf of Miguel Cardona, shortly to be confirmed by this body as the next Secretary of Education.

Miguel Cardona is a man of deep commitment to his community and, with pride, a product of the Connecticut education system. I couldn't be prouder to support him because President Biden couldn't have made a better choice to be the next Secretary of Education.

Miguel Cardona's story is inspiring and compelling, a testament to the extraordinary support he has enjoyed from his parents, from the community of Puerto Rico, who lived in Meriden, the support he enjoyed from the public schools and institutions of higher education in Connecticut. His powerful and compelling story should be inspiring to all America because he has lived the American dream. And for anyone whose language may be something other than English as their first language, he has shown that people coming to our public schools, with English as their second language, should see no bounds to what they can accomplish.

He came to the public schools of Meriden as a second-language learner of English. He was raised in Meriden by Puerto Rican parents. He found an early passion for education. And his skill and dedication went beyond his own life. He did extraordinarily well and attended two Connecticut institutions of higher education—Central Connecticut State University and the University of Connecticut—eventually earning his doctorate in education. But he went back to Meriden. He dedicated his life to the education of others, beginning as a fourth grade teacher in Meriden and then becoming principal—the youngest in the State—and eventually assistant superintendent before just about a year ago being appointed as commissioner of education in the State of Connecticut.

His climbing looks meteoric and miraculous, but it was based on hard work and a dedication and passion to education for others, because he saw it in his own life and how it enabled him to live the American dream.

For all of his accomplishments and that meteoric rise, he has remained deeply rooted in the Meriden community, deeply committed to his roots in Puerto Rico, and deeply committed to his family. His parents, who should be so proud of him, are an inspiration to all of us who know them and who have seen their work in Meriden continue. Even as he has climbed the professional ladder, they have remained rooted and active and energetic in benefiting others in Meriden.

So to his parents, I say thank you for sharing with us Miguel. To his family, thank you for supporting him throughout his enormous journey and adventure.

His extraordinary accomplishments have led him to this place of consummate prominence in the educational professional community, and now he will do great things for the cause of education in our country, not just Connecticut.

His service never stopped in the classroom. He brought that knowledge of what happens in the classroom to establish policy in Connecticut in an enormously challenging time. He took over as commissioner of education on February 26, 2020, at the time of COVID–19 lockdowns and school closures, which began just a couple of weeks after he assumed that responsibility.

But as he has done throughout his educational and professional career, he consistently reaffirmed his commitment to students, parents, and teachers because they are the core of our educational system, especially students who have been potentially left behind. His bold vision and dedication to students and their families is exactly what we need now in an Education Secretary, providing direction and support to our Nation's public schools—direction and support after a time when leadership was so sorely lacking and commitment to public education was so unfortunately inadequate.

As we know, COVID–19 has challenged educators, students, families, and school administrators, day in and day out, during this very difficult and painful period. Disadvantaged students who lack support and resources at home have been left behind. Teachers are strained and stressed by changing environments and a lack of resources. Parents are concerned and overwhelmed, managing their children's schooling and their own work at home. Students in higher education are drowning in student debt that has left them crippled financially and unsure about their future.

These challenges pose a grave threat to the future of our children and our educational system, and we need a leader just like Dr. Cardona—one whom we have lacked, one who can regain our Nation's trust and reestablish faith in the leadership of our educational community at the very top in the Department of Education.

He is someone who will put students back on their feet, in their confidence and their trust in education. He is someone who will put teachers, parents, and students first, above special interests, because he has lived American education as the American dream.

In Connecticut, he has seen firsthand in his own life how education can transform futures and enable all of us, through our children, to live the American dream just as he has done. And he

will do it in a way that is inclusive, that respects the drive for racial justice, because he has lived that movement in his own life—the movement for racial justice. To end disparities and inequities are part of Miguel Cardona's agenda because it is his life. It is in his DNA, and it is part of his heritage and his family. And that is the reason why I am so proud of his success, but also of his vision and his dedication to the future of American education.

I urge my colleagues to vote yes for his confirmation. You will be proud you did, just as I am proud to stand here in support of him. He has lived the American dream, and he will open it through his vision and his courage for countless other young people who desperately need that faith in their country and its schools.

Today, American public education has a future that is bright and promising with Miguel Cardona's leadership. I am proud to say he is a product of Connecticut. His roots are there, and so is his vision and hope and faith.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

TEXAS

Mr. CORNYN. Madam President, last Friday, I joined Governor Abbott, fellow Members of the Texas congressional delegation, and several State and local leaders and joined President Biden on his first trip to Texas since taking office on January 20. We only wish it could have come under better circumstances.

Texans, of course, are still reeling from the deadly winter freeze that crippled our critical infrastructure and left millions without power and water. Thousands of Texans are still without clean water and under a boil instruction, and countless others are dealing with the damage caused by burst pipes.

I truly appreciate the President and the First Lady coming to Houston to learn more about the ongoing response and recovery efforts, and I thank the President for answering the request of Senator CRUZ, Governor Abbott, and myself to order a national disaster declaration.

During times of crisis, Texans are always eager to lend a hand to their neighbors, and the last couple of weeks have proved to be no exception. I am always encouraged by those heartwarming stories of folks helping others in ways big and small: welcoming people into their homes, checking on their elderly neighbors, delivering hot meals to those in need, and much more.

So I am glad the President and First Lady were able to see the incredible work also of one of the Houston area's most reliable friends, and that is the Houston Food Bank. For more than 40 years, the Houston Food Bank has fought hunger in the Houston region through a variety of programs serving Texans of all ages. When COVID–19 hit last year, the need for that assistance skyrocketed, as you might imagine.

I was able to visit the food bank last summer to learn more about how they have adjusted their operations to keep up with the demand, while implementing precautions to keep their volunteers safe and healthy. So I was glad to join the President and First Lady to learn more about the incredible ways that the Houston Food Bank has continued to serve the community in the wake of this winter storm.

As I have said before and, as the President reiterated on Friday in Houston, there is no red team, there is no blue team during a time of crisis.

FEMA officials have said that disaster response efforts work best when they are locally executed, State managed, and federally supported, and I agree that is the appropriate formula. This structure gives local officials the ability to cater response efforts to their specific communities while tapping into the range of resources available from the State and Federal Government.

I want to assure my fellow Texans that I and the entire Texas delegation here in Congress will continue to do everything we can to be responsive to the needs that they have. Part of that, though, is through rapid mobilization of resources. After Governor Abbott, as I said, made the formal request for an emergency disaster declaration, Senator CRUZ and I sent a letter to President Biden urging him to grant that request. And, as I said, he did so without delay.

So this formal disaster declaration has allowed our State to receive a range of resources to respond to the crisis, including blankets, bottled water, generators, and additional fuel. These resources were vital to sustaining hospital operations and supporting the most vulnerable Texans while power and water were being restored.

Senator CRUZ and I also wrote to the President urging him to grant the Governor's request for a major disaster declaration and all types of public and individual assistance for each of Texas's 254 counties. A major disaster declaration opens up even more Federal resources to help communities and individuals recover in the aftermath of an emergency like this. It can include everything from housing assistance for folks who are unable to stay in their home due to water leakage and burst pipes to unemployment assistance to crisis counseling.

So far, President Biden has approved the major disaster declaration for 126 counties, and I know State and local leaders are working with the administration to seek approval for the remaining counties.

Insurance industry leaders believe this could be the costliest weather event in our State's history, and we have to do everything we can to lessen the burden on Texas families.

Of course, my staff and I are in close contact with State and local leaders who are managing and executing the response, and we are constantly looking for ways to assist and move the recovery along.

In the aftermath of these widespread outages, of course, two questions jump out at you: One is, What happened? And, two, how do we prevent it from ever happening again?

We know now, at least so far, that there wasn't a single point of failure. But where it has to do with the power, this was the result of failures in equipment across the State that weren't properly winterized. Natural gas lines, wind turbines, and other power equipment froze, cutting off a huge percentage of our power generation capacity. The remaining generators were overloaded by the sky-high demand of these subzero temperatures, and much of Texas went through rolling blackouts and more.

This storm claimed the lives of nearly 80 Texans. It left millions without power and water for several days. It destroyed homes and businesses and created a sense of fear across the State.

We need to do what we can now to ensure that Texas's critical infrastructure will be able to withstand anything Mother Nature sends our way. It is not just about Texas. It is really about the critical infrastructure throughout the United States.

I am working on a measure to build grid resiliency, so we can maintain reliable power throughout any type of extreme weather. Whether it is a polar vortex or a heat wave or a hurricane or tornado, our grids and energy sources across the country must be able to operate without disruption. This should be a bipartisan priority for folks from every corner of the United States.

In Texas, we are accustomed to our infrastructure being able to withstand the high temperatures we are used to during the summer, but not the rare subzero temperatures that paralyzed the State 2 weeks ago. In other parts of the country, grids may face the opposite problem: They are able to operate during freezing temperatures but not during a heat wave. I am trying to work on a way to get funding to the States to help build grid resiliency in a way that makes sense for each of those specific needs.

Our Nation has had issues with funding grid resiliency and modernization efforts, and this is a good opportunity to make an investment in that infrastructure. My hope is that this will be a big bipartisan effort, including fellow Members of the Texas delegation and colleagues on both sides of the aisle here in the Senate. We need to do everything we can as Americans and Senators to strengthen and modernize our grid before it is tested again. Team Texas will do everything we can to get our neighbors on the road to recovery and prevent us from experiencing widespread outages in the future.

In conclusion, I want to thank everyone who has supported our State in ways big and small over the last couple of weeks and who will no doubt work with us in our efforts to come back stronger in the days that lie ahead.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

U.S. POSTAL SERVICE

Mr. COONS. Madam President, it has long been said that ''neither snow nor rain nor heat nor gloom of night stays'' our U.S. postal ''couriers from the swift completion of their appointed rounds.'' These words, in fact, are chiseled in granite above the entrance to the post office on 8th Avenue in New York City—one of the grandest post offices in our Nation. It is the adopted creed of the faithful and hard-working letter carriers and frontline workforce of our Postal Service.

As I have said before, I have no beef with the men and women of our Postal Service, but I have real and deep concerns about how the Postal Service is being run under the current Postmaster General.

President Biden doesn't get to choose a new Postmaster General just because he is the new President. In fact, the current officeholder, Louis DeJoy, was chosen by the Board under the previous administration.

Weeks ago, I joined with many colleagues and with Chairman PETERS of the Homeland Security and Governmental Affairs Committee, which is responsible for the Postal Service, to send a letter to Postmaster General DeJoy to restore on-time delivery and stop the harmful systemwide changes that have caused unacceptable mail delays.

Sadly, that is not the first time I have had to reach out, with Senators in this body, to the Postmaster General. In fact, on five separate occasions, we have written the Postmaster General, between August and February, last year to this year. We have demanded transparency. We have insisted on the restoration of mail sorting machines. We have asked for assistance with vote-by-mail deliveries and wrote for just simple answers to pending constituent inquiries.

In my hometown of Wilmington, DE, last August, I joined our attorney general, Kathy Jennings, my senior Senator, TOM CARPER, Congresswoman LISA BLUNT ROCHESTER, and a series of union leaders for a day of action to save the Postal Service.

A few days later, I drove myself to our mail distribution center in New Castle after leadership of the Postal Service denied my request to visit. Thanks to having been alerted by some frontline employees, I drove around back and was able to see a dismantled massive piece of mail handling equipment left outside in the rain.

In January and February alone, my office received hundreds of messages from constituents complaining about mail issues. Since last April, I have heard from nearly 5,000 Delawareans—folks asking for robust funding for the Postal Service, wanting stronger vote-by-mail initiatives, and hundreds and hundreds of them reporting delays in the mail.

I want to take a few minutes, if I might, and just go through some of these concerns I have heard, which, I have also heard from colleagues, are being replicated across our Nation.

Gloria Lester, down in Lewes, in Sussex County, said that mail that previously took just 3 to 4 days is now taking her 4 to 6 weeks. Her bills are due before she even gets the statements. And her husband's VA medication took a month to arrive from the date they mailed it.

Jim Nichols of Milford wrote concerned about the delay in getting his newspapers, his magazines, and his other periodicals.

And Jim is not alone. I have heard from local and regional newspapers that rely on the Postal Service to deliver out-of-State and out-of-area subscribers.

We have a beach area with a lot of homeowners who live here in our Nation's Capital or elsewhere throughout the region. And Chris Raush, who is with the Cape Gazette, which gets mailed to folks all over our region, told me some of their out-of-State subscribers don't receive the paper for a month, and then, when they do, they get a big bundle of old papers. And now with papers not showing up weeks at a time, they have had to tell subscribers this is just out of their control and offer refunds.

Megan Stibbe, of the Delmarva Farmer, another local paper, said that she has ''been having a lot of trouble with Delaware deliveries. The postal system,'' as she said in writing to me, ''is very screwed up right now. Delmarva Farmers have not received their newspapers at all in January.''

I have received dozens and dozens more emails, texts, letters, and phone messages from frustrated constituents.

Dianne Boyle, of Magnolia, DE, felt so strongly about this ongoing debacle of delayed delivery in the Postal Service that she hand delivered her own letter of concern to my Dover office.

Richard Bilkski of Selbyville, a gentleman with real and significant heart issues that require him to be on medication, was down to his very last pill on January 25. After calling and calling and calling, it turned out that his medication had been sitting in the Wilmington post office for 3 weeks.

Toby Rubenstein, from Hockessin, wrote me and said:

> I have paid my bills by check all my life. [And now] the Postal Service is so unreliable, that I now have monthly problems paying [my] bills on time. [And] I'm not alone in this.

Claudette Richardson of Newark, DE, wrote me a note saying that she had mailed her sister a Christmas card on December 14, and it arrived February 12.

Marcy Leib Rolmann wrote me and said: Our ''mail here in Sussex County as everywhere is horrible, despite our great letter carriers.''

Geiana Hollis of Wilmington wrote to me last month because of her passport sitting idle at a Philadelphia distribution center for 10 days. She was set to travel abroad and had to delay her trip.

Bill Powers, former county councilman I know well from New Castle County, a member of the Farm Bureau, is a longtime turkey grower who now provides fresh eggs for local farmers markets. Bill has experienced significant losses with turkey and chick deliveries and called my office with concerns.

And I want, before I close, to mention one last story, from Trebs Thompson, of Newark, an egg farmer with Whimsical Farms. Trebs wrote:

> Largely our postal system has been a jewel. It handles a large volume of mail cheaply, with a high degree of speed and accuracy. Many of us depend on it for government paperwork, medications, orders, payments, and for farmers like me, seeds [and] day-old chicks.
>
> The Post Office has been shipping day-old chicks to farms like mine for over 100 years. Today, all 20 baby hens arrived cold and lifeless. I cried [as I opened the box]. The [postal] supervisor cried. The gentleman who normally delivers my mail apologized profusely, but [it is] not his fault.
>
> Whatever one feels about mail-in ballots or politics, I am asking you to put this aside and do what you can to restore the Postal Service.

Trebs Thompson is right. No farmer should ever have to open a box of dead chicks. No constituent should have to hand deliver a letter to their Senator. Our veterans shouldn't be going without lifesaving medication.

Postmaster DeJoy appeared before Members of the House last week and apologized for the slow mail delivery and said he has a forthcoming plan, which I am concerned includes further cuts to delivery service.

So let me summarize. My understanding is that DeJoy's plans for the future of the Postal Service include higher prices and slower delivery. Delawareans are tired, and our Postal Service workers are tired, too, of the constraints placed on them. How will we solve this problem? In my view, we need to confirm as quickly as possible President Biden's nominees to the Postal Board of Governors: Ron Stroman, Amber McReynolds, and Anton Hajjar—all folks who have deep experience in the postal system. They could get us back on track.

We also have to prioritize investments in the Postal Service. Congress secured $10 billion for the Postal Service in the unanimously passed CARES Act to provide the resources to maintain operation at a time when families are relying on mail service more than ever during this pandemic.

I will continue to support the Postal Service. I will continue to petition the Postmaster General, and I won't stop until there is a solution to this critical and pressing issue. Our letter carriers

and our customers shouldn't suffer because of toxic leadership at the highest levels of our Postal Service.

I yield the floor to my colleague from the State of Maine.

The PRESIDING OFFICER. The Senator from Maine.

AUTO FOR VETERANS ACT

Ms. COLLINS. Madam President, last week, I was pleased to join my colleague from West Virginia, Senator JOE MANCHIN, in introducing the Advancing Uniform Transportation Opportunities for Veterans Act, better known as the AUTO for Veterans Act. I am pleased that Senators BOOZMAN, HASSAN, and BLUNT have joined as original cosponsors.

Our bill would lessen the financial burden on severely disabled veterans who require special adaptive equipment to drive a motor vehicle. It would do so by increasing access to the Department of Veterans Affairs automobile grant program.

The VA currently provides eligible veterans with a one-time grant of approximately $21,400 to be used to purchase a new or used automobile and necessary adaptive equipment, such as specialized pedals and switches. This grant is often used in conjunction with the VA's special adaptive equipment grants, which help our veterans purchase additional adaptive equipment, such as powered lifts, for example, for an existing automobile to make it safe and feasible for a veteran with disabilities.

Although veterans can receive multiple special adaptive equipment grants over the course of their lives, for some reason they are limited to just a single automobile grant. The current limitation fails to take into account that a veteran is likely to need more than one vehicle in his or her lifetime. In fact, the Department of Transportation reports that, in 2019, the average age of a household vehicle was 11.8 years, and a vehicle that has been modified structurally tends to have a shorter useful life.

According to the VA independent budget prepared by Disabled American Veterans, Paralyzed Veterans of America, and the VFW, the substantial costs of modified vehicles, coupled with inflation, present a financial hardship for many disabled veterans who need to replace their primary mode of transportation once their car or van or truck reaches its lifespan. The National Highway Traffic Safety Administration estimates that a new vehicle modified with adaptive equipment will cost anywhere from $20,000 to $80,000. These are significant costs for a veteran with disabilities to incur to replace his or her primary mode of transportation. That is why veterans should be eligible to receive a vehicle grant every 10 years and our legislation, the Collins-Manchin bill, would do just that.

A Maine veteran whom I know well, Neal Williams of Shirley, ME, used a VA automobile grant in 1999 to purchase an adaptive vehicle, a Ford Econoline van. He has also had to purchase several adaptive vehicles since 1999, with each one lasting over 250,000 miles until they simply were no longer roadworthy. His current vehicle now has over 100,000 miles, and soon he will need a new one. He told me that purchasing a new van will cost him well over $50,000, which is more than he paid for his home in rural Maine. This is an enormous burden on our disabled veterans who need to purchase expensive adaptive vehicles in order to drive safely or to drive at all.

Madam President, I feel like I am preaching to the choir here. Our Nation owes our veterans such an enormous debt. It is a debt that truly can never be fully repaid. Let's honor our commitment to our veterans by continuing to support their needs, including the needs of veterans who are disabled and need this adaptive technology for their vehicles long after they have been discharged or retire from Active Duty.

This is a simple bill, but it is a bill that would make such a difference for so many of our disabled veterans who need vehicles with adaptive equipment so that they can drive themselves and drive safely. The AUTO for Veterans Act is an important step that we can take to meet this need and help those who have made so many sacrifices to serve our Nation.

I urge all of my colleagues to join us in helping our Nation's veterans by supporting this bill.

Thank you.

NOMINATION OF MIGUEL A. CARDONA

Mr. VAN HOLLEN. Mr. President, after 4 years of Secretary DeVos' efforts to promote greater privatization of our education system and dismantle the civil rights of students, Miguel Cardona is the person we need to restore the promise of America's schools. A former public school teacher who went on to be a leader in the same district where he was once an English learner, Dr. Cardona has demonstrated a lifelong commitment to our public schools and the belief that all children are entitled to a quality education in a safe and nurturing learning environment. He also has a proven track record of effectively responding to the pandemic, helping students overcome the digital divide, and safely reopening schools as the Connecticut Education Commissioner.

The pandemic has upended our education system, disrupting learning and exacerbating inequities. From day one as Secretary of the Department of Education, Dr. Cardona will need to be prepared to meet the challenges facing our students and educators, from addressing learning loss and social, emotional, and mental health to reversing declining higher education enrollment rates and a sky-rocketing affordability crisis. Additionally, as deep disparities continue to shortchange low-income students, students of color, and students with disabilities, Dr. Cardona will be a key partner in working toward closing these funding and educational opportunity gaps.

I am proud to support Dr. Cardona's nomination, and I look forward to working together to at last make good on our promises to fully fund title I and IDEA, to expand access to quality early childhood education and community schools, and to ensure higher education is accessible for everyone.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I rise today to voice my strong support for Dr. Cardona's nomination to serve as Secretary of Education.

Across the country, students, parents, and educators are in crisis. Every day without an experienced leader at the Department of Education is a day that we are losing precious ground. Back in my home State of Washington, I heard from a mother in Yakima whose children shared one iPhone to learn. I heard from a father of a high school freshman in Spokane, worried about the social and psychological toll the pandemic is taking on his son. I heard from students at the Lummi Nation, trying to focus on remote classes while in multigenerational households on a shared, spotty broadband.

I know there are so many similar stories from people in my State and across the country about how this pandemic is making life harder, the ways it has set back students from where they would be in a typical year, denied them access to critical school resources, deepened longstanding inequities, and so much more.

From early education to higher education, we need to make sure students and their families have the support they need to not only get a high-quality education but to make sure every student can try.

Democrats want to get students safely back in the classrooms for in-person learning as soon as possible. So I am glad the Biden administration put forward clear, science-based, public health guidance schools have long needed. There is no one solution that will ensure safety on its own as our country ramps up vaccine distribution.

Congress has to do its part and pass the American Rescue Plan to provide vital funding for schools—to secure adequate PPE, to reduce class sizes to increase social distancing, to improve ventilation and contract tracing, and to take all the steps they need to do so that they can safely reopen for in-person learning or provide high-quality distance learning if it is not safe in their community to return to the classroom and so that they can assess and address the damage this pandemic has done, especially the way it has deepened inequities that have hurt students of color, students of families with low incomes, students with disabilities, LGBTQ students, women, English learners, students experiencing homelessness, and so much more.

At this moment of crisis, Dr. Cardona is exactly the leader we need at the Department of Education to tackle these challenges. During his confirmation

hearing in the Health, Education, Labor, and Pensions Committee, he demonstrated beyond a doubt that he has experience, principles, and the perspective that we need in this critical role. That is why Dr. Cardona was voted out of our committee by an overwhelming 17-to-5 margin with broad bipartisan support.

Dr. Cardona will come to the Department as a proven leader who will work with students, parents, caregivers, educators, school administrators, and State, local, and Tribal officials. Just as importantly, he will come to the Department as a former elementary school teacher, an adjunct professor, a principal, assistant superintendent, and former English learner himself who knows we have a responsibility to make sure every single student has access to high-quality public education.

At our hearing, he made clear he will fight against longstanding inequities and for every student, including those who have not had a champion at the Department for the last 4 years. He spoke about his commitment to accomplishing President Biden's goal of safely reopening the majority of our K–8 schools for in-person learning within his first 100 days in office.

He showed he understands the challenge the Department is facing is larger than just seeing schools and students and parents and educators safely through this pandemic. It is making sure we come back stronger and fairer. Accomplishing that means ensuring childcare and early education is available and affordable for every family; ensuring every student can get a high-quality public education no matter where they live or how much money they or their families have; rooting out longstanding inequities from our education system by tackling racism, sexism, ableism, and bigotry head-on; and ensuring that higher education is accessible, affordable, accountable, and safe for every single student.

We have a lot of work to do for our schools and students. We have an excellent candidate to get it done, and we have no time to waste. I urge all of our colleagues who have heard from a parent who wants to get their child back in the classroom safely—I am sure everyone has—to join us and vote to confirm Dr. Cardona as Secretary of Education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. I ask unanimous consent to complete my remarks before the vote.

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

Mr. MURPHY. Madam President, I come to the floor to echo Chairwoman MURRAY's comments, to suggest and commend to my colleagues the nomination of Miguel Cardona to be the next Secretary of Education.

There is no one better suited for this job in this moment than Miguel Cardona, and I couldn't be more excited on behalf of my constituents, on behalf of the people of Meriden, CT, to be here on the floor to tell you just a little bit about why Miguel Cardona makes so much sense for this moment.

As Senator MURRAY laid it out for us, this is obviously a moment of crisis in American education. Kids have been distance learning or in and out of classroom settings for the last year. We have had so many children fall behind, especially those with learning needs. We have a lot of kids in crisis. For a lot of kids, home is not a safe place. There is trauma today amongst America's children, and our education system is going to have to bear a lot of the brunt of making sure that these kids are taken care of.

We have a crisis in higher education without students in the classroom, without sources of revenue flowing into institutions of higher learning. We need to make sure that we don't lose classroom slots in colleges and universities, which, of course, is the only thing that allows us to be able to see a bright economic future for our country—expanding access to higher education.

Miguel is made for this moment because he knows how important college is. He was the first member of his family to complete college. He knows how important community is. He came right back to his community of Meriden after completing college and went to work serving his community by taking a job teaching fourth grade in Meriden.

He proved early on that he would go above and beyond the call when it came to the needs of his students. He was a teacher at Israel Putnam Elementary School, room 160. If his kids didn't have what they needed, Miguel would reach into his pockets to make sure they had it. One year, he spent $450 of his own money—money that he probably didn't have as a first- or second-year teacher—to make sure every kid in his classroom had a notebook, a writer's handbook, and a box of crayons. One student told the story of a classmate who moved back to Puerto Rico and of Miguel's organizing a packet of letters from all of his classmates to be sent to him so that he could still have a connection back to Meriden.

He was such an amazing teacher that he was promoted just after a few years in the classroom. He was actually Connecticut's youngest principal when, at age 28, he took over Hanover. Soon thereafter, he was promoted to help run the city's school district, and he was promoted again to be the commissioner of education in Connecticut.

It has been his work over the last year that, I think, caught the attention of educational policy leaders and advocates all across the country because Connecticut was one of the first States to reopen its schools. We did it through a consensus-building exercise that Commissioner Cardona led. He brought together students and parents, administrators, teachers, and teachers unions to come up with a plan to safely reopen our schools. Connecticut reopened our schools faster than many people thought we could, ahead of the curve nationally. He was able to do that because consensus building is a skill that Miguel Cardona has been working on for a very long time.

In 2013, one of his jobs, while he was helping to lead the Meriden school system, was to implement a new teacher evaluation system. You know this can always be very, very controversial, a new system evaluating teachers' performances, but he brought everybody to the table and developed a model that became used statewide. His model and his consensus approach became the standard in our State. He is the Secretary of Education we need right now—somebody who has experience in our classrooms, somebody who knows the value of college, especially to first-generation college families, and somebody who knows how to bring people together.

This is an incredibly important moment for America's educational system. We need to maintain and expand our commitment to equity in our K–12 system to make sure that every single kid—no matter the level of income, no matter the ethnic background, no matter the race, no matter if one is disabled or not—gets a quality education.

This is a moment to invest in accountability in higher education and make sure that we are not wasting taxpayer dollars funding programs and degrees that don't work, that may make money for for-profit investors but that don't end up in skill sets that are going to power our economy. Miguel Cardona is the right person to meet this moment. He is whip-smart. He is a consensus builder. He is a passionate advocate for kids and for teachers and for parents. He is the perfect person for this job and for this moment.

Lastly, let me just share with you how I got to know Miguel Cardona, which, maybe, will serve as a final advertisement for his unique qualifications. This was my old congressional district, and Meriden was part and is still part of the Fifth Congressional District. One of the biggest weekends in Meriden has become the Puerto Rican Heritage Festival, but that festival had sort of hit hard times. It was a decade ago when, maybe, only a couple hundred people came to it until the Cardona family took it over. Miguel Cardona and his family took over the Puerto Rican Heritage Festival in Meriden, CT. Today, 6,000 or 7,000 people come to this festival. You can find Miguel Cardona, on that weekend, every hour of each day of the festival, driving around on his golf cart, organizing bus transportation, working on the entertainment acts, and making sure that Meriden is able, on that weekend, to be able to celebrate its Puerto Rican heritage but then to offer something really constructive, really fun, and really empowering for the community.

Even as commissioner of education, it wasn't beyond him or above him to invest in his community in that way. It is, I hope, an indication of who he is and whom he will remain if the Senate chooses to confirm him into this role, as I hope we will do with a big bipartisan vote today.

I yield the floor.

VOTE ON CARDONA NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Cardona nomination?

Mr. MURPHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Missouri (Mr. BLUNT), and the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 68 Ex.]

YEAS—64

Baldwin	Hassan	Portman
Bennet	Heinrich	Reed
Blumenthal	Hickenlooper	Romney
Booker	Hirono	Rosen
Brown	Johnson	Rubio
Burr	Kaine	Sanders
Cantwell	Kelly	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Luján	Smith
Cassidy	Manchin	Stabenow
Collins	Markey	Tester
Coons	McConnell	Tillis
Cornyn	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Fischer	Ossoff	Wyden
Gillibrand	Padilla	
Grassley	Peters	

NAYS—33

Barrasso	Hawley	Rounds
Boozman	Hoeven	Sasse
Braun	Hyde-Smith	Scott (FL)
Cotton	Inhofe	Scott (SC)
Cramer	Kennedy	Shelby
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	Lummis	Toomey
Ernst	Marshall	Tuberville
Graham	Paul	Wicker
Hagerty	Risch	Young

NOT VOTING—3

Blackburn	Blunt	Moran

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 8, Gina Marie Raimondo, of Rhode Island, to be Secretary of Commerce.

Charles E. Schumer, Sherrod Brown, Sheldon Whitehouse, Benjamin L. Cardin, Robert Menendez, Patrick J. Leahy, Alex Padilla, Jacky Rosen, Richard J. Durbin, Tammy Baldwin, Jack Reed, Chris Van Hollen, Richard Blumenthal, Tim Kaine, Martin Heinrich, Christopher Murphy, Maria Cantwell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gina Marie Raimondo, of Rhode Island, to be Secretary of Commerce, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN).

The PRESIDING OFFICER. Are there any Senators in the Chamber wishing to vote or change their vote?

The yeas and nays resulted—yeas 84, nays 15, as follows:

[Rollcall Vote No. 69 Ex.]

YEAS—84

Baldwin	Grassley	Paul
Bennet	Hassan	Peters
Blumenthal	Heinrich	Portman
Blunt	Hickenlooper	Reed
Booker	Hirono	Risch
Boozman	Hyde-Smith	Romney
Braun	Inhofe	Rosen
Brown	Johnson	Rounds
Burr	Kaine	Sanders
Cantwell	Kelly	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Lankford	Sinema
Casey	Leahy	Smith
Cassidy	Lee	Stabenow
Collins	Luján	Sullivan
Coons	Manchin	Tester
Cornyn	Markey	Thune
Cortez Masto	Marshall	Tillis
Crapo	McConnell	Toomey
Daines	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warnock
Ernst	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Fischer	Murray	Wicker
Gillibrand	Ossoff	Wyden
Graham	Padilla	Young

NAYS—15

Barrasso	Hawley	Sasse
Cotton	Hoeven	Scott (FL)
Cramer	Kennedy	Scott (SC)
Cruz	Lummis	Shelby
Hagerty	Rubio	Tuberville

NOT VOTING—1

Blackburn

The PRESIDING OFFICER. The yeas are 84, the nays are 15.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Gina Marie Raimondo, of Rhode Island, to be Secretary of Commerce.

The PRESIDING OFFICER. The Senator from Georgia.

HONORING THE LIFE AND LEGACY OF JOHN ROBERT LEWIS AND COMMENDING JOHN ROBERT LEWIS FOR HIS TOWERING ACHIEVEMENTS IN THE NONVIOLENT STRUGGLE FOR CIVIL RIGHTS

Mr. OSSOFF. Mr. President, as if in legislative Session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 82, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 82) honoring the life and legacy of John Robert Lewis and commending John Robert Lewis for his towering achievements in the nonviolent struggle for civil rights.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

There being no objection, the Senate proceeded to consider the resolution.

Mr. OSSOFF. Mr. President, I ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 82) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. OSSOFF. I yield.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Iowa.

FEDERAL FUNDING

Ms. ERNST. Mr. President, from the streets of Portland and Seattle to right here in our Nation's Capital, lawlessness has ensued all too often across our Nation over the past year. I have consistently called it what it is—anarchy. And, folks, we need to be absolutely clear on this: Anarchy cannot be tolerated in our Nation.

The mayhem that we have seen over the last year has put our families, our communities, and our law enforcement in danger, and tragically it has led to death and destruction.

In what will probably come as no shock to the American people, a nonpartisan watchdog organization found that the Federal Government has spent more than $14 billion of our taxpayer money, our hard-earned dollars, on Federal contracts and grants in five major cities where civil unrest, also known as anarchy, goes unchecked and police are unable to do their jobs—14

billion with a ''b'' dollars paid to local leaders and city officials who are failing to do their jobs.

Let's keep talking about these dollar figures, folks. According to recent reports by local media in Oregon, left-wing protests in Portland have caused roughly $2.3 million in damage to Federal buildings since they broke out last summer. The near-nightly standoffs with police involved graffiti, broken windows, firecrackers, as well as Molotov cocktails. According to one U.S. attorney in Oregon, cleanup at the courthouse and four other government buildings has cost more than $2 million, and that number could keep going up because the repairs are ongoing.

Last year, I pushed for a review of any Federal funding that was going to the cities and States that were allowing anarchy to run rampant. It was a simple ask: Scrutinize any future Federal funding that might flow into these lawless jurisdictions.

Specifically, I asked the Office of Management and Budget to look into and report to the American people the amount of taxpayer dollars local officials used to either sustain these autonomous zones or the amount needed to repair the damage done during the chaos. Thankfully, last year, the Federal Government began to do just that, but, folks, just last week, President Biden reversed this effort, and I would like to know why.

I agree with our new President that peaceful protests are a cornerstone of our democracy, but smashing windows is not protesting and neither is looting. Burning small businesses that are the modest nest eggs of hard-working Americans and actions like those are totally unacceptable. I don't think there is anyone in the Senate who would disagree. So why, then, is President Biden reversing course and preventing this review from going forward to simply examine the funds that are going to the very places where lawlessness continues to be unanswered?

Too often over the last year, local leaders have prevented law enforcement and emergency responders from being allowed to carry out their jobs and protect the public. Yet millions of our taxpayer dollars have still been doled out to these cities.

I will continue to stand strong and be a voice for the hard-working taxpayers of this country. If city and State leaders abdicate their job to protect citizens and allow anarchist jurisdictions to prevail, the Federal Government and Iowa taxpayers should absolutely not foot the bill. Anarchy is never OK—never OK—and taxpayers should never subsidize it.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

NATIONAL FFA WEEK

Ms. SMITH. As if in legislative session, I ask unanimous consent the Senate proceed to the consideration of S. Res. 83, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 83) expressing support for the designation of February 20 through February 27, 2021, as ''National FFA Week'', recognizing the important role of the National FFA Organization in developing the next generation of leaders who will change the world, and celebrating 50 years of National FFA Organization Alumni and Supporters.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

There being no objection, the Senate proceeded to consider the resolution.

