

Federal courts consist of men and women who understand that a judge's job is to follow the law, not to make the law. The entire country benefits from that. Our constitutional system benefits from that as well. If a judge's applying our laws and our Constitution as they are written strikes anybody as a threat to one's particular agenda, it is the agenda that needs to change, not the judiciary the Framers intended.

On another matter, as I said, the Democrats' fixation with impeachment has pushed critical governing priorities right into the eleventh hour. Just yesterday, after months of delays and hostage-taking, the House Democrats finally approved an NDAA conference report. Next week, the Senate will pass it and send this overdue legislation to President Trump. Yet, of course, we need to follow up Defense authorization with Defense appropriations so that we actually supply the funding our servicemembers need to carry out their missions and our commanders need to plan for the future.

It is not just defense funding that has been hampered by the Democrats' impeachment obsession and reluctance to do anything bipartisan. All Federal funding has been jeopardized by the House's procrastination. That includes critical domestic programs with implications for every one of our colleagues and all of our constituents. Even today, at this late date, the Democratic leadership is continuing to delay a bipartisan agreement on appropriations. Even now, at the eleventh hour, the Democratic leadership is still threatening to potentially tank the whole process and force another continuing resolution.

Look, the story is the same as it has been for months—partisan policy demands, poison pills. It is exactly the playbook the Speaker of the House and the Democratic leader had explicitly promised months ago, in writing, they would not use in order to sabotage appropriations.

Let me say that again. Last summer, the Speaker of the House and the Senate Democratic leader explicitly promised in writing that they would not use poison pills or changes to Presidential transfer authorities to sabotage the appropriations process. Yet, even in mid-December, they are still using those tactics to jeopardize all of our progress.

It doesn't have to end this way. I know earnest discussions are still underway as our colleagues in both Chambers work to fix this. I urge the Democratic leadership to let the committees do their work, to let the Congress do its work, and to let us pass legislation on a bipartisan basis next week.

On a related matter, while we hold out hope for a breakthrough in appropriations, we also know there has been one major casualty of Speaker PELOSI's impeachment obsession—Congress's ability to pass the President's USMCA this year.

It was more than a year ago that President Trump first signed the draft agreement with the leaders of Canada and Mexico—more than 12 months ago. That is how long the House Democrats have dragged their heels on the USMCA and have kept 176,000 new American jobs on ice. Now, at the eleventh hour, Speaker PELOSI has finally realized it would be too cynical and too nakedly partisan to allow her conference's impeachment obsession to kill the USMCA entirely.

So after a year of obstruction, she finally gave in to Republican pressure and struck a notional deal with the White House. But actions have consequences. That entire calendar year that House Democrats wasted has consequences. The Speaker's action was so belated that the administration is still—still—in the process of writing the actual bill. We don't have a bill yet. Once a bill is produced, the House has to take it up first, and then, under trade promotion authority that exists to protect the deals Presidents negotiate, after House passage, the bill spends up to 15 session days in the Senate Finance Committee. After that, there are up to 15 session days for the Senate to vote on the floor.

So, unfortunately, the Speaker's 12 months of delay have made it literally impossible for the Senate to take up the agreement this year. And if House Democrats send us impeachment articles, those have to come first in January, so the USMCA will get pushed back yet again.

Like I said, actions have consequences. There is just no way the Senate can make up for 12 months of House Democratic delays in just a couple of days. Governing is a question of priorities. Speaker PELOSI failed to make this trade deal a priority for the entire year, and we are now bound by the time requirements of TPA to protect the agreement here in the Senate.

On one final matter, speaking of priorities, listen to what the House Democrats are prioritizing. Listen to what they are doing today while all of this crucial legislation goes unfinished: more Judiciary Committee hearings on impeaching the President and on the floor, a vote on yet another far-left messaging bill with literally no chance of becoming law.

They are spending floor time on their socialist scheme to micromanage Americans' prescription drugs and put the Federal Government in charge of the medicines so many people rely on. The Speaker wants to take us down the road of nationalizing an entire industry and imposing Washington's stifling influence on the life sciences sector that produces lifesaving cures—never mind the fact that this far-left messaging bill has zero chance of passing the Senate and that President Trump has already threatened to veto it.

