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Senate

The Senate met at 3 p.m. and was called to order by the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii.

PRAYER

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

Let us pray.

Oh, Lord, as our lips are open in prayer, so may our hearts be open to receive Your Holy Spirit. Help us to bow to Your will and live lives devoted to Your providential leading.

Lord, bless our Senators in their work. Let faith, hope, and love abound in their lives. Help them to seek to heal the hurt in our world and to be forces for harmony and goodness. Remind them that they will be judged by their fruits and that You require them to be faithful. May they seek to serve rather than be served, following Your example of humility and sacrifice.

We pray in the Name of Him who is our refuge from life's storms. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2022.

To the Senate:

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

appoint the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. HIRONO thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Ashish S. Vazirani, of Maryland, to be a Deputy Under Secretary of Defense.

RECOGNITION OF THE MINORITY LEADER

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

U.S. SUPREME COURT

Mr. McCONNELL. Madam President, since the Senate was last in session, our Nation's highest Court finished its term. It was an absolutely historic series of victories for the American people and for the Constitution—the single best Supreme Court term in nearly 70 years, since *Brown v. Board* overturned *Plessy* in 1954.

For the first time in modern history, there is a textualist and originalist majority on the Court—Justices who understand the job of a judge is to fol-

low the law as it is written, who understand they are there to faithfully apply what our statutes and our Constitution actually say and leave everything else to the people and their elected representatives. This is the kind of judiciary that the rule of law requires, that our system of government demands, that a diverse society needs.

Last month, the Court corrected one of the most egregious legal and moral mistakes of the 20th century. Only seven countries in the entire world allow elective abortion-on-demand past 20 weeks, but until 2 weeks ago, past Supreme Courts had mistakenly decreed that the Constitution forced America to be one of them. All 50 States had to handle this issue like China and North Korea. No State was allowed to handle it even like France or Germany.

Of course, there is no command like that in our Constitution, and that is what the Court finally recognized. There is nothing in the Constitution that forces us to be a radical, global outlier on abortion. The American people finally have their freedom back to enact commonsense protections for unborn life.

Millions of Americans spent nearly half a century working, marching, and praying for this landmark day. It has been an honor to stand with them throughout the journey that led to June 24, 2022, and to continue to stand together. The Court's ruling in *Dobbs* is not only a huge victory for innocent life, it is a historic triumph for the rule of law itself.

Even liberal legal experts, including the late Justice Ginsburg, said the Court's abortion precedents were badly reasoned.

Liberal Yale law professor Akhil Amar, just this May, wrote:

I am a Democrat who supports abortion rights but opposes Roe . . . In the eyes of many constitutional experts across the ideological spectrum, it [lacked] solid grounding in the Constitution.

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



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Now, Washington Democrats have taken pains to ignore that. Remember, their party has become jaw-droppingly extreme on this issue. More than 60 percent of Americans support restrictions after 15 weeks. Only 19 percent of Americans want abortion on demand until the moment of birth, but 97 percent of Washington Democrats support precisely that; 97 percent of Washington Democrats are with less than one-fifth of the country on this issue. So Democrats are desperate to change the subject. Many are not even trying to argue with the decision but have pivoted to claims about all kinds of unrelated issues, but this is nonsense.

Here again is Professor Amar, the arch-liberal from Yale Law, writing, again, back in May:

Does Justice Alito's draft, as many are now claiming, inflict collateral damage on other areas of constitutional case law, such as the Warren Court's precedents on contraception and interracial marriage? It does not. In fact, the Dobbs draft reinforces these iconic opinions by explaining why they were [actually] right.

From top to bottom, this ruling was a gigantic step forward for human dignity and for the rule of law. The Justices tuned out the mobs and attempted violence, tuned out the threats from politicians, and simply followed the law where it clearly led.

This historic achievement was just one part of the most consequential Supreme Court term in seven decades. I will have more to say on this subject this week.

INFLATION

Now, Madam President, on an entirely different matter, “people have literally become poorer, by any concept, over the last year . . . It should not be a mystery why people are worried.”

That was top liberal economist Jason Furman last month, and he was right on both counts.

Democrats’ reckless inflationary spending has already slapped what amounts to a gigantic tax hike on working American families. One recent poll found more than 90 percent of Americans said they are concerned about inflation; 70 percent said they are very concerned. Consumer confidence was at a near decade low, and fewer than one in three Americans approves of what President Biden is doing about it.

But, apparently, when Washington Democrats survey this dismal scene, they see a mandate for yet another massive trillion-dollar tax hike. I am not making this up. Democrats created a runaway inflationary tax hike with their reckless spending last year, 2021, and now they want to come after the American people a second time with a huge, new tax hike.