Ms. SMITH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 83) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MORNING BUSINESS

SENATE COMMITTEE ON THE JUDICIARY RULES OF PROCEDURE

Mr. DURBIN. Mr. President, the Committee on the Judiciary has adopted rules governing its procedures for the 117th Congress. Pursuant to rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Ranking Member GRASSLEY, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

RULES OF PROCEDURE UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chair as he or she may deem necessary on at least three calendar days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless a different date and time are set by the Chair pursuant to (1) of this section, Committee meetings shall be held beginning at 10:00 a.m. on Thursdays the Senate is in session, which shall be the regular meeting day for the transaction of business.

3. At the request of any member, or by action of the Chair, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chair with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearings in as many copies as the Chair of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, witnesses appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding appearance written statements of their testimony and curriculum vitae in as many copies as the Chair of the Committee or Subcommittee prescribes.

3. In the event a witness fails timely to file the written statement in accordance with this rule, the Chair may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. Seven Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Nine Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking down sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

The Chair shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with twelve votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendars days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bills identified by the Chair and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chair and the Ranking Minority Member.

VI. PROXY VOTING

When a recorded vote is taken in the Committee on any bill, resolution, amendment,

or any other question, a quorum being present, Members who are unable to attend the meeting may submit votes by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chair and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chair, except as agreed by a majority vote of the Committee or by the agreement of the Chair and the Ranking Minority Member.

4. Provided all members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the members of the Subcommittee who vote must vote in favor of reporting the bill or matter to the Committee.

VIII. ATTENDANCE RULES

1. Official attendance at all Committee business meetings of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee business meetings shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chair and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chair and Ranking Minority Member, in the case of Subcommittee Hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

IX. SUBPOENAS

The Chair of the Committee, with the agreement of the Ranking Member or by a vote of the Committee, may subpoena the attendance of a witness at a Committee or Subcommittee hearing or Committee deposition, or the production of memoranda, documents, records, or any other materials. Any such subpoena shall be issued upon the signature of the Chair or any other Member of the Committee designated by the Chair.

X. DEPOSITIONS

1. Any subpoena issued for a deposition that is to be conducted by staff shall be accompanied by a notice of deposition identifying the Majority staff officers designated by the Chair and the Minority staff officers designated by the Ranking Member to take the deposition, and the Majority and Minority shall be afforded the opportunity to participate on equal terms.

2. Unless waived by agreement of the Chair and Ranking Member, any deposition shall have at least one Member present for the duration of the deposition. All Members shall be notified of the date, time, and location of any deposition.

3. Any Member of the Committee may attend and participate in the taking of any deposition.

4. A witness at a deposition shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any Member of the Committee if one is present.

5. Unless otherwise specified, the deposition shall be in private.

COMMITTEE ON THE JUDICIARY SUBCOMMITTEE JURISDICTIONS WITH MEMBERSHIP—117TH CONGRESS

SUBCOMMITTEE ON COMPETITION POLICY, ANTITRUST, AND CONSUMER RIGHTS

Jurisdiction: Oversight of antitrust law and competition policy and antitrust law, including the Sherman, Clayton, and Federal Trade Commission Acts; (2) oversight of antitrust enforcement and competition policy at the Justice Department; (3) oversight of antitrust enforcement and competition policy at the Federal Trade Commission; (4) oversight of competition throughout the federal government at other federal agencies.

Senator Klobuchar, Chair, Senator Leahy, Senator Blumenthal, Senator Booker, Senator Ossoff, Senator Lee, Ranking Member, Senator Hawley, Senator Cotton, Senator Tillis, Senator Blackburn.

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND BORDER SAFETY

Jurisdiction: (1) Immigration, citizenship, and refugee laws; (2) Oversight of the immigration functions of the Department of Homeland Security, including U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and Ombudsman Citizenship and Immigration Services; (3) Oversight of the immigration-related functions of the Department of Justice, the Department of State, the Department of Health and Human Services Office of Refugee Resettlement, and the Department of Labor; (4) Oversight of international migration, internally displaced persons, and refugee laws and policy; and (5) Private immigration relief bills.

Senator Padilla, Chair, Senator Feinstein, Senator Klobuchar, Senator Coon, Senator Blumenthal, Senator Hirono, Senator Booker, Senator Cornyn, Ranking Member, Senator Graham, Senator Cruz, Senator Cotton, Senator Kennedy, Senator Tillis, Senator Blackburn.

SUBCOMMITTEE ON THE CONSTITUTION

Jurisdiction: (1) Constitutional amendments; (2) Oversight of the Civil Rights Division of the Department of Justice; (3) Enforcement and protection of constitutional rights; (4) Statutory guarantees of civil rights and civil liberties; (5) Separation of powers; (6) Federal-State relations; and (7) Interstate compacts.

Senator Blumenthal, Chair, Senator Feinstein, Senator Whitehouse, Senator Ossoff, Senator Cruz, Ranking Member, Senator Cornyn, Senator Lee, Senator Sasse.

SUBCOMMITTEE ON CRIMINAL JUSTICE AND COUNTERTERRORISM

Jurisdiction: (1) Oversight of the Department of Justice's (a) Criminal Division, (b) Drug Enforcement Administration, (c) Executive Office for U.S. Attorneys, (d) Office on Violence Against Women, (e) U.S. Marshals Service, (f) Community Oriented Policing Services and related law enforcement grants, (g) Bureau of Prisons, (h) Office of the Pardon Attorney, (i) U.S. Parole Commission, (j) Federal Bureau of Investigation, and (k) Bureau of Alcohol, Tobacco, Firearms, and Explosives, as it relates to crime or drug policy; (2) Oversight of the U.S. Sentencing Commission; (3) Youth violence and directly related issues; (4) Federal programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (including the Runaway and Homeless Youth Act); (5) Criminal justice and victims' rights policy; (6) Oversight of the Office of National Drug Control Policy; (7) Oversight of the U.S. Secret Service; (8) Corrections, rehabilitation, reentry and other detention-related policy; and (9) Parole and probation policy; (10) Oversight of anti-terrorism enforcement and policy; (11) Oversight of Department of Homeland Security functions as they relate to anti-terrorism enforcement and policy; (12) Oversight of State Department consular operations as they relate to antiterrorism enforcement and policy; (13) Oversight of encryption policies and export licensing; and (14) Oversight of espionage laws and their enforcement.

Senator Booker, Chair, Senator Leahy, Senator Feinstein, Senator Whitehouse, Senator Klobuchar, Senator Padilla, Senator Ossoff, Senator Cotton, Ranking Member, Senator Graham, Senator Cornyn, Senator Lee, Senator Cruz, Senator Hawley, Senator Kennedy.

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Jurisdiction: (1) the United States Patent and Trademark Office; (2) the United States Copyright Office; (3) Oversight of the functions of the federal government as they relate to intellectual property; (4) Patents; (5) Copyrights; (6) Trademarks; and (7) Trade Secrets.

Senator Leahy, Chair, Senator Coons, Senator Hirono, Senator Padilla, Senator Tillis, Ranking Member, Senator Cornyn, Senator Cotton, Senator Blackburn.

SUBCOMMITTEE ON FEDERAL COURTS, OVERSIGHT, AGENCY ACTION, AND FEDERAL RIGHTS

Jurisdiction: (1) Federal court jurisdiction, administration and management; (2) Rules of evidence and procedure; (3) Creation of new courts and judgeships; (4) Bankruptcy; (5) Access to civil justice, legal reform and liability issues; (6) Local courts in territories and possessions; (7) Administrative practices and procedures including agency rulemaking and adjudication; (8) Judicial review of agency action; (9) Third party enforcement of federal rights; (10) Oversight of the Department of Justice grant programs, as well as government waste and abuse; (11) private relief bills other than immigration; and (12) Oversight of the Foreign Claims Settlement Act.

Senator Whitehouse, Chair, Senator Leahy, Senator Hirono, Senator Booker, Senator Padilla, Senator Ossoff, Senator Kennedy, Ranking Member, Senator Graham, Senator Lee, Senator Cruz, Senator Sasse, Senator Tillis.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Jurisdiction: (1) Human rights laws and policies; (2) Enforcement and implementation of human rights laws; (3) Judicial proceedings regarding human rights laws; and (4) Judicial and executive branch interpretations of human rights laws.

Senator Feinstein, Chair, Senator Coons, Senator Blumenthal, Senator Hawley, Ranking Member, Senator Sasse, Senator Kennedy.

SUBCOMMITTEE ON PRIVACY, TECHNOLOGY, AND THE LAW

Jurisdiction: (1) Oversight of laws and policies governing the collection, protection, use and dissemination of personally identifiable information by the private sector and by the government, including online privacy issues; (2) Use of technology to protect privacy, civil rights, and civil liberties; enhance the free flow of information; and encourage innovation; and (3) Privacy and civil liberties implications of new or emerging technologies.

Senator Coons, Chair, Senator Whitehouse, Senator Klobuchar, Senator Hirono, Senator Ossoff, Senator Sasse, Ranking Member, Senator Graham, Senator Hawley, Senator Kennedy, Senator Blackburn.

SENATE COMMITTEE ON APPROPRIATIONS RULES OF PROCEDURE

Mr. LEAHY. Mr. President, consistent with Standing Rule XXVI, I ask

unanimous consent that the rules of procedure of the Committee on Appropriations for the 117th Congress be printed in the RECORD.

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

SENATE COMMITTEE ON APPROPRIATIONS
COMMITTEE RULES—117TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

TRIBUTE TO CHRISTINA NOLAN

Mr. LEAHY. Mr. President, I would like to pay tribute to a great Vermonter, Christina Nolan, a most dedicated public servant who has served as U.S. attorney for the District of Vermont since November 2017. She will be resigning her post at the end of this month, 11 years since she first joined the U.S. Attorney's Office, but her work and the strong partnerships she forged will carry on for many years to come.

A profile of Christina recently appeared in Vermont Business Magazine under the headline ''A Born Advocate for Justice.'' And she has been just that. During her tenure, Christina worked to stem the deadly surge of heroin and fentanyl in our small State, and she has joined with Federal partners to slow the illegal trafficking of firearms. She has also used her voice to shine a spotlight on domestic violence and human trafficking, not only prosecuting critical cases but also highlighting the plight of victims who are caught in the path of such heinous crimes. Her personal approach to each and every case, signing off on every charging document in the office, as well as her commitment to victims and her dedication to upholding the rule of law are evident to anyone who has witnessed her work and her work ethic.

While Vermont's U.S. Attorney's Office is among the smallest in the country, it is fair to say that under Christina's leadership, the team has punched well above their weight. In one instance, her office set out to investigate kickbacks and fraudulent billing practices involving the electronic health records industry, unraveling a scheme that resulted in an $8 billion national settlement with Perdue Pharma, which admitted to needlessly and shamelessly promoting the prescribed use of OxyContin, a highly addictive opioid.

During her time as U.S. attorney, Christina has forged strong relationships with her partners in Federal, State and local law enforcement circles, many of whom have shared with me how much they appreciated her engagement. In the courtroom, colleagues on both sides of the bench have lauded her fairness. A Federal judge, interviewed for the aforementioned magazine profile, spoke of her ''quiet confidence'' and her ''natural courtroom presence: graceful and commanding.''

I am proud to have worked with Gov. Phil Scott to recommend Christina Nolan for the position of U.S. attorney back in 2017. She has served Vermonters very well during her tenure. Marcelle and I wish Christina and her longtime partner, Jill, and their family our very best in future endeavors.

IMPEACHMENT

Mr. GRASSLEY. Mr. President, just barely a year ago, I was here making a similar statement. Impeachment is one of the most solemn matters to come before the Senate, but I worry that it's also becoming a common occurrence.

Before getting into the merits of this impeachment, it is important to reiterate that January 6 was a sad and tragic day for America. I hope we can all agree about that.

What happened here at the Capitol was completely inexcusable. It was not a demonstration of any of our protected, inalienable rights. It was a direct, violent attack on our seat of government. Those who plowed over police barricades, assaulted law enforcement, and desecrated our monument to representative democracy flouted the rule of law and disgraced our Nation. Six people, including two U.S. Capitol Police officers, now lie dead in the wake of this assault. The perpetrators must be brought to justice, and I am glad to see that many such cases are progressing around the country.

While the ultimate responsibility for this attack rests upon the shoulders of those who unlawfully entered the Capitol, everyone involved must take responsibility for their destructive actions that day, including the former President. As the leader of the Nation, all Presidents bear some responsibility for the actions that they inspire—good or bad. Undoubtedly, then-President Trump displayed poor leadership in his words and actions. I do not defend those actions and my vote should not be read as a defense of those actions.

I am a member of a Court of Impeachment. My job is to vote on the case brought by the House managers. I took an oath to render judgment on the Article of Impeachment sent to the Senate by the House of Representatives. We are confined to considering only the Articles charged and the facts presented.

First and foremost, I don't think this impeachment is proper under the Constitution. This is the first time the Senate has tried a former President. Whether or not it can do so is a difficult question. The Constitution doesn't say in black and white ''Yes, the Senate can try a former President'' or ''No, it can't.'' In contrast, many State constitutions at the time of the founding specified that their legislatures could, so it's notable that our Federal charter did not. In order to answer this question it's therefore necessary to look at the text, structure, and history of the Constitution. That's what I have done. In the end, I do not think we have the ability to try a former President.

I start always with the Constitution, which gives Congress the power of impeachment. As I mentioned, impeachment was a feature in many State constitutions at the time, and it came from a power enjoyed by the English Parliament.

Impeachment in England was a powerful tool whereby Parliament could

hold individuals accountable for actions against the government without having to rely on the King to enforce it. It applied not just to sitting government officials but also to former government officials and even to private individuals. It was not simply a way to remove government officials but a general method of punishing the enemies of Parliament, including with fines, jail time, or even death.

This is not the system established by our Constitution. Our Constitution restricts the power of impeachment in two important ways. First, it says that Congress can't just impeach anyone: only the President, the Vice President, and ''all civil Officers of the United States'' can be impeached. It then restricts the penalties for impeachment to removal from office and disqualification.

A former President is not in any of those three categories. He is not the President. In fact, the Constitution also specifies that when the President is impeached, the Chief Justice of the Supreme Court shall preside over the trial. Chief Justice Roberts has not presided over this trial, thus making it clear that it is not the trial of a President. He is obviously not the Vice President. He is not a civil officer of the United States.

Because he does not fall into any of these categories, I don't think that this trial was appropriate.

Moving beyond the text of the Constitution, the history of the Senate confirms this. The U.S. Senate has never convicted a former official in an impeachment. The Senate has tried three individuals who were former officers—William Blount a former Senator in 1798; William Belknap a former Secretary of War, in 1876; and Robert Archibald an incumbent Commerce Court judge, in 1912, tried as well for conduct while a district judge). Belknap is the only executive branch member tried after leaving office. None was convicted for his prior conduct, Archibald was convicted on counts relating to his incumbent judicial service on the Commerce Court. In all three cases, the jurisdictional question loomed large at the trial and was cited as an important argument justifying the acquittals. In other words, Senate practice is consistent: It has never convicted a former official in an impeachment.

Between the text of the Constitution and the consistent practice of the Senate, I'm convinced that this is not an appropriate use of our power. While I realize there are arguments on the other side from learned scholars, to me, they do not overcome these problems of text and history.

That's why I voted twice to deal with this impeachment on jurisdictional grounds. But my position didn't prevail, with the majority Democrats voting in lockstep to proceed, and we went to trial. As I've said, even though I think this is inappropriate, I kept an open mind during the process, and I listened to both sides as they presented their evidence.

The House managers tried to prove that President Trump incited an insurrection. That is a difficult argument to make. There were many other Articles over which they could have impeached President Trump, but this is what the House of Representatives chose. They didn't meet their burden.

Before getting to the merits of the charge, I need to point out that this impeachment trial has not aligned with principles of due process of law. Other impeachments have involved significant fact-finding in the House, where proper legal formalities are followed, witnesses are heard from and cross-examined, and hard evidence is reviewed. Here there were no hearings in the House. The evidence presented was mostly video montages and news reports. We even had the unusual spectacle of voting to call witnesses for the first time as the trial was ending only to immediately reverse course and call none. Given the seriousness of the situation, I think we should expect better when the House exercises its constitutional duty of impeachment.

This issue involves complicated legal questions. In our legal system, though, it is very difficult for speech to rise to the level of incitement. ''Incitement'' is a legal term of art. Usually it takes place in the context of incitement to violence. Incitement, in our legal system, doesn't mean ''encouraging'' violence or ''advocating'' violence or even ''espousing'' violence. It means intentionally causing likely violence. Because the Article of Impeachment uses the word ''incitement,'' I need to evaluate President Trump's actions under the rubrics of the law of incitement, which were set out in the Supreme Court case of Brandenburg v. Ohio. In that case the Court held that incitement required speech that, first, encourages ''imminent lawless action'' and, second, ''is likely to incite or produce such action.'' In other words, in order to succeed, the House managers must have shown that President Trump's speech was intended to direct the crowd to assault the Capitol and that his language was also likely to have that effect.

As I said before, what happened on January 6 was tragic. We can't let it happen again. But the House managers have not sufficiently demonstrated that President Trump's speech incited it. While I will have more to say about President Trump's conduct, the fact is that he said this: ''I know that everyone here will soon be marching over to the Capitol building to peacefully and patriotically make your voices heard.'' That speech is not an incitement to immanent lawless action as established in the case law. I wish the crowd would have listened to him.

Just because President Trump did not meet the definition of inciting insurrection does not mean that I think he behaved well.

To be clear, I wanted President Trump to win in November. I gave over 30 speeches on his behalf in Iowa the week before the election. He, like any politician, is entitled to seek redress in the courts to resolve election disputes. President Trump did just that, and there's nothing wrong with it. I supported the exercise of this right in the hopes that allowing the election challenge process to play out would remove all doubt about the outcome. The reality is, he lost. He brought over 60 lawsuits and lost all but 1 of them. He was not able to challenge enough votes to overcome President Biden's significant margins in key States. I wish it would have stopped there.

It didn't. President Trump continued to argue that the election had been stolen even though the courts didn't back up his claims. He belittled and harassed elected officials across the country to get his way. He encouraged his own, loyal Vice President, Mike Pence, to take extraordinary and unconstitutional actions during the electoral college count. My vote in this impeachment does nothing to excuse or justify those actions. There's no doubt in my mind that President Trump's language was extreme, aggressive, and irresponsible.

Unfortunately, others share the blame in polluting our political discourse with inflammatory and divisive language. As President Trump's attorneys showed, whatever we heard from President Trump, we had been hearing from Democrats for years. National Democrats, up to and including President Biden and Vice President Harris, have become regular purveyors of speech dismissing and even condoning violence. It's not surprising that when they talk about taking the ''fight'' to ''the streets'' organizations like antifa actually take to the streets of our cities with shields and bats and fists, destroying lives and livelihoods.

Yes, I think President Trump should have accepted President Biden's victory when it became clear he won. I think Secretary Clinton should have done the same thing in 2016. But as recently as 2019, she questioned the legitimacy of Trump's election, saying ''[Trump] knows he's an illegitimate president. I believe he understands that the many varying tactics they used, from voter suppression and voter purging to hacking to the false stories . . . there were just a bunch of different reasons why the election turned out like it did.''

If there's one lesson I hope we all learn from not only last year but the last few years, it's that we all need to tone down the rhetoric. Whether it's the destructive riots we saw last summer or the assault on the Capitol, too many people think that politics really is just war by another name. To far too many people, our democracy isn't free people coming together to make life better for our communities. It's a street fight.

We don't need to agree on everything. In fact, part of what makes our democracy great is that we don't agree on everything. But we do need to resolve these differences with debate and

with elections, not with violence. Whether the violence comes from the left or the right, it's wrong. The same goes for speech that claims to define enemies by political views or affiliations.

We're all Americans, always trying to form a more perfect union. We have more in common than what divides us. It's high time those of us who have been elected to serve lead by example. We can take the high road. We can tone down the rhetoric. We can be respectful even when we disagree strongly. If we don't, we'll be betraying the trust that the American people have placed in us, and we'll endanger the democracy and the freedom that so many of us have worked to preserve.

These are difficult issues I have considered over the past week, but in the end, I am confident in what I think is the correct position. We do not have the authority to try a private citizen like former President Trump. Even if we did, he should have been accorded the protections of due process of law in his trial. And even if we assume he has been, the House managers still did not prove that he committed incitement to insurrection, the specific crime of which he stands accused. This does not excuse President Trump's conduct on and around January 6 of this year, it satisfies my oath as a U.S. Senator in this Court of Impeachment. I therefore voted to acquit.

Mr. REED. Mr. President, I ask unanimous consent to have my opinion memorandum in the impeachment trial of President Donald J. Trump be printed in the RECORD.

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

OPINION MEMORANDUM OF UNITED STATES SENATOR JOHN F. REED IN THE IMPEACHMENT TRIAL OF PRESIDENT DONALD JOHN TRUMP

I. FINDINGS

On January 13, 2021, the United States House of Representatives passed House Resolution 24,[1] ''Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.''

Based on the evidence in the record, the arguments of the House Impeachment Managers, and the arguments of President's Counsel, I conclude as follows: Mr. Trump has violated his oath to take care that the laws be faithfully executed and has acted in a manner that is fundamentally incompatible with the constitutional order. The House Impeachment Managers have proven that Mr. Trump's incitement of insurrection amounts to the constitutional standard of ''high Crimes and Misdemeanors'' for which the remedy of conviction and disqualification is warranted.

II. THE CONSTITUTIONAL GROUNDS FOR IMPEACHMENT

''The Senate shall have the sole Power to try all Impeachments.''[2] With these few words, the Framers of the Constitution entrusted the Senate with the most awesome power within a democratic society: whether to remove an impeached president from office.

A. High Crimes and Misdemeanors

The Constitution states, ''The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.''[3]

''Treason'' and ''Bribery'' are foundational impeachable offenses. No more heinous example of an offense against the constitutional order exists than betrayal of the nation to an enemy or betrayal of duty for personal enrichment. A President commits treason when he levies war against the United States or gives comfort or aid to its enemies.[4] As the House Judiciary Committee explained, a President engages in impeachable bribery when he ''offers, solicits, or accepts something of personal value to influence his own official actions.''[5]

In interpreting ''high Crimes and Misdemeanors,'' we must not only look to the Federalist Papers and the records of the Constitutional Convention, but also to the contemporary and foundational writings on Impeachment available to the Framers.

Sir William Blackstone, whose influential Commentaries on the Laws of England were published from 1765–1770, discussed a classification of crimes he termed ''public wrongs, or crimes and misdemeanors'' that he defined as breaches of the public duty an individual owed to their entire community.[6] Blackstone viewed treason, murder, and robbery as ''public wrongs,'' not only because they cause injury to individuals but also because they ''strike at the very being of society.''[7]

Richard Wooddeson, a legal scholar who began giving lectures on English law in 1777, defined impeachable offenses as misdeeds that fail to clearly fall under the jurisdiction of ordinary tribunals. These wrongs were ''abuse[s] of high offices of trust'' that damaged the commonwealth.[8]

Much the same as Blackstone and Wooddeson, Alexander Hamilton included the dual components of abuse of public trust and national harm in his definition of impeachable crimes and misdemeanors. In Federalist Paper No. 65, Hamilton defined an impeachable offense as ''those offenses which proceed from the misconduct of public men, or in other words from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself.''[9]

B. The Constitutional Debates

Adding impressive support to these consistent views of the meaning of the constitutional term, ''high Crimes and Misdemeanors,'' is the history of the deliberations at the Constitutional Convention.

The convention delegates considered limiting Impeachment to treason and bribery. However, they concluded that these enumerated offenses alone could not anticipate every manner of profound misconduct that a future president might engage in.[10] George Mason, a delegate from Virginia, declared that ''high crimes and misdemeanors'' would be an apt way to further capture ''great and dangerous offences'' or ''[a]ttempts to subvert the Constitution.''[11]

This wording would also set the necessarily high threshold for Impeachment that would be proportional to the severe punishment of removing an elected official and disqualification from holding future public office. Further insight is provided by James Iredell, a delegate to the North Carolina Convention that ratified the Constitution, who later served as a Justice of the United States Supreme Court. During the Convention debates, Iredell stated:

The power of impeachment is given by this Constitution, to bring great offenders to punishment . . . This power is lodged in those who represent the great body of the people, because the occasion for its exercise will arise from acts of great injury to the community, and the objects of it may be such as cannot be easily reached by an ordinary tribunal.[12]

Iredell's understanding sustains the view that an impeachable offense must cause ''great injury to the community.'' Private wrongdoing, without a significant, adverse effect upon the nation, cannot constitute an impeachable offense. James Wilson, a delegate to the Federal Constitutional Convention and, like Iredell, later a Supreme Court Justice, wrote that Impeachments are ''proceedings of a political nature . . . confined to political characters, to political crimes and misdemeanors, and to political punishments.''[13]

Later commentators expressed similar views. In 1833, Justice Joseph Story quoted favorably from the scholarship of William Rawle, who concluded that the ''legitimate causes of impeachment . . . can have reference only to public character, and official duty . . . In general, those offenses, which may be committed equally by a private person, as a public officer, are not the subject of impeachment.''[14]

This line of reasoning is buttressed by the careful and thoughtful work of the House of Representatives during the Watergate proceedings. The Democratic staff of the House Judiciary Committee concluded that, ''[b]ecause impeachment of a President is a grave step for the nation, it is to be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office.''[15]

The deliberations at the Constitutional Convention also demonstrate a conscious movement to narrow the terminology as a means of raising the threshold for the Impeachment process to require an offense against the State.

Early in the debate on the issue of presidential Impeachment in July of 1787, it was suggested that Impeachment and removal could be founded on a showing of ''malpractice,'' ''neglect of duty,'' or ''corruption.''[16] By September of 1787, the issue of presidential Impeachment had been referred to the Committee of Eleven, which was created to resolve the most contentious issues.

The Committee of Eleven considered whether the grounds for Impeachment should be ''treason or bribery.''[17] This was significantly more restricted than the amorphous standard of ''malpractice,'' too restricted, in fact, for some delegates. George Mason objected and suggested that ''maladministration'' be added to ''treason and bribery.''[18] James Madison opposed this suggestion as being ''equivalent to a tenure during pleasure of the Senate.''[19] Mason responded by further refining his suggestion and offered the term ''other high crimes and misdemeanors against the State.''[20] The Mason language was a clear reference to the English legal history of Impeachment. Mason's proposal explicitly narrowed these offenses to those ''against the State.'' The Convention itself further clarified the standard by replacing ''State'' with the ''United States.''[21]

At the conclusion of the substantive deliberations on the constitutional standard of Impeachment, it was obvious that only serious offenses against the governmental system would justify Impeachment and subsequent removal from office. However, the Committee of Style applied the final stylistic touches to the Constitution. This Committee had no authority to alter the meaning of the carefully debated language and

could only impose a stylistic consistency through, among other things, the elimination of redundancy. In its zeal to streamline the text, the words ''against the United States'' were eliminated as unnecessary to the meaning of the passage.[22]

The weight of both authoritative commentary and the history of the Constitutional Convention combines to provide convincing proof that the Impeachment process was reserved for serious breaches of the constitutional order that threaten the country in a direct and immediate manner.

C. An Impeachable Offense is Not Limited to Criminal Liability or a Defined Offense

Article I, Section 3 of the United States Constitution provides that ''Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.''[23] As Delegate James Wilson wrote, ''impeachments, and offenses and offenders impeachable [do not come] within the sphere of ordinary jurisprudence. They are founded on different principles, are governed by different maxims, and are directed to different objects: for this reason, the trial and punishment of an offense on an impeachment, is no bar to a trial and punishment of the same offence at common law.''[24] The independence of the Impeachment process from the prosecution of crimes underscores the function of Impeachment as a means to remove a president from office, not only because of criminal behavior, but because the president poses a threat to the constitutional order. Criminal behavior is not irrelevant to an Impeachment, but it only becomes decisive if that behavior imperils the balance of powers established in the Constitution.

The assertion that an impeachable offense must be predicated on a criminal act goes against the well-established consensus of the legal community. For example, Mr. Trump's former Attorney General, William Barr, wrote in a 2018 memo to the Department of Justice (DOJ) when he was still in private practice, that the President ''is answerable for any abuses of discretion and is ultimately subject to the judgment of Congress through the impeachment process [which] means that the president is not the judge in his own cause.''[25] As Mr. Barr makes clear, Impeachment does not need to be based on a crime.

Furthermore, any assertion that an impeachable offense must involve the violation of an ''already known or established'' law, even if not criminal, is not supported by the constitutional record. In advocating for the inclusion of Impeachment at the Constitutional Convention, James Madison made the case that the country must be protected against any number of abuses that a president could engage in and which might cause permanent damage to the country. Madison wrote that:

[It was] indispensable that some provision should be made for defending the Community [against] the incapacity, negligence or perfidy of the chief Magistrate. The limitation of the period of his service, was not a sufficient security[. . .] He might pervert his administration into a scheme of peculation or oppression. He might betray his trust to foreign powers.[26]

Confining Impeachment to criminal or even codified offenses goes against the mainstream consensus on the meaning of ''high Crimes and Misdemeanors'' and would fail to capture the universe of harms to the constitutional order in which a President could engage.

D. Conclusion

Authoritative commentary on, together with the structure of, the Constitution makes it clear that the term, ''other high Crimes and Misdemeanors,'' encompasses conduct that involves the president in the impermissible exercise of the powers of his office to upset the constitutional order. Moreover, since the essence of Impeachment is removal from office, rather than punishment for offenses, there is a strong inference that the improper conduct must represent a continuing threat to the American people and the Constitution.

IV. STANDARD OF PROOF

In an Impeachment trial, each Senator has the obligation to establish the burden of proof he or she deems proper.[27] The Founding Fathers believed maximum discretion was critical for Senators confronting the gravest of constitutional choices.[28] Differentiating Impeachment from criminal trials, Alexander Hamilton argued, in Federalist Paper No. 65, that Impeachments ''can never be tied down by such strict rules . . . as in common cases serve to limit the discretion of courts in favor of personal security.''[29] In this regard, Hamilton further distinguished Impeachment proceedings from a criminal trial by stressing that an impeached official would be subject to the established rules of criminal prosecution after Impeachment.[30]

However, what exact constitutional standard should be used remains debatable. Practical concerns related to utilizing the Impeachment power should be considered when determining the standard of proof required. Too low of a standard may lead to removal, even if significant doubts exist. A ''. . . high 'criminal' standard of proof could mean, in practice, that a man could remain president whom every member of the Senate believed to be guilty of corruption, just because his guilt was not shown 'beyond a reasonable doubt.' ''[31]

When uncertain about the standard of proof to apply, it is worth reviewing the writings of eminent scholars. In doing so, I have found a closer approximation to what the standard should be in many Impeachment trials as compared to those used in general legal practice: '' '[o]verwhelming preponderance of the evidence' . . .''[32] Yet, I believe that the severity of removing a president of the United States warrants an even higher bar. As such, a definition slightly modified, but modeled on that proposed standard, is more applicable: overwhelmingly clear and convincing evidence. This standard more closely comports with historical analysis of the Founders' desire to separate criminal law and Impeachment and the arguments made by scholars, while reflecting the serious constitutional harms alleged in the Article of Impeachment before the Senate.

V. CONSTITUTIONALITY OF IMPEACHMENT TRIAL

The President's Counsel has argued that an Impeachment trial conducted after a president leaves office is unconstitutional. Specifically, they write, in their trial brief, ''It is denied that the quoted provision [Article I, Section 4] currently applies to the 45th President of the United States since he is no longer 'President'.''[33] The President's Counsel hinge their argument on the wording of Article II, Section 4, which reads, ''The President, Vice President and all Civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.'' The President's Counsel argue that since Mr. Trump is no longer the president,

''[T]he clause 'shall be removed from Office on Impeachment for . . .' is impossible for the Senate to accomplish, and thus the current proceeding before the Senate is *void ab initio* as a legal nullity that runs patently contrary to the plain language of the Constitution . . . Since removal from office by the Senate of the President is a condition precedent which must occur before, and jointly with, 'disqualification' to hold future office, the fact that the Senate presently is unable to remove from office the 45th President whose term has expired, means that Averment 1 is therefore irrelevant to any matter before the Senate.''[34]

Such logic ignores the historical context in which the Impeachment power was drafted, willfully misinterprets the language of the Constitution, rejects the precedent set by previous Senates, and promotes the dangerous concept of a ''January Exception.''[35]

Impeachment was not a revolutionary concept at the time the U.S. Constitution was drafted. The concept had long been part of English political custom, which framed much of the Founder's understanding of government.[36] Indeed, Alexander Hamilton explicitly stated in Federalist No. 65 that the Impeachment power was borrowed from English political history.[37] Thus, we can understand the bounds of the Impeachment power from precedents set in English political history. Two examples from the 18th century are illustrative of the impeachability of former officials. First, ''[i]n 1725, former Lord Chancellor Macclesfield was impeached and convicted for acts of bribery committed during his tenure in office.''[38] Second, at the time of the Philadelphia Convention, Parliament was preparing to conduct an Impeachment trial against Warren Hastings, the former Governor General of Bengal. These proceedings commenced after Hastings had retired from his office. ''The Framers were acutely aware of the Hastings proceeding, with George Mason raising it as an example during debate on the Impeachment clauses.''[39] If the Framers had misgivings about Impeachment of former officials, a concept that would have been on the public mind given Mr. Hastings' impending Impeachment trial, surely they would have clarified the wording of the Impeachment power in the U.S. Constitution.

The practice of impeaching former officers was also common in the early state governments. ''Between 1776 and 1787, 10 of the newly independent states adopted constitutions that included impeachment provisions. Five specifically permitted late Impeachment; no state explicitly forbade it.''[40] Moreover, some state constitutions only allowed the Impeachment of former officials, meaning that future disqualification from office was central to the very purpose of Impeachment.[41] For example, Thomas Jefferson underwent an Impeachment inquiry in 1781 after his tenure as governor ended.[42] What purpose could such a late inquiry have except to attempt to disqualify a former official from holding office again in the future? The influence of the early state constitutions on the drafting of the U.S. Constitution is widely accepted. This influence no doubt extended to the Framer's understanding of the Impeachment power as including former officials.[43]

Indeed, the language of the U.S. Constitution proves this out. Article I, Section 3, Clause 6 states, ''The Senate shall have the sole Power to try all Impeachments.'' That is, the Senate has the power to conduct a trial for any Impeachment commenced by the House of Representatives without qualification regarding its timing. The House impeached Mr. Trump, and it is now in the constitutional power of the Senate to conduct an Impeachment trial. Article I further outlines two possible penalties in any Impeachment trial: removal and disqualification.