We know by now that political performance art takes precedence over bipartisan legislation where this Democratic House has been concerned. I

hope these stunts—stunts—come to an end soon. I hope the House finds time to finish negotiating the things we actually have to pass—the funding of the government. I hope we can do that in good faith. I hope our Democratic colleagues join Republicans at the table, and let's get the American people's business that must be done accomplished.

I suggest the absence of a quorum. The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### CHINA

Mrs. BLACKBURN. Madam President, this past Sunday, hundreds of thousands of protesters filled the streets of Hong Kong to remind Beijing that totalitarianism will no longer go unchallenged.

I was reading a New York Times article about this protest when I came across a particularly striking quote. When asked why she had taken to the streets, a 24-year-old biology researcher named Alice said:

We want Hong Kong to continue being Hong Kong. We don't want to become like China.

Madam President, I ask unanimous consent to have printed in the RECORD this article on the Hong Kong human rights protest, that appeared in the December 9 edition of the New York Times and that depicts a beautiful picture of what people will do for the cause of freedom.

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

[From the New York Times, Dec. 7, 2019]

HONG KONG PROTEST, LARGEST IN WEEKS, STRETCHES SEVERAL MILES

(By Javier C. Hernández and Elaine Yu)

HONG KONG.—Hundreds of thousands of protesters, basking in a recent election victory by Hong Kong's pro-democracy camp, poured onto the city's streets on Sunday in one of the largest marches in weeks to pressure the government to meet demands for greater civil liberties.

The huge turnout was a reminder to China's leader, Xi Jinping, that the monthslong campaign against his authoritarian policies still had broad support in Hong Kong despite a weakening economy and increasingly violent clashes between protesters and the police.

Tensions in Hong Kong, a semiautonomous territory, had eased somewhat in recent days, after pro-democracy advocates won a stunning victory in local elections two weeks ago, giving new hope to the movement.

On Sunday, demonstrators returned in force, packing city streets to denounce Mr. Xi's government, rail against police brutality and reiterate demands for greater civil liberties, including universal suffrage. They beat drums, sang protest anthems and chanted, "Fight for freedom." Though the march was largely peaceful, some demonstrators vandalized shops and restaurants and lit a fire outside the high court.

"We want Hong Kong to continue being Hong Kong," said Alice Wong, 24, a biology researcher who stood among protesters gathered at Victoria Park. "We don't want to become like China."

As many as 800,000 people attended the march, according to Civil Human Rights Front, an advocacy group that organized the gathering.

The mood at the march was relaxed, with people taking selfies against a backdrop of the vast crowds. Children, some dressed in black, marched with their parents, holding hands as they shouted, "Stand with Hong Kong!"

A sea of protesters, spread across several miles, filled major thoroughfares as they moved between towering skyscrapers. In some areas, there were so many people that the crowds moved at a snail's pace and spilled into adjacent alleys. Some small businesses encouraged the turnout by promising giveaways if more than one million people joined the march.

The protesters said they intended to remain peaceful on Sunday, but some vowed to use more aggressive tactics if the police cracked down. In the evening, the police readied canisters of tear gas as they stood opposite crowds of protesters who had barricaded a street downtown in a briefly tense moment.

The large turnout could further embolden the movement's confrontational front-line protesters, who said they planned to disrupt the city's roads and public transportation system on Monday. The call for further action seemed to resonate among some protesters on Sunday.

"If the government still refuses to acknowledge our demands after today, we should and will escalate our protests," said Tamara Wong, 33, an office worker who wore a black mask as she stood among the crowd gathered at Victoria Park.

The protesters have demanded amnesty for activists who were arrested and accused of rioting, as well as an independent investigation of police conduct during the demonstrations.

Despite the show of strength on Sunday, it is unlikely that the protesters will win further concessions from Beijing, which has worked to portray demonstrators as rioters colluding with foreign governments to topple the governing Communist Party.

