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## Senate

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

### PRAYER

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

Let us pray.

Eternal Spirit, who directs the paths of all who love You, in this season of peace on Earth, we thank You for Your word and for the eternal truths that guide us day by day. Thank You, Lord, for another day with opportunities to make a difference in Your world. Thank You also for the sureness of Your presence that brings us peace in the midst of this world's turmoil. Lord, teach us to turn to You so that Your thoughts can become our thoughts and Your ways our ways.

Be for our Senators a refuge and a fortress, and may they put their trust in You.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 1, 2022.

To the Senate:

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

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

PATRICK J. LEAHY,  
President pro tempore.

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

### RESERVATION OF LEADERSHIP 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 senior assistant legislative clerk read the nomination of Jerry W. Blackwell, of Minnesota, to be United States District Judge for the District of Minnesota.

#### RECOGNITION OF THE MAJORITY LEADER

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

#### RAILWAY LABOR MANAGEMENT DISPUTE

Mr. SCHUMER. Madam President, yesterday, the House of Representatives passed a joint resolution that will ensure our railroads continue to operate and our economy continues to function as the holiday season commences.

Last night, I invoked rule XIV to place that resolution directly onto the legislative Calendar. Senators are working morning, noon, and night to reach an agreement for us to act on

this measure ASAP. The Senate cannot leave until we get the job done, and Democrats will keep working with Republicans to find a path forward that everyone can support.

One of my top priorities is holding a vote to provide rail workers with the paid sick leave many of them have asked for. I support paid sick leave. My Democratic colleagues support paid sick leave, and we want to see it included in the package. We hope some of our Republican colleagues will join us.

Forcing workers to choose between their health and their livelihoods is unacceptable, and for that reason, Democrats—myself included—think it should be included.

One thing is certain—one thing is certain—time is of the essence. A rail shutdown is set to begin December 9, but the truth is, we need to resolve this impasse well in advance of that date.

Suppliers and businesses across the Nation are going to begin shutting down operations soon if they think a strike is imminent. They are not going to wait until December 9. They are not going to put something on a railcar in Seattle on December 7 that may be stuck in Peoria on December 9 because there is a rail strike, even when it is headed, say, to the East Coast. So for the suppliers and businesses, the date, the drop-dead date, if you will, before damage occurs is a lot sooner than December 9. And there would be painful disruptions to the economy before December 9 if we didn't act soon.

The consequences of inaction would be severe: unsafe drinking water, unusable gasoline, shuttered powerplants, and a crippling shutdown of passenger rail across the country. And those are just a few of the myriad of problems, serious problems, that would occur if there is a rail shutdown.

In that scenario, nobody wins; everybody loses. So the responsible thing to do here is to move forward and do everything we can to include paid sick leave. Again, we must keep working until the task is complete.

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



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OMNIBUS AND NATIONAL DEFENSE  
AUTHORIZATION ACT

Madam President, now on the omni and the NDAA, as we approach the end of the year, two of the most important priorities the Senate must focus on are passing a yearlong omnibus and approving a bipartisan Defense appropriations bill.

We have a lot of work left to do on both fronts, but so far, I am encouraged by the goodwill coming from both sides. While Democrats and Republicans disagree on the details of the omnibus, there is little debate that a CR would be terrible news for our troops and for American security.

Yesterday, I attended a classified briefing on the latest developments in the war in Ukraine. Without getting into any of the details disclosed there, it was obvious, sitting in the room, that much of Ukraine's success is thanks to the emergency military and economic aid provided by the United States. Ten months into this war, there is no question, in my judgment, that helping our Ukrainian friends has been the right thing to do.

But the fighting in Eastern Europe is sadly far from over. Putin's human rights atrocities continue. He is a vicious and brutal dictator. News reports come in daily of mass graves, civilian casualties. Entire cities—men, women, children—civilians, being killed and maimed and entire cities being reduced to rubble. Yet even now, the brave and strong people of Ukraine have endured and fought back. They know what Russian aggression is. They remember it from the days of the 1930s when Stalin sought to starve a huge number of Ukrainians to death.

The United States must stay the course helping our friends in need. And by the way, this is not just a matter of standing with Ukraine; it is a matter of American security because, deep down, Putin is nothing more than a violent bully who will endanger our own democracy if his influence is allowed to expand, and he will not stop at Ukraine if he succeeds there.