The Senate cannot exceed these penalties, nor are these penalties necessarily linked by the language of the text. The Senate has the power to remove a president without also disqualifying him or her from future office. Likewise, legal scholars assert that disqualification from office need not follow removal from office.[44] Such a reading would neuter the ability of the Senate to disqualify officials from future office upon their resignation. Hence, an official accused of crimes against the political order could simply resign to avoid punishment and potentially retake office in the future. The Framers understood that the power of a demagogic president extends beyond his tenure of office. The disqualification component of the Impeachment power is the constitutional method for addressing this dangerous potentiality, for it establishes ''a perpetual ostracism from the esteem and confidence, and honors and emoluments of his country.'' [45]

In accordance with English political history, the early state constitutions, and the clear language of the U.S. Constitution, the Senate has repeatedly asserted its right to conduct an Impeachment trial of former government officials. The first Impeachment trial concerned Senator William Blount of Tennessee on the charge of conspiracy. After the Senate expelled Blount from the body in July of 1797, the House brought five articles of Impeachment against the former senator in January of 1798 with the intention of disqualifying him from holding office in the future.[46] Most scholars agree that the Senate dismissed the case on the grounds that the Impeachment power does not extend to Members of Congress.[47] The Senate did not, however, dismiss the case on the basis that Blount was a former official.[48] The Senate once again asserted its right to conduct an Impeachment trial of a former official in the 1876 case of ex-Secretary of War William Belknap. The House voted to impeach Belknap after he resigned. The Senate then debated the constitutionality of late impeachability before asserting in a 37–29 vote that it had the power to try an ex-officer.[49] Though Belknap was not ultimately convicted, the Senate had decided that it had the power to convict and disqualify an ex-official. Congress acted once more in the 1926 case of federal judge George English. The House of Representatives chose not to further pursue Impeachment after English's resignation, but the House Managers declared ''the resignation of Judge English in no way affects the right of the Senate, sitting as a court of impeachment, to hear and determine [the case].'' [50] Several Senators similarly declared the jurisdiction of the Senate in the case of Judge English.[51] As these cases demonstrate, the Senate has repeatedly declared its late-Impeachment powers, though it has rarely chosen to purse Impeachment.[52]

Finally, the denial of late impeachability promotes the dangerous and unconstitutional idea of a ''January Exception.'' One of the central concerns of the Framers was the diffusion of power across branches in a system of checks and balances to prevent any one branch, but particularly the executive, from gaining too much power. Impeachment is the last line of defense created to hold officials accountable for their abuse of those powers. Hence the time between election and inauguration is not a consequence-free period for an outgoing president. A president who commits an impeachable offense on the night before his term ends is still accountable for those actions when he leaves the Oval Office. After his term as president, John Quincy Adams proclaimed, ''I hold myself, so long as I have the breath of life in my body, amendable to impeachment by [the] House for everything I did during the time I held any public office.'' [53] The Framers of the Constitution did not intend to grant Mr. Trump a January reprieve from accountability. He must be held accountable for his actions during the last weeks of his presidency.

VI. DUE PROCESS

The President's Counsel assert that the Impeachment inquiry is defective because of a lack of due process protections for Mr. Trump. However, the Constitution does not provide any guidance about what procedures are proscribed in an Impeachment trial. Article II, Section 3 states, ''The Senate shall have the sole power to try all Impeachments.'' [54] Alexander Hamilton provides context to this in Federalist Paper No. 65, saying that Impeachments ''can never be tied down by such strict rules . . . as in common cases serve to limit the discretion of courts in favor of personal security.'' [55]

Specifically, President's Counsel asserts that the Speaker of the House purposefully held onto the Article of Impeachment, passed by the House of Representatives, in order to ensure that Mr. Trump's term would end before a Senate trial commenced. However, at the time H. Res. 24 passed, the Senate was in recess and not scheduled to return until January 19th. The Senate Minority Leader urged the Senate Majority Leader to bring the Senate back into session immediately in order to receive the Article of Impeachment. However, the Senate Majority Leader rejected this request, meaning that even if the House of Representatives had tried to send the Article to the Senate immediately after passage, it would not have been considered until the Senate was back in session.[56]

President's Counsel also assert that the House of Representatives did not provide proper due process because it did not hold hearings on the Article of Impeachment. Manager Lieu analogized the present facts to a case where crimes are committed in plain view, and prosecutors do not have to spend a prolonged time investigating before pressing charges.[57] In this case, the events in question—the ''Save America'' rally, the Electoral Certification, and the ensuing insurrection—were widely broadcast on television and in news publications. Those who took part in the attack also documented their participation over social media including on Twitter, Instagram, and YouTube.[58] In the aftermath of the insurrection, participants were arrested and indicted for their unlawful and violent actions, and their charging documents were available to the public.[59]

In addition, President's Counsel, throughout this case, has conflated the requirements of an Impeachment proceeding with that of a criminal case, where the Due Process Clause of the Fifth Amendment applies. These claims are spurious at best. As constitutional scholar Michael Gerhardt stated in regards to Mr. Trump first Impeachment, ''First, the [Due Process] clause does not apply because none of the interests protected by the due process clause are being denied here—the sanctions are removal and disqualification but not the deprivation of life, liberty, or property, which the clause protects. Second, even if due process applies, it has been satisfied here: The minimal requirements of due process are an impartial decision-maker and notice. The president has had plenty of notice about the impeachment effort, and the Constitution designates senators as the impartial decision-makers.'' [60]

''The Supreme Court has explained . . . that due process is not a 'technical conception with a fixed content unrelated to time, place, and circumstances.' Instead, the concept is 'flexible and calls for such procedural protections as the particular situation demands.' '' [61] In an Impeachment, the obligation of the Senate is to accord the president, as the accused, the right to conduct his defense fairly, while respecting the House of Representative's exclusive constitutional prerogative to bring Articles of Impeachment. At the core of the Senate's task is the fundamental understanding that our system of laws recognizes the rights of defendants and the responsibilities of the prosecution to prove its case.

Based on the above analysis, I find that there is overwhelmingly clear and convincing evidence that Mr. Trump was afforded due process in this Impeachment proceeding.

VII. INCITEMENT OF INSURRECTION

House Resolution 24 alleges that, in the conduct of his office, Mr. Trump incited an insurrection, in violation of his constitutional duty to take care that the laws be faithfully executed, and in subversion of the constitutional order. I find that there is overwhelmingly clear and convincing evidence that Mr. Trump committed impeachable conduct. As I will further explain, Mr. Trump must be convicted and disqualified from holding office for the conduct described in H. Res. 24.

A. Legal Standards for Incitement

As explained in Section III, Congress is bound neither by civil nor criminal law in determining whether an offense meets the standard of ''high Crimes or Misdemeanors.'' However, existing legal frameworks for ''incitement'' are helpful for analyzing and putting Mr. Trump's words and conduct into context.

Black's Law Dictionary defines incitement generally as ''the act or an instance of provoking, urging on, or stirring up.'' [62] Specifically in regards to criminal law, Black's Law Dictionary defines incitement as ''the act of persuading another person to commit a crime.'' [63]

A group of constitutional law scholars explained that, for the purposes of Impeachment, a determination of whether a president's speech or conduct is protected must primarily take into account whether a president's words are consistent with the Constitution [64] and the oath to ''faithfully execute the office of President of the United States, and . . . preserve, protect and defend the Constitution of the United States.'' [65] For example, if a president said ''I no longer promise to support and defend the Constitution of the United States'' or ''I no longer recognize Congress as a co-equal branch of government,'' these statements would certainly be inherently antithetical to the constitutional order that the president swore to uphold. While these statements may be lawful and protected by the Constitution in another context, they would certainly be impeachable.

Turning to the definition of ''insurrection'' itself, the Corpus Juris Secundum defines it as ''the act of rising in open resistance against established authority or government, or as any open and active opposition of a number of persons to the execution of the laws of the United States of so formidable a character as to deny, for the time being, the authority of the government, even though not accompanied by bloodshed and not of sufficient magnitude to render success probable.'' [66]

Based on these sources, I will examine the following questions, in order to determine whether Mr. Trump incited his supporters to commit insurrection,

(1) What was Mr. Trump's pattern of speech or conduct prior to the January 6th ''Save America'' rally?

(2) Did Mr. Trump foreseeably or recklessly solicit his supporters to believe his election lies, and know that his supporters would take action based on these lies?

(3) Did Mr. Trump's speech or conduct drive his supporters to commit unlawful or violent acts on January 6th?

(4) What steps did Mr. Trump take once the rioters had breached the Capitol?

B. Leading Up to January 6, 2021, Mr. Trump Propagated a False Narrative that the Election Had Been Stolen and Supported Violent Rhetoric

To determine whether Mr. Trump engaged in incitement, it is instructive to look at a timeline of Mr. Trump's statements, direct acts, and actions taken at his behest, leading up to January 6th.

a. Statements and Conduct Regarding Voter Fraud Before the 2020 Election

Even before the November 2020 election, Mr. Trump gave credence to the idea that mass voter fraud would be inevitable, and the only way he would lose was if the election were stolen. For example, in July, Mr. Trump tweeted ''*With Universal Mail-In Voting (not Absentee Voting, which is good), 2020 will be the most INACCURATE & FRAUDULENT Election in history.*'' [67] At an August rally in Wisconsin, Trump said ''The only way we're going to lose this election is if the election is rigged, remember that . . . It's the only way we're going to lose this election. So we have to be very careful.'' [68] In September, he told reporters, from the White House lawn, ''I'm not sure that it [the election] can be [honest], I don't know that it can be with this whole situation, unsolicited ballots, they're unsolicited, millions being sent to everybody.'' [69]

Before the election took place, Mr. Trump also refused to say whether he would accept the election results. In a July interview with Chris Wallace, when asked directly whether he would accept the results of the election, Trump said ''Look, you—I have to see. No, I'm not going to just say yes.'' [70] In September, when asked by a reporter if he would commit to a peaceful transfer of power, Mr. Trump implied that he would not, saying ''Get rid of the ballots and you'll have a very peaceful—there won't be a transfer, frankly. There will be a continuation.'' In the same month, when asked by a reporter whether the election results would be legitimate only if he won, Mr. Trump did not give a direct answer, saying, ''So we have to be very careful with the ballots. The ballots—that's a whole big scam.'' [71]

b. Statements and Conduct Regarding Voter Fraud After 2020 Election

Once the 2020 election was over, Mr. Trump made it clear that he would concede under no circumstances, and continued his full-court press urging Americans not to accept the election results. In a statement after Mr. Biden was projected the winner, Mr. Trump said, ''*The simple fact is this election is far from over . . . Beginning Monday, our campaign will start prosecuting our case in court to ensure election laws are fully upheld and the rightful winner is seated. The American People are entitled to an honest election: that means counting all legal ballots, and not counting any illegal ballots. This is the only way to ensure the public has full confidence in our election.*'' [72]

Mr. Trump escalated his attack on the election results by posting a speech on December 2nd, which he taped from behind the presidential lectern and characterized as potentially ''the most important speech I've ever made.'' [73] Over the course of 46 minutes, Mr. Trump repeated the same baseless claims of voter fraud, and refused to acknowledge his loss. Mr. Trump said the nation's election system was ''under coordinated assault and siege'' and declared that it was ''statistically impossible'' for him to have lost to Mr. Biden.[74] His overall claim was that, ''This election is about great voter fraud, fraud that has never been seen like this before.'' [75]

The day after Christmas 2020, Mr. Trump sought to escalate his narrative that there was a mass effort to deprive him of a second term. He sent out a series of tweets attacking executive branch agencies, the federal judiciary, and Senate Republicans, claiming that they had not done enough to prevent voter fraud. He tweeted that the Supreme Court ''*has been totally incompetent and weak on the massive Election Fraud that took place.*'' He also tweeted that ''*The 'Justice' Department and the FBI have done nothing about the 2020 Presidential Election Voter Fraud.*'' Furthermore, he leveled the claim that ''*If a Democrat Presidential Candidate had an Election Rigged & Stolen, with proof of such acts at a level never seen before, the Democrat Senators would consider it an act of war, and fight to the death. Mitch & the Republicans do NOTHING.*'' [76]

As late as January 4th, Mr. Trump held a rally before the Georgia Senate runoff saying, ''When you win in a landslide and they steal it and it's rigged, it's not acceptable. Not acceptable.'' The crowd chanted, ''Fight for Trump!'' and Mr. Trump responded, ''They're not going to take the White House. We're going to fight like hell.'' [77]

In addition to his dishonest rhetoric on election fraud, Mr. Trump took concrete steps to bend reality to match what he wanted. As I will explain in more detail in Section VIII, Mr. Trump used any means necessary to cajole, intimidate, and threaten individuals at all levels of government to use their authority to reject, and in some cases alter, the electoral votes for Mr. Biden.[78]

It is important to note that Mr. Trump forcefully pushed these lies, no matter how divorced from reality they became. In the weeks after the election, it became painstakingly clear that Mr. Biden was the winner, as states moved to certify his results. In states where the Trump campaign asked for election audits, subsequent recounts provided no compelling evidence that Mr. Trump had won by a landslide.[79] He and his allies filed and lost over 60 lawsuits alleging voting irregularities in state and federal court, including the Supreme Court.[80] His Attorney General attested that the Justice Department discovered no voting fraud ''on a scale that could have effected a different outcome in the election.'' [81] Top election officials put out a statement saying, ''The November 3rd election was the most secure in American history . . . There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.'' [82] The day before the Capitol insurrection, even Vice President Mike Pence told Mr. Trump that he had a constitutional duty to certify the true winner of the election, which was Mr. Biden.[83]

Yet, throughout all of this and despite undeniable evidence to the contrary, Mr. Trump doggedly claimed that he had won the election, and that his supporters should help vindicate him. He lied to the American people, and did so knowingly and deliberately.

c. Mr. Trump Invoked Violent Means to Further His Re-Election

Leading up to January 6th, Mr. Trump supported—either tacitly or outright—the use of violent and menacing tactics by his supporters. For example, in the spring of 2020, Mr. Trump embraced the backlash against COVID–19 policies to aid his re-election. Following armed protests over stay-at-home orders, he tweeted ''*LIBERATE MINNESOTA*!'', ''*LIBERATE MICHIGAN*!'' and ''*LIBERATE VIRGINIA, and save your great 2nd Amendment. It is under siege*!'' [84] During some of the anti-lockdown protests, armed groups attempted to derail the legislative proceedings at statehouses in Michigan, Idaho, and Oregon.[85] These disruptive and aggressive methods were in essence a prelude to what happened during the assault on the Capitol.

This anger boiled over when six men plotted to kidnap Michigan Governor Gretchen Whitmer because they were angry about the state's coronavirus policies.[86] When the Federal Bureau of Investigation foiled the plot, Mr. Trump added fuel to the fire, and attacked Governor Whitmer over Twitter. He tweeted, ''*Governor Whitmer of Michigan has done a terrible job. She locked down her state for everyone, except her husband's boating activities . . . My Justice Department and Federal Law Enforcement announced . . . today that they foiled a dangerous plot against the Governor of Michigan. Rather than say thank you, she calls me a White Supremacist—while Biden and Democrats refuse to condemn Antifa, Anarchists, Looters and Mobs that burn down Democrat run cities.*'' [87]

Furthermore, in November 2020, Mr. Trump embraced a group of his followers who sought to intimidate supporters of his political opponent. He posted a video of his supporters in different cars surrounding a Biden campaign bus in Texas. Mr. Trump cheered this kind of intimidation, tweeting, ''*I LOVE TEXAS*'' and ''*In my opinion, these patriots did nothing wrong.*'' [88] At a rally in Michigan, Mr. Trump even praised his supporters' actions saying, ''Did you see the way our people, they were, ya know, protecting this bus . . . because they're nice . . . They had hundreds of cars. Trump! Trump! Trump and the American flag.'' [89]

After Mr. Biden was declared the winner, Mr. Trump focused his ire in the following weeks on changing the election results in Georgia. Mr. Trump's relentless claims of voter fraud in Georgia were followed by a wave of death threats against state election officials. Gabriel Sterling, an election official in Georgia, pleaded with Mr. Trump to denounce the threats of violence, clearly articulating the risks of failing to do so. Sterling said, ''Mr. President, it looks like you likely lost the state of Georgia. We're investigating. There's always a possibility, I get it, and you have the rights to go through the courts. What you don't have the ability to do—and you need to step up and say this—is stop inspiring people to commit potential acts of violence. Someone's going to get hurt. Someone's going to get shot. Someone's going to get killed. And it's not right.'' [90]

d. Mr. Trump Supported Extremist Groups

Mr. Trump made statements supporting, or failing to condemn members of extremist groups, many of whom came together to storm the Capitol on January 6th.

Famously, during the first presidential debate on September 29th, when asked to condemn white supremacist groups, like the Proud Boys, Trump refused. Instead, he announced, ''Proud Boys—stand back and stand by.'' [91] The Proud Boys group took this as an explicit endorsement of their violent tactics and ideology.[92] A known social media account associated with the Proud Boys made ''Stand back and stand by'' its new slogan, and Proud Boys leader Joe Biggs likewise posted that he was ''standing by.'' [93]

Mr. Trump also made statements and used social media to pander to Q'Anon, a conspiracy movement, including by retweeting messages from Q'Anon followers on Twitter hundreds of times before his account was suspended.[94] When pressed on his views on Q'Anon, Mr. Trump appeared to defend the movement. On August 19th, Mr. Trump tacitly endorsed QAnon at a press conference, saying, ''I don't know much about the movement, other than I understand they like me very much. Which I appreciate.'' [95] In a town

hall on October 15th, Mr. Trump praised Q'Anon members again, this time saying, ''Let me just—let me just tell you, what I do hear about it, is they are very strongly against pedophilia. And I agree with that. I mean, I do agree with that. And I agree with it very strongly.'' [96]

e. Mr. Trump Organized the January 6th ''Save America'' Rally

In the days leading up to January 6th, Mr. Trump sent out numerous tweets promoting the ''Save America Rally'' and gave his supporters specific instructions on when and where to attend. On December 19th, he tweeted, ''*Big protest in D.C. on January 6th . . . Be there, will be wild!*'' [97] On December 27, he tweeted ''See you in Washington, DC, on January 6th. Don't miss it. Information to follow.'' [98] On January 1, 2021, he tweeted, ''*The BIG Protest Rally in Washington, D.C. will take place at 11:00 A.M. on January 6th. Locational details to follow. StopTheSteal!*'' [99] The day before, he posted, ''*I will be speaking at the SAVE AMERICA RALLY tomorrow on the Ellipse at 11AM Eastern. Arrive early—doors open at 7AM Eastern. BIG CROWDS*!'' [100]

Mr. Trump not only knew, but actively coordinated the January 6th rally in order to disrupt the congressional proceedings that day. First, Mr. Trump chose to convene a rally on the same day as the electoral certification, and then explicitly urged his supporters to attend what he predicted would be a ''wild'' and ''historic'' day. Manager Plaskett underscored that it was only after Mr. Trump chose that day that the Pro-Trump group, Women for America First, obtained a permit for what became the ''Save America'' rally at the Ellipse.[101] The day after Women for America First announced the rally, Mr. Trump reposted their invitation and replied ''I will be there Historic day!'' [102] Manager Plaskett stated that the Trump campaign even ''became directly involved with the planning of the event, including the speaking line-up and even the music to be played and brought in the same people who spoke at the second Million MAGA rally to help.'' [103] Notably, Vice President Pence's sister-in-law is on the advisory board of Women for Trump, which has ties to Women for America First—thus blurring the lines between the Trump administration and the organizers of the January 6th rally.[104]

Manager Plaskett also emphasized that Mr. Trump's top advisors and the Trump communications team were actively monitoring posts from mainstream websites such as Twitter and Facebook, as well as pro-Trump message boards on Reddit and 4Chan.[105] Posters wrote about preparations for the rally in Washington, D.C. to take their election back, by violent means if necessary, on these message boards. His supporters posted hundreds of messages outlining their plans for January 6th. They discussed how to physically breach the Capitol grounds, which individuals to target once inside, and which weapons and tactical gear to take with them.[106]

In this section, I outlined Mr. Trump's words and actions leading up to the attack on the Capitol. I will now move onto examining whether Mr. Trump foreseeably or recklessly persuaded his supporters into believing his voter fraud lies and taking action at his behest to prevent what he considered a stolen election.

C. Mr. Trump Foreseeably and Recklessly Persuaded His Supporters That the Election Was Stolen

Mr. Trump spread lies, conspiracy theories, and incendiary rhetoric before and after the 2020 election. He did so with the understanding that it would inflame his supporters and enlist their aid in helping him disrupt the electoral process. The effect was to foreseeably and recklessly goad his supporters into action. We know this because there is evidence that his supporters were buying into his delegitimizing the election, his encouragement of taking action to overturn the electoral process, and his support for violent tactics.

Mr. Trump's promotion of themes such as ''Stop the Count'' and ''Stop the Steal'' served to gin up his supporters. Manager Swalwell pointed out that Mr. Trump spent ''millions of dollars to amplify that lie . . . [I]n mid-December, President Trump announced the release of ads, including ones entitled ''The Evidence is Overwhelming—FRAUD!'' and ''STOP THE STEAL.'' He spent $50 million from his legal defense fund on these ads to stop the steal and amplify his message. They were released nationally, played in video ads, online advertising, and targeted text messages.'' [107]

His supporters took these ideas literally—angrily converging upon vote centers on November 5th to protest the continued counting of ballots after Election Day.[108] Trump supporters formed ''Stop the Steal'' online groups, which became a hotbed for sharing false claims and misleading videos about voter fraud. In November and December, his supporters held ''Stop the Steal'' rallies around the country. It was widely publicized that, at some of these events, participants were armed and belligerent. Notably, on December 12th, they staged the Second Million MAGA March in Washington, D.C., which resulted in violent clashes between Proud Boy members and counter protestors.[109] Mr. Trump promoted these rallies on his social media, and, in some instances, heaped praise on his supporters for fighting.[110]

The evidence showed that Mr. Trump's promotion of the ''Save America'' rally succeeded in convincing his supporters to show up at the time and place he named on January 6th. Many of Mr. Trump's supporters said that they felt summoned to Washington, D.C. to take retaliatory action. In a Parler post before the insurrection, a supporter shared one of Mr. Trump's tweets and wrote, ''This isn't a joke, this is where and when we make our stand. #January6th, Washington DC. Be there, no matter what. Nothing is more important.'' [111] In a statement taped on a livestream video taken during the insurrection, a man is heard saying, ''Our president wants us here We wait and take orders from our president.'' [112] In court papers and interviews given after the insurrection, pro-Trump rioters said they joined the march because the president encouraged them to do so.[113]

I find overwhelmingly clear and convincing evidence that Mr. Trump and his allies foreseeably and recklessly solicited his supporters to help him overturn the election results—including most prominently by attending the January 6th rally to disrupt the Electoral College certification.

D. Mr. Trump's Supporters Committed Unlawful Acts of Insurrection on January 6th

a. Trump Speaks at the ''Save America'' Rally

After months of fomenting anger over his false claims of election fraud, Mr. Trump gathered his supporters at the ''Save America'' rally on January 6th. Once there, Mr. Trump told the crowd ''We're going to walk down to the Capitol because you'll never take back our country with weakness. You have to show strength and you have to be strong.'' [114] This was a continuation of a pattern of violent rhetoric by Mr. Trump leading up to the events at the Capitol. For example, Mr. Trump had previously told followers to ''Fight like Hell'' at rallies. He repeated this language at the rally at noon on January 6th stating, ''[W]e fight. We fight like hell.'' [115] His supporters got the message. By 12:53pm, a large group of Trump supporters approached a fenced off area in front of the Capitol and began to engage with Capitol police officers, many of whom were armed only with mace and their side arms.[116]

b. The Insurrection Begins

The crowd pushed past the barricade, knocking down police officers in the process, in an attempt to get closer to the building. Within minutes, protestors began swarming other entrances of the Capitol.[117] Inside the Capitol, Vice President Pence presided over the joint session of Congress. Contrary to the wishes of Mr. Trump, Vice President Pence began the process of certifying the election results. Outside the Capitol, the crowd of protestors grew more violent. ''Rioters wearing Trump paraphernalia shoved and punched Capitol Police officers, gouged their eyes, assaulted them with pepper spray and projectiles, and denounced them as 'cowards' and 'traitors.''' [118] Law enforcement officers were attacked with baseball bats, crutches, hockey sticks, flag poles, and fire extinguishers.[119] Some rioters came armed with handguns, pepper spray, knives, and brass knuckles.[120] Congressional staff and reporters were warned to stay away from windows and doors.[121]

c. Rioters Storm the Capitol

Between 2pm and 2:30pm, rioters broke through multiple entrances and began pushing deeper into the Capitol, flooding the Rotunda, Crypt, Statuary Hall, and other locations.[122] Videos captured by rioters show the crowd, many in Trump paraphernalia, chanting ''Stop the Steal'' and ''U.S.A.'' as they breached the Capitol and overpowered security.[123]

Meanwhile, the Joint Session had separated into different chambers. The Senate was in the midst of a debate regarding an objection to certifying Arizona's Electoral College votes.[124] Secret Service rushed Vice President Pence out of the Senate chambers and took him and members of his family to a secure location within the Capitol.[125] Capitol Police officer Eugene Goodman led rioters away from the entrance to the Senate chambers, narrowly avoiding a potentially deadly encounter between Members of the Senate and rioters.[126] Senators were then evacuated from the Chamber.[127]

On the other side of the Capitol, the House went into recess and members were told to lock down and shelter in place.[128] By 2:45 pm, members of the Capitol Security Team were forced to barricade the doors to the Chamber as insurrectionists attempted to break in. House Members were instructed to put on gas masks and some attempted to build makeshift shelters in case the mob broke through the doors.[129] Members who were on the ground level were evacuated through the Speaker's Lobby as Capitol Security guarded the door with guns.[130] Ashli Babbitt, an Air Force veteran, was fatally shot as she and others tried to break through the barricaded glass door.[131] Members, reporters, and staff in the Gallery remained trapped one floor above the rioters. Videos taken during the events on January 6th show this group sitting and lying down in the aisles in an attempt to shelter behind the chairs.[132] One particularly moving photo shows Representative Jason Crow (D-CO), a former Army Ranger, comforting Representative Susan Wild (D-PA) as the pair sheltered in the Gallery.[133] Rep. Crow recounted that he was doing what any friend would do, telling Rep. Wild ''that I was there for her, and that we would get through it.'' [134] Another video shows Rep. Lisa Blunt Rochester (D-DE) praying loudly in the Gallery for safety and peace as she and other lawmakers, including Rep. Pramila Jayapal (D-WA), watched Capitol Police officers barricade the door to the Chamber.[135]

d. The Rioters Target Vice President Pence and Speaker Pelosi

As members of Congress moved to secure locations or sheltered in place, rioters walked the halls carrying Confederate flags, vandalizing the building, and breaking into congressional offices, including the office of Speaker of the House Nancy Pelosi.[136] One rioter said that he and other rioters ''kicked in Nancy Pelosi's office door'' and that ''Crazy Nancy probably would have been torn into little pieces but she was nowhere to be seen.'' [137] The use of the term ''Crazy Nancy'' is significant, for this is Mr. Trump's nickname for the Speaker of the House. Vice President Mike Pence was another primary target for the most violent sections of the mob. ''Once we found out Pence turned on us and that they had stolen the election, like, officially, the crowd went crazy,'' said one rioter.[138] Rioters called for Pence's death.[139] Throughout the Capitol, Members and their staff barricaded themselves in offices, hid under tables, called loved ones, and prayed for safety.[140]

e. The President Fails to Respond to or Condemn the Violence at the Capitol

President's Counsel argue that the President did not intend or anticipate for violence to take place. If that were the case, one would expect that—as soon as it was clear that the rioters had begun engaging in unlawful or violent acts—Mr. Trump would quickly and clearly condemn these actions and take every action possible to stop further violence. Arguably, once the lawbreaking began, it was only Mr. Trump that had the most potent power at that point to get his supporters to stop. However, instead of acting expeditiously, it took him more than two hours after the rioters stormed the Capitol to make a statement. In this time, it is reported that lawmakers and Trump advisors pleaded with him to call off the angry mob and denounce the violence.[141] Mr. Trump was seemingly unmoved by these pleas for help, and it is even reported that he was pleased by the actions of his supporters.[142] Rather than call off his supporters, it is reported that Mr. Trump called a Member of the Senate asking him to raise additional objections to certifying the Electoral College results.[143] Not until 4:15pm did Mr. Trump release a pre-recorded message, telling supporters to go home. The video statement did not condemn the rioters' actions at the Capitol.

Mr. Trump's delay in responding to the insurrection is unsurprising, for many of the rioters thought they were ''answer[ing] the call of my President.'' [144] In a livestreamed video from inside the Capitol, one rioter declared that ''[o]ur president wants us here. . . . We wait and take orders from our president.'' [145] Another rioter claimed that she ''thought I was following my President. He asked us to fly there, he asked us to be there, so I was doing what he asked us to do.'' [146] One supporter, who was later arrested for his actions on January 6th, stated through his lawyer that he, ''acted out of the delusional belief that he was a 'patriot' protecting his country . . . He was responding to the entreaties of the-then commander in chief, President Trump. . . . The President maintained that the election had been stolen and it was the duty of loyal citizens to 'stop the steal.' '' [147] To paraphrase the House Managers, Mr. Trump sold his followers the big lie of a stolen election and then provoked those followers to violent action to ''stop the steal.''

In his late statement on the events at the Capitol, Trump urged his followers to ''Please support our Capitol Police and law enforcement stay peaceful.'' Of course, the insurrection was never peaceful, and the Capitol Police were treated cruelly by the mob. Over the course of the insurrection, 140 police officers were injured and one officer, Brian Sicknick, was killed. Four rioters also died. Congressional Leadership offices were trashed, the walls of the Capitol bore the marks of bullets, monuments were destroyed, windows were smashed and broken in, Members and staff were terrorized, Senate desks were ransacked, and smoke hung in the air. Mr. Trump should have pleaded with the crowd to stand down and leave the Capitol as soon as the insurrection began. The fact that he waited to address the rioters, and downplayed the severity of the insurrection to the point of even praising the patriotism of the rioters, was not just dereliction of duty. It was malicious disregard for the lives of Capitol Police, Members of Congress, staff, and Capitol workers threatened by the mob that he incited.

f. The Capitol is Cleared and the Election Results are Certified

It took more than four hours after the rioters first entered the building to secure the Capitol and another three hours before the Joint Session could resume.[148] Nevertheless, Joseph R. Biden Jr. was confirmed the winner of the 2020 election at approximately 4am.[149] Democracy prevailed.

E. The First Amendment Is Not a Defense to Mr. Trump's Incitement of Insurrection

President's Counsel argued at trial that Mr. Trump was exercising his First Amendment rights in expressing his views at the ''Save America'' rally, and thus cannot be convicted in this proceeding. I conclude that there is overwhelmingly clear and convincing evidence that the First Amendment does not inoculate him from the current Impeachment charge.

a. The First Amendment Is Not a Bar to Impeachment

As I explained in Section II, the relevant standard in an Impeachment trial is whether a president committed impeachable ''high Crimes and Misdemeanors.'' An impeachable offense need not violate a criminal or other established law. Indeed, even an action that is lawful or otherwise protected by the Constitution can still be an impeachable offense. Rather the appropriate standard in this proceeding is whether an offense is ''incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office.'' [150] In addition, as I explained in Section IV, there is no defined standard of proof in an Impeachment, and there are no requirements to adhere to the same standards as in a criminal prosecution.

As a result, in an Impeachment trial, the Senate is simply not bound by a determination of whether Mr. Trump is protected by the First Amendment, nor must the Senate demand a showing that every element of a criminal charge of incitement has been met.

b. Mr. Trump's Speech Likely Satisfies the Standard of Incitement

Although I have concluded that the First Amendment does not necessarily serve as a shield in this proceeding, I find it persuasive that the bedrock principle of free speech has a long history in our country. Therefore, I undertook an examination of the governing case precedent regarding incitement. I have concluded that, even if the First Amendment were to apply in this case, Mr. Trump's overall course of conduct would satisfy the standard for incitement.

The First Amendment prohibits any law ''abridging the freedom of speech.'' [151] However, even at our country's founding, it is clear that the First Amendment was not intended to provide absolute protection for every utterance. Of the fourteen states that ratified the Constitution by 1792, thirteen had laws limiting libelous or blasphemous speech.[152] In addition, the Supreme Court has recognized specific categories of speech that are not protected by the First Amendment and which the government may regulate because of their content. These categories are ''obscenity, defamation, fraud, incitement, fighting words, true threats, speech integral to criminal conduct, and child pornography.'' [153]

The relevant legal framework for incitement was established by the U.S. Supreme Court in the 1969 case of Brandenburg v. Ohio.[154] In that case, a Ku Klux Klan leader, Clarence Brandenburg, was convicted after making a speech at a Klan rally that apparently broke an Ohio law against ''advocat[ing] crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing industrial or political reform.'' [155] The Supreme Court overturned Brandenburg's conviction and struck down the statute on First Amendment grounds. In doing so, the Court articulated a new test for when advocating for violence or lawbreaking could be criminally prosecuted. The Brandenburg test defines unprotected incitement as speech that is ''directed to inciting or producing imminent lawless action and is likely to incite or produce such action.'' [156]

Subsequent cases further clarified the ''imminence'' standard set out in Brandenburg. In the Supreme Court case of Hess v. Indiana, Gregory Hess was attending an anti-Vietnam war protest when the police moved a group of protesters from the street onto the sidewalk.[157] Hess said, ''We'll take the [effing] street later'' and was convicted for disorderly conduct.[158] The Supreme Court reversed Hess' conviction, concluding, ''Since the uncontroverted evidence showed that Hess' statement was not directed to any person or group of persons, it cannot be said that he was advocating, in the normal sense, any action. And since there was no evidence, or rational inference from the import of the language, that his words were intended to produce, and likely to produce, imminent disorder, those words could not be punished by the State on the ground that they had 'a tendency to lead to violence.' '' [159]

The Supreme Court subsequently explained that a finding of ''imminence'' also hinged upon the context and timing connecting speech and subsequent acts of lawbreaking. In NAACP v. Claiborne Hardware Company, a local branch of the National Association for the Advancement of Colored People (NAACP) organized a boycott of white-owned stores in Mississippi.[160] The boycott was largely supported by impassioned speeches encouraging nonviolent picketing—including by boycott organizer Charles Evers—but some acts and threats of violence did occur.[161] The Court concluded, ''There are three separate theories that might justify holding Evers liable . . . First, a finding that he authorized, directed, or ratified specific tortious activity would justify holding him responsible for the consequences of that activity. Second, a finding that his public speeches were likely to incite lawless action could justify holding him liable for unlawful conduct that in fact followed within a reasonable period. Third, the speeches might be taken as evidence that Evers gave other specific instructions to carry out violent acts or threats.'' [162] In the specific case of Evers' speech, the Court concluded ''In the course of [Evers'] pleas, strong language was used. If that language had been followed by acts of violence, a substantial question would be presented whether Evers could be held liable for the consequences of that unlawful conduct. In this case, however the acts of violence identified in 1966 occurred weeks or months after [his] April 1, 1966, speech.'' [163]

There is overwhelmingly clear and convincing evidence that Mr. Trump's overall course of conduct meets the spirit of the Brandenburg test. As laid out in the Claiborne case, a finding of ''imminence'' should take into account the context and timing of Mr. Trump's January 6th rally speech. After months of fueling the narrative that the election was stolen from him, Mr. Trump asked his supporters to assemble on the day that Congress would be certifying the election results. Once Mr. Trump had gathered his supporters—knowing that they would listen—he directed the crowd to ''walk down Pennsylvania Avenue,'' ''fight like hell,'' and ''stop the steal.'' Unlike the speech in Claiborne, which was far removed in time, the lawlessness was imminent because it happened a short distance and short time after Mr. Trump's speech. Unlike the indefinite speech in Hess, Mr. Trump's speech was directed at a specific group of persons, and subsequent acts of violence are directly traceable to people who had listened to Mr. Trump's calls to action.