Jean-Pierre Cabestan, a professor of political science at Hong Kong Baptist University, said that even though Sunday's march showed the protest movement remained strong and unified, Beijing was unlikely to listen to its demands.

"Hong Kong is condemned to live in a permanent political crisis as long as China is ruled by the Communist Party," Professor Cabestan said.

Mr. Xi, who has cultivated an image as a hard-line leader, has demanded "unswerving efforts to stop and punish violent activities" in Hong Kong. He has publicly endorsed the city's beleaguered leader, Carrie Lam, and her efforts to bring an end to the unrest.

Chinese officials have suggested that the United States is responsible for helping fuel unrest in Hong Kong, pointing to statements by American officials in support of the protests. Last month, President Trump signed tough legislation that authorizes sanctions on Chinese and Hong Kong officials responsible for rights abuses in Hong Kong. The move was welcomed by many protesters but also seen as exacerbating tensions between the two countries.

In a possible sign of increased scrutiny of American citizens working in Hong Kong, two leaders of the American Chamber of Commerce in Hong Kong said on Saturday that they had been denied entry to Macau, a

semiautonomous Chinese city. Mr. Xi is expected to visit Macau this month to mark the 20th anniversary of the former Portuguese colony's return to China.

Tara Joseph and Robert Grieves, the president and the chairman of the American business group, said they had planned to attend an annual ball put on by the chamber's Macau branch.

"We hope that this is just an overreaction to current events and that international business can constructively forge ahead," Ms. Joseph said.

The protests, which began in June in opposition to a bill that would have allowed extraditions to mainland China, have hurt the tourism and retail sectors, pushing the city's economy into recession.

In recent weeks, the violence has escalated, with protesters intensifying their efforts to vandalize businesses they associate with hostility to the movement. The police shot an antigovernment protester last month, inflaming tensions. Then, in some of the worst violence, universities became battlefields, with black-clad students hurling gasoline bombs, throwing bricks and aiming arrows at the riot police, who shot rubber bullets and fired tear gas in return.

Many demonstrators acknowledged that a compromise with the government is unlikely, despite recent victories. Mrs. Lam, the city's leader, who is under pressure from Beijing to restore order without weakening the government's position, has brushed aside their demands and has warned that the mayhem could "take Hong Kong to the road of ruin."

Government officials have cast the demonstrations as primarily centered on economic issues, arguing that vast inequality in Hong Kong has exacerbated anger among the city's youth. They rolled out emergency measures recently to counter the effects of the turmoil on the economy, including providing electricity subsidies to businesses and expanding job training for young people.

The authorities have justified their efforts to crack down on the movement by saying that protesters are endangering public safety. On Sunday, the police said they had found a 9-millimeter semiautomatic pistol, five magazines, 105 bullets and two ballistic vests, as well as fireworks, among other items, during a series of early morning raids.

Senior Superintendent Steve Li of the Hong Kong Police said early in the day that officers had received information that the firearm and fireworks would have been used on Sunday to create chaos.

The police have in recent months banned many protests and rallies in Hong Kong, citing safety concerns. But the government granted a rare approval for the march on Sunday, which was held to mark the United Nations' Human Rights Day.

Demonstrators said they believed that the turnout sent a strong message: The protest movement would not back down.

"If the government thinks that we will give up," said Adam Wong, 23, a university student who was waving a black flag, "today's turnout will prove them delusional."

Mrs. BLACKBURN. Madam President, Alice's statement is loaded with historical context and correctly implies that what we are seeing now is the culmination of a slow but sure violation of the laws and norms that once defined Hong Kong's semiautonomous relationship with mainland China. These protests erupted after what Beijing argued was a simple proposed change to existing extradition laws, but the people saw it for what it was—a thinly veiled threat to Hong Kong's

relative autonomy. It wasn't a take-over. It was just that foot in the door, and China is nearly unparalleled in its ability to turn a foot in the door into a permanent existing condition.

Sometimes their power plays are very obvious, and sometimes they are not. On my recent trip to Djibouti, I saw firsthand the influence of China's debt-trap diplomacy.