The single worst thing we can do right now is give Putin any signal that we are wavering in our commitment to help Ukraine. That is precisely what a CR would signal, and we cannot afford to go down that treacherous road. So I hope both sides will work together. We are making good progress. Paper is now being exchanged back and forth. We are not there yet. We have got a ways to go, but we have got to keep working until we get an omnibus done, for the sake of our national security.

Meanwhile, at the same time, both parties must cooperate on passing a bipartisan national defense act, as we have done now for more than six decades. Just as we need to hold the line against Putin and his belligerence, we also have to stand firm against encroachments and aggression from the Chinese Communist Party.

A few months ago, the Senate took a major step in that direction by passing

the CHIPS and Science Act, which will boost domestic chip manufacturing and help sever our dependence on foreign-made semiconductors. But just because we passed CHIPS and Science doesn't mean the job is done. We need to build on our accomplishments by adding even more protections in the NDAA so we can continue reducing U.S. reliance on risky, Chinese-made microchips.

So, last month, I joined with Senator CORNYN, my colleague from Texas, to introduce an amendment to the NDAA that would prohibit the U.S. Government from doing business with companies that rely on certain Chinese chipmakers that the Pentagon has labeled "Chinese military contractors." This amendment would address a very big problem: Too many American companies with Federal contracts are purchasing chips made by Chinese makers with well-known ties to the Chinese Communist Party and the Chinese Government. You don't need to be a national security expert to see how this dependence on Chinese chips presents a serious risk to Americans' cyber security, to our privacy, to our defense.

The previous administration—one of the few areas they went forward on that I agreed with—got rid of Huawei because it gave the Chinese Government and the Chinese Communist Party too much influence. Well, the same thing will happen with these chipmakers, these Chinese military contractor chipmakers, if they are allowed to continue to infuse their chips in our own equipment.

Now, our amendment would remedy this with a simple proposition: If American businesses want to do business with the Federal Government, they shouldn't be allowed to turn around and then do business with risky Chinese chipmakers. We certainly need and give ample time for American companies to adjust and get American-made chips or non-Chinese-made chips, non-Chinese-military-contractor-made chips, but it must be done. This is national security, once again, as well as economic security and the idea of keeping America No. 1, which we took a big step forward on with the CHIPS Act, but there is more that has to be done.

So this proposal is one of many sound proposals that I hope to see included in the NDAA. I am, of course, fighting for a whole bunch of other things. On this issue, I thank Senator CORNYN for working with me on the amendment, and very soon the Senate hopefully will take quick action to send a defense authorization bill to the President's desk.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

THE JUDICIARY

Mr. MCCONNELL. Madam President, it has been one of the big, unfortunate ironies of the past several years: Many of the same individuals and institutions on the political left that have spent the years 2017 through 2020 yelling about the importance of norms and institutions have themselves not hesitated to undermine our institutions when they are unhappy with a given outcome.

Just as an example, the newly elected incoming leader of the House Democrats is a past election denier who baselessly said the 2016 election was "illegitimate" and suggested that we had a "fake" President. He has also mounted reckless attacks on our independent judiciary and said that Justices he didn't like have "zero legitimacy."

Unfortunately, when it comes to attacking our independent judiciary, the Democrats' new leader isn't an outlier; he is a representative sample. In the last few years, we have seen my counterpart, the Senate Democratic leader, threaten sitting Justices by name over on the Supreme Court steps; we have seen President Biden and Attorney General Garland refuse to enforce Federal law and put a stop to illegal harassment campaigns at the homes of Justices; and we have seen coordinated efforts by Democrats and the media to use smear campaigns to personally punish Justices whose legal reasoning they don't like.

The latest target has been Justice Alito, whose great offense was overruling a deeply flawed precedent that prominent liberal legal scholars, including even the late Justice Ginsburg herself, long acknowledged was badly written and poorly reasoned.

I am confident the smear campaigns and baseless fishing expeditions will keep groping around, and I am just as confident that Justices Alito, Thomas, and the entire Court will continue to ignore the noise and the smears and practice judicial independence.

We also see growing evidence that the attacks on members of the legal profession who dare to upset the activist left are actually not limited to judges and other public officials. Private citizens are not safe. Earlier this week, a longtime female partner at a major law firm explained in an op-ed how she was forced out of the firm after she dared—dared—to enter into a "safe space for women" and share her own personal views on the Dobbs ruling. As she tells it, simply being a woman who agreed with the five-Justice majority of the Supreme Court was a fireable offense. Some of her colleagues claimed that merely hearing her express a dissenting view caused them to "[lose] their ability to breathe."

This past summer, two wildly successful appellate litigators, including a former U.S. Solicitor General, were