On the issue of Mr. Trump's intent, whether or not Mr. Trump specifically intended every act of violence, he set these events in motion. If Mr. Trump truly did not intend for lawbreaking, what did he expect his supporters would do once they reached the Capitol? How did he expect his supporters to lawfully achieve the aim of preventing electors from being counted? From this evidence, we can infer that Mr. Trump understood there was a high likelihood that his supporters would break the law once they got to the Capitol.

Further revealing his state of mind, Mr. Trump did not publicly disapprove of the insurrection as it was happening, or take concrete steps to clear the mob. The first public statement he made, once the mob had breached the Capitol, was to disparage Vice President Pence for failing to block the certification. Instead of acting expeditiously, it took him nearly two hours to acknowledge the attack. In his three statements that day, he repeated false claims that the election was stolen and sympathized with his followers. There are reports that he even called a sitting Senator to ask him to object to additional states, as the insurrection was taking place. In addition, there is no evidence that Mr. Trump tried to activate the National Guard, and even rebuffed requests to do so. The question becomes how did Mr. Trump expect these actions—criticizing the Vice President, urging additional electoral objections, and praising his supporters—to calm down tensions? How did he foresee that the overwhelmed Capitol police would be able to push back the mob without additional law enforcement assistance? From this evidence, we can infer that Mr. Trump was satisfied, or at least was not displeased, that his actions had inflamed his supporters to violently disrupt the electoral certification.

c. Mr. Trump's Speech Was Held to a Higher Standard as a Public Official

It is further important to note that Mr. Trump was not making statements in his capacity as a private citizen but as president of the United States. In the Supreme Court case, Garcetti v. Ceballos, the Court held that ''when a citizen enters government service, the citizen by necessity must accept certain limitations on his or her freedom.'' [164] In this case, the respondent was disciplined for a memorandum he wrote as part of his employment in a district attorney's office, and asserted that his supervisors violated his First Amendment rights.[165] The Court concluded ''We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.[166]

In Mr. Trump's case, it would be difficult to argue that he gave a political speech at the ''Save America'' rally outside the course of performing his official duties. The purpose of the speech was to use his role as president to urge his supporters to stop the certification of Biden's electoral win. In addition, there is evidence that members of the crowd had taken Mr. Trump's invocations to attend the rally, and his insisting that they head to the Capitol, as instructions coming from the president.[167]

Moreover, as Manager Raskin explained, a president takes an oath to uphold the laws, the Constitution, and the principles of our republic.[168] In exchange, the president is given tremendous power and prestige—more so than any other person in the country. That is why, in an instant, a president's words can calm, agitate, or otherwise change the landscape on issues ranging from foreign affairs, to the economy, to the rule of law. Not only can the president's words have an expansive ripple effect, they are more likely to succeed in inciting action from the public. These potent powers can be wielded by the president for the good of the country, or can be exploited to subject it to the gravest abuses. That is why—for the protection of our laws and democratic institutions—a president's primary obligation is to uphold their oath of office, and any freedom of expression must yield to that higher duty.

In this case, Mr. Trump did not have a First Amendment right to fuel a mass disinformation campaign, foreseeably fan the flames of political division, and then direct a mob to disrupt a congressional proceeding.

VII. OBSTRUCTION OF ELECTORAL COLLEGE

In inciting the insurrection on January 6th and attempting to overturn the 2020 election, Mr. Trump attempted to destroy our democratic system and negate the will of the American people.

The Electoral College process is laid out in the Twelfth Amendment of the Constitution, which states:

''The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least . . . they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted[.]''

Just as the Electoral College has been carried out and affirmed since the first presidential election of President George Washington,[169] the 2020 election took place according to the requirements of the Constitution. Voters in each respective state and territory chose their electors to serve in the Electoral College,[170] with Mr. Biden winning a majority of 306 electoral votes.[171] On December 14, 2020, the appointed electors convened state-by-state to cast their ballots for the President and Vice President of the United States, and certified the results.[172] On January 6th to 7th of 2020, Congress counted the certified votes, and declared Mr. Biden and Kamala Harris the winners. [173]

Throughout the Electoral College process, Mr. Trump attempted to interfere and nullify the outcome. For example, as discussed in Section VII, Mr. Trump was at the head of a mass disinformation campaign to discredit the election results before the election had even gotten underway, and then filed dozens of lawsuits alleging widespread voter fraud.[174] In addition, as I will outline, he wielded his overwhelming power as president to cajole and intimidate members of federal, state, and local government to start investigations, file lawsuits, and reject electoral votes in a bid to overturn the 2020 election.

A. Mr. Trump Attempted to Use Federal Law Enforcement Agencies to Carry Out Investigations and File Lawsuits

After losing the 2020 election, Mr. Trump pushed the Justice Department to investigate his meritless allegations of election irregularities.[175] He also pushed the Justice Department to ask the Supreme Court to invalidate Mr. Biden's victory, which his appointees refused to do, citing the lack of evidence.[176] Mr. Trump even disparaged his own FBI and DOJ, implying that they were working against him. In an interview, Mr. Trump said, ''This is total fraud. And how the F.B.I. and Department of Justice—I don't know, maybe they're involved—but how people are allowed to get away with this stuff is unbelievable. This election was a total fraud . . . Missing in action . . . Can't tell you where they are.'' [177]

Succumbing to this pressure, Attorney General William Barr issued a memorandum to U.S. attorneys across the country allowing them to pursue any ''substantial allegations'' of voting irregularities before the 2020 presidential election was certified.[178] The memorandum gave prosecutors the ability to sidestep longstanding Justice Department policy of not taking overt steps on possible election fraud before results are certified. In response, career DOJ prosecutors called on Mr. Barr to rescind the memo, because it was not based on fact and there was no evidence of widespread voter fraud.[179]

After Mr. Barr stepped down as Attorney General, Mr. Trump then reportedly pressured Barr's successor, Acting Attorney General Jeffrey Rosen, to file legal briefs seeking to overturn his election loss.[180] He wanted Mr. Rosen to appoint special counsels, including a counsel who would look into Dominion Voting Systems—which is at the center of a right-wing conspiracy theory accusing the company of conspiring with the Venezuelan government to tip the election toward Mr. Biden. Mr. Rosen refused the president's entreaties. Mr. Trump then plotted with Jeffrey Clark, a Trump loyalist and the head of the DOJ's civil division, to oust Mr. Rosen as acting attorney general, and replace him with Mr. Clark, who was willing to do Mr. Trump's bidding in trying to overturn the Georgia election results. This plan was only unsuccessful because Mr. Trump's advisors convinced him the move could potentially lead to mass resignations within DOJ's leadership and lead to congressional investigations.[181]

B. Mr. Trump Exerted Inappropriate Pressure on State Elected Officials

Article II, Section 1, Clause 2 provides that each state shall appoint electors ''in such Manner as the Legislature thereof may direct.'' [182] However, the decisions on how and when to choose electors is left up to the states. The Electoral Count Act only requires that states be required to certify their elections at least six days before the electors meet to vote.[183] After his loss on Election Day, Mr. Trump sought to exploit the ambiguous language of the Electoral Count Act that gives states discretion in choosing electors. Most state laws require the appointment of electors who vote according to the outcome of the popular vote in each state.[184]

However, Mr. Trump sought to use the weight of his office to persuade and, in some

cases, intimidate state officials. For example, he invited GOP members of the Michigan state legislature to the White House, in a brazen bid to get them to throw out the state's election results.[185] He also called two members of the Wayne County Board of Canvassers, including its Republican chairwoman, who had already voted to certify that Joe Biden won their county.[186] Within 24 hours of the call, the Republican chairwoman announced that she wanted to ''rescind'' her vote.[187] Her reasoning mirrored Mr. Trump's claims that the election may have been rife with fraud. In another instance, he called the speaker of the Pennsylvania House of Representatives, Bryan Cutler, and inquired about the electoral process. According to Cutler's spokesperson, Mr. Trump blatantly asked, ''I'm hearing about all these issues in Philadelphia, and these issues with your law What can we do to fix it?'' [188]

Mr. Trump's effort hit its crescendo when the Trump campaign convinced supporters in several states to create an alternate slate of electors to send for the congressional certification.[189] The Trump campaign helped organize alternate Electoral College meetings in Wisconsin, Arizona, Pennsylvania, Georgia, New Mexico, and Nevada.[190] However, election law experts dismissed the validity of these false electors, which had ''neither been certified by state executives nor purportedly appointed by state legislators.'' [191]

Mr. Trump also took extra effort to influence the outcome of the Georgia election, a fierce battleground state. In early December, he called Governor Brian Kemp and asked him to hold a special session of the Georgia legislature to appoint Trump electors to reverse Mr. Biden's win. Mr. Trump also wanted Kemp to order an audit of absentee ballot signatures. When Kemp told the former president he would not be complying with either demand, Mr. Trump told a crowd of supporters at a Georgia rally that, ''Your governor could stop it very easily if he knew what the hell he was doing . . . So far we haven't been able to find the people in Georgia willing to do the right thing.'' [192]

In the most extraordinary example of his inappropriate interactions with state lawmakers, Mr. Trump outright tried to coerce Georgia Secretary of State Brad Raffensperger, ''to find'' 11,780 votes—which would amount to the one vote margin he needed to win the state.[193] Mr. Trump spent roughly an hour haranguing Raffensperger and Ryan Germany, the Georgia secretary of state's general counsel, about doing another vote count and insisting on baseless conspiracy theories. Even when presented with facts to the contrary by Raffensperger and Germany, who are both Republicans, Mr. Trump did not relent.

Mr. Trump also made veiled threats of how his supporters would punish Republicans if the Georgia election officials did not go along with what he was asking. Specifically, he told Raffensperger, who will be up for reelection in 2022, ''[T]hey hate the state, they hate the governor, and they hate the secretary of state. I will tell you that right now. And the only people that like you are people that will never vote for you. You know that, Brad, right?'' [194]

Mr. Trump even suggested that Raffensperger and Germany would face criminal consequences if they refused to intervene, saying ''[T]he ballots are corrupt. And you're going to find that they are—which is totally illegal, it is more illegal for you than it is for them because, you know what they did and you're not reporting it. That's a criminal—that's a criminal offense. And you can't let that happen. That's a big risk to you and to Ryan, your lawyer. '' [195]

In the end, Mr. Trump made so many false claims about the Georgia election, a top state official had to publicly debunk the claims one-by-one to restore public trust in the integrity of their election.[196]

C. Mr. Trump Lobbied Vice President Pence to Reject Electoral Votes

Vice President Pence presided over the January 6th certification of electoral votes. This role is spelled out by Article II, Section 1 of the Constitution, which dictates that ''The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.'' [197] In conducting this duty, the Vice President has no more power than to determine whether the certificates submitted by each state are authentic and then to count the votes.[198]

In the days leading up to and on January 6th, Mr. Trump denied the constitutional reality of the Vice President's role and made it clear that he wanted Vice President Pence to block electoral votes for Mr. Biden. At his behest, a group of Republican lawmakers filed a lawsuit against Vice President Pence. The lawsuit alleged that the Twelfth Amendment gave the Vice President, and not states, unilateral power to determine which among competing slates of electors may be counted.[199] Mr. Trump's own Justice Department stepped in to defend Mr. Pence, and a federal judge tossed out the lawsuit after finding that the Republican lawmakers lacked standing to sue in this case.[200]

Still, Mr. Trump unabashedly and repeatedly tried to coerce Vice President Pence into unilaterally rejecting the election results. On January 2nd, he falsely proclaimed over Twitter that, ''The Vice President has the power to reject fraudulently chosen electors.'' [201] Two days later, Mr. Trump said at a rally in Georgia that, ''I hope Mike Pence comes through for us, I have to tell you . . . Of course, if he doesn't come through, I won't like him as much.'' [202] Trump reportedly met with and called Pence multiple times—plying him to object to Biden's victory, including at least one time with threatening language.[203] Trump reportedly solicited others in his orbit to put pressure on the Vice President, including Rudy Giuliani and trade adviser Peter Navarro.[204] Despite the enormous pressure, Mr. Pence told Mr. Trump that he planned to certify the election results for Mr. Biden.[205]

In response, Mr. Trump tweeted on the morning of January 6th that, ''*All Mike Pence has to do is send [the votes] back to the States, AND WE WIN. Do it Mike, this is a time for extreme courage!*'' [206] He also tweeted ''If Vice President @Mike—Pence comes through for us, we will win the Presidency. Many States want to decertify the mistake they made in certifying incorrect & even fraudulent numbers in a process NOT approved by their State Legislatures (which it must be). Mike can send it back!'' [207] In his remarks at the ''Save America'' rally itself, Mr. Trump said, ''I hope Mike is going to do the right thing. I hope so. I hope so. Because if Mike Pence does the right thing, we win the election. . . . And I actually—I just spoke to Mike. I said: 'Mike, that doesn't take courage. What takes courage is to do nothing. That takes courage.' '' [208]

Once the electoral vote count had begun, it was clear that Vice President Pence was not going to comply with his demands. Mr. Trump attacked him on Twitter writing, ''*Mike Pence didn't have the courage to do what should have been done to protect our Country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth!*'' [209]

D. Mr. Trump Encouraged Members of Congress to Deny and Overturn the Election Results

Once it was clear that Mr. Trump had no plans of conceding, even after Mr. Biden had been declared the presumptive winner, Republicans were faced with a choice. Manager Lieu explained that Mr. Trump targeted Members of Congress on social media making it clear he saw their siding with him as a loyalty test. Mr. Trump reminded Republicans that he, in his view, had gotten them elected and he expected their gratitude.[210] Under these threats of retribution, Mr. Trump was successful in getting Republicans to line up with him—in either refusing to acknowledge that Mr. Biden had won or worse, enabling his baseless claims of a rigged election.[211]

In early December, Mr. Trump also identified an ally in the House of Representatives who was circulating a Dear Colleague letter asking Republican members to sign onto an amicus brief supporting a lawsuit filed by the Texas Republican Attorney General in the Supreme Court to void the election results of other states.[212] Mr. Trump began to personally lobby House Republicans asking them to sign the amicus brief.[213] In the end, one hundred and twenty six Republican members of Congress signed on, including the House Minority Leader.[214] The U.S. Supreme Court rejected the lawsuit saying the state of Texas lacked standing to pursue the case.[215]

As an extension of Mr. Trump' pressure campaign, Republican Members of Congress began to similarly view the certification of the Electoral College as a loyalty test to Mr. Trump. A few days before January 6th, eleven current and then-incoming Republican senators announced that they would vote to reject the Electoral College votes of some states as not ''lawfully certified,'' unless Congress appointed a commission to conduct an emergency, ten day audit of the election results.[216] One hundred and forty Republican Members of the House planned a similar effort.[217] Together, the Senate and House Members planned to object to the counting of electors from Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin.[218]

The question is not whether these Members had the legal right to object to electors but whether there were facts to support the objections. At that point, the results of the election and lack of substantive voting irregularities was affirmed by dozens of judges, the U.S. Supreme Court, governors, and election officials.[219] In addition, Department of Homeland Security officials put out a statement that said, ''The November 3rd election was the most secure in American history.''[220] Attorney General Barr put out a similar statement that said, ''[We] have not seen fraud on a scale that could have effected a different outcome in the election.''[221] In the face of all this evidence, the subsequent objections could be seen as little more than a ploy to lend specious legitimacy to Mr. Trump's allegations of voter fraud and avoid provoking Mr. Trump's ire.

E. Mr. Trump Sought to Block the Peaceful Transfer of Power

Mr. Trump's overall course of conduct embodied the exact kind of behavior that the Framers built constitutional protections to thwart. The Framers knew that an executive who amassed too much power might replicate the abuses of a monarchy. At the Constitutional Convention, James Madison explained the risks of appointing an executive—saying ''loss of capacity or corruption was more within the compass of probable events, and either of them might be fatal to the Republic.''[222] An exchange between two delegates, William Richardson Davie and James Wilson, highlights the importance of safeguarding against a corrupt president that would cheat to get reelected. Davie stated, '''[i]f he be not impeachable whilst in office, he will spare no efforts or means

whatever to get himself reelected.' [Davie] considered this as an essential security for the good behaviour of the Executive.''[223] Wilson concurred with Davie ''in the necessity of making the Executive impeachable while in office.''[224]

Without mechanisms to keep an out-of-control president in check, there was little binding him to the law. This, in part, prompted the Framers to design the system of checks and balances and Congress's Impeachment power. Another intentional hallmark of our democracy is the peaceful transfer of power, which is especially important when an incumbent loses re-election.[225] This assures that an executive acquires and maintains power only through lawful means. It also ensures that power is given to a president, and taken back, according to the will of people. It began when President John Adams—defeated by his bitter political rival Thomas Jefferson—quietly left the White House on the morning of the new president's inauguration.[226] Since then, no president has ever refused to accept an election result or defied the lawful processes for resolving electoral disputes, until Mr. Trump.

Mr. Trump, unable to accept the will of the people, categorically rejected the decision of Americans as expressed in the 2020 election. Even more than refusing, he repeatedly sought to undermine processes at the federal, state, and local level that would advance a peaceful transfer of power. As the House Managers noted, Mr. Trump tried to obstruct the election process through nonviolent means.[227] When these attempts failed, he directed a mob to help him wrest power by launching an attack on the legislative branch.

IX. VIOLATION OF SEPARATION OF POWERS

One of the key principles rooted in our democratic system is the separation of powers between the co-equal branches of government. This is apparent from the way the Framers devised a system of federal government that diffuses and divides its core functions across the legislative, executive, and judicial branches.

The doctrine is rooted in a political philosophy that aims to keep the government, as a whole and each branch, both limited and empowered, so that the government can function effectively, while the branches can prevent one another from acting arbitrarily or recklessly. As James Madison explained in Federalist Paper Number 47, ''The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, selfappointed, or elective, may justly be pronounced the very definition of tyranny.''[228]

Therefore, when any one branch of government seeks to obstruct an essential function of another branch, it threatens the separation of powers.[229] In a case where a president seeks to derogate the authority of another branch, it can also undermine the president's constitutional obligation to ''take Care that the Laws be faithfully executed.''[230]

In inciting the armed assault on the Capitol on January 6th, Mr. Trump knowingly and recklessly threatened a constitutional proceeding of the Congress. In all this, Mr. Trump gravely endangered the security of the United States and its institutions, and imperiled a coequal branch of government.

X. VIOLATION OF OATH OF OFFICE

Manager Castro outlined the numerous ways that Mr. Trump abandoned his post as the insurrection began, and even hours after it was underway.[231] Capitol Police were overwhelmed and violently assaulted by the armed mob. Members of Congress and congressional staff feared for their lives, many of them hiding or barricaded in offices, as the mob wreaked mayhem on the Capitol grounds. It was all unfolding on television, leaving little doubt that Mr. Trump saw it happening in real time.

Manager Castro emphasized that Mr. Trump could have simply told the rioters to stop and leave the Capitol.[232] As I explained in Section VII, Mr. Trump did not acknowledge the attack for nearly two hours, while Republican lawmakers and the people closest to him implored him to call off the attack. Instead, he tweeted out criticism of Vice President Pence. When he finally acknowledged the attack, he did not denounce the mob or rioters, but asked them to ''stay peaceful,'' even though it was clear that they had undertaken an unlawful siege at the Capitol. At this time, Mr. Trump still did not ask the rioters to stop. Three and half hours in, he released a video reaffirming the same voter fraud lies, and told his supporters, ''We love you. You're very special.'' While Mr. Trump did tell the rioters to go home this time, he still refused to disavow the ongoing attack or the attackers themselves.

In addition to inciting the insurrection, Mr. Trump abandoned his duties to defend the American people, even after the events of the day turned deadly. Manager Castro noted that he did not deploy the National Guard, nor any other law enforcement.[233] He was so disengaged from discussions with the Pentagon about deploying the National Guard that Vice President Pence had to intervene to help move the request forward.[234]

Taken together, Mr. Trump's conduct was an astonishing and willful dereliction of duty. He had sworn an oath to ''faithfully execute the office of President of the United States and preserve, protect and defend the Constitution of the United States.''[235] Yet on that day, he commanded his supporters to inflict grave harm to the constitutional order, by telling them to disrupt the electoral certification and the peaceful transfer of power. He sat back and watched as his supporters took part in an attack on the government institutions that he swore to defend. Then, he entirely failed to stop or condemn the widespread lawbreaking that his supporters took part in. As such, I find that there is overwhelmingly clear and convincing evidence that Mr. Trump violated his oath of office.

XI. CONCLUSION: CONVICTION AND DISQUALIFICATION OF MR. TRUMP IS AN APPROPRIATE REMEDY

Conviction and disqualification of a president from office requires a high standard and should only be arrived at when there are no other remedies available.

First, I would refute several assertions by President's Counsel that the Impeachment proceeding, and the remedies thereof, are not the appropriate way to hold Mr. Trump accountable for his actions. President's Counsel and the Senate Minority Leader argue that the more proper forum is a criminal proceeding because of the criminal implications of his offenses. Taken to its logical extreme, their views would absurdly mean that if a president's malfeasance could be prosecuted, the president should be protected from the Impeachment process.

In addition, Manager Raskin correctly differentiated the purpose and independence of the Impeachment process from the prosecution of crimes. As Manager Raskin stated, ''[Impeachment] was created to prevent and deter elected officials who swear an oath to represent America but then commit dangerous offenses against our republic.''[236] An Impeachment, unlike a criminal case, is not meant to punish the defendant, but to guard the country and the Constitution from an unfit executive. As I have explained, by his conduct, Mr. Trump violated his oath of office and refused to defend the Constitution itself. Therefore, an Impeachment is the most appropriate forum to protect the integrity of the presidency and the constitutional order.

President's Counsel also contend that Impeachment is unnecessary in this case because the 2020 election was the remedy for his conduct. Of course, when Mr. Trump incited a mob to violent action at the U.S. Capitol, it was an attempt to delay the certification of the election results. This followed months of Mr. Trump's public refusal to concede the election on the grounds that it was stolen from him. Clearly, the election process is insufficient in this case because Mr. Trump does not recognize the validity of any election outcome that does not favor him.

Failing to convict the former president would result in several constitutional perils. First, Mr. Trump may once again run for president. If re-elected, there is no reason to believe that he would feel constrained by any limitations. An acquittal essentially would provide him permission to commit the same abuses or worse, without fear of accountability. That includes leveraging all the powers of the presidency to stay in power or wage an assault on a coequal branch of government. Presidents must be held accountable when their lust for power does violence to bedrock principles. Disqualification from public office is the only remedy left to prevent such behavior from Mr. Trump in the future.

A failure to convict would also be a lesson to future presidents with authoritarian tendencies that they can attack our democratic principles and institutions without consequence. Even beyond a ''January Exception,'' a future president might reason that otherwise impeachable conduct will not be challenged during any part of their presidency. In addition to rank abuse of power, a future president may not submit to the peaceful transfer of power and the sacred will of the people. In terms of the legislative branch, Congress would send a message that it is unwilling to use its own oversight powers functionally and effectively, and is unwilling to uphold a meaningful separation of powers. Disqualification is the necessary method for protecting the republic from such democratic decay within the executive and legislative branches.

This chapter in history reminds us that democracy is fragile and we must diligently safeguard its principles. To this end, I have a responsibility to defend the truth, the rule of law, and our democratic institutions. I am compelled to vote to convict President Donald J. Trump of committing ''high Crimes and Misdemeanors'' and support his disqualification from ever again holding an office of public trust.

ENDNOTES

1. Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors, H.R. Res. 24, 117th Cong. (2021).

2. U.S. Const. art. I, §3, cl. 6.

3. U.S. Const. art. II, §4.

4. U.S. Const. art III, §3, cl. 1.

5. Staff of H. Comm. on the Judiciary, 116th Cong., Rep. on Constitutional Grounds for Presidential Impeachment 14 (Comm. Print 2019).

6. 2 Sir William Blackstone, Commentaries on the Laws of England 2152 (William Carey Jones ed., 1976).

7. *Id.* at 2153.

8. Charles Doyle, Cong. Research Serv., 98–882, Impeachment Grounds: A Collection of Selected Materials 4 (1998).

9. The Federalist Paper No. 65, at 439 (James Madison) (Jacob E. Cooke ed., 1961)

10. 2 The Records of the Federal Convention of 1787 550 (Max Farrand ed., 1911).
11. Ibid.
12. 4 The Debates in the Several State Conventions on the Adoption of the Federal Constitution 113 (Jonathon Elliot ed., 2nd ed. 1861).
13. Michael J. Gerhardt, The Federal Impeachment Process: A Constitutional and Historical Analysis 21 (3rd ed. The University of Chicago Press 2019) (1996).
14. 2 Joseph Story, Commentaries on the Constitutions 799 at 269–70 quoting William Rawle, A View of the Constitution of the United States at 213 (2d ed. 1829).
15. Staff of H. Comm. on the Judiciary, 93rd Cong., Rep. on Constitutional Grounds for Presidential Impeachment 27 (Comm. Print 1974).
16. 2 The Records of the Federal Convention of 1787, *supra* note 10, at 64–65.
17. *Id*. at 550
18. Ibid.
19. Ibid.
20. Ibid.
21. *Id*. at 551.
22. *Id*. at 600.
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Ms. COLLINS. Mr. President, the Senate was asked to decide whether this body has the constitutional jurisdiction to hold an impeachment trial of Donald Trump now that he is no longer President of the United States. While the Constitution does not explicitly address Congress' jurisdiction when the subject of impeachment is a former President—or any former officer—its text and purpose as applied to the facts in this matter support the conclusion that the trial should proceed.

The question of Senate jurisdiction should start with the text of the Constitution itself. The impeachment process is described in article I, which delineates the respective powers of the House of Representatives and the Senate. Section 2 plainly states that the House ''shall have the sole power of impeachment.'' In this matter, there is no dispute that impeachment occurred before former President Trump's term expired, and, therefore, there is no dispute that the House had jurisdiction to impeach him.

What is at issue is whether the impeachment trial can occur in the Senate now that former President Trump is no longer in office. Again, I look to the text of article I. Section 3 states that ''the Senate shall have the sole Power to try all Impeachments.'' As former Federal circuit court Judge Michael McConnell has observed, the key word here is ''all.'' Sections 2 and 3 read together lead to the inescapable conclusion that, if the House presents the Senate with a valid impeachment article, the Senate has jurisdiction to conduct the trial.

Some have argued that such an interpretation would put all former Presidents, Vice Presidents, and office holders dating back to the Washington administration at risk of being impeached and convicted, but the facts in this matter do not require such a sweeping conclusion. By asserting its jurisdiction over this trial, the Senate is simply ruling that a President who was impeached while still in office can be tried after he is no longer in office—nothing more.

The former President's attorneys argue that the Senate does not have jurisdiction to conduct a trial because the penalty prescribed for conviction

under article II, section 4, is removal from office. Because former President Trump cannot be removed, they argue that the Constitution requires he not be tried. But article I, section 4, authorizes the Senate to impose the penalty of permanent disqualification from holding office in the future if it chooses to do so. And, notably, a vote on whether or not to disqualify can only be taken after conviction, at which point any defendant would have been removed and no longer an office holder.

If the defense's argument were to be followed to its logical conclusion, it would lead to a constitutional absurdity—the Senate would have the sole power to apply the disqualification penalty, but it would never have jurisdiction to do so. If the Senate were unable to consider disqualification after a President is no longer in office, the second penalty would lose its meaning. A more sensible reading of article I, section 4, is that both punishments, removal and disqualification, are equally significant, and therefore, the Senate has jurisdiction in this matter.

For all the reasons I have set forth, I believe that the Senate must exercise jurisdiction, and I voted to begin its impeachment proceedings.

Mr. CASEY. Mr. President, I ask unanimous consent that the following statement regarding the impeachment trial of the former President be printed in the RECORD.

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

STATEMENT ON THE SECOND IMPEACHMENT TRIAL OF THE FORMER PRESIDENT

Mr. CASEY. Mr. President. The former President's conduct during and after the 2020 Presidential election was indefensible and dangerous. By inciting an insurrection against Congress and pressuring government officials across our Nation to overturn the election in his favor, the former President directly ''threatened the integrity of the democratic system, interfered with the peaceful transition of power, and imperiled a coequal branch of Government.''[1] As long as he is able to hold public office under the United States, he will remain a grave threat to our national security and our Constitution. For these reasons, I again voted to convict the former President on the House of Representatives' Article of Impeachment.

CONSTITUTIONALITY OF THE TRIAL

As a threshold question in this trial, the former President's legal team and several Republican Senators have argued that the Senate cannot hold an impeachment trial against a President who is no longer in office.[2] This argument is just another convenient excuse for some of my Republican colleagues to avoid holding the former President accountable. Not only has the theory been roundly rejected by both liberal and conservative constitutional legal scholars,[3] it would also completely contravene both Senate and historical precedent.[4] In this case, consistent with the prevailing legal theory and historical precedent, the Senate voted to affirm the constitutionality of this current trial—a decision that I fully supported.[5] Thus, after addressing the threshold Constitutional issue, the question before every Senator in this trial became twofold—(1) did the former President do what he is charged with in the Article?; and (2) if so, does that action warrant conviction and disqualification from holding future office?

THE BIG LIE DEBUNKED

The public record demonstrates clearly that the former President engaged in the conduct outlined in the Article of Impeachment put forward by the House of Representatives. We watched his actions with our own eyes. We heard his conspiracy theories and baseless accusations with our own ears. For months after the election, all of America witnessed the former President's deliberate repetition of the ''Big Lie;'' he repeatedly claimed—without any evidence—that the 2020 general election was rigged and stolen from him.[6] In furtherance of this falsehood, the former President has made numerous claims, all easily and consistently rebutted, regarding the votes cast in multiple battleground states. As the Senior Senator from Pennsylvania, a state that the former President relentlessly attacked after the election, I believe it is important to debunk the numerous false statements that the former President asserted regarding the Pennsylvania Presidential election.

Prior to the election, it was widely reported that the public should ''beware'' of early U.S. election tallies because of the unprecedented amount of mail-in voting and the different ways that states were processing ballots due to the COVID–19 pandemic.[7] In Pennsylvania specifically, Democratic voters were outpacing Republican voters by a 3–to–1 ratio in mail-in voting.[8] Since the mail-in votes would be the last to be counted in most counties, experts cautioned voters that the former President might appear to be winning in the early returns on election night (a ''Red mirage'') only to lose that lead as election officials counted more mail-in ballots in the days after Election Day (a ''Blue shift'').[9]

Despite these warnings, the former President attempted to sow doubt, even before Election Day, about votes counted after November 3. A week before Election Day, he indicated that ''counting ballots for two weeks'' after Election Day was ''totally inappropriate'' and he did not believe it was consistent with our Nation's election laws.[10] To be clear, there is nothing improper or illegal about election officials counting legally cast votes after Election Day. Nonetheless, as election officials in Pennsylvania began to process the heavily Democratic-leaning mail-in ballots in the days following Election Day and the former President's ''Red mirage'' predictably turned to a ''Blue shift'' in favor of President Biden, the former President claimed that officials were ''finding Biden votes all over the place.''[11] In reality, election officials in Pennsylvania were simply counting legally cast votes. As Republican Philadelphia Commissioner Al Schmidt said: ''In the birthplace of our Republic, counting votes is not a bad thing. Counting votes cast on or before Election Day by eligible voters is not corruption. It is not cheating. It is democracy.''[12]

Relatedly, the former President also claimed that in Pennsylvania, ''tens of thousands of votes were illegally received after 8 P.M. on Tuesday, Election Day, totally and easily changing the results.''[13] Here again, the former President was lying. In September 2020, the Pennsylvania Supreme Court extended the mail-in ballot receipt deadline in Pennsylvania by three days because of the unprecedented circumstances caused by the COVID–19 pandemic.[14] The Pennsylvania Supreme Court's decision did not permit eligible voters to vote after Election Day. Rather, pursuant to the Free and Equal Elections Clause of the Pennsylvania Constitution, the court explained that ballots mailed by Election Day could still be counted if those ballots were received within three days of Election Day.[15] In addition to lying about whether it was legal to receive ballots after Election Day, the former President drastically overinflated the number of ballots received after Election Day in Pennsylvania. In fact, there were only approximately ten thousand ballots received after Election Day and those ballots were not even included in Pennsylvania's certified election results.[16] Since President Biden won Pennsylvania by over eighty thousand votes, the ballots received after Election Day would not have made any difference in Pennsylvania's Presidential election outcome.[17]

In another tweet, the former President claimed that Pennsylvania prevented his campaign officials ''from watching much of the Ballot count.''[18] Again, the former President was lying. In fact, in response to a judge's question during one hearing on whether there were election observers in the canvassing room, a lawyer representing the former President offered the seemingly bizarre concession that there was ''a non-zero number of people in the room.''[19] Furthermore, multiple courts confirmed that the former President's campaign presented no evidence suggesting that his campaign's observers were treated any differently than the observers for the Biden Campaign.[20]

The former President's lies did not stop there. In late November, the former President tweeted that over a million votes in Pennsylvania were ''created out of thin air.''[21] This is a lie. Here, the former President was referring to a conspiracy theory offered by Republican State Senator Doug Mastriano, who claimed that the Pennsylvania Department of State was reporting an extra 1.1 million mail-in votes in Pennsylvania.[22] Senator Mastriano indicated that Pennsylvania had reported mailing out ''1,823,148 ballots, of which 1,462,302 were returned,'' but he indicated that a dashboard on the Department of State's website recorded over 2.5 mail-in ballots in the general election.[23] While Senator Mastriano did not include sources for his data, it was easy to determine that he was conflating different datasets from the general election and the June primaries. A dataset from the Pennsylvania Department of State clearly detailed that there were 1,823,148 mail-in ballot request for the June 2020 primaries[24]—the exact number that Senator Mastriano cited—while Pennsylvania's official returns for the 2020 general election clearly illustrated that over 2.6 million voters cast a ballot by mail in the Presidential election.[25]

In another tweet on December 28, the former President claimed that there were ''205,000 more votes than there were voters'' in Pennsylvania.[26] This too is another lie. Again, the former President appeared to be referencing yet another conspiracy theory offered by another state legislator, Representative Frank Ryan.[27] Representative Ryan claimed that the official election returns included 205,000 more votes than those listed in Pennsylvania's voter registration database.[28] Pennsylvania Attorney General Josh Shapiro explained that the voter registration database referenced by Representative Frank ''is updated by each county individually, and this updating process can take several weeks following an election.''[29] Thus, the Attorney General explained that it appeared that Representative Ryan was comparing ''the official returns with incomplete data from the registration database to justify his baseless claim that there were more votes than voters.''[30]

Unfortunately, the above lies are merely a sampling of the former President's total lies about the election process in Pennsylvania and across the Nation. In addition to these

falsehoods, the former President claimed—without evidence—that there were ''900,000 Fraudulent Votes'' in Pennsylvania,[31] that Dominion Voting Systems switched 221,000 votes from the former President to Joe Biden in Pennsylvania,[32] and that ''Fraud and illegality'' were a ''big part'' of his election lawsuits in Pennsylvania.[33]

The Pennsylvania election was administered safely and securely by thousands of Republican and Democratic election officials and selfless volunteers across the Commonwealth. We know this because as the House Managers highlighted in their trial brief, ''[o]ur legal system affords many ways in which a candidate can contest the outcome of an election.''[34] The former President did not merely contest the election in Pennsylvania, but also in Arizona, Georgia, Michigan, Nevada, and Wisconsin.[35] In total, the former President and his allies filed 62 lawsuits in state and federal courts regarding the 2020 election and they lost every case, except for one minor lawsuit in Pennsylvania.[36]

Furthermore, despite the President's public claims of widespread illegalities, his legal team rarely attempted to allege fraud in his lawsuits.[37] In fact, his own attorney, Rudy Giuliani, explicitly confirmed that the Campaign was not alleging fraud during one high profile case in Pennsylvania by stating ''[t]his is not a fraud case.''[38] Despite these facts, the former President continued to spread a different narrative—a Big Lie regarding a rigged election—on Twitter.