Here is what debt-trap diplomacy is. It is a fancy way of saying that China has increased its influence around the world by offering to struggling nations that they are going to hold their debt in exchange for preferential treatment on trade or maybe a physical presence such as a port or other sweetheart deals.

In Djibouti City, I saw this tactic run wild. Now China would say that what they have done is to help the Djiboutians create a "smart city" in the Horn of Africa, but in reality they have negotiated their way into creating a full-blown surveillance state.

Cameras are everywhere—on every corner and every street, with 24/7 footage—and guess where that footage lands. Beijing. They have even tried to point one of those cameras at our military base, right at the entrance to Camp Lemonnier.

Debt-trap diplomacy is bold. It is obvious. If that is all you see of China, it is easy to assume that all of their tactics are that bold and obvious. As I said, they will go after you in obvious areas and also in areas that are not as obvious.

Even domestically, China's surveillance state is notoriously the opposite of covert. Their domestic "smart city" program has outpaced that of every other country on the face of the Earth and the majority of their \$70-plus billion budget for that project has been spent not on intelligent power grids or traffic management systems or on clean air or clean water, but it is being spent on surveilling their own citizens.

The greatest danger China has created by engaging in brash and at times absurd surveillance and suppression is that it has created a false sense of security here in the West when we don't see the evidence of what they are doing. In the United States we are not particularly vulnerable to their debt trap, but we are vulnerable to less obvious attempts to get that foot in the door.

In some form or another, most Americans have allowed Big Tech to take hold of a portion of their lives. Smartphones and cloud storage once were very novel, but now we assume that even simple transactions come predicated by an additional condition. Everything is free as long as the app or the service has access to—guess what—your data. They want to own your virtual you.

Popular apps like TikTok, whose parent company is based in China, have left me with more questions than answers about the platform's business practices, privacy protections, and ideological loyalty to the Communist

Party. Consider that the U.S. Army has barred soldiers from using TikTok. Everybody needs to understand this. The U.S. Army has said: You cannot use TikTok. This very body has expressed our concerns on a bipartisan basis with the platform's censorship and data handling practices.

It is no wonder that TikTok's chief executive officer canceled this week's scheduled meetings here in DC with Members of this body. The fact that millions of Americans, especially our American children, continue to offer their personal data to TikTok is beyond disturbing, but we will not be able to roll back the creeping surveillance state without setting our own standards for what is acceptable from both foreign and domestic companies.

When I introduced the BROWSER Act earlier this year, I did so not only to give Big Tech solid guidelines regarding data privacy and content but to set a new standard for what consumers expect from Big Tech. Our problem here in this country is pretty much one of awareness and of understanding that the exact same philosophy drives China's surveillance programs and their less obvious but much more personal individual monitoring schemes—their surveillance state scheme.

China's Communist Party is after more than just ad revenue and more complete data sets. Their goal, as those Hong Kong protesters put it, is to trick other countries in becoming more like China, which is not tilting toward freedom but tilting away from freedom.

My goal with the BROWSER Act and with my focus on what has become the surveillance state is to do the exact opposite—to enable freedom, to encourage freedom, not only here but around the globe—and to make certain that consumers here decide how much of their data they want to be able to share. We must make certain that we continue to support the cause of freedom wherever human beings show up to protect the freedoms they have.

I yield the floor.

#### RECOGNITION OF MINORITY LEADER

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

#### JERSEY CITY SHOOTING

Mr. SCHUMER. Madam President, I learned yesterday that two of the innocent victims in the shooting in Jersey City earlier this week are from my hometown, my home borough, the great borough of Brooklyn—Moshe Deutsch and Mindy Ferencz—and that the kosher deli where they were all killed in all likelihood was targeted as part of a hate crime.

This morning, I stand in solidarity with the Jewish communities of New Jersey and New York as they confront the anti-Semitic poison that motivated that horrible attack, and I stand in sorrow at the loss of innocent lives from my community. May their memory be a blessing.

I also salute the great police officer, as well, who fell in the line of duty trying to apprehend these brutal thugs.