In other words, Democrats have already picked the American people’s pockets once, and now their solution is to pick your pockets a second time—first with inflation and now with tax hikes.

The policies that are being floated are ruinous—the worst possible mix to thrust onto a country that is already teetering on the brink of recession. We are hearing proposals for a gigantic tax hike on small businesses, so-called passthroughs. Well, one think tank has found that about 95 percent of all American businesses are passthroughs. About three-quarters of all of the small-scale employers in the Nation are categorized this way: 95 percent of American businesses are passthroughs.

This would hammer all kinds of States. Just to pick one, for example, nearly half of all of the employment in the entire State of West Virginia is at passthrough firms. Half of the people working in West Virginia work for passthrough firms—half of all of the jobs in the State of West Virginia. And these are the firms that Democrats want to hammer with gigantic tax hikes?

But the bad ideas don’t stop there. Exactly as the war in Europe is re-teaching Americans and our allies about energy independence, Democrats are floating a giant, new tax specifically on natural gas, which they call a methane fee. One analysis has found this one policy would bleed between \$40 and \$66 billion out of our country every year, and you had better believe that these artificially higher energy costs will get passed right along to consumers.

This is what Democrats want to do in States like West Virginia—giant tax hikes on small businesses and fossil fuels? It is like they are not content watching the recessionary warning signs and are trying to make absolutely sure that we get a recession—a recession—on their watch.

Now, it is not as though there is any shortage of real, important work Congress could and should be tackling on a bipartisan basis instead of these awful ideas, but this party-line scheming is going to crowd that out.

For example, Democrats moving ahead and trying to jam the Senate and the country with a party-line tax hike through reconciliation will certainly crowd out our ability to process the bipartisan USICA bill aimed at competing with China. Our side cannot agree to frantically steamroll through delicate bipartisan talks in order to meet an artificial timeline so our Democratic colleagues can clear the decks to ram through a party-line tax hike.

A business owner couldn’t bargain in good faith with a customer who had already announced he plans to rob the store. We can’t negotiate the finer points of a nuanced economic policy in a bipartisan way only for Democrats to immediately turn around and redesign the entire economy along pure party lines. Of course, that can’t work. And what about the other governing priorities that Democrats are neglecting?

What about the National Defense Authorization Act? The House is advancing their version of this important leg-

islation this week. Will Senate Democrats neglect the NDAA like they did last year? That would say a lot about their actual resolve to compete with China.

Now is a terrible, terrible time to paralyze the Senate by trying to tax us into recession on a partisan basis.

The ACTING PRESIDENT pro tempore. The majority whip.

U.S. SUPREME COURT

Mr. DURBIN. Madam President, it is little wonder that the Senator from Kentucky is praising the Supreme Court. More than any other Member of the U.S. Senate, he has been instrumental in choosing the members of this Court and has gone to lengths unseen in the history of the U.S. Senate to reach that goal.

Remember Merrick Garland, the nominee of President Barack Obama, whom this Senate leader, the Senator from Kentucky, refused to meet with or even consider for his nomination for almost a year? That is right—he kept a vacancy on the Supreme Court for more than 8 months so that he could perhaps see his prayers answered and a Republican President be elected.

Well, it happened. Donald Trump won. Merrick Garland had no chance to even be considered. Barack Obama was denied the authority given to him as President during his last year of his term, and the Senator from Kentucky waited patiently until he could bring to the Court Justice Gorsuch, a conservative to his liking.

That wasn’t the end of his effort to make the Supreme Court what he wanted it to be. At the end of the Trump term, there was another vacancy on the Court with the death of Ruth Bader Ginsburg, and at that point, the Senator from Kentucky decided to break the rules in the opposite direction. It wasn’t a slowdown this time in filling the vacancy; it was an acceleration, a speedup. In that instance, they broke most of the precedents in the Senate in terms of considering Supreme Court nominees for Amy Coney Barrett. So President Trump was able, thanks to the complicity of the Senator from Kentucky, to appoint three members of the Supreme Court.

The rulings in the last several weeks are just what the Senator from Kentucky and others have prayed for: a reversal of the rights of American families across the board. Basically, the right to access to reproductive freedom for women in this country was attacked in a way that few thought would ever happen, and now we are living with the consequences.

The Senator from Kentucky just said Democrats are trying to change the subject. I am not changing the subject. There will be a hearing before the Senate Judiciary Committee tomorrow on this decision by the Supreme Court on overturning *Roe v. Wade*.

I want to say it is interesting that when the Senator from Kentucky is