United States District Court Judge Matthew Brann of the Middle District of Pennsylvania highlighted the absurdity of some of the former President's legal arguments in an opinion dismissing one of the Campaign's lawsuits:

''Plaintiffs ask this Court to disenfranchise almost seven million voters. . . . One might expect that when seeking such a startling outcome, a plaintiff would come formidably armed with compelling legal arguments and factual proof of rampant corruption, such that this Court would have no option but to regrettably grant the proposed injunctive relief despite the impact it would have on such a large group of citizens. That has not happened. Instead, this Court has been presented with strained legal arguments without merit and speculative accusations, unpled in the operative complaint and unsupported by evidence. In the United States of America, this cannot justify the disenfranchisement of a single voter, let alone all the voters of its sixth most populated state. Our people, laws, and institutions demand more.''[39]

In the Campaign's appeal to the United States Court of Appeals for the Third Circuit, Judge Stephanos Bibas, a judge appointed by the former President,[40] wrote for a unanimous panel affirming Judge Brann's initial decision.[41] Judge Bibas wrote: ''Free, fair elections are the lifeblood of our democracy. Charges of unfairness are serious. But calling an election unfair does not make it so. Charges require specific allegations and then proof. We have neither here.''[42] The Presidential election was fair and lawful notwithstanding the many lies told by the former President.

THE FORMER PRESIDENT'S PATTERN OF CONDUCT

Despite losing case after case in federal and state courts, the former President was not deterred in his efforts to spread his Big Lie regarding a stolen election. Instead, he turned his attention to pressuring federal, state and local elections officials to overturn the election. In Georgia, he personally called the Secretary of State, Brad Raffensperger, and told him to ''find 11,780 votes, which is one more than we have because we won the state.''[43]

He also began an aggressive lobbying campaign against Vice President Pence.[44] Pursuant to the Twelfth Amendment, the Vice President counts each state's certified Electoral College votes for President in a joint session of Congress.[45] However, the former President regularly lied about the constitutional duty of the Vice President. In another attempt to turn the election in his favor through illegitimate means, the former President suggested that Vice President Pence should violate his oath of office by refusing to count certain electoral votes for President Biden during the joint session.[46]

After failing to overturn the election through the courts and his pressure campaign on other elected officials, the former President took aim for one more attack on American democracy. He summoned his mob of insurrectionists to Washington, D.C. on January 6, 2021 for a ''Save America Rally'' to coincide with the joint session of Congress.[47] He invited them. He incited them over the course of months and on January 6. Finally, he directed this Trump mob to the Capitol to subvert and obstruct Congress from conducting its constitutional obligation to certify the 2020 Presidential election.

On January 6, we heard the former President continue to spread his Big Lie at his rally. As Attorney General Shapiro detailed, the former President ''inflamed the crowd by repeating the same debunked allegations about voter fraud in Pennsylvania and elsewhere. In his remarks, he repeated no fewer than eight false statements about Pennsylvania's elections alone.'' [48] He further incited the mob to ''stop the steal'' by declaring that ''we fight, we fight like hell,'' because ''if you don't fight like hell you're not going to have a country anymore.'' [49]

The case for incitement is about far more than just the former President's speech on January 6. This was about a pattern of conduct. It was about the former President's autocratic leadership and calls for political violence throughout his Presidency. It was about a President who once bragged: ''I have the tough people [supporting me], but they don't play it tough until they go to a certain point, and then it would be very bad, very bad.'' [50]

I, as well as public officials in both parties, talk about fighting for public policy goals. We fight for health care. We fight for civil rights. We fight for equity and justice. However, when the former President tells his supporters to fight, it means something different because the former President has regularly condoned and encouraged violence against protestors and members of the press since he became a candidate in 2015. As Lead House Manager Jamie Raskin told us during the trial: ''January 6 was a culmination of the President's actions—not an aberration from them.''[51] It was the former President's pattern and practice of condoning and encouraging violent action.

For example, during remarks in October 2015, the former President—then a candidate—indicated that he would be a ''little more violent'' next time protestors interrupted one of his rallies.[52] Video later showed the former President's supporters forcibly dragging protestors out of the campaign event.[53] In a February 2016 rally in Cedar Rapids, Iowa, we saw the former President tell his supporters to ''knock the hell'' out of protestors and then promised to pay their legal fees resulting from any altercation.[54]

In March 2016, a supporter of the former President sucker punched a Black man being escorted out of a campaign rally.[55] The former President's supporter was later recorded as saying ''[t]he next time we see him, we might have to kill him.'' [56] Just days later, the former President defended those at his rallies assaulting protestors by calling their actions ''very, very appropriate.'' [57] In another 2016 rally in Las Vegas, the former President commented that he would like to ''punch [a protestor] in the face'' before reminiscing about the fictional ''old days'' when violent behavior was allegedly more acceptable.[58] ''You know what they used to do to guys like that when they were in a place like this?'' he asked the crowd. ''They'd be carried out on a stretcher, folks.''[59]

This abhorrent behavior did not change when the former President entered office. In August 2017, after a rally of white supremacists resulted in three deaths and more than 33 other injuries in Charlottesville, Virginia, the former President offered perhaps the most disturbing comments of his Presidency when he suggested that there was ''blame on both sides'' and that there were ''very fine people on both sides.''[60] In October 2018, we saw the former President praise and glorify the actions of current Governor of Montana, Greg Gianforte, after then-candidate Gianforte had body slammed and hospitalized a journalist in May 2017.[61] Mr. Gianforte had already pled guilty to the assault.[62]

In 2020, the former President further glorified violence by indicating that ''when the looting starts, the shooting starts'' in relation to the civil rights protests occurring after George Floyd's murder at the hands of law enforcement in Minneapolis, Minnesota.[63] Later, we saw the former President direct federal agents to forcibly move hundreds of peaceful protestors outside of the White House so he could pose for a photo op in front of St. John's Church in Washington, D.C.[64]

In April 2020, in what turned out to be a dress rehearsal for the January 6 insurrection, we saw the former President tweet ''LIBERATE MICHIGAN!'' after the Governor of Michigan implemented several mitigation measures to address the COVID–19 public health crisis.[65] Nearly two weeks later, on April 30, armed protestors dressed in tactical gear sieged the Michigan State Capitol, waving the Confederate flag and wearing MAGA hats.[66] Rather than condemn those who had seized the state capitol waving Confederate flags, the former President encouraged the Governor of Michigan to negotiate with them: ''The Governor of Michigan should give a little, and put out the fire. These are very good people, but they are angry. They want their lives back again, safely! See them, talk to them, make a deal.''[67] Just a few months following the capitol siege in Michigan, the FBI arrested thirteen men for ''plotting to storm the Michigan State capitol building, launch a civil war, kidnap Governor Whitmer, transport her to Wisconsin, and then try and execute her.'' [68]

The former President's pattern of conduct is indisputable. A reasonable person cannot dispute that the former President knew exactly what he was doing by perpetuating the ''Big Lie,'' summoning his crowd of insurrectionists on January 6 and telling them: ''[I]f you don't fight like hell, you're not going to have a country anymore.'' [69] The former President led his supporters to a breaking point and as he had predicted in the past—it was ''very bad, very bad.'' [70] There is simply no way to excuse the former President's actions in this case.

AN ATTACK ON OUR DEMOCRACY

By encouraging his mob of insurrectionists to march on the Capitol and obstruct the Congressional certification of the 2020 election, the former President attacked the foundational principles of our democracy and the peaceful transfer of power. He did not merely endanger another branch of government and the Presidential line of succession. His actions led to at least five deaths,

injuries to nearly 140 members of law enforcement and untold collateral damage resulting from the carnage of that day.[71] He endangered the lives of countless Congressional staffers and employees, members of the press and members of Congress. He put a target on the back of his own Vice President and his Vice President's family. His actions jeopardized our Nation's national security by tarnishing the United States' reputation abroad and emboldening violent extremists at home.

Furthermore, he has shown absolutely no remorse for any of it, even going as far to glorify the insurrection in the immediate aftermath of the attack. After the Capitol had been secured in the early evening of January 6 and Congress was making plans to resume its joint session, the former President turned to Twitter to release a statement. He did not denounce the violent insurrection, but rather he chose to continue to spread his Big Lie that the election was stolen from him and to call the insurrectionists ''great patriots:''

''These are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long. Go home with love & in peace. Remember this day forever.'' [72]

Ultimately, after carefully reviewing all of the evidence put forward in this case, I found that the House Managers more than exceeded their burden of proof. The former President's conduct violated his oath of office, endangered our democracy and jeopardized the United States' national security. Through this conduct, the former President committed a high crime against our Constitution. I voted to convict him in the most bipartisan Presidential impeachment proceedings in our Nation's history.[73]

ENDNOTES

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Ms. KLOBUCHAR. Mr. President, as Senators in this proceeding, we were bound by two oaths, to support and defend the Constitution and to pursue impartial justice as we considered the Article of Impeachment filed against former President Donald Trump: a charge of incitement of insurrection.

The Framers of our Constitution gave us the tools to respond to a moment like this. Having lived under the tyranny of an unaccountable King, they were well aware of the risks of a President willing to abuse his or her power. William Davie, one of North Carolina's representatives at the Constitutional Convention, argued that empowering the Congress was necessary to protect against the threat of a President who would spare ''no efforts or means whatever to get himself reelected.''

Our system of checks and balances as laid out in our Constitution provides that the Congress can impeach a President for committing ''Treason, Bribery, or other High Crimes and Misdemeanors.'' The phrase was meant to encompass any offenses that, as Alexander Hamilton explained in Federalist 65, include an ''abuse or violation of some public trust'' and ''injuries done immediately to society itself.'' Impeachment is a remedy for this public harm.

Some of my colleagues argue that the Senate could not sit as a court of impeachment for a former President. But constitutional scholars from across the political spectrum agree that the plain language of the Constitution and the historical precedent are clear that the Senate has the power to hold former officers accountable for offenses committed while in office. The question was debated on the Senate floor, we had a vote, and a bipartisan majority decided that we should proceed. As Manager JAMIE RASKIN said, ''[t]he jurisdictional constitutional issue is gone . . . We are having a trial on the facts.''

As we were all witnesses to what happened on January 6, the facts are clear. During the trial, we saw evidence that was haunting and chilling. But more than that, collectively, the evidence presented a clear indictment of President Trump's role in threatening not only the lives of those at the Capitol, but the very lifeblood of our democracy.

President Trump's actions on January 6 were consistent with a years-long effort to undermine faith in our democratic system. After spending months trying to delegitimize our elections and despite losing by more than 7 million votes, President Trump filed dozens of lawsuits and called into question the election results across the country. In court after court, the President's claims were rejected. As Judge Bibas, who was appointed by President Trump, wrote for the Third Circuit, ''Charges of unfairness are serious. But calling an election unfair does not make it so. Charges require specific allegations and then proof. We have neither here.''

In an attempt to delay the certification of the results, President Trump privately pressured State election officials, including asking Georgia's Secretary of State to ''find'' 11,780 votes, a number that would flip the State in his favor. Thankfully, election officials followed the law, and by December 11, 2020, all States had certified the results of the election.

Despite the results being final, however, President Trump convinced his supporters that there was one last opportunity to interrupt the peaceful transfer of power: preventing the Congress from counting the electoral college votes. And they responded to his call. During the trial, we saw a video of a rioter yelling, ''We were invited by the President of the United States!'' and examples of the rioters' social media posts telling President Trump they were there for him, including a photo of rioters storming the Capitol steps captioned, ''This is me.''

Law enforcement, sworn to protect the Capitol, were repeatedly assaulted defending our temple of democracy and our very republic. We will never forget the shrieks of the police officer pinned in between the doors at the hands of the rioters, pleading for help. We will never forget Officer Harry Dunn, who fought against the violent mob for hours and, after it was over, broke down in tears, telling fellow officers he had been called the N-word numerous times that day. He asked: ''Is this America?'' Or Officer Eugene Goodman who ran to take on a growing group of the rioters by himself, diverting them away from the Senate Chamber and allowing Senators to move to a secure location.

Tragically, the attack on the Capitol also cost the lives of three brave officers, including Officer Brian Sicknick who died from injuries sustained while engaging with rioters. Two other officers died by suicide following the events of January 6: D.C. Metropolitan Police Officer Jeffrey Smith and U.S. Capitol Police Officer Howard Liebengood.

While much of the trial rightfully focused on what President Trump did on and leading up to January 6, in many ways what he did not do was even more dangerous. After he sent the mob to the Capitol, putting law enforcement

in danger and threatening the safety of the Vice President, President Trump did nothing to stop the violence. Despite calls from Republican leaders across the country, President Trump did not even send a tweet to defend our democracy. Hours after the rioters first breached the Capitol, he finally released a video and told the rioters: ''we love you; you're very special.''

President Trump betrayed his oath of office to preserve, protect, and defend the Constitution of the United States. He incited a mob to attack the Capitol and prevent the peaceful transfer of power, and for that, he should be impeached.

On January 6, we were all awakened to our responsibilities as Americans and as Senators. I will never forget walking to the House Chamber around 4 a.m., with shattered glass from broken windows strewn in the hallway, joined by Senator BLUNT, Vice President Pence, and alongside two young women who carried the mahogany boxes holding each State's electoral votes. We knew we had to return to do our jobs, and that night, we made clear to all: Democracy will prevail.

Thank you.

Mrs. SHAHEEN. Mr. President, on January 6, 2021, the heart of American democracy was attacked by a violent mob seeking to stop the counting of electoral votes in Congress and the peaceful transition of power. The peaceful transition of power is the hallmark of any healthy democracy and the foundation of our government by the people. That tradition has endured in our country since the ''Revolution of 1800'' when John Adams lost his election to Thomas Jefferson, marking the first peaceful change of Executive party in the United States. Years later, Jefferson would write about the ''Revolution of 1800'' and say, ''for that was as real a revolution in the principles of our government as that of 76 . . . not effected indeed by the sword . . . but by the rational and peaceable instrument of reform, the suffrage of the people.'' Sadly, the attack on the Capitol was an attempt to return to the ''sword,'' and it was incited by the President of the United States.

Donald Trump's actions leading up to and on January 6 demonstrated what I believed following his first impeachment: He was unfit for the Presidency and betrayed his oath to faithfully execute the office of President and preserve, protect, and defend the Constitution. Donald Trump engaged in a months-long campaign of lies and misinformation about voter fraud in the 2020 election to mislead the American people and maintain power. This campaign was waged with a singular purpose: to overturn a free and fair election through any means necessary. It included calls to State election officials in Georgia where he urged them to ''find votes'' that would allow him to win the State; wild conspiracy theories that voting machines had been rigged against him; and baseless lawsuits that were rejected more than 60 times by Federal courts at all levels. This insidious effort culminated at the ''Save America'' rally on January 6 when the former President urged his supporters to ''fight like hell'' and directed them to march on Congress where the counting of electoral votes had begun.

The House Managers presented a detailed timeline of the former President's actions before, during, and after the election that exposed his effort to subvert the Constitution and defy the will of the American people. The evidence presented against the former President demonstrated that he sought to undermine and ultimately overturn the results of the 2020 election. It showed that when his challenges in court had failed and the electoral results had been certified, he turned his attention and all the power of the Presidency to January 6. He encouraged his supporters to come to DC to ''stop the steal'' and pressured former Vice President Pence to assert power he did not have under the Constitution to overturn the election. Trump amassed a crowd of individuals waiting for his direction, including armed individuals who had planned an attack for weeks in response to the President's claims that the election was stolen.

The former President's actions had deadly and destructive consequences. Insurrectionists stormed the Capitol building, desecrating the seat of American Government and the physical manifestation of freedom for people across the world. The insurrectionists viciously beat police officers defending our democracy, vandalized the building, and terrorized those inside. All the while, the mob chanted ''hang Mike Pence,'' ''President Trump sent us'' and ''traitor, traitor, traitor.'' When the attack was over, hundreds of police officers and others were injured, and five people were dead, including a brave Capitol police officer who lost his life defending our Capitol. The attack was viewed across the world and has undeniably tarnished America's reputation as a beacon of freedom and democracy.

What was the former President's response to this treasonous attack on our constitutional process? It was to repeat the sinister lies that had led to the attack in the first place and refer to the insurrectionists as ''great patriots'' whom he loved. The House Managers showed that the President could have stopped the attack, but he chose instead to continue his effort to obstruct the counting of the electoral votes. According to the testimony of Congresswoman HERRERA BEUTLER submitted to evidence, the former President responded to House Minority Leader KEVIN MCCARTHY's pleas for help by saying, ''Well, KEVIN, I guess these people (the insurrectionists) are more upset about the election than you are.'' These are not the actions of a President trying to defend the Constitution and uphold his oath of office; they are the actions of an individual intent on retaining power by any means necessary.

The actions of Donald Trump before, during, and after the attack on the Capitol reflected our Constitution's Framers greatest fear that a president would do anything to retain power contrary to the will of the people. They knew well the dangers of a despot and the capacity of power to corrupt the Republic they had established. That is why I voted to convict the former President to protect our system of government from those who would use their office to undermine our Constitution. Senate precedent, history, and tradition clearly demonstrate that a former President could be convicted having been impeached by the House while still in office.

The former President's legal team made no persuasive argument as to how his remarks on January 6 would be considered protected speech under the First Amendment or why he could not be convicted as a former President. As House Manager RASKIN said during his argument, ''if this is not impeachable conduct then what is?'' I believe it fits squarely within the high crimes and misdemeanors identified as an eligible offense for impeachment in the Constitution. Thus, I exercised my responsibility as a juror to vote to convict and ensure that the actions of the former President would not go unchecked.

Donald Trump betrayed his oath of office and he betrayed the American people. His actions must not go unanswered. The oath that I took and my allegiance to it require that I preserve, protect, and defend the Constitution by voting to convict a former President whose zealous pursuit of unchecked power will forever be remembered as one of the darkest days in American history. As a U.S. Senator, I will continue to take a stand against actions that violates the fundamental norms and ideals of American democracy.

Mr. BENNET. Mr. President, for the second time in over a year, events compelled the Senate to hold an impeachment trial for President Donald Trump. By once more acquitting the President despite overwhelming evidence of his guilt, the Senate has again abdicated its responsibility to the American people and our democratic Republic.

The Founders fashioned our constitutional system to at once defy history and reflect its enduring lessons. They understood that since the first human societies, rule of the strong had prevailed across ages of warlords, monarchs, emperors, and tyrants. From the examples of ancient Greece and Rome, they also knew that rule by the people was the fragile, flickering exception.

To ignite America's experiment in self-government, the Founders handed us a constitutional system unique in human history, with inalienable rights for the people, free and fair democratic elections, the rule of law, and coequal

branches of government to check the unbridled ambitions that risked dragging us into tyranny. Our system was never perfect—far from it—but over 234 years, Americans have fought and sacrificed to make it more democratic, more fair, and more free.

The Founders also understood that, however well-crafted the Constitution may be, its fate would inevitably depend on the public officials sworn to protect it. They could give the Senate the unique power to convict a President, but they could not guarantee Senators would exercise that power when the moment required it.

Their fears were realized on February 13, 2021, when the Senate failed to convict President Trump, a man who defied every standard of conduct and decency the Founders expected of public officials.

Months before Americans cast their ballots, Donald Trump made our democracy his enemy—manufacturing false claim after false claim to undermine the 2020 election. He warned the election would be stolen or rigged, dead people would vote, and voting machines were not trustworthy. He repeated these claims incessantly on social media, at his rallies, and in interview after interview on cable news. He repeats these lies to this day.

When Donald Trump lost the election by over 7 million votes, he refused to concede. Instead, he waged a months-long war against the peaceful transition of power. First, he challenged the election results in court. He lost 61 out of the 62 cases, often being howled out of court by Federal judges, many appointed by the President, for failing to produce any evidence of widespread fraud. Former Attorney General William Barr, one of the President's most steadfast allies, confirmed that there was no such evidence.

So the President changed course. He threw the weight of his office against State and local officials hoping he could coerce them into overturning their States' lawfully conducted election. He called election officials in Wayne County, MI. He summoned State senators from Michigan and Pennsylvania to the White House to urge the legislature to intervene. His aides hounded the Governor of Arizona to echo the President's baseless claims about the election. Most notoriously, he browbeat Georgia Secretary of State Brad Raffensperger in a recorded phone call to ''find'' another 11,780 Trump votes and badgered the Vice President to reject the certification of the electoral results. In my view, these actions alone warranted impeachment. But he didn't stop there.

In the end, President Trump stopped at nothing. As Congress gathered on January 6 to certify the electoral college results, he incited a mob to invade the Capitol and ''stop the steal.'' They scaled, as if it were an enemy rampart, the platform built for President-elect Biden's inauguration and the peaceful transition of power. They chanted President Trump's name as they smashed doors, broke windows, and looted private offices. They repeated the President's lies as they cursed, speared, and bludgeoned the men and women of law enforcement who defended our democracy.

At virtually every step of the way, our constitutional system held its ground because patriotic Americans fulfilled their obligation to our Republic. From the Capitol Police to the nonpartisan election officials, to the State and Federal judges, to the Vice President of the United States—all refused to bend to the President's lawless demands. We should shudder to think how events would have unfolded if these Americans had made a different choice.

Yet somehow, confronted with these examples of individual patriotism and the overwhelming evidence of the President's impeachable offenses, 43 Senators still voted to acquit, including the Senator minority leader, MITCH MCCONNELL.

The minority leader refused to contest the case laid out by the House managers. He conceded that President Trump was ''practically and morally responsible for provoking the events'' of January 6, committing what he called ''a disgraceful dereliction of duty.'' Instead, the Senator hid behind a strained reading of history and dodged his duty to hold President Trump accountable on the feeble ground that the Senate lacked jurisdiction. Through this sophist sleight of hand, the minority leader tried to place one foot on the right side of history without taking the hard vote it actually required. In doing so, he provided cover to every Republican Senator who joined him to acquit President Trump, including many who have failed to denounce the former President for anything he has done to undermine American democracy.

The Constitution grants the legislative branch authority to hold accountable any President who would seek to undo our democratic system of government. This Senate's refusal to exercise this authority and convict Donald Trump is a stain on this body. We had the responsibility to serve as a check on his anti-American actions and reassert the standard of government our Founders imagined. We chose otherwise.

With the permission of the Senate's acquittal, Donald Trump refuses to admit his defeat and continues to mislead his supporters that the election was stolen. In so doing, he continues to perpetuate, in another form, the insurrection he unleashed on January 6.

Our democracy stands today, not as a result of our actions, but those of law enforcement officials at the Capitol and State and local officials in Michigan, Pennsylvania, Georgia, Arizona, and Wisconsin—men and women who didn't surrender to President Trump's tyrannical demands.

Nearly 2 months later, the U.S. Capitol remains ringed with razor-wire. As I have walked through the perimeter each morning, I have reflected on those who kept us safe from the President's anti-democratic mob—the law enforcement officials, the people who maintain and clean the Capitol, congressional staff. They risked life and limb, not only to defend Senators and Representatives but to defend basic American principles of our constitutional order: free elections, the peaceful transition of power, the rule of law, and the separation of coequal branches of government.

And then I think about the State and local officials, many Republicans, who held their ground under pressure from the President of the United States, often accompanied by threats from angry citizens caught up in his ''Big Lie'' that an election he lost by over 7 million votes was somehow stolen from him. These brave men and women did their duty to protect our constitutional system.

They are true patriots no different than the millions of other citizens who have done their part to defend the way of life we share under our Constitution. They join the African-American regiments who defended the Union in the Civil War, the code talkers in World War II, and the sons and daughters of immigrants who have defended our country from Yorktown to Normandy to Kandahar.

The Constitution of the United States is not a machine that runs itself; it is an exercise in self-government. American citizens—including those elected to serve them in the Senate—must keep it working and always ensure that it becomes more democratic, more fair, and more free.

As Americans, we should take comfort that there have been many, from Frederick Douglass and Susan B. Anthony to the other courageous citizens who rose to moments far more difficult than our own to protect the Republic and push it closer still to our highest ideals.

They are why the United States remains, for now, the longest lasting government by the people in human history. But as the Founders understood, democracy will always be vulnerable to demagogues who stop at nothing to hold on to power. History will record the names of those who stood on the side of the Constitution, passing down to the next generation the high standard of citizenship our democracy demands. Hopefully, a future Senate will meet that standard.

Mr. BLUMENTHAL. Mr. President, in this impeachment trial, every Senator was a juror, but also a witness and victim of the violent insurrection Donald Trump incited. The case was straightforward. Former President Trump instigated an armed riot seeking to overthrow a lawful election and possibly even injure or assassinate elected officials.

I spent most of my career enforcing laws, including two decades as Connecticut's attorney general. In this

role, I learned the power and the significance of accountability. When wrongdoers enjoy impunity for their actions, they and others like them are emboldened.

The first time former President Trump was impeached by the House, he had pressured a foreign government to corrupt the American election process, extorting a vulnerable, fledgling democracy to help him cheat in a Presidential election.

This time, former President Trump's attack on American democracy was more direct and violent. The insurrectionists forced us to flee for our lives, to place desperate, seemingly final calls to loved ones. A Capitol police officer died protecting us.

I have the same fear now, only greater, that I felt at the close of former President Trump's last impeachment. By again refusing to hold former President Trump accountable, the Senate is paving the way for another would-be tyrant to break laws and norms to retain power.

We in the Senate are obligated to uphold our oaths to support and defend the Constitution against all enemies, foreign and domestic. Our oaths obligate us to hold former President Trump to account for his incitement of a violent attack on the U.S. Capitol, the symbol of American democracy around the world.

The case against Donald Trump was proven convincingly with videos and voice recordings so powerful that this printed word can never capture their force. The former President's offense in this case is as dangerous as it is straightforward. He spent months of his Presidency telling and retelling the ''Big Lie.'' The lie that no matter how the American people voted at the ballot box, he was the only legitimate winner of the 2020 Presidential election. That the election was stolen from him, that anyone who disagrees is un-American, a traitor.

As Manager LIEU explained at trial, at a certain point in his efforts to undermine the 2020 election, ''Trump ran out of non-violent options to retain power.''

Donald Trump encouraged, emboldened, and even helped build a mob of violent extremists that he invited to Washington, DC, and incited to storm the Capitol. While some Members of Congress were serving the former President in seeking to subvert American democracy by objecting to vote counting, Trump was imploring the mob to do the same. He told supporters to ''never give up'' on the ''Big Lie.'' He told them that ''this election was stolen from you, from me, from the country.'' He said, ''if you don't fight, you are not going to have a country anymore.'' He told the insurrectionists to go to the Capitol, and he even lied to them that he would be going with them.

The resulting violence, clearly foreseeable, was horrifying. They marched to the Capitol. Rioters broke windows and breached the building. They killed a 42-year-old Capitol Hill police officer and Air Force veteran, Brian Sicknick. They did stop the vote counting, if only temporarily. They injured many.

Members of Congress removed congressional pins to avoid identification from the mob. Senators ran from the Senate Chamber. They ran for their lives. Rioters flew a Confederate flag, a symbol of hate that did not fly in the Capitol even at the height of the Civil War.

Donald Trump watched this deadly attack unfold with glee from the Oval Office. On national TV, he told the insurrectionists that he loved them. ''I know you're hurt,'' he consoled the rioters. ''We love you. You're very special.'' He did not lift a finger to help anyone threatened with violence, including his Vice President.

As a result of former Donald Trump's incitement, an angry mob stormed the Capitol with every intent to harm elected officials and disrupt the peaceful transfer of power. Not only has the world lost Brian Sicknick, two other Capitol Police officers have died by suicide. Several members of the mob were killed.

The Senate's failure to convict increases the specter of another would-be tyrant, as well as Donald Trump, seeking again to mobilize a mob to overthrow democracy. Violent extremism has been emboldened. It is a present, immediate danger.

My colleagues know that former President Trump lost the 2020 Presidential election. They know that more than 60 courts tossed out his attempts to drum up baseless allegations of voter fraud. They know that the director of Cybersecurity and Infrastructure Security Agency, a lifelong Republican, certified the election was safe and secure. And they know that former President Trump incited the insurrectionists to attack the Capitol on January 6.

Democracy is not our default state of being. Democracy thrives only so long as the institutions that support it thrive. And democratic institutions will only thrive and persist through hard work, active work, dedicated work of our elected officials. For 4 years, former President Trump continuously attacked our basic norms and institutions of democracy. For 4 years, he normalized chaos. Our job now—Republicans, Democrats, Independents—is to restore. We must dedicate ourselves to restoring the rule of law, the protections of rights, and the integrity of institutions. And that task starts with accountability for all those who perpetrated the damage.

Ms. HIRONO. Mr. President, I rise today regarding the second impeachment of Donald Trump.

The House managers made their case. Based on the evidence they presented and the events we all experienced, Donald Trump should be convicted and prohibited for holding office ever again for inciting a violent insurrection at the U.S. Capitol on January 6.

Through video, pictures, and quotes, they outlined how the President of the United States engaged in a months-long campaign to discredit the legitimate election results of the 2020 election—a deranged campaign that began before a single vote was cast.

This unprecedented campaign of misinformation, pushing the ''Big Lie,'' infected a significant contingent of the President's supporters. They came to Washington, DC, at Trump's invitation and inciteful rhetoric. They followed his direction on January 6 to storm the Capitol and tried to stop us from carrying out our constitutional duty to certify the election for the lawful winner of the Presidential election, Joe Biden.

The evidence presented by the managers is solid and irrefutable, and the President's lawyers made almost no effort to try. Given the jury they were facing, I don't blame them. Almost every Senator in this Chamber was there that day. Senators OSSOFF, WARNOCK, and PADILLA weren't sworn in until January 20. We all experienced the unthinkable that day, and we are all processing it differently. The violent insurrection shook many of us to the core. For some of us, the events of that day were so chaotic that the full magnitude of what was happening wasn't clear at the time.

Both as part of the trial evidence and through interviews and statements, we have learned more fully the measure of danger we faced as Donald Trump's murderous mob assaulted the Capitol campus. The managers' case and other media has given us all a better picture of the terror.

There are stories of bravery, like that of Officer Eugene Goodman and his U.S. Capitol Police colleagues.

The footage of Officer Goodman misdirecting the mob marauding through these halls is remarkable. Put yourself in his shoes. How many of us would have acted as quickly in the face of a rushing wave of hate? He has rightly been commended for his decisive, nearly superhuman response. All across the complex, his colleagues battled with insurrectionists who assaulted them with bats, bear spray, and other weapons in close quarters—these were scenes from a war zone, not the heart of the U.S. Government. While their bravery is commendable, Capitol Police and the other law enforcement agencies that eventually assisted to restore order should never have been in that position. But for the President of the United States sending a mob of violent insurrectionists to the Capitol, they would not have.

There are other chilling stories that should make every American's heart race. The audio of the Speaker's staff barricaded in their office, whispering into the phone, voices trembling, begging for help. The silent Capitol security footage showing just how close the Vice President, Senators, Representatives, and staff came to harm. The videos of chanting, gleeful, rioters demonstrating their horrifying fealty to

Donald Trump's lies as they broke down doors and ransacked offices and the Senate floor. The story that my friend Senator MURRAY has told of being trapped in her office with her husband. The mob pounding on the door while he tried to hold it shut with his foot. The absolute terror she must have felt hoping that the door was locked and that help would come quickly. They were inches away. The rest of us there that day were at least feet away. I am sure that we all called, texted, and thought of loved ones. Trying to reassure them but not actually knowing if that was true. Feeling from far away their helpless anguish for us and the utter terror and disbelief that something like this could happen in our country. To the U.S. Capitol, of all places.

The U.S. Capitol is the heart of our democratic system of government. While we may disagree vociferously, debate passionately, and represent people and communities with deeply divergent views, Congress exists to find common ground without resorting to violence. This simple fact—that as a country we solve our problems through democratic institutions and debate—is a source of our strength and global leadership. I have strong disagreements with a number of my colleagues. I know many of them disagree with me. But each day we come to the Senate floor and voice those disagreements without fear for our safety. On January 6, that basic level of understanding—the very thing that separates our country from so many others—was shattered by the assault on the Capitol. And worst of all, that insurrection was incited by a sitting President of the United States.

In some respects, it is difficult to know how best to move forward from that awful day. We came back. We did our jobs. And we are still here doing what our constituents sent us here to do. The Capitol may have been changed indelibly for many of us.

Again, to turn to the words of my friend Senator MURRAY the bipartisan actions shown in Congress in the wake of the September 11 attacks helped to restore some semblance of safety and security. That common response is absent today.

To begin to heal, we need accountability. We need to live up to our constitutional oaths and the sacred duty our constituents bestowed on us when we were elected: to uphold the law, to stand for their values, and, when necessary, to stand for our own. We can only start to heal when we have accountability and justice for what happened. To achieve this, we need those who are in leadership positions to lead.