#### IMPEACHMENT

Mr. SCHUMER. Madam President, on impeachment, the House Judiciary Committee will continue today its markup of Articles of Impeachment against Donald Trump.

The articles charge that President Trump abused the Office of the Presidency by soliciting the interference of a foreign power in our elections to benefit himself personally. The articles also charge him with obstruction of justice in the investigation into those matters.

Those articles were drafted after a months-long investigation into the President's dealings with Ukraine, which included scores of fact witnesses and expert testimony. Throughout that time, and still today, the White House refuses to participate in the House process. It has blocked key witnesses. It has withheld relevant documents. It has instructed members of the administration to defy congressional subpoenas and not to testify. Those that did testify did so bravely against the wishes of the White House.

What is the President hiding? What do these witnesses know? What do these documents show?

Those are fair questions that every American could ask and, because neither the President nor Republican Congress Members have presented any refutation of the facts in the impeachment charges or any exculpatory evidence other than grand conspiracy theories, the American people have a right to say the President must be hiding something.

If there are documents or witnesses the President believes could provide exculpatory evidence, nothing is stopping the witnesses from testifying and the documents from being sent over, except the President of the United States, who in all likelihood is afraid of what they show because they confirm and corroborate the lengthy factual basis that the House compiled to come up with the Articles of Impeachment. The fact that President Trump is blocking witnesses from testifying and blocking documents from release means that, more likely than not, those witnesses and documents do not and cannot refute the charges against the President.

When someone who might be guilty of a crime says he doesn't want witnesses of the crime to come forward, what do you think that means?

Why haven't the President and his allies presented exculpatory evidence—evidence that says this is not true? Why, instead, have they created these bobbles, these objects far away, saying: There is a conspiracy here. There is a conspiracy there.

It is the old lawyer saying: When you have the facts, argue the facts. When you have the law, argue the law. When you have neither, pound the table.

In this case, pounding the table means coming up with diversionary conspiratorial theories.

House Republicans, rather than mount a vigorous defense of the President on the merits, have attacked the process. If House Republicans could focus on the merits, could find evidence that said: No, this is not true; that is not true; he did not try to influence Ukraine to help his campaign, they would have presented it.

Why has no evidence been presented directly refuting the core of the charge against the President? Because there probably isn't any.

In the Senate we have several Members who are swimming in the murky waters of conspiracy to divert attention from the fact that they don't have the facts and the law on their side. The only way they can defend the President's comments is to come up with crazy, out-of-line conspiracy theories that are not based on any evidence.

Some Senate Republicans find it so difficult to argue the President's defense on the facts that they resort to fiction. For instance, in the past few weeks, certain Republicans have actually helped spread disinformation invented by Putin's intelligence services. He said that Ukraine, not Russia, interfered in the election. No one believes it. There is no factual basis of it. Of course, Putin would say he wants to divert attention from Russia, but it is amazing that Senators would traffic in those theories, totally made up, not one bit of fact. It is a low moment for the Senate when their blind obeisance to President Trump overshadows any need to find truth and to defend rule of law. That is not what a democracy is about. That is the edges of dictatorship.

Chairman GRAHAM conducted an entire hearing yesterday to give public viewing to the now completely debunked conspiracy theory that the FBI investigation into the Trump campaign began with political motives. Inspector General Horowitz, to his credit, stuck to the findings in the report. He found no evidence of bias. So Senator GRAHAM, as he tends to do these days, put on a big show, a lot of ranting, a lot of raving—no refutation of the fact of what the IG found.

So it is just like Ukraine where certain Members are so unable to defend what the President did with Ukraine, they latch on to Russian propaganda, or they come up with these histrionics, again, to try to divert attention, a shiny object to take the American people's attention away from the wrongdoing that the House is accusing him of. In fact, the deputy counsel of the FBI actually said that the department "would be derelict in its responsibility" if it did not open an investigation into Trump. She is not a political person. She is a law enforcement officer.

If you think President Trump is above the law, go right ahead, but that is not what George Washington or Benjamin Franklin or Thompson Jefferson