Republicans failed to lead last year when they voted to acquit Donald Trump for his corrupt actions in dealing with Ukraine by conditioning military assistance on receiving political dirt on Joe Biden. Their failure to lead, to hold Trump accountable, and frankly to constrain his mania, emboldened him to push the boundaries of our political discourse further.

Republicans have another chance to stand up for our democracy and against authoritarianism. They have a chance to accept the reality that has been clearly outlined for them in video, audio, and their own experiences. They can make a strong statement that political violence is unacceptable in the United States. They can—and should—vote to convict Donald Trump and bar him from ever holding office again. This is the real first, meaningful step that we can take to achieve the unity that we all claim to want.

I will vote to convict. I hope that this time, more than one of them will be brave enough to lead by standing up and doing what is right.

Ms. WARREN. Mr. President, I would like to enter a statement into the record.

The President swears an oath to faithfully execute the Office of the Presidency and to ''preserve, protect, and defend the Constitution of the United States.'' At the very core of that oath is a commitment to democracy, to government of the people, for the people, and by the people.

President Trump tested that commitment. Americans endured a pandemic while casting their votes in the November 2020 election. Following that election, the outgoing President baselessly sowed doubt about its legitimacy and refused to commit to a peaceful transition of power. In the days leading up to January 6, 2021, President Trump agitated his most dangerous supporters, who had already shown a propensity for violence, and called on them to interfere with Congress' duty to formally count the votes of the electoral college. Donald Trump wanted a riot to take place on January 6. We know because he said so. And when police officers defending the Capitol were overrun by his mob, he did nothing. Democracy is at its most fragile at the moment of transition, and that fragility is exactly what the former President sought to exploit.

During President Trump's second impeachment trial, his defense tried to paint for Americans a picture of a President who called for peaceful protest and who bears no responsibility for the January 6 assault on the People's House. But the President's actions took place before our eyes. His conduct before, during, and immediately after the assault on the Capitol is well known to the American public. He is uniquely responsible for the events of January 6.

Americans spoke clearly and forcefully in November when they elected a new President. Donald Trump's attempt to cling to power through lies and violence is just what the Framers of our Constitution feared. But part of the brilliance of our Constitution's separation of powers is that we, the Congress, have the power and obligation to defend against such gross misconduct through impeachment.

I voted to convict and disqualify former President Donald Trump because he violated his oath of office and because our future leaders must know that such abuses of power will not be tolerated in a free and democratic society. I will continue to call out these abuses and to keep those in power accountable.

Mr. MARKEY. Mr. President, the essence of any American President's job is set forth in the oath he or she swears—an oath that the Founders considered so fundamental that they put it in the Constitution. And that job is to preserve, protect, and defend the Constitution of the United States.

A President who violates that oath has committed an impeachable offense. That is a truth. There can be no reasonable dispute that a President who fails at this basic responsibility is unfit to remain in office and cannot and should not be permitted to hold that office again.

Not only did Donald Trump fail to uphold his oath, he took steps intended to violate it. It wasn't mere negligence. It wasn't even recklessness. Donald Trump engaged in an active, willful, intentional attack on our Constitution and our democracy.

Donald Trump incited to violence and riot a mob that attacked the U.S. Capitol and our government. That is a high crime and misdemeanor. We all saw and heard the evidence during the trial. The video. The audio. The tweets. The statements. The affidavits.

Months before the election, Donald Trump laid the groundwork for this insurrection, arguing he would only lose the election if there were fraud. After he lost, he repeated over and over again the ''Big Lie'' that the election was stolen. He agitated his supporters who falsely and wrongly believed that the election was rigged.

Trump beckoned a mob to Washington for a rally when he knew the Congress would be counting the electoral ballots. Trump's people knew from law enforcement bulletins and intelligence that the mob was armed and dangerous. Yet, he riled them up and then sent them up Pennsylvania Avenue to the Capitol. That rally became an orgy of violence and hate. Mayhem and destruction ensued, all in Donald Trump's pursuit of staying in office beyond his term. Of ignoring our Constitution. Of preventing a peaceful transfer of power. Of promulgating the Big Lie. Donald Trump did not express horror or outrage at the scenes playing out live on television. He did not quickly and decisively urge his supporters to stop. He did not immediately call out the National Guard. He did not show any concern for the law enforcement officers being beaten, maimed, and even killed at the Capitol. He reportedly delighted in what was happening, unable to comprehend why others were not excited about it like he was. And he has never shown any remorse or an ounce of contrition or taken any responsibility. Instead, he

has maintained that he acted perfectly appropriately.

The Senate of the United States sat as an Impeachment Court, with Democrats and Republicans serving as jurors. But the vast majority of those Republicans were more interested in fealty to Donald Trump than loyalty to our country. They were more concerned about Trump's base than basic justice. They were willing to ignore the truth to embrace the Big Lie.

I had hoped the House managers would call witnesses. Clearly, there were individuals with direct knowledge of Trump's state of mind during the insurrection, the danger at the Capitol as it unfolded, and his support of it. But even before we debated potential witnesses, Republicans had made up their minds. They were unmoving in their fealty to Trump. Republicans were willfully blind to the truth and the facts of the case.

The rioters wanted to kill Vice President Pence and House Speaker PELOSI. They told us so. We know that the west side of the Capitol was breached around 2 p.m. and that the rioters had overrun the Capitol. We know that the mob was approaching the Senate floor when our session was abruptly recessed at 2:13 p.m. We know that Vice President PENCE was whisked off the Senate floor and that he was in mortal danger, as were all Members of Congress in their Chambers doing their constitutional duty. We know that all this was playing out in real time on television and that Donald Trump had to know it was happening. And yet, about 10 minutes later, at 2:24 p.m., knowing all this, Donald Trump tweeted an attack at his own Vice President. ''Mike Pence did not have the courage to do what should have been done to protect our Country and our Constitution.'' And we know that around 2:26 p.m., Donald Trump called Senator TUBERVILLE not to ascertain what was happening, not ask how the Vice President was or to offer aid and assistance against the insurrection. No, Trump called to ask Senator TUBERVILLE to delay the certification. It is clear whose side Donald Trump was on.

There is no First Amendment defense to what Donald Trump did. The First Amendment has no application in an impeachment proceeding, which does not seek to punish unlawful speech, but to protect the Nation from a President who has violated his oath of office.

But even if the First Amendment applied, even if we bought Trump's lawyers' bogus claims that the First Amendment can be a defense, the argument utterly fails. Trump's lawyers relied on the Supreme Court's decision in Brandenburg v. Ohio, but Brandenburg explained that the First Amendment protects advocacy, ''except where such advocacy is directed to inciting imminent lawless action and is likely to incite or produce such action.'' Once the Capitol was breached, the lawless action was no longer imminent, it was actual. And Donald Trump was still tweeting words of encouragement to the rioters. There was a siege actually happening in the Capitol. There was no longer rhetorical fighting; there was actual fighting. On television. Live for everyone to see.

The House managers proved their case with facts and evidence. Donald Trump incited and relished in an effort to violently overthrow our government. He invited. He incited. He delighted.

Anyone who is opposed to abolishing the filibuster need only look at the vote to acquit and see how Republicans willfully blinded themselves to truth and facts in fealty to Trump and their party. Their votes to acquit once again show our hurdles to progress: Republican political calculations and their dereliction to truth and justice.

The final tally on the vote to acquit does nothing to reassure me that Republicans are willing to work together and transcend party politics. Republicans had the opportunity to recognize that faith in the Constitution is a faith that we all share. Instead, they ignored the Constitution for a Big Lie. How can we expect them to work in good faith with Democrats to respond to the big challenges facing our Nation when they refuse to accept undeniable facts?

The only reasonable conclusion based on the evidence presented at the trial was that Donald Trump committed an impeachable offense, should have been convicted, and should have been barred from holding future office. Republicans refused to accept or acknowledge that. I fear that with their votes to acquit, they have sown the seeds of another violent attack on our Constitution and our democracy.

Mr. SULLIVAN. Mr. President, the impeachment trial of former President Donald Trump marked the third time in 1 year that the Senate has had to confront significant constitutional and institutional questions with consequences that will undoubtedly reverberate into the future. As always, I am guided by the Constitution, historical precedent, and ''a deep responsibility to future times,'' as stated by Supreme Court Justice Joseph Story, our Nation's first great constitutional scholar, two centuries ago. This is what has informed me during last year's impeachment, the electorial college certification in January, and now another impeachment.

This has been a disheartening episode for a divided America. Make no mistake: I condemn the horrific violence that engulfed the Capitol on January 6. All those who undertook violence on that day should be prosecuted to the fullest extent of the law. I also condemn former President Trump's poor judgment in calling a rally on that day, and his actions and inactions when it turned into a riot. His blatant disregard for his own Vice President, Mike Pence, who was fulfilling his constitutional duty at the Capitol, infuriates me. I will never forget the brave men and women of law enforcement—some of whom lost their lives and were seriously injured—who carried out their patriotic duty to protect members of Congress that day.

However horrible the violence was—and how angry I have been about it—I believe that it is imperative, for the future of our democracy, to examine closely the totality of the precedents, impeachment proceedings, and evidence, and to be as dispassionate and impartial as possible in this case.

That is why I cast my vote, on February 13, 2021, to acquit former President Trump on the single Article of Impeachment, ''incitement of insurrection.''

The primary purpose of impeachment in our constitutional system is to remove an official from office—to, according to Justice Story, divest an official ''of his political capacity.'' The House's single Article of Impeachment emphasized this need to remove President Trump from office. Regarding this case before the Senate, President Donald Trump had already been removed from office by a vote of the American people this past November. Thus, pursuing impeachment in this case creates a troubling precedent in which former officials—private citizens—can face impeachment and conviction.

Therefore, the fundamental issue in this impeachment trial is not removal from office but whether the Senate has or should accept jurisdiction to try, convict, and disqualify Donald Trump, a private citizen, from any future elected office based on the House's single article of impeachment—incitement of insurrection.

The House and Senate have never before claimed or exercised such impeachment jurisdiction over a former President. I do not believe that the Constitution empowers the Senate to have such impeachment jurisdiction. In his renowned ''Commentaries on the Constitution,'' Justice Story comes to the same conclusion, although to be fair, there are others who do not. I believe that the precedents set in claiming that the Senate can try former Presidents who are private citizens have the very real potential to do significant long-term damage to our constitutional order, individual liberties, and the proper functioning of our Republic in a way that we will come to regret as a nation.

Additionally in this case, the House undertook a ''snap impeachment'' in 48 hours with no hearings, no witnesses, no record, and no defenses presented. When asked about this during the Senate trial, the House managers stated that constitutional due process protections for a defendant in an impeachment are ''discretionary'' or, in other words, not required. This troubling declaration is now a precedent in the House. Combining this ''no Due Process/snap impeachment'' precedent with the additional power of the Senate to try former officials, who are now private citizens, amounts to a massive expansion of Congress' impeachment

power never contemplated by our Founding Fathers. The temptation to use such power as a regular tool of partisan warfare in the future will be great and has the potential to incapacitate our government.

Those in favor of expanding impeachment jurisdiction to include the former President primarily point to the potential for Presidents or other officials to commit impeachable acts near the end of their term or shortly before resigning. The House managers called this a ''January exception'' to impeachment. They argued that this would allow such individuals to escape culpability and would frustrate the purpose of impeachment to hold public officials accountable. This is a legitimate concern. However, there are other remedies available to punish such conduct of a former President through the judicial system, if warranted. The Constitution explicitly provides that former officials can be subject to criminal prosecution for their actions while in office, regardless of impeachment. Moreover, even if such conduct eludes judicial review, the American people are well equipped to judge political conduct and pass their judgement upon it. For that reason, and as I emphasized last year following the previous impeachment trial, I believe it can be left to the wise judgement of the American people on whether or not the former President should be disqualified from future office.

Even if this Senate was empowered by the Constitution to hear this case, I do not believe that the House managers met their burden in proving the critical issue at trial—whether the former President intended there to be violence at the Capitol as a result of his speech at the Ellipse on January 6. Furthermore, the House managers claimed, in arguing their incitement charge, that First Amendment political speeth protections do not apply to elected officials in impeachment proceedings. A conviction based on this breathtaking precedent has the potential to significantly further undermine core constitutional protections for Americans and their ability to undertake political speech in the future.

Finally, laced throughout the House managers' presentations were subtle and not-sosubtle indictments, not just against the Capitol rioters who fully deserve condemnation but against all supporters of the former President, which of course includes many Alaskans. This sentiment is one that cannot and should not be allowed to be perpetuated. In my view, this will not bring about the kind of unity that our Nation needs now. In contrast to what some of the House managers implied at this trial, the vast majority of Americans and Alaskans who had supported President Trump were appalled by the violence on January 6. Such Alaskans supported this President because of his polices that helped our State. I will continue to work to make sure that these Alaskans' voices are not silenced and that this dispiriting chapter in American history won't deter them from speaking out in defense of their beliefs.

This has been a difficult time for our Nation. My vote on February 13 was not in defense of the former President's conduct on January 6 with which I fully disagreed, particularly his twitter attacks on Vice President Pence, as the Vice President undertook his constitutional duties to preside over the electoral college vote at the Capitol.

At the end of the day, my obligation is to rise above the passions of the moment and to carefully consider the decisions we make today and the ramifications they will have for our country's future. I believe that my vote to acquit fulfills that obligation. I want Alaskans and Americans to know that throughout all of this, my guiding light has been both fidelity to Alaska and to our Constitution.

Ms. CORTEZ MASTO. Mr. President, during this impeachment trial, I have adhered to the oath I swore at the trial's outset to ''do impartial justice,'' and I have listened with care to the facts and law presented to me as a juror.

These facts compel me to conclude that Donald Trump is guilty of inciting an insurrection against our Republic.

As the evidence presented by the House impeachment managers has made clear, Donald Trump used the powers at his disposal to ensure he could keep his grip on the Presidency even though he lost the election.

As the sitting President and a candidate for reelection, Donald Trump cast doubt on the results of that election for months, arguing that the only way he would lose at the polls was by fraud. Then, after losing to Joe Biden by a margin of 7 million votes in a free and fair election, Donald Trump claimed it was a ''fraudulent election.''

As our system of government allows, Donald Trump turned to State and Federal courts to hear his allegations of widespread fraud. Some of those courts were presided over by judges who Donald Trump himself had selected. Again and again, those courts rejected the allegations of fraud as baseless.

Even Trump's own Attorney General, William Barr, publicly declared that he had found no evidence of fraud that could have ''effected a different outcome in the election.''

Faced with defeat in the courts, Mr. Trump nevertheless pressured officials at every level of both State and Federal government, including his own Vice President, Mike Pence, to change the election results.

When those efforts failed, he encouraged his supporters to come to Washington, DC, on January 6, the day when Congress would certify the electoral college votes for Joe Biden. He claimed that the election was stolen and tweeted ''We have just begun to fight,'' promising that on January 6, it would be ''wild.'' On December 11, 2020, Donald Trump released two campaign ads claiming the election was a ''fraud'' and instructing his supporters to ''stop the steal.'' His campaign paid $50 million dollars for the ads and ran them up to and until January 5, 2021.

Those who heeded that well-funded call understood what President Trump was asking. They didn't just come with protest signs; they came with handcuffs and rifles, bear spray and tactical gear, Molotov cocktails and crossbows, and walkie talkies for communication.

On January 6, at a rally just before noon, Donald Trump asked the large crowd assembled before him to march on the Capitol. He asked them to fight ''like hell'' because ''if you don't fight like hell, you're not going to have a country anymore.''

Despite knowing that there had been concerns for months about potential violence surrounding the election, Donald Trump urged those at the rally 20 times to ''fight.'' He also called on them to ''stop the steal,'' declaring ''you'll never take back our country with weakness.''

Inspired by President Trump's words, his supporters began streaming toward the Capitol, where they eventually overwhelmed its defenses and threatened those inside. Those in danger included the Vice President, the Speaker of the House, Members of Congress, countless staffers, and thousands of members of law enforcement.

And when Donald Trump saw that his supporters were battling U.S. Capitol Police officers and DC police, he said nothing to stop them for more than 2 hours, even when he knew that Vice President Pence, one of his most loyal political allies, was in danger. More, he tweeted further criticism of Mr. Pence as the Vice President's Secret Service detail was laboring to whisk Mr. Pence to safety.

Donald Trump was willing to do almost anything to convince Vice President Pence to violate his duty to the Constitution, and so the Vice President had a target on his back.

In other words, those who came to Washington at former President Trump's request and attacked the seat of our democracy were trying to do exactly what they believed Donald Trump asked them to: prevent the certification of Joe Biden as President-elect.

That is why they frankly admitted, both during the Capitol riot and later to law enforcement, that they were at the Capitol because ''[o]ur president wants us here.''

In response to all these facts, Donald Trump argues that the Constitution does not permit ex-Presidents to be tried for impeachment and that the First Amendment protects his right to encourage an attack on our democracy. These arguments are lawyerly fig leaves. Mr. Trump relies on them so heavily because his own behavior is indefensible.

The vast majority of legal scholars agree that the First Amendment does

not apply in this instance because the incitement of an insurrection is not protected speech under the Constitution. They also believe the Constitution allows for the impeachment and trial of public officials after they leave office, particularly when, as in this case, the public official was impeached by the House of Representatives while still in office.

Otherwise, all an office-holder would have to do to protect him or herself from punishment would be to resign just before impeachment. The Senate has implicitly or explicitly agreed with this view three times in our Nation's history; first, in the very first impeachment trial against former Senator William Blount of Tennessee, held during the lifetime of the Founders; second, in 1876 when Secretary of War William Belknap resigned just hours before the House voted to impeach him for bribery and corruption; and finally, in this impeachment trial of Donald Trump, when a bipartisan majority of the Senate agreed that this trial could proceed in spite of the defendant's objections to its constitutionality.

My colleagues understand that the Constitution gives Congress the power to impeach, convict, and disqualify a former officeholder. This is true because otherwise, the country would be vulnerable to a President of either party who could flout any law but resign to be insulated from consequences.

As the House managers have argued, if anything is impeachable, it is a President inciting his followers to violence to overturn a legitimate election.

Our Founding Fathers held democracy sacred. They feared a demagogue, a leader who would pervert the Constitution in order to keep power, and they sought to protect the new Republic from such a president.

Donald Trump is the person the Framers feared. He poses an existential threat to American democracy. He has shown himself willing to use almost every measure at his disposal to gain and retain power, even if it means overturning a free and fair election through violence.

We can have no doubt what our Founding Fathers would have made of him: He was exactly the kind of person they wanted to prevent from holding and wielding power.

We have seen over the course of this election the profound risks of trifling with our democracy and undermining the legitimacy of our elections. We cannot let future candidates of either party believe that in America, the way to win is to lie and cheat, to whip a crowd into a frenzy, to turn it on public servants and law enforcement alike. We have to reestablish in our politics our absolute commitment to the idea that we resolve our disputes in our courts and in Congress, not by wielding weapons against lawmakers.

Our Founding Fathers made clear in the very preamble to the Constitution that ''We the people . . . in order to form a more perfect union, establish justice, ensure domestic tranquility . . . do ordain and establish this Constitution.'' America cannot be tranquil unless its leaders forswear violence and stand up for democracy. That is why I voted to convict Donald J. Trump of high crimes and misdemeanors against the American people.

Unfortunately for our country, many of my colleagues did not agree. I know this is difficult news for many American patriots, who, just as I do, love and cherish our democratic traditions, the rule of law, and the centuries-old tradition of the peaceful transfer of power. To that majority of Americans, I want to say: We must not lose faith in our system of government. We must work all the more diligently to protect it.

Right after Supreme Court decided the Dred Scott case—the most odious case in our long legal history—the great abolitionist and orator Frederick Douglass gave a speech. I turn to this speech whenever I am in need of hope.

Precisely when slavery seemed to have won a decisive victory, Frederick Douglass, himself a former slave, said in that speech that his ''hopes were never brighter than now.'' He believed that the world would see what a ''scandalous tissue of lies'' the Supreme Court's decision in Dred Scott was. And he was right. History holds that Court case as one of the most shameful in our history, and I believe it will likewise condemn Donald Trump's incitement of the Capitol attack. So today I remain hopeful because the people of Nevada and all Americans have been able to see the truth for themselves, and they understand that Donald J. Trump must never again be trusted to protect our sacred democracy.

Ms. SMITH. Mr. President, the facts and the evidence were overwhelming: Former President Donald Trump lied for months to his supporters, summoned them to Washington, and incited a violent insurrection against our government and our democracy. I voted to convict because no reasonable person can listen to all the evidence presented and believe otherwise.

Mr. MARSHALL. Mr. President, I would like to submit this statement for the record regarding the impeachment trial of former President Donald Trump. The statement reflects my thoughts on this complicated constitutional matter and its implications for future impeachments.

In 1787, the Articles of Confederation were failing, and our young Nation was struggling to address the many challenges it was being confronted with in its infancy. A collection of independent States, the newly formed country experienced much difficulty with the regulation of trade and commerce, foreign affairs, and other basic domestic civil issues. With calls for disunion multiplying, delegates to the Constitutional Convention met to deliberate and forge a new government and with it an Executive to help centralize the powers necessary to form a strong republic. Having just shed the bonds of the British Monarchy and its infringements upon the liberties the delegates so desperately wanted to protect, there was much skepticism toward this idea. In order to abate these concerns, the Constitution's Framers provided for a means of removing an Executive, a Presidential impeachment.

After much debate over particular wording, article II, section 4 of the Constitution adopted by the delegates reads: ''The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.''

This is the fundamental impeachment provision contained in the Constitution and provides the primary evidence as to why the lone Article passed out of the House as well as the subsequent trial in the Senate, was unconstitutional. As this section shows, impeachment refers to ''the President'' and other officials, and it provides that that they shall be ''removed from Office.'' Donald J. Trump is no longer the President of the United States and therefore can no longer be removed from office. He is a private citizen.

Further evidence that Donald Trump is no longer the President and therefore that this trial is unconstitutional can be found within the Senate's impeachment authority: Article 1, section 3 provides that ''When the President of the United States is tried, the Chief Justice shall preside.'' Chief Justice John Roberts did not preside over the impeachment trial, and instead that role was filled by the senior Senator from Vermont, PATRICK LEAHY. In a statement, Senator LEAHY himself stated that the President pro tempore of the Senate ''has historically presided over Senate impeachment trials of non-presidents.'' These facts demonstrate that Chief Justice Roberts declined to preside over the trial because he did not believe that he had a constitutional role and that Senator LEAHY acknowledged that Donald Trump was no longer an officeholder. Finally, article 1, section 3 provides, ''Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor.'' This reiterates that removal from office must occur before that person is disqualified from holding an office again. If the Founders had intended that disqualification be a separate judgment, then the Constitution would have clearly stated ''or'' rather than ''and.'' The Constitution does not give the Senate the authority to try a private citizen or to remove him from an office that he no longer occupies.

It also does not give the Senate the authority to disqualify him from an office that he was not removed from.

I voted to acquit former President Donald Trump of the charge of inciting

an insurrection for the January 6 Capitol riot because of these basic concerns surrounding the constitutionality of the proceeding. The impeachment of a private citizen, driven by political obsession, sets a very dangerous precedent. What would prevent a Republican-controlled Congress from impeaching former President Barack Obama or Secretary of State Hillary Clinton? What about historical Presidents such as George Washington, whose pivotal legacy no longer appears to meet the moral standards of contemporary times? While the political retaliation against the President is certain to continue now that he is out of office, I am proud to have been a part of the minority in the Senate to stand up to this type of unconstitutional behavior and to acquit Donald Trump.

SENATE SUBCOMMITTEE ON EMERGING THREATS AND SPENDING OVERSIGHT RULES OF PROCEDURE

Mr. PETERS. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 26, 2021, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Emerging Threats and Spending Oversight adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Emerging Threats and Spending Oversight.

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

117th Congress

RULES OF PROCEDURE FOR THE SENATE SUBCOMMITTEE ON EMERGING THREATS AND SPENDING OVERSIGHT OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS AS ADOPTED

February 26, 2021

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any measures, matters, or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chair of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chair may subpoena attendance or production without the approval of the Ranking Minority Member where the Chair or a staff officer designated by the Chair has not received notification from the Ranking Minority Member or a staff officer designated by the Chair of disapproval of the subpoena within 2 calendar days, excluding Saturdays and Sundays and legal holidays in which the Senate is not in session, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chair and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by the Chair and Ranking Minority Member for the full Committee, by the Subcommittee Chair or a staff officer designated by the Chair, and no subpoena shall be issued for at least 2 calendar days, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chair and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 2–calendar day waiting period or unless the Subcommittee Chair certifies in writing to the Chair and Ranking Minority Member of the full Committee that, in the opinion of the Chair, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chair authorizes subpoenas, subpoenas may be issued upon the signature of the Chair or any other Member of the Subcommittee designated by the Chair.

SENATE SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND BORDER MANAGEMENT RULES OF PROCEDURE

Mr. PETERS. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 26, 2021, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Government Operations and Border Management adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Government Operations and Border Management.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND BORDER MANAGEMENT

(1) Subcommittee Rules. The Subcommittee shall be governed, where applicable, by the rules of the Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) Quorums. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter. One-third of the Members of the Subcommittee shall constitute a quorum for the transaction of business other than the administering of oaths and the taking of testimony, provided that one Member of the minority is present. Proxies shall not be considered for the establishment of a quorum.

(3) Taking Testimony. In any hearings conducted by the Subcommittee, the Chair or the Chair's designee may swear in each witness prior to their testimony.

(4) Subcommittee Subpoenas. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chair, or any other Member of the Subcommittee designated by him or her, with the approval of the Ranking Minority Member of the Subcommittee, provided that the Chair may subpoena attendance or production without the approval of the Ranking Minority Member where the Chair or a staff officer designated by him or her has not received notification from the Ranking Minority Member or a staff officer designated by him or her of disapproval of the subpoena within two calendar days excluding Saturdays and Sundays, of being notified of the subpoena. If the subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by a vote of the Members of the Subcommittee.

A written notice of intent to issue a subpoena shall be provided to the Chair and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chair, or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least two calendar days, excluding Saturdays and Sundays, from delivery to appropriate offices, unless the Chair and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the two-calendar day waiting period or unless the Subcommittee Chair certifies in writing to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs that, in his or her opinion, it is necessary to issue the subpoena immediately.

SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS RULES OF PROCEDURE

Mr. PETERS. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On March 1, 2021, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Permanent Subcommittee on Investigations adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Permanent Subcommittee on Investigations.

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

117th Congress

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS AS ADOPTED

March 1, 2021

1. No public hearing connected with an investigation may be held without the approval of either the Chair and the Ranking Minority Member or a Majority of the Members of the Subcommittee.[1] In all cases, notification to all Subcommittee Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The Ranking Minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee Majority staff upon the approval of the Chair and notice of such approval to the Ranking Minority Member, Minority Staff Director, or the Minority Chief Counsel. Preliminary inquiries may be undertaken by the Minority staff upon the approval of the Ranking Minority Member and notice of such approval to the Chair, Staff Director, or Chief Counsel. Investigations may be undertaken upon the approval of the Chair and the Ranking Minority Member with notice of such approval to all Members of the Subcommittee.

No public hearing shall be held if the Minority Members of the Subcommittee unanimously object, unless the Committee on Homeland Security and Governmental Affairs (the ''Committee'') approves of such public hearing by a majority vote.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chair, or any other Member of the Subcommittee designated by the Chair, with notice to the Ranking Minority Member. A written notice of intent to issue a subpoena shall be provided to the Chair and Ranking Minority Member of the Committee, or staff officers designated by them, by the Chair or a staff officer designated by the Chair, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chair and Ranking Minority Member of the Committee waive the 48 hour waiting period or unless the Chair certifies in writing to the Chair and Ranking Minority Member of the Committee that, in the Chair's opinion, it is necessary to issue a subpoena immediately.

3. The Chair shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chair to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chair to call a special meeting, they may file, in the office of the Subcommittee, a written request therefor, addressed to the Chair. Immediately thereafter, the clerk of the Subcommittee shall notify the Chair of such request. If, within 3 calendar days after the filing of such request, the Chair fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its date and hour. If the Chair is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

One-third of the Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony, provided that at least one member of the minority is present.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, witness counsel, or any spectator conducts themselves in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chair or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, a representative of the Sergeant at Arms of the Senate, or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing and to advise such witness while the witness is testifying of the witness's legal rights; *provided, however*, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chair may rule that representation by counsel from the government, corporation, or association, or by counsel representing another witness, creates a conflict of interest, and that the witness may only be represented during interrogation by Subcommittee staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing another witness. This rule shall not be construed to excuse a witness from testifying in the event witness counsel is ejected for conduct preventing, impeding, disrupting, obstructing, or interfering with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chair. The Chair of the Committee and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chair or such Subcommittee Member as designated by the Chair. If the Chair or designated Member overrules the objection, these Members may refer the matter to the Subcommittee or may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after being ordered and directed to answer by the Chair or designated Member.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in the individual's presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from the obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chair, Staff Director, or Chief Counsel 48 hours in advance of the hearings at which the statement is to be presented unless the Chair and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during testimony, television, motion picture, and other cameras and lights, shall not be directed at the witness. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of a witness's own testimony, whether in public or executive session, shall be made available for inspection by the witness or witness counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at the witness's expense if requested.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Subcommittee Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chair questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chair, by a Member of the Subcommittee, or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame the person or otherwise adversely affect the person's reputation, may (a) request to appear personally before the Subcommittee to testify, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chair, Staff Director, or Chief Counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chair and the Ranking Minority Member waive this requirement.

If a person requests to file a sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in the person's sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Members of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the Minority Members of the Subcommittee.

18. The Ranking Minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the Minority and such other professional staff and clerical assistants as the Ranking Minority Member deems advisable. The total compensation allocated to such Minority staff shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The Minority staff shall work under the direction and supervision of the Ranking Minority Member. The Minority Staff Director and the Minority Chief Counsel shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chair and Ranking Minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chair and Ranking Minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.

ENDNOTE

1. Throughout these rules, the Chair and Ranking Minority Member of the Subcommittee are referred to simply as the ''Chair'' and the ''Ranking Minority Member.'' These rules refer to the Chair and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs as the Chair and Ranking Minority Member ''of the Committee.''

59TH INAUGURAL CEREMONIES

Ms. KLOBUCHAR. Mr. President, I come to the floor today to thank the staff who worked tirelessly to ensure the 59th inaugural ceremonies were a success even under extreme and extraordinary circumstances.

The Joint Congressional Committee on Inaugural Ceremonies, also known as JCCIC, is tasked with the planning and execution of the inaugural ceremonies of the President-Elect and Vice President-Elect of the United States at the Capitol. This ceremony is the culmination of 244 years of a democracy. It is the moment when our leaders promise to be faithful to our Constitution. It is the moment when they become, as we all should be, the guardians of our country.

I would like to thank the chair of JCCIC, Senator BLUNT, for his outstanding work to ensure that the inauguration was an extraordinary success. It was a pleasure to work with Senator BLUNT and his extremely professional staff.

I want to commend the entire JCCIC staff, especially Maria Lohmeyer, the Chief of Inaugural Ceremonies, for their remarkable accomplishment. I also want to thank Vincent Brown, who works for me on the Senate Rules Committee, for his work while detailed to JCCIC, as well as my chief of staff, Lindsey Kerr, who worked diligently with JCCIC and many other agencies and offices to ensure a smooth Inauguration.

Maria, Vincent, Lindsey, and the entire committee staff have shown that, through hard work and determination, the entire world can see our democracy prevail.

This year's inauguration was the 59th in our country's history, and it may have been one of the most challenging ever to design. Planning an inauguration under normal circumstances is difficult, but this year's event occurred in the midst of a global pandemic, just 2 weeks after rioters climbed the inaugural stage to siege the Capitol.

The inauguration is an important symbol in our democracy. It has marked the peaceful transfer of power for more than 200 years. It sends an important message to the American people and the world, of unity and a commitment to our democratic principles.

Inauguration day represents a new beginning for the country. It marks the beginning of healing, of unifying, of coming together to get through this crisis.

This inauguration was the result of Democrats and Republicans working together to bring about this important symbol of our determined democracy.

And that spirit of bipartisanship, of working together, was certainly present on the Joint Congressional Committee on Inaugural Ceremonies.

Thank you to everyone who made that incredible day one we will remember forever.

RECOGNIZING THE 90TH ANNIVERSARY OF THE NATIONAL LIBRARY SERVICE FOR THE BLIND AND PRINT DISABLED

Ms. KLOBUCHAR. Mr. President, I rise today to recognize the National Library Service for the Blind and Print Disabled on its 90th anniversary. The National Library Service, or NLS, is part of the Library of Congress, an institution that has long been committed to serving readers with disabilities. The concept of a national library for the blind was introduced in 1897 by the seventh Librarian of Congress, John Russell Young, who established a reading room for the blind that included more than 500 books and music items in raised characters.

In 1913, Congress began to require that one copy of each book be made in raised characters and deposited in the Library of Congress for educational use; but, as impressive as this collection was, it was only available to people who were able to visit in person. In 1931, legislation led by Representative Ruth Pratt of New York and Senator Reed Smoot of Utah created what we now know as the National Library Service for the Blind and Print Disabled to help provide services to blind readers across the country through a national network of cooperating libraries, in braille or audio formats, mailed directly to patrons, or available through instant download. Since its establishment, the service has grown to expand service to children, serve people with physical and reading disabilities, and encompass an accessible music materials collection that is now the largest in the world.

I also want to recognize the central role local libraries play in connecting the national NLS program to constituents in my State. NLS and the Minnesota Talking Book and Braille Library provide service to nearly 6,600 people and over 1,600 institutions in Minnesota, each day working to make the NLS mission ''that all may read'' a reality.

The National Library Service for the Blind and Print Disabled has long had an innovative approach to meeting the needs of Americans with disabilities, with an institutional history that spans phonograph records, cassette tapes, flash memory cartridges, and the internet while it continually supplies hard-copy and digital braille materials. Today, I congratulate the National Library Service for the Blind and Print Disabled and its dedicated staff on its 90th anniversary and express my appreciation of their continued commitment to ensuring that all may read.

ADDITIONAL STATEMENTS

RECOGNIZING THE 75TH ANNIVERSARY OF ENIAC DAY

● Mr. CASEY. Mr. President, I rise today in commemoration of the 75th anniversary of the electronic numerical integrator and computer. This anniversary, formally known as ENIAC Day, marks the 1946 dedication at the University of Pennsylvania of the first all-electronic, programmable computer.

Invented by John Mauchly and J. Presper Eckert of the University's Moore School of Electrical Engineering, construction of the computer began in July 1943. After several years of tireless work, Mauchly and Eckert produced a 27–ton computer that occupied 1,800 square feet of floor space and could complete complex calculations near instantaneously. Also due credit are the original programmers of ENIAC, Kathleen McNulty Mauchly Antonelli, Jean Jennings Bartik, Frances Betty Snyder Holberton, Marlyn Wescoff Meltzer, Frances Bilas Spence, and Ruth Lichterman Teitelbaum, without whom the operation of the machine would not be possible. After ENIAC, Mauchly and Eckert continued to be industry pioneers and went on to invent UNIVAC, the first commercial computer. Today's Unisys Corporation, which I am proud to note is headquartered in Blue Bell, PA, traces a momentous part of its origins back to J. Presper Eckert and John Mauchly and their early inventions.

As we mark this 75th anniversary, we marvel at the impact of ENIAC and how far computers have come. While ENIAC was originally intended as a tool to further our national defense, we have come to rely on later iterations of the computer in all aspects of life. Computers enable us to be more efficient, more connected and have transformed the world we live in. I look forward to what the world looks like when we celebrate the 100th anniversary of ENIAC Day in 2046.●

RECOGNIZING CONTINUOUS COMPOSITES

● Mr. RISCH. Mr. President, as a senior member and former chairman of the Senate Committee on Small Business and Entrepreneurship, each month I recognize and celebrate the American entrepreneurial spirit by highlighting the success of a small business in my home State of Idaho. Today, I am pleased to honor Continuous Composites, Inc., in Coeur d'Alene as the Idaho Small Business of the Month for March 2021.

Continuous Composites is a technology company developing composite additive manufacturing solutions cofounded by Ken Tyler, John Swallow, and Tyler Alvarado in 2015. The company owns the world's earliest granted patents on Continuous Fiber 3D Printing—CF3D—a revolutionary, automated manufacturing process that utilizes high-performance continuous fibers, e.g., carbon fiber, glass fiber, optical fibers, with ''snap curing'' thermoset resins to produce lightweight, high-performance composite parts on-demand. Historically, composites have been limited to high-end products, including military applications, where the advantages of high-performance, low-weight materials outweigh costly conventional manufacturing processes. CF3D is reshaping composites manufacturing at exponentially reduced costs and lead times while providing users with a much greater degree of design freedom. The company has an extraordinary opportunity to change how industrial businesses and the Department of Defense innovate and manufacture throughout the entire product life cycle, from design and prototyping to serial production and sustainment. Continuous Composites' novel approach to 3–D printing has garnered interest from many industry leaders, national laboratories, and government agencies resulting in strategic partnerships and multimillion dollar equity investments. Continuous Composites' CF3D technology is directly aligned with the United States of America's national defense strategy, which has led to significant engagement from the Air Force Research Laboratory.

Since its founding, Continuous Composites has been rapidly hiring numerous engineers and business professionals, attracting talent from across the country to Coeur d'Alene. Last September, Alvarado and Swallow announced the remodel and opening of a 7,500-square-foot manufacturing demonstration facility on their campus in downtown Coeur d'Alene. This historic building is now being used for advanced research, development, and commercialization of CF3D. The expansion will provide high-paying, in-demand jobs of the future to the Coeur d'Alene community.

Continuous Composites is an outstanding example of a small, trailblazing Idaho business that is leading the way in technological innovation. Congratulations to Tyler, John, Ken, and the whole Continuous Composites team for your outstanding achievements. You make our great State proud, and I look forward to your continued growth and success.●

MESSAGE FROM THE HOUSE

At 3:39 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5. An act to prohibit discrimination on the basis of sex, gender identity, and sexual orientation, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time, and placed on the calendar:

S. 461. A bill to create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States.

S.J. Res. 9. Joint resolution proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices.

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–526. A communication from the Program Analyst, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Advanced Methods to Target and Eliminate Unlawful Robocalls, Fourth Report and Order'' ((CG Docket No. 17–59) (FCC 20–187)) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2021; to the Committee on Commerce, Science, and Transportation.

EC–527. A communication from the Program Analyst, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Limits on Exempted Calls Under the Telephone Consumer Protection Act of 1991'' ((CG Docket No. 02–278) (FCC 20–186)) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2021; to the Committee on Commerce, Science, and Transportation.

EC–528. A communication from the Attorney for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Fees for Production of Records; Other Amendments to Procedures for Disclosure of Information Under the Freedom of Information Act'' ((16 CFR Part 1015) (Docket No. CPSC–2020–0011)) received in the Office of the President of the Senate on February 23, 2021; to the Committee on Commerce, Science, and Transportation.

EC–529. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; New Jersey Intracoastal Waterway, Atlantic City, New Jersey'' ((RIN1625–AA09) (Docket No. USCG–2020–0215)) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2021; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–1. A concurrent resolution adopted by the General Assembly of the State of Ohio urging the United States Congress to enact H.R. 1556, the Sunshine Protection Act of 2019 which would permanently extend daylight savings time; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION 8

Whereas, The Congress of the United States first adopted daylight saving time during World War I to support war industries. In addition, continuous daylight saving time was observed during World War II, referred to as War Time, and during the 1973 oil crisis; and

Whereas, The benefits of daylight saving time include additional daylight in the evening hours, increased outdoor playtime for the children and youth, expanded economic opportunities, energy savings, improved traffic safety, and crime reduction; and

Whereas, States are currently precluded from establishing permanent daylight saving time by federal law, which requires the United States Secretary of Transportation to enforce uniform application of that law across all time zones (certain states, such as Arizona, previously opted out of daylight saving time); and

Whereas, The Sunshine Protection Act of 2019 (H.R. 1556), introduced in the 116th Congress, would institute permanent daylight saving time nationwide; now therefore be it

Resolved, That we, the members of the 133rd General Assembly of the State of Ohio, urge the Congress of the United States to enact The Sunshine Protection Act of 2019 (H.R. 1556); and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the members of the Ohio Congressional delegation, and the news media of Ohio.

POM–2. A petition from a citizen of the State of Texas relative to the Supreme Court; to the Committee on the Judiciary.

POM–3. A petition from a citizen of the State of Texas relative to constitutional conventions; to the Committee on Homeland Security and Governmental Affairs.

POM–4. A petition from a citizen of the State of Texas relative to credit inquiries; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs:

Special Report entitled ''Activities of the Committee on Homeland Security and Governmental Affairs'' (Rept. No. 117–1).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. DURBIN for the Committee on the Judiciary.

Merrick Brian Garland, of Maryland, to be Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. WYDEN (for himself, Mr. WARNER, Mr. BROWN, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. SANDERS, Ms. SINEMA, Mr. VAN HOLLEN, Mr. KAINE, Ms. HIRONO, Mr. MENENDEZ, Mr. MERKLEY, Mr. BOOKER, Mr. MARKEY, Ms. ROSEN, Mr. DURBIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. BENNET, and Mr. SCHATZ):

S. 490. A bill to modernize the technology for delivering unemployment compensation, and for other purposes; to the Committee on Finance.

By Mr. KING (for himself and Ms. COLLINS):

S. 491. A bill to amend the Wild and Scenic Rivers Act to designate certain river segments in the York River watershed in the State of Maine as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARKEY (for himself, Ms. WARREN, and Mr. SANDERS):

S. 492. A bill to amend the Revised Statues to remove the defense of qualified immunity in the case of any action under section 1979, and for other purposes; to the Committee on the Judiciary.

By Ms. CORTEZ MASTO (for herself, Ms. SMITH, and Ms. ROSEN):

S. 493. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of exempt facility bonds for zero-emission vehicle infrastructure; to the Committee on Finance.

By Ms. CORTEZ MASTO:

S. 494. A bill to amend the Internal Revenue Code of 1986 to provide for a credit for zero-emission buses; to the Committee on Finance.

By Mr. THUNE:

S. 495. A bill to prioritize the allocation of H–2B visas for States with low unemployment rates; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself and Ms. WARREN):

S. 496. A bill to amend the Internal Revenue Code of 1986 to exclude from taxable income any student loan forgiveness or discharge; to the Committee on Finance.

By Mr. SULLIVAN (for himself, Ms. MURKOWSKI, Ms. WARREN, Mr. MARKEY, and Ms. CANTWELL):

S. 497. A bill to establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE (for himself and Mr. DAINES):

S. 498. A bill to amend title 54, United States Code, to limit the authority to reserve water rights in designating a national monument; to the Committee on Energy and Natural Resources.

By Mrs. SHAHEEN (for herself, Mr. CASEY, Mr. BENNET, Ms. HASSAN, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. REED, Ms. CORTEZ MASTO, Ms. STABENOW, Ms. SMITH, Mr. TESTER, Mr. MURPHY, Mr. CARDIN, Ms. ROSEN, Ms. KLOBUCHAR, and Mr. KAINE):

S. 499. A bill to amend the Internal Revenue Code of 1986 to expand eligibility for the refundable credit for coverage under a qualified health plan, to improve cost-sharing subsidies under the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Finance.

By Mr. CASSIDY (for himself and Ms. ROSEN):

S. 500. A bill to prohibit the transfer or sale of certain consumer health information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAINES (for himself, Mr. CRUZ, Ms. ERNST, Mr. LANKFORD, Mr. LEE, Mr. JOHNSON, Mr. PAUL, Mr. RUBIO, Mr. TOOMEY, and Mr. PORTMAN):

S. 501. A bill to prohibit earmarks; to the Committee on Rules and Administration.

By Ms. CORTEZ MASTO:

S. 502. A bill to amend chapter 53 of title 49, United States Code, to incorporate zero-emission fueling technology into the definition of ''capital project''; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN (for himself, Mr. MENENDEZ, and Mr. CARDIN):

S. 503. A bill to amend part D of title IV of the Social Security Act to allow States to use incentive payments available under the child support enforcement program to improve parent-child relationships, increase child support collections, and improve outcomes for children by supporting parenting time agreements for noncustodial parents in uncontested agreements, and for other purposes; to the Committee on Finance.

By Ms. CORTEZ MASTO (for herself, Ms. SMITH, Ms. STABENOW, Mr. MERKLEY, Ms. ROSEN, Ms. HIRONO, Mr. HEINRICH, and Mr. WYDEN):

S. 504. A bill to establish the Green Spaces, Green Vehicles Initiative to facilitate the installation of zero-emissions vehicle infrastructure on National Forest System land, National Park System land, and certain related land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BLUMENTHAL (for himself, Mr. MARKEY, Mr. SCHATZ, Mr. WHITEHOUSE, Mr. BROWN, Mr. WYDEN, Mr. MERKLEY, Ms. HIRONO, Mr. CASEY, Ms. WARREN, Mr. BOOKER, Mr. LEAHY, Mr. MENENDEZ, Ms. CANTWELL, Ms. CORTEZ MASTO, Mr. MURPHY, Ms. ROSEN, Mr. REED, Mr. DURBIN, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. COONS, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. HEINRICH, Ms. SMITH, Mrs. FEINSTEIN, Ms. DUCKWORTH, Mrs. SHAHEEN, Mr. CARPER, Ms. HASSAN, Mr. PETERS, Mr. BENNET, Mr. KAINE, Mr. SANDERS, Mr. PADILLA, Mrs. MURRAY, Mr. LUJÁN, Mr. WARNOCK, and Mr. OSSOFF):

S. 505. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

By Ms. CORTEZ MASTO (for herself and Mrs. MURRAY):

S. 506. A bill to establish the Clean School Bus Grant Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CORTEZ MASTO:

S. 507. A bill to increase deployment of electric vehicle charging infrastructure in low-income communities and communities of color, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CORTEZ MASTO (for herself, Ms. SMITH, Ms. STABENOW, Mr. MERKLEY, Ms. ROSEN, Ms. HIRONO, Mr. HEINRICH, and Mr. WYDEN):

S. 508. A bill to establish a working group on electric vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. SULLIVAN (for himself and Mr. MURPHY):

S. 509. A bill to establish a program to assist States in establishing or enhancing community integration network infrastructure for health and social services; to the Committee on Health, Education, Labor, and Pensions.

By Ms. WARREN (for herself, Mr. MARKEY, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. SCHATZ, Mr. SANDERS, Mr. MERKLEY, and Ms. HIRONO):

S. 510. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the net value of assets of a taxpayer, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 511. A bill to establish the Bronzeville-Black Metropolis National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. WARREN (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Ms. ROSEN, Ms. STABENOW, Mr. VAN HOLLEN, and Mr. WYDEN):

S. 512. A bill to require the Centers for Disease Control and Prevention to collect and report certain data concerning COVID–19; to the Committee on Health, Education, Labor, and Pensions.

By Ms. ROSEN (for herself and Mr. CORNYN):

S. 513. A bill to improve access to economic injury disaster loans and emergency advances under the CARES Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. KLOBUCHAR (for herself, Ms. SMITH, Mr. MERKLEY, Ms. WARREN, Mr. DURBIN, Mr. HEINRICH, Mrs. FEINSTEIN, Mr. CARDIN, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Ms. HIRONO, Mrs. SHAHEEN, Ms. DUCKWORTH, Mr. WHITEHOUSE, Mr. MENENDEZ, and Ms. ROSEN):

S. 514. A bill to obtain and direct the placement in the Capitol or on the Capitol Grounds of a monument to honor Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg; to the Committee on Rules and Administration.

By Ms. WARREN (for herself, Ms. KLOBUCHAR, and Mr. BOOKER):

S. 515. A bill to authorize the Secretary of Health and Human Services to award grants to States and political subdivisions of States to hire, employ, train and dispatch mental health professionals to respond in lieu of law enforcement officers in emergencies involving one or more persons with a mental illness or an intellectual or developmental disability, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MORAN (for himself and Ms. SINEMA):

S. 516. A bill to plan for and coordinate efforts to integrate advanced air mobility aircraft into the national airspace system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. HASSAN:

S. 517. A bill to provide for joint reports by relevant Federal agencies to Congress regarding incidents of terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 78. A resolution notifying the President of the United States of the election of the Secretary of the Senate; considered and agreed to.

By Mr. SCHUMER:

S. Res. 79. A resolution notifying the House of Representatives of the election of the Secretary of the Senate; considered and agreed to.

By Mr. COONS (for himself, Mr. TILLIS, Mr. DURBIN, Ms. COLLINS, Mr. VAN HOLLEN, and Mr. LANKFORD):

S. Res. 80. A resolution establishing the Senate Human Rights Commission; to the Committee on Rules and Administration.

By Mr. RUBIO (for himself and Mr. MENENDEZ):

S. Res. 81. A resolution honoring Las Damas de Blanco, a women-led nonviolent movement in support of freedom and human rights in Cuba, and calling for the release of all political prisoners in Cuba; to the Committee on Foreign Relations.

By Mr. OSSOFF (for himself, Mr. ROMNEY, Mr. WARNOCK, Mr. REED, Mr. CARDIN, and Mr. LEAHY):

S. Res. 82. A resolution honoring the life and legacy of John Robert Lewis and commending John Robert Lewis for his towering achievements in the nonviolent struggle for civil rights; considered and agreed to.

By Mr. YOUNG (for himself, Mr. COONS, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mrs. CAPITO, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DURBIN, Mrs. FISCHER, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. JOHNSON, Mr. KELLY, Mr. KING, Mr. LANKFORD, Mr. LUJÁN, Ms. LUMMIS, Mr. MARSHALL, Mr. MERKLEY, Mr. MORAN, Mr. RISCH, Mr. ROMNEY, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT of South Carolina, Ms. SMITH, Ms. STABENOW, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, Mr. WARNOCK, Mr. WICKER, and Mr. SCOTT of Florida):

S. Res. 83. A resolution expressing support for the designation of February 20 through February 27, 2021, as ''National FFA Week'', recognizing the important role of the National FFA Organization in developing the next generation of leaders who will change the world, and celebrating 50 years of National FFA Organization Alumni and Supporters; considered and agreed to.

By Mr. SCOTT of Florida (for himself, Ms. ERNST, Mr. HAWLEY, Mr. MARSHALL, and Mr. KENNEDY):

S. Res. 84. A resolution amending the Standing Rules of the Senate to prohibit the consideration of legislation in the Senate unless the text of the legislation that will be considered has been made publicly available in electronic form for a mandatory minimum review period; to the Committee on Rules and Administration.

By Ms. WARREN (for herself, Mr. MARKEY, Mr. BROWN, and Mr. MERKLEY):

S. Res. 85. A resolution expressing the sense of the Senate that it is the duty of the Federal Government to dramatically expand and strengthen the care economy; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself, Mrs. SHAHEEN, Mr. CASEY, Mr. HEINRICH, Mr. BLUMENTHAL, Ms. SMITH, Mr. VAN HOLLEN, Mrs. FEINSTEIN, Mr. MENENDEZ, Mr. WYDEN, Mr. KAINE, Mr. CARDIN, Mr. REED, Mr. LUJÁN, Mr. CARPER, Mr. BENNET, Mr. SCHATZ, Mr. KING, Ms. CANTWELL, Ms. DUCKWORTH, Mr. WARNOCK, Mr. WARNER, Mr. COONS, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. BOOKER, Mr. MERKLEY, Mr. DURBIN, Mr. KELLY, Mr. MURPHY, Mr. PETERS, Mr. BROWN, Mr. PADILLA, Mr. LEAHY, Ms. CORTEZ MASTO, Ms. HIRONO, Ms. HASSAN, Ms. ROSEN, and Mr. OSSOFF):

S. Con. Res. 7. A concurrent resolution recognizing the heroism of the United States Capitol personnel and journalists during the insurrectionist attack on the United States Capitol on January 6, 2021; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 172

At the request of Mr. CORNYN, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 172, a bill to authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 209

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 209, a bill to provide for assistance to rural water, wastewater, and waste disposal systems affected by the COVID–19 pandemic, and for other purposes.

S. 255

At the request of Mr. WICKER, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Mr. PETERS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 255, a bill to establish a $120,000,000,000 Restaurant Revitalization Fund to provide structured relief to food service or drinking establishments, and for other purposes.

S. 348

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 348, a bill to provide an earned path to citizenship, to address the root causes of migration and responsibly manage the southern border, and to reform the immigrant visa system, and for other purposes.

S. 407

At the request of Mr. RUBIO, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 407, a bill to provide redress to the employees of Air America.

S. 412

At the request of Mr. MENENDEZ, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 412, a bill to establish the Commission on the Coronavirus Pandemic in the United States.

S. 417

At the request of Mr. COTTON, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 417, a bill to prohibit the Secretary of State from issuing B1 and B2 visas to nationals of the People's Republic of China for periods of more than one year unless certain conditions are met.

S. 419

At the request of Mr. INHOFE, the name of the Senator from Hawaii (Ms.

HIRONO) was added as a cosponsor of S. 419, a bill to amend title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers.

S. 437

At the request of Mr. SULLIVAN, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from New Hampshire (Ms. HASSAN), the Senator from North Dakota (Mr. CRAMER), the Senator from Arizona (Ms. SINEMA), the Senator from Idaho (Mr. RISCH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 437, a bill to amend title 38, United States Code, to concede exposure to airborne hazards and toxins from burn pits under certain circumstances, and for other purposes.

S. 450

At the request of Mr. BURR, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S. 450, a bill to award posthumously the Congressional Gold Medal to Emmett Till and Mamie Till-Mobley.

S. 459

At the request of Mr. SCOTT of Florida, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 459, a bill to amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote integrity in voter registration, the casting of ballots, and the tabulation of ballots in elections for Federal office, and for other purposes.

S. 460

At the request of Mr. RUBIO, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 460, a bill to extend the authority for Federal contractors to reimburse employees unable to perform work due to the COVID–19 pandemic from March 31, 2021, to September 30, 2021.

S. 465

At the request of Mr. MENENDEZ, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 465, a bill to establish and support public awareness campaigns to address COVID–19-related health disparities and promote vaccination.

S. 475

At the request of Mr. CORNYN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 475, a bill to amend title 5, United States Code, to designate Juneteenth National Independence Day as a legal public holiday.

S. 479

At the request of Mr. WICKER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 479, a bill to amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds.

S. 488

At the request of Mr. HAGERTY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 488, a bill to provide for congressional review of actions to terminate or waive sanctions imposed with respect to Iran.

S.J. RES. 7

At the request of Mr. LEE, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S.J. Res. 7, a joint resolution disapproving the action of the District of Columbia Council in approving the Minor Consent for Vaccinations Amendment Act of 2020.

S. RES. 72

At the request of Mr. COTTON, the names of the Senator from South Carolina (Mr. SCOTT), the Senator from Mississippi (Mr. WICKER) and the Senator from Indiana (Mr. BRAUN) were added as cosponsors of S. Res. 72, a resolution opposing the lifting of sanctions imposed with respect to Iran without addressing the full scope of Iran's malign activities, including its nuclear program, ballistic and cruise missile capabilities, weapons proliferation, support for terrorism, hostage-taking, gross human rights violations, and other destabilizing activities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. THUNE:

S. 495. A bill to prioritize the allocation of H–2B visas for States with low unemployment rates; to the Committee on the Judiciary.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prioritizing Help to Businesses Act''.

SEC. 2. PRIORITIZING THE ALLOCATION OF H–2B VISAS FOR STATES WITH LOW UNEMPLOYMENT RATES.

Section 214(g)(10) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(10)) is amended to read as follows:

''(10)(A) Except as provided in subparagraphs (B) and (C), the numerical limitation under paragraph (1)(B) shall not apply to H–2B visas issued to aliens for positions that are certified for employment pursuant to subpart A of part 655 of title 20, Code of Federal Regulations, to perform service or labor in a State that had a seasonally adjusted unemployment rate of 3.5 percent or lower in at least 3 of the 6 most recent monthly reports issued by the Bureau of Labor Statistics during the previous fiscal half year corresponding to each allotment period of H–2B visas pursuant to subpart A of part 655 of title 20, Code of Federal Regulations.

''(B) The number of aliens exempted from the numerical limitation pursuant to subparagraph (A) in any State during any fiscal year may not exceed the lesser of—

''(i) 125 percent of the number of visas issued to aliens working in such State during the most recently concluded fiscal year; or

''(ii) 2,500.

''(C) If more H–2B visa applications are received in a fiscal year on behalf of aliens desiring to work in a State described in subparagraph (A) than the limit set forth in subparagraph (B)—

''(i) eligible applicants, in a number equal to such limit, shall be selected, by lottery, from such applications for the exemption under subparagraph (A); and

''(ii) the remaining applicants shall be subject to the numerical limitation under paragraph (1)(B).''.

By Mr. DURBIN:

S. 511. A bill to establish the Bronzeville-Black Metropolis National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bronzeville-Black Metropolis National Heritage Area Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Bronzeville-Black Metropolis National Heritage Area established by section 3(a).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 4(a).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan developed by the local coordinating entity under section 5(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Illinois.

SEC. 3. BRONZEVILLE-BLACK METROPOLIS NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Bronzeville-Black Metropolis National Heritage Area in the State.

(b) BOUNDARIES.—The Heritage Area shall consist of the region in the city of Chicago, Illinois, bounded as follows:

(1) 18th Street on the North to 22nd Street on the South, from Lake Michigan on the East to Wentworth Avenue on the West.

(2) 22nd Street on the North to 35th Street on the South, from Lake Michigan on the East to the Dan Ryan Expressway on the West.

(3) 35th Street on the North to 47th Street on the South, from Lake Michigan on the East to the B&O Railroad (Stewart Avenue) on the West.

(4) 47th Street on the North to 55th Street on the South, from Cottage Grove Avenue on the East to the Dan Ryan Expressway on the West.

(5) 55th Street on the North to 67th Street on the South, from State Street on the West to Cottage Grove Avenue/South Chicago Avenue on the East.

(6) 67th Street on the North to 71st Street on the South, from Cottage Grove Avenue/South Chicago Avenue on the West to the Metra Railroad tracks on the East.

SEC. 4. DESIGNATION OF LOCAL COORDINATING ENTITY.

(a) LOCAL COORDINATING ENTITY.—The Black Metropolis National Heritage Area

Commission shall be the local coordinating entity for the Heritage Area.

(b) AUTHORITIES OF LOCAL COORDINATING ENTITY.—The local coordinating entity may, for purposes of preparing and implementing the management plan, use Federal funds made available under this Act—

(1) to prepare reports, studies, interpretive exhibits and programs, historic preservation projects, and other activities recommended in the management plan for the Heritage Area;

(2) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(3) to enter into cooperative agreements with the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(4) to hire and compensate staff;

(5) to obtain funds or services from any source, including funds and services provided under any other Federal program or law; and

(6) to contract for goods and services.

(c) DUTIES OF LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(1) prepare a management plan for the Heritage Area in accordance with section 5;

(2) give priority to the implementation of actions, goals, and strategies set forth in the management plan, including assisting units of government and other persons in—

(A) carrying out programs and projects that recognize and protect important resource values in the Heritage Area;

(B) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(C) establishing and maintaining interpretive exhibits in the Heritage Area;

(D) developing heritage-based recreational and educational opportunities for residents and visitors in the Heritage Area;

(E) increasing public awareness of and appreciation for the natural, historic, and cultural resources of the Heritage Area;

(F) restoring historic buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area; and

(G) installing throughout the Heritage Area clear, consistent, and appropriate signs identifying public access points and sites of interest;

(3) consider the interests of diverse units of government, businesses, tourism officials, private property owners, and nonprofit groups within the Heritage Area in developing and implementing the management plan;

(4) conduct public meetings at least semiannually regarding the development and implementation of the management plan; and

(5) for any fiscal year for which Federal funds are received under this Act—

(A) submit to the Secretary an annual report that describes—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) the entities to which the local coordinating entity made any grants;

(B) make available for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(C) require, with respect to all agreements authorizing the expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records relating to the expenditure of the Federal funds.

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to carry out this Act, the local coordinating entity shall prepare and submit to the Secretary a management plan for the Heritage Area.

(b) CONTENTS.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State and local plans;

(3) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(4) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained; and

(5) include an analysis of, and recommendations for, ways in which Federal, State, and local programs, may best be coordinated to further the purposes of this Act, including recommendations for the role of the National Park Service in the Heritage Area.

(c) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to carry out this Act, the local coordinating entity may not receive additional funding under this Act until the date on which the Secretary receives the proposed management plan.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date on which the local coordinating entity submits the management plan to the Secretary, the Secretary shall approve or disapprove the proposed management plan.

(2) CONSIDERATIONS.—In determining whether to approve or disapprove the management plan, the Secretary shall consider whether—

(A) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the local coordinating entity has provided adequate opportunities (including public meetings) for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area; and

(D) the management plan is supported by the appropriate State and local officials, the cooperation of which is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) DISAPPROVAL AND REVISIONS.—

(A) IN GENERAL.—If the Secretary disapproves a proposed management plan, the Secretary shall—

(i) advise the local coordinating entity, in writing, of the reasons for the disapproval; and

(ii) make recommendations for revision of the proposed management plan.

(B) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove a revised management plan not later than 180 days after the date on which the revised management plan is submitted.

(e) APPROVAL OF AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review and approve or disapprove substantial amendments to the management plan in accordance with subsection (d).

(2) FUNDING.—Funds appropriated under this Act may not be expended to implement any changes made by an amendment to the management plan until the Secretary approves the amendment.

SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency, or conveys any land use or other regulatory authority to the local coordinating entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 8. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of this Act for the Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the Heritage Area;

(2) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(c) REPORT.—

(1) IN GENERAL.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(2) REQUIRED ANALYSIS.—If the report prepared under paragraph (1) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(A) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(B) the appropriate time period necessary to achieve the recommended reduction or elimination.

(3) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using funds made available under this Act shall be not more than 50 percent.

SEC. 10. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 78—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 78

Resolved, That the President of the United States be notified of the election of the Honorable Sonceria Ann Berry as Secretary of the Senate.

SENATE RESOLUTION 79—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 79

Resolved, That the House of Representatives be notified of the election of the Honorable Sonceria Ann Berry as Secretary of the Senate.

SENATE RESOLUTION 80—ESTABLISHING THE SENATE HUMAN RIGHTS COMMISSION

Mr. COONS (for himself, Mr. TILLIS, Mr. DURBIN, Ms. COLLINS, Mr. VAN HOLLEN, and Mr. LANKFORD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 80

Resolved,

SECTION 1. SENATE HUMAN RIGHTS COMMISSION.

(a) COMMISSION ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Senate the Senate Human Rights Commission (in this section referred to as the ''Commission'').

(2) DUTIES.—The Commission shall—

(A) serve as a forum for bipartisan discussion of international human rights issues and promotion of internationally recognized human rights as enshrined in the Universal Declaration of Human Rights;

(B) raise awareness of international human rights violations through regular briefings and hearings; and

(C) collaborate with congressional committees and other congressional entities, the executive branch, human rights entities, and nongovernmental organizations to promote human rights initiatives within the Senate.

(3) LIMITATIONS.—The Commission shall not—

(A) have legislative jurisdiction;

(B) have authority to take legislative action on any bill or resolution; or

(C) encroach upon the jurisdiction of any standing, select, or special committee of the Senate.

(4) MEMBERSHIP.—Any Senator may become a member of the Commission by submitting a written statement to that effect to the Commission.

(5) CO-CHAIRPERSONS OF THE COMMISSION.—

(A) IN GENERAL.—Two members of the Commission shall be appointed to serve as co-chairpersons of the Commission, as follows:

(i) One co-chairperson shall be appointed, and may be removed, by the majority leader of the Senate.

(ii) One co-chairperson shall be appointed, and may be removed, by the minority leader of the Senate.

(B) TERM.—The term of a member as a co-chairperson of the Commission shall end on the last day of the Congress during which the member is appointed as a co-chairperson, unless the member ceases being a member of the Senate, leaves the Commission, resigns from the position of co-chairperson, or is removed.

(C) PUBLICATION.—Appointments under this paragraph shall be printed in the Congressional Record.

(D) VACANCIES.—Any vacancy in the position of co-chairperson of the Commission shall be filled in the same manner in which the original appointment was made.

(b) COMMISSION STAFF.—

(1) COMPENSATION AND EXPENSES.—

(A) IN GENERAL.—The Commission is authorized, from funds made available under subsection (c), to—

(i) employ such staff in the manner and at a rate not to exceed that allowed for employees of a committee of the Senate under section 105(e)(3) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(e)(3)); and

(ii) incur such expenses as may be necessary or appropriate to carry out its duties and functions.

(B) EXPENSES.—

(i) IN GENERAL.—Payments made under this subsection for receptions, meals, and food-related expenses shall be authorized only for actual expenses incurred by the Commission in the course of conducting its official duties and functions.

(ii) TREATMENT OF PAYMENTS.—Amounts received as reimbursement for expenses described in clause (i) shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986.

(2) DESIGNATION OF PROFESSIONAL STAFF.—

(A) IN GENERAL.—Each co-chairperson of the Commission may designate 1 professional staff member.

(B) COMPENSATION OF SENATE EMPLOYEES.—In the case of the compensation of any professional staff member designated under subparagraph (A) who is an employee of a Member of the Senate or of a committee of the Senate and who has been designated to perform services for the Commission, the professional staff member shall continue to be paid by the Member or committee, as the case may be, but the account from which the professional staff member is paid shall be reimbursed for the services of the professional staff member (including agency contributions when appropriate) out of funds made available under subsection (c).

(C) DUTIES.—Each professional staff member designated under subparagraph (A) shall—

(i) serve all members of the Commission; and

(ii) carry out such other functions as the co-chairperson designating the professional staff member may specify.

(c) PAYMENT OF EXPENSES.—

(1) IN GENERAL.—The expenses of the Commission shall be paid from the Contingent Fund of the Senate, out of the account of Miscellaneous Items, upon vouchers approved jointly by the co-chairpersons (except that vouchers shall not be required for the disbursement of salaries of employees who are paid at an annual rate of pay).

(2) AMOUNTS AVAILABLE.—For any fiscal year, not more than $200,000 shall be expended for employees and expenses.

SENATE RESOLUTION 81—HONORING LAS DAMAS DE BLANCO, A WOMEN-LED NONVIOLENT MOVEMENT IN SUPPORT OF FREEDOM AND HUMAN RIGHTS IN CUBA, AND CALLING FOR THE RELEASE OF ALL POLITICAL PRISONERS IN CUBA

Mr. RUBIO (for himself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 81

Whereas Las Damas de Blanco (also known as the ''Ladies in White'') is a group composed of wives and relatives of political prisoners, prisoners of conscience, and peaceful dissidents in Cuba;

Whereas, in April 2003, during the wave of repression known as the ''Black Spring'', a group of strong and courageous women formed Las Damas de Blanco in response to the wrongful imprisonment of their family members by the Cuban regime;

Whereas members of Las Damas de Blanco continue attempting to attend Sunday mass in the Church of Santa Rita de Casia in Havana, and other churches throughout different provinces in Cuba, and then march peacefully through the streets of Havana holding gladiolus despite the Cuban regime's constant efforts to block their nonviolent exercise of freedom of assembly and speech;

Whereas members of Las Damas de Blanco regularly march to advocate for the release of all political prisoners and the freedom of the Cuban people;

Whereas, despite exercising their fundamental rights to freedom of expression and assembly, members of Las Damas de Blanco are regularly attacked by security forces and mobs organized by the Cuban regime;

Whereas, according to Amnesty International—

(1) Las Damas de Blanco ''remain[s] one of the primary targets of repression by Cuban [G]overnment authorities''; and

(2) members of Las Damas de Blanco are frequently detained and ''often beaten by law enforcement officials and state security agents dressed as civilians'' while in detention;

Whereas, according to the Human Rights Watch 2019 World Report, in Cuba ''detention is often used preemptively to prevent people from participating in peaceful marches or meetings to discuss politics, and detainees are often beaten, threatened, and held incommunicado for hours or days'';

Whereas the Human Rights Watch 2019 World Report noted that ''Cuban Police or state security agents continue to routinely harass, rough up, and detain members of Las Damas de Blanco before or after they attend Sunday mass'';

Whereas, in 2005, Las Damas de Blanco were selected to receive the Sakharov Prize for Freedom of Thought, but the Cuban regime did not allow members of the group to leave the island to accept the award;

Whereas Laura Ines Pollán Toledo, the founder of Las Damas de Blanco, left a legacy of peaceful protest against human and civil rights abuses in Cuba;

Whereas Laura Ines Pollán Toledo died on October 14, 2011, and while her death garnered widespread international attention, the Cuban regime remained silent;

Whereas, in February 2015, 30 members of Las Damas de Blanco were arrested in an attempt by Cuban officials to bar the women from participating in marches, which sought to advocate for the freedom of political prisoners in Cuba;

Whereas, while Raúl Castro is no longer the head of Cuba, grave human rights abuses continue under the current President of Cuba, Miguel Díaz-Canel;

Whereas Las Damas de Blanco has appealed to the United States Government and other foreign governments in order to bring international attention to the repression of dissidents by the Cuban regime and the plight of political prisoners, who are routinely jailed unjustly and without due process;

Whereas, on May 17, 2018, Las Damas de Blanco received the prestigious 2018 Milton Friedman Prize for Advancing Liberty in recognition of the bravery of the group and its continuing efforts to fight for individual freedom in Cuba;

Whereas Berta de los Angeles Soler Fernández and Leticia Ramos Herreria, members of Las Damas de Blanco, were prohibited by the Díaz-Canel regime from leaving Cuba to accept the 2018 Milton Friedman Prize for Advancing Liberty in the United States;

Whereas, on May 6, 2018, Aymara Nieto Muñoz, a member of Las Damas de Blanco, was violently arrested and during her transfer in a patrol car, was beaten by a uniformed cop, causing Nieto to require medical attention;

Whereas, following 10 days of confinement in a cell of the Santiago de las Vegas-La Habana, Aymara Nieto Muñoz was transferred to Havana's women's prison, known as the Guatao, and remains detained pending a trial for an alleged ''crime of attack'' with other prisoners arrested for petty crimes;

Whereas this is the second time that Aymara Nieto Muñoz has been imprisoned for political reasons, as she was sentenced to 1 year of prison for an alleged crime of public disorder following a politically charged trial on June 3, 2017;

Whereas, in March 2018, Marta Sánchez González was arrested for peacefully protesting and transferred to a women's prison a month later;

Whereas, on August 2018, Marta Sánchez González faced a rigged trial and was sentenced to 4 years and 6 months of imprisonment alongside prisoners incarcerated for common crimes;

Whereas, throughout 2019, Las Damas de Blanco experienced countless arrests, acts of repression, and violent attacks intended to imperil their physical and mental state as a result of their peaceful advocacy of the release of all political prisoners;

Whereas the total number of arrests in 2019 conducted by the Cuban Police against Las Damas de Blanco is 1,120, including those of Berta Soler Fernández, who has been constantly harassed, violently attacked, and detained for lengthy periods of time, and Xiomara de las Mercedes Cruz Miranda, who was imprisoned in 2018;

Whereas, upon entering prison the first time on April 15, 2016, Ms. Cruz Miranda was in good health, but after being sent to prison for the second time in 2018, she acquired a rare skin disease in the women's prison in Ciego de Ávila and her health began to be affected by several conditions, including tuberculosis, which severely damaged her respiratory system and her mental and physical health; and

Whereas Ms. Cruz Miranda remained hospitalized for more than 6 months in Cuba, and after her health condition failed to stabilize, she was admitted to Jackson South Hospital in the City of Miami on January 2020, thanks to a humanitarian visa granted by the United States Government: Now, therefore, be it

Resolved, That the Senate—

(1) honors the courageous members of Las Damas de Blanco for their peaceful efforts to speak up for the voiceless and stand up to the Cuban regime in defense of human rights and fundamental freedoms, such as freedom of expression and assembly;

(2) recognizes the brave leaders of Las Damas de Blanco who have been arbitrarily detained due to their peaceful activism, including Marta Sánchez González, who is currently serving a sentence under house arrest, and Aymara Nieto Muñoz, who is imprisoned an extended distance from her family, which poses significant obstacles to family visits;

(3) expresses solidarity with the Cuban people and a commitment to the democratic aspirations of those Cubans calling for a free Cuba;

(4) calls on the Cuban regime to allow members of Las Damas de Blanco to attend weekly masses and travel freely both domestically and internationally; and

(5) calls for the release of all political prisoners detained and imprisoned by the Cuban regime.

SENATE RESOLUTION 82—HONORING THE LIFE AND LEGACY OF JOHN ROBERT LEWIS AND COMMENDING JOHN ROBERT LEWIS FOR HIS TOWERING ACHIEVEMENTS IN THE NONVIOLENT STRUGGLE FOR CIVIL RIGHTS

Mr. OSSOFF (for himself, Mr. ROMNEY, Mr. WARNOCK, Mr. REED, Mr. CARDIN, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 82

Whereas John Robert Lewis (referred to in this preamble as ''Mr. Lewis'') was born on February 21, 1940, near Troy, Alabama, the third of 10 children born to his mother Willie Mae (née Carter) and his father Eddie Lewis, a sharecropper;

Whereas, at 5 years old, Mr. Lewis was given responsibility for the family chicken flock, including his favorite, Li'l Pullet, which he tended with great care and to which he would preach nearly every evening, which—

(1) led his family to give Mr. Lewis the childhood nickname of ''Preacher''; and

(2) instilled in Mr. Lewis an early desire to enter the clergy;

Whereas, from a young age, Mr. Lewis insisted on attending school daily, defying his parents' instructions to work the family farm, which established within Mr. Lewis a lifelong commitment to education and enlightenment;

Whereas when Mr. Lewis was 15 years old he was ''shaken to the core'', as described in his memoir ''Walking With the Wind'', by the Mississippi murder of Emmett Till, deepening his passionate opposition to segregation and Jim Crow laws;

Whereas, as a high school student, Mr. Lewis intensely followed the progress of the Montgomery Bus Boycott (referred to in this preamble as the ''Boycott'') in 1955 and 1956, awakening him to the power of nonviolent resistance to segregation;

Whereas Mr. Lewis wrote in his memoir that the Boycott ''changed my life more than any other event before or since'';

Whereas, while following the progress of the Boycott, Mr. Lewis was inspired by radio broadcasts featuring one of the leaders of the Boycott, Dr. Martin Luther King Jr. (referred to in this preamble as ''Dr. King'')—

(1) whom Mr. Lewis' parents referred to as ''that young preacher''; and

(2) whose example deepened Mr. Lewis' ambition to become a minister;

Whereas, inspired by Dr. King, Mr. Lewis, on February 16, 1956, 5 days before his 16th birthday, preached his first public sermon, entitled ''A Praying Mother'', at Macedonia Baptist Church in Troy, Alabama, which came from the First Book of Samuel and discussed the example of Hannah, mother of Samuel, which sermon made such an impact that it was published in the Montgomery Advertiser newspaper;

Whereas, on February 18, 1956, 2 days after Mr. Lewis gave his first public sermon, a relative of Mr. Lewis, Thomas Brewer of Columbus, Georgia, a voting rights activist working with the National Association for the Advancement of Colored People (referred to in this preamble as the ''NAACP''), was shot to death by a white man who was never indicted for the murder;

Whereas Mr. Lewis joined the NAACP in the summer of 1956;

Whereas, in 1958, Mr. Lewis wrote a letter to Dr. King, who responded with a round trip bus ticket for Mr. Lewis to visit Montgomery, Alabama, where Mr. Lewis and Dr. King met at Reverend Ralph David Abernathy's First Baptist Church;

Whereas, while a student at the American Baptist Theological Seminary in Nashville, Tennessee, Mr. Lewis—

(1) was a founding member of the Student Nonviolent Coordinating Committee (referred to in this preamble as the ''SNCC''); and

(2) organized sit-ins at segregated lunch counters, pushing Nashville to become the first major city in the South to begin the desegregation of public facilities;

Whereas Mr. Lewis graduated from the American Baptist Theological Seminary in 1961, and was subsequently ordained as a Baptist minister;

Whereas, in 1961, Mr. Lewis became one of the 13 original Freedom Riders, who challenged segregated interstate travel throughout the South;

Whereas, at just 23 years old, Mr. Lewis helped organize the 1964 March on Washington, at which—

(1) Dr. King gave his famous ''I Have a Dream'' speech; and

(2) Mr. Lewis vowed, in his address at the Lincoln Memorial, to ''splinter the segregated South into a thousand pieces and put them back together in the image of God and democracy'';

Whereas Mr. Lewis led demonstrations against racially segregated hotels, restrooms, swimming pools, and public parks for which he was brutally beaten, left unconscious in his own blood, and arrested 40 times, spending countless nights in county jails and 37 days in Parchman Penitentiary;

Whereas, in 1963, as Chair of the SNCC, Mr. Lewis moved to Atlanta, Georgia;

Whereas, on March 7, 1965, on what would become known as ''Bloody Sunday'', Mr. Lewis led 600 peaceful demonstrators demanding their right to vote across the Edmund Pettus Bridge in Selma, Alabama, where Mr. Lewis, who suffered a fractured skull, and other demonstrators were met with violence and police brutality;

Whereas, after televised images of the Bloody Sunday violence in Selma shocked the conscience of the United States, President Lyndon B. Johnson called for equal voting rights legislation before a joint session of Congress, which evolved into his signing of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) on August 6, 1965;

Whereas, on December 21, 1968, Mr. Lewis married the love of his life, Lillian Miles, who was his best friend, closest ally, and most steadfast supporter until her death on December 31, 2012, the 45th anniversary of their meeting;

Whereas, in 1970, Mr. Lewis became director of the Voter Education Project, which added nearly 4,000,000 minority voters to the voter rolls and changed the political landscape of the United States forever;

Whereas, in 1977, President Jimmy Carter appointed Mr. Lewis to direct more than 250,000 volunteers of ACTION, which was then a Federal volunteer agency;

Whereas, in 1981, Mr. Lewis won elected office for the first time as an at-large Councilman on the Atlanta City Council, where he was a powerful advocate for ethics and neighborhood preservation, including saving from destruction the historic neighborhoods of the Old Fourth Ward, Inman Park, Candler Park, and Druid Hills;

Whereas, in 1982, Mr. Lewis worked with the American Jewish Committee to found the Atlanta Black-Jewish Coalition, part of his decades-long friendship and alliance with the Jewish community of Georgia, which later led to the establishment of the Congressional Black-Jewish caucus;

Whereas, in 1986, Mr. Lewis became the second African American to represent Georgia in Congress since Reconstruction;

Whereas Mr. Lewis fought for the passage of the Civil Rights Act of 1991 (Public Law 102–166; 105 Stat. 1071), which was signed into law by President George H.W. Bush;

Whereas, in 2001, Mr. Lewis was awarded the John F. Kennedy Library Foundation Profile in Courage Award for ''his extraordinary courage, leadership and commitment to civil rights'';

Whereas Mr. Lewis led the effort to build what is now known as the Sam Nunn Atlanta Federal Center, one of the largest Federal buildings in the United States;

Whereas, in 2003, Mr. Lewis secured authorization for construction of the National Museum of African American History and Culture on the National Mall in Washington, DC;

Whereas, in 2007, Mr. Lewis introduced the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note; Public Law 110–344) to investigate unsolved civil rights crimes, which was signed into law by President George W. Bush in 2008;

Whereas, in 2011, President Barack Obama awarded Mr. Lewis the Presidential Medal of Freedom, the highest civilian honor in the United States;

Whereas Mr. Lewis' colleagues referred to him as the ''conscience of the Congress'' for his—

(1) relentless pursuit of justice;

(2) unflinching commitment to building what Dr. King and Mr. Lewis referred to as the ''Beloved Community'', a society without poverty, racism, or violence; and

(3) willingness to make what he called ''good trouble, necessary trouble'' to confront acts of injustice; and

Whereas, on July 17, 2020, Mr. Lewis died, devastating his family, his staff, the City of Atlanta, the State of Georgia, and the people of the United States, who united to honor his monumental legacy of hard work and self-sacrifice in the pursuit of liberty and justice for all, which culminated in Mr. Lewis lying in state at the United States Capitol before his memorial service at Ebenezer Baptist Church in Atlanta: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and legacy of John Robert Lewis, an American hero and civil rights leader who—

(A) faced brutality and suffered grievous injuries while remaining steadfastly committed to the nonviolent struggle for civil rights;

(B) dedicated his life to defending the dignity of all people and building the ''Beloved Community''; and

(C) spent more than 3 decades as a Member of Congress defending and strengthening civil rights; and

(2) commends John Robert Lewis for his towering achievements in the nonviolent struggle for civil rights.

SENATE RESOLUTION 83—EXPRESSING SUPPORT FOR THE DESIGNATION OF FEBRUARY 20 THROUGH FEBRUARY 27, 2021, AS ''NATIONAL FFA WEEK'', RECOGNIZING THE IMPORTANT ROLE OF THE NATIONAL FFA ORGANIZATION IN DEVELOPING THE NEXT GENERATION OF LEADERS WHO WILL CHANGE THE WORLD, AND CELEBRATING 50 YEARS OF NATIONAL FFA ORGANIZATION ALUMNI AND SUPPORTERS

Mr. YOUNG (for himself, Mr. COONS, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mrs. CAPITO, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DURBIN, Mrs. FISCHER, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. JOHNSON, Mr. KELLY, Mr. KING, Mr. LANKFORD, Mr. LUJÁN, Ms. LUMMIS, Mr. MARSHALL, Mr. MERKLEY, Mr. MORAN, Mr. RISCH, Mr. ROMNEY, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT of South Carolina, Ms. SMITH, Ms. STABENOW, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, Mr. WARNOCK, Mr. WICKER, and Mr. SCOTT of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 83

Whereas the National FFA Organization (referred to in this preamble as the ''FFA'') was established in 1928;

Whereas the mission of the FFA is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agricultural education;

Whereas the FFA has 760,113 members in 8,739 chapters in all 50 States, Puerto Rico, and Washington, DC;

Whereas the FFA welcomes all students;

Whereas more than 13,000 FFA advisors and agricultural education teachers deliver an integrated model of agricultural education, providing students with an innovative and cutting-edge education;

Whereas 2021 marks 50 years of FFA Alumni and Supporters;

Whereas there are more than 8,000,000 FFA alumni worldwide; and

Whereas members of the FFA will celebrate ''National FFA Week'' during the week of February 20 through February 27, 2021: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of February 20 through February 27, 2021, as ''National FFA Week'';

(2) recognizes the important role of the National FFA Organization in developing the next generation of leaders who will change the world; and

(3) celebrates 50 years of National FFA Organization Alumni and Supporters.

SENATE RESOLUTION 84—AMENDING THE STANDING RULES OF THE SENATE TO PROHIBIT THE CONSIDERATION OF LEGISLATION IN THE SENATE UNLESS THE TEXT OF THE LEGISLATION THAT WILL BE CONSIDERED HAS BEEN MADE PUBLICLY AVAILABLE IN ELECTRONIC FORM FOR A MANDATORY MINIMUM REVIEW PERIOD

Mr. SCOTT of Florida (for himself, Ms. ERNST, Mr. HAWLEY, Mr. MARSHALL, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 84

Resolved,

SECTION 1. PROHIBITING CONSIDERATION OF TEXT OF LEGISLATION UNTIL COMPLETION OF MANDATORY MINIMUM REVIEW PERIOD.

(a) IN GENERAL.—Rule XII of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

''(5)(a) It shall not be in order to consider a bill, joint resolution, resolution, or conference report unless the text of the bill, joint resolution, resolution, or conference report which will be considered has been publicly available in electronic form for the mandatory minimum review period.

''(b) Each Senator shall self certify that the Senator has read a bill, joint resolution, resolution, or conference report before voting on the bill, joint resolution, resolution, or conference report.

''(c) In this paragraph, the term 'mandatory minimum review period' means, with respect to a bill, joint resolution, resolution, or conference report, the greater of—

''(i) the period—

''(I) that begins with the first hour beginning after the text of the bill, joint resolution, resolution, or conference report which

will be considered is first made publicly available in electronic form; and

''(II) that consists of a number of minutes equal to two times the number of pages of the text of the bill, joint resolution, resolution, or conference report which will be considered; and

''(ii) 72 hours after the text of the bill, joint resolution, resolution, or conference report which will be considered is first made publicly available in electronic form.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

The Standing Rules of the Senate is amended—

(1) in paragraph 1 of rule VIII, by inserting ''the text of which has been available for the mandatory minimum review period, as defined in paragraph 5 of rule XII, and'' after ''bills and resolutions'';

(2) in rule XIV—

(A) in paragraph 3, by striking ''on that day'' and inserting ''before the expiration of the mandatory minimum review period, as defined in paragraph 5 of rule XII,'';

(B) in paragraph 6, by striking ''one day'' and inserting ''for the mandatory minimum review period, as defined in paragraph 5 of rule XII,'';

(3) in paragraph 5 of rule XVII, by striking ''two calendar days (excluding Sundays and legal holidays'' and inserting ''the mandatory minimum review period, as defined in paragraph 5 of rule XII,''; and

(4) in paragraph 5 of rule XXVIII, by striking ''shall be immediately put'' and inserting ''shall be put after the expiration of the mandatory minimum review period, as defined in paragraph 5 of rule XII''.

SENATE RESOLUTION 85—EXPRESSING THE SENSE OF THE SENATE THAT IT IS THE DUTY OF THE FEDERAL GOVERNMENT TO DRAMATICALLY EXPAND AND STRENGTHEN THE CARE ECONOMY

Ms. WARREN (for herself, Mr. MARKEY, Mr. BROWN, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 85

Whereas the preamble of the Constitution of the United States cites the duty to ''promote the general Welfare'', establishing care for the people of the United States as one of the pillars of our system of government;

Whereas, even before the novel coronavirus disease 2019 (COVID–19) pandemic, and the recession it triggered—

(1) the United States was experiencing profound crises of care and well-being; and

(2) critical public services and programs in the United States were underresourced or nonexistent;

Whereas we are interdependent and, at various stages of life, everyone will give or receive care;

Whereas care work makes all other work possible, and the economy of the United States cannot thrive without a healthy and robust foundation of care for all people;

Whereas over 3,700,000 children are born every year in the United States, and about 10,000 people in the United States reach retirement age each day;

Whereas nearly 20,000,000 adults in the United States have long-term care needs arising from old age or a disability;

Whereas, in 2019, more than 1 out of 5 adults in the United States had been an unpaid caregiver for an adult family member or friend, or for a child with disabilities, in the preceding 12 months;

Whereas 60 percent of unpaid caregivers worked for pay outside the home, and most were women;

Whereas over 3,000,000 children and young people in the United States had also been caregivers for adults;

Whereas, in 2019, women in the United States spent an average of nearly 4 hours per day on unpaid care work and housework, 57 percent more hours than men;

Whereas just as our country's physical infrastructure is crumbling, the Federal and State programs constituting our care infrastructure are an outdated patchwork, and quality care is inaccessible for millions of people in the United States;

Whereas the United States does not guarantee paid time off to give and receive care, and is the only industrialized country in the world without a national paid family and medical leave program;

Whereas, in 2018, only 17 percent of the United States workforce had access to paid family leave through their employer;

Whereas the median cost of a private room in a nursing home facility is $105,850 per year;

Whereas childcare is the highest household expense for families in much of the United States, and public childcare assistance is limited;

Whereas Medicaid—

(1) covers long-term care needs, but with strict income and asset eligibility requirements; and

(2) has an institutional bias, requiring State programs to cover care in congregate facilities, while home and community-based services are optional and limited;

Whereas Medicare generally does not cover long-term services and supports;

Whereas only 7 percent of individuals in the United States aged 50 or older are covered by private long-term care insurance, which is often prohibitively expensive;

Whereas, in 2019, nearly 30,000,000 people, including 4,400,000 children, did not have health insurance in the United States, over half of them people of color, and tens of millions more people were underinsured;

Whereas the median annual pay of childcare and home care workers is $25,510 and $17,200, respectively, leading to high turnover and reliance on public assistance;

Whereas childcare workers are 95 percent women, and home care workers are 87 percent women, both disproportionately people of color and immigrants;

Whereas, in 2020, according to the Bureau of Labor Statistics, 8 percent of health care support workers and 3.6 percent of personal care and service workers were members of unions;

Whereas these conditions have historical roots, as—

(1) in the decades following the abolition of slavery in the United States, Black people primarily worked as domestic and agricultural laborers; and

(2) during the New Deal-era, domestic and agricultural workers were excluded from social programs and labor protections, particularly those created by—

(A) the Social Security Act (42 U.S.C. 301 et seq.);

(B) the National Labor Relations Act (29 U.S.C. 151 et seq.); and

(C) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

Whereas the COVID–19 pandemic has underscored that frontline work, including direct care, childcare, nursing, health care, public and community health, mental health, domestic, social assistance, education, service, retail, delivery, food, restaurant, agricultural, and other work, is essential to the functioning and flourishing of the United States, and to the care of all people;

Whereas, during the COVID–19 pandemic, it has been necessary for frontline workers to engage in numerous strikes and work stoppages to obtain safe workplaces, personal protective equipment, the right to shelter in place, and other basic protections;

Whereas domestic workers, mostly from the global South, were the most common victims of labor trafficking reported in the United States between 2007 and 2017;

Whereas care and domestic workers who are migrants or immigrants are especially likely to face wage theft, abuse, and other forms of exploitation;

Whereas hospitals in the United States are understaffed, and most of the country does not require minimum nurse-to-patient ratios that save lives;

Whereas health care and social assistance workers suffer from the highest rates of injuries due to workplace violence;

Whereas the closure of rural hospitals is accelerating, and 135 rural hospitals have closed since 2010;

Whereas Black, Latino, and Indigenous people have all been more than twice as likely to die of COVID–19 than White people;

Whereas adults receiving long-term care in institutional settings represent less than 1 percent of the United States population, but account for more than one-third of COVID–19 deaths in the United States as of the date of introduction of this resolution;

Whereas the decision of the Supreme Court of the United States in Olmstead v. L.C., 527 U.S. 581 (1999), established the right of people with disabilities to be independent and supported in their homes and communities;

Whereas lack of access to technology and broadband internet among people of color, low-income and rural communities, older adults, and people with disabilities has negatively impacted the well-being of those people, particularly during the COVID–19 pandemic;

Whereas, on any given night in 2019, well over 550,000 people were unhoused in the United States;

Whereas, in 2019, in the United States, 1 in 7 children, more than 1 in 4 Black children, and more than 1 in 5 Latino and Indigenous children lived in poverty;

Whereas youth suicide rates are rising, and suicide attempts by Black adolescents increased by 73 percent between 1991 and 2017;

Whereas the Federal Head Start program reaches only 36 percent of eligible low-income children, and Early Head Start reaches only 11 percent;

Whereas 14,000,000 students attend schools with a police officer but no counselor, nurse, psychologist, or social worker;

Whereas mental health professionals, such as school psychologists and counselors, are best equipped to maintain school safety without pushing children into the school-to-prison pipeline;

Whereas nearly 1 in 4 students, or up to 3,000,000 students, has been missing from school during the COVID–19 pandemic, and will need additional support both in and outside of school to accelerate learning;

Whereas the youth mental health crisis has been exacerbated by the climate crisis, and has worsened due to the COVID–19 pandemic and economic collapse;

Whereas Black, Brown, Indigenous, and low-income communities have borne the brunt of health impacts arising from fossil fuel use, industrial pollution, and crumbling infrastructure;

Whereas, increasingly, climate disasters and extreme weather events are leaving behind communities suffering from widespread trauma and in need of mental health care;

Whereas nurses, care and social assistance workers, and educators—

(1) have been first responders during climate disasters and extreme weather events;

(2) are essential for responding to other forms of environmental harm; and

(3) have taken grave personal risks to help the people they serve;

Whereas worsening climate impacts will make care work more necessary and care more difficult to administer, disproportionately impacting children, older adults, and people with disabilities, who risk being separated from their regular care workers and caregivers;

Whereas, despite the prevalence of low wages and difficult conditions, direct care jobs, including home care, residential care, and nursing assistant jobs, are already among the fastest growing in the the United States and represent the largest occupational group in the country;

Whereas communities devastated by deindustrialization and disinvestment are particularly reliant on care and social assistance work for employment;

Whereas many care, social assistance, and education jobs are relatively low-carbon occupations, and can quickly become green jobs as certain physical infrastructures decarbonize, especially transit systems, health care facilities, and public buildings;

Whereas a robust care workforce will also be required to support a just transition to a healthy, zero-carbon economy, as other workers shift to new industries, move across the country, and develop new care needs;

Whereas the multiple crises now facing the United States require not only unprecedented investments in physical infrastructure, but also similarly sized investments in social infrastructure, including care infrastructure;

Whereas public investment in care work supports care workers' increased economic activity, creating additional jobs throughout the economy;

Whereas we have a historic opportunity to finally build care infrastructure that is equitable and inclusive, and one in which all people can thrive, prosper, weather future disruptions, and age with dignity in their own homes and communities; and

Whereas, in the context of addressing and defeating the COVID–19 pandemic, economic crisis, systemic racism, and climate change, and taking seriously the mandate to ''promote the general Welfare'', bold investments in care can anchor the rebirth of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is the duty of the Federal Government to dramatically expand and strengthen the care economy, healing and supporting the country as we emerge from the COVID–19 pandemic and face the challenges of the 21st century and beyond;

(2) the obligation described in paragraph (1) can only be met with far-reaching public investments, designed to achieve the goals of—

(A) repairing the wrongs of history, including by—

(i) acknowledging and addressing the legacies of exclusion and oppression faced by caregivers and care workers, particularly women of color and immigrants;

(ii) acknowledging and addressing the trauma of all those with unmet care needs, such as people of color, including Black, Brown, and Indigenous people and Asian Americans and Pacific Islanders, immigrant, LGBTQIA+, older, low-income, rural, and deindustrialized communities, people with disabilities, the unemployed, underemployed, unhoused, people who are incarcerated or who were formerly incarcerated, veterans, survivors of abuse, and children and young people coping with economic and climate disruption; and

(iii) approaching care policy as part of a broader agenda of dismantling systemic racism, sexism, economic inequality, and other forms of oppression, alongside efforts to achieve truth and reconciliation, reparations, decarceration, restorative justice, Indigenous sovereignty, a fair and humane immigration system, demilitarization, a Federal jobs guarantee, and economic, environmental, and climate justice for all;

(B) raising pay, benefits, protections, and standards for existing care workers, such that—

(i) care jobs are family sustaining, paying substantially more than $15 an hour and offering generous benefits;

(ii) all care workers have—

(I) the right, and have pathways, to unionize;

(II) the ability to engage in collective action; and

(III) full labor protections, including those specified in the Domestic Workers Bill of Rights Act;

(iii) all care workers who wish to form worker-owned cooperatives have access to resources and technical support with which to do so;

(iv) all care workers have access to ample training opportunities, apprenticeships, and career ladders leading to higher compensation, along with other resources and support, including funding to facilitate those opportunities;

(v) all care workers have the mandated employer protections they need to conduct their work safely in general, and in the event of a pandemic, infectious disease outbreak, or other disaster, including having optimal personal protective equipment, optimal isolation protocols, testing and contact tracing, and paid days off due to exposure or illness;

(vi) all care workers are safe from workplace violence, harassment, and threats to health; and

(vii) all undocumented workers have pathways to citizenship and full and equal access to all public benefits, including health, nutrition, and income support;

(C) creating millions of new care jobs over the next decade, including as part of existing and new public jobs programs, subject to the same principles in subparagraph (B), in the context of the COVID–19 pandemic recovery, the Green New Deal, and any similar efforts to meet the challenges and opportunities of the 21st century;

(D) building and expanding zero-carbon, non-polluting, climate-safe infrastructure, including physical infrastructure and social infrastructure, to guarantee care to all people throughout the life cycle, moving the United States toward universal, public programs ensuring—

(i) high-quality health care, including comprehensive and noncoercive mental health care coverage, substance use treatment, and reproductive care, free at the point of service;

(ii) free, high-quality home and community-based services, without income or asset tests and without waiting lists, which would fix the institutional bias of the current system, and allow people with disabilities and older adults to receive needed support and live self-directed lives;

(iii) free, high-quality childcare and early childhood education with a focus on the first 1,000 days of life, and robust, culturally responsive, and diverse care settings to achieve healthy child development;

(iv) paid family and medical leave of at least 6 months, with full wage replacement; and

(v) additional support for unpaid caregivers, people with disabilities, older adults, and children, with the goal of eradicating child poverty; and

(E) building and expanding other zero-carbon, non-polluting, climate-safe infrastructure and jobs that are intimately connected to the care infrastructure described in subparagraph (D), to meet the fundamental material, developmental, emotional, and social needs of all people, including—

(i) clean air and water;

(ii) public, permanently affordable, and dignified housing and transit systems, integrated with adequate social services to support residents of all ages and abilities;

(iii) safe, accessible infrastructure, including public accommodations, schools, workplaces, housing, transit, and streets allowing for full mobility for all people;

(iv) public education, with a focus on social and emotional learning, unleashing creativity in the arts and sciences, and educating and nurturing the whole child, and including fully funded programs for high-need students;

(v) healthy, nourishing, and sustainable food systems that provide affordable, accessible, and culturally appropriate foods;

(vi) comprehensive public health and emergency preparedness infrastructure, including equitable, democratic response and recovery efforts during and after climate disasters;

(vii) clear opportunities for, and the removal of barriers to, unionization and collective action in all economic sectors, including the service, technology, and gig work sectors;

(viii) a Federal minimum wage of at least $15 an hour, indexed to the cost of living, and the elimination of subminimum wages for people with disabilities, tipped workers, and all other workers;

(ix) expanded leisure time, with no loss in pay or benefits;

(x) generous, paid sick days and vacation time;

(xi) support for worker ownership, worker-owned cooperatives, and safety and democracy in the workplace, so that workers have meaningful influence over their conditions of work and the decisions that affect their lives;

(xii) adequate public services and programs to support all people in navigating economic and social challenges, including navigating life on a rapidly warming planet, and to help all people unleash their full potential as human beings;

(xiii) public libraries, community centers, and other spaces that foster creativity, connection, mental health, and human development;

(xiv) support for practicing and aspiring artists, as well as institutions, venues, and platforms that empower and fairly compensate artists, bringing their work to wider audiences, and integrating the arts into community mental health, education, and resilience efforts;

(xv) access to nature, public space, diverse forms of public recreation, and technology, including public broadband internet; and

(xvi) mechanisms for democratic oversight of data, algorithmic, and technological systems, along with worker and community participation in the development and application of those systems, in service of expanding and improving care and social infrastructures;

(3) any COVID–19 relief and economic recovery legislation must prioritize and invest in care infrastructure as a down payment on building an interconnected, holistic caregiving system that—

(A) is the backbone of the economy and essential to all people; and

(B) celebrates the interdependence of all people;

(4) unpaid caregivers deserve support, care workers deserve quality, high-paying, union jobs, people with disabilities and older adults deserve independence and self-determination, and every person, at every stage of life, deserves to live, work, play, and care with dignity; and

(5) our ultimate aim is to build an economy and society based on care for people, communities, and the planet we all share.

SENATE CONCURRENT RESOLUTION 7—RECOGNIZING THE HEROISM OF THE UNITED STATES CAPITOL PERSONNEL AND JOURNALISTS DURING THE INSURRECTIONIST ATTACK ON THE UNITED STATES CAPITOL ON JANUARY 6, 2021

Ms. KLOBUCHAR (for herself, Mrs. SHAHEEN, Mr. CASEY, Mr. HEINRICH, Mr. BLUMENTHAL, Ms. SMITH, Mr. VAN HOLLEN, Mrs. FEINSTEIN, Mr. MENENDEZ, Mr. WYDEN, Mr. KAINE, Mr. CARDIN, Mr. REED, Mr. LUJÁN, Mr. CARPER, Mr. BENNET, Mr. SCHATZ, Mr. KING, Ms. CANTWELL, Ms. DUCKWORTH, Mr. WARNOCK, Mr. WARNER, Mr. COONS, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. BOOKER, Mr. MERKLEY, Mr. DURBIN, Mr. KELLY, Mr. MURPHY, Mr. PETERS, Mr. BROWN, Mr. PADILLA, Mr. LEAHY, Ms. CORTEZ MASTO, Ms. HIRONO, Ms. HASSAN, Ms. ROSEN, and Mr. OSSOFF) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 7

Whereas January 6, 2021, the day during which insurrectionists stormed the United States Capitol (referred to in this preamble as the ''Capitol'') as Members of Congress convened in a joint session to receive the votes of the Electoral College, will forever be remembered as an assault on democracy;

Whereas many agencies, including the United States Capitol Police, the Metropolitan Police Department of the District of Columbia, neighboring local law enforcement agencies, and multiple Federal agencies, responded to the Capitol and bravely engaged the attackers;

Whereas, despite the attack on the Capitol, Members of Congress later returned to the task of receiving the votes of the Electoral College for President and Vice President, thereby ensuring that democracy would prevail that day;

Whereas Members of Congress, congressional staff, Capitol personnel, and members of the media—

(1) were at work inside the Capitol as it was attacked; and

(2) shared the experience of fearing for their safety as thousands of rioters surrounded and occupied areas of the Capitol complex, including the Rotunda, Statuary Hall, and the Senate Chamber;

Whereas the staff of the Parliamentarian of the Senate acted quickly and selflessly to preserve the electoral vote certifications from theft or destruction by those attempting to prevent Congress from carrying out the constitutional duty of Congress to receive the votes of the Electoral College;

Whereas members of the Capitol custodial staff and Restaurant Associates staff have bravely shown up to work, and maintained the standard of excellence set by such staff, during a dangerous pandemic, continuing to provide essential services to the congressional community;

Whereas the dedicated staff of the Architect of the Capitol, who care for and maintain the Capitol, immediately began working to repair the parts of the Capitol that were damaged and vandalized during this tragic event;

Whereas the people of the United States have already taken notice of the incredible and diligent work done by Capitol personnel to care for and repair the building in the wake of the January 6 attack, including by sending thank you notes to the Capitol custodial staff;

Whereas journalists continued to report to the world what was happening even as those journalists were threatened, chased, surrounded, subjected to physical violence, forced to shelter in place for hours, and had their equipment stolen and destroyed by rioters;

Whereas several members of the media were physically assaulted during the attack on the Capitol, including a photojournalist who, once the press credentials of the photojournalist were noticed by attackers, was thrown to the floor, causing the photojournalist to fear for her life; and

Whereas, due to the work of journalists who persisted in covering and documenting the events of the day despite the danger those journalists faced, the whole story of January 6 will be known: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) commends the service and professionalism of the personnel of the United States Capitol who, under extraordinarily difficult circumstances, ensured Congress was able to continue to operate and fulfill the constitutional obligations of Congress; and

(2) expresses appreciation for, and solidarity with, the women and men of the news media reporting on the work of Congress, even at risk to their own personal safety.

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Peter Schunk, a defense fellow in my office, be granted floor privileges for the remainder of this Congress.

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

ORDERS FOR TUESDAY, MARCH 2, 2021

Ms. SMITH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10:30 a.m. on Tuesday, March 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate proceed to executive session to resume consideration of the Raimondo nomination; that, at 2:15 p.m., the cloture time be considered expired and the Senate vote on confirmation of the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; finally, that Senator CRUZ be recognized at 12:15 p.m. for up to 30 minutes, and following his remarks, the Senate recess until 2:15 p.m. for the weekly conference meetings.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. SMITH. For the information of Senators, there will be two rollcall votes at 2:15 p.m. The first vote will be on confirmation of the Raimondo nomination to be Secretary of Commerce, followed by a cloture vote on the Rouse nomination to be Chairman of the Council of Economic Advisers.

RECESS UNTIL 10:30 A.M. TOMORROW

Ms. SMITH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 6:51 p.m., recessed until Tuesday, March 2, 2021, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 1, 2021:

DEPARTMENT OF EDUCATION

MIGUEL A. CARDONA, OF CONNECTICUT, TO BE SECRETARY OF EDUCATION.