



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 117<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, WEDNESDAY, DECEMBER 21, 2022

No. 199

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico.

### PRAYER

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

Let us pray.

Almighty God, the center of our joy, prepare our spirits, clarify our minds, and stir our hearts for Your movements among us.

Lord, use us to bring peace on Earth. Help us to feel Your presence in our opportunities to touch hurting lives. May Your whispers prompt us to deliver captives and bring healing to the bruised.

Abide in the hearts and minds of our Senators. Guide them with Your counsel so that they may not stumble or fall. Use their hands to transform dark yesterdays into bright tomorrows.

We pray in Your mighty 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 21, 2022.

To the Senate:

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

appoint the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. LUJÁN 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 consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Lynne M. Tracy, of Ohio, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

#### RECOGNITION OF THE MAJORITY LEADER

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

#### UKRAINE

Mr. SCHUMER. Mr. President, I see the Presiding Officer is in your Ukrainian yellow and blue, as am I, and that is appropriate because this will be a day to remember in the history of the U.S. Congress when we welcome President Volodymyr Zelenskyy of Ukraine. This is President Zelenskyy's first trip outside Ukraine since the beginning of

Russia's invasion. The President of this young democracy will address Members from both Chambers in a joint meeting of Congress. It is always a high honor to welcome a foreign head of state to Congress, but it is nearly unheard of to hear from a leader who is fighting for his life, fighting for his country's survival, and fighting to preserve the very idea of democracy. It shows the importance President Zelenskyy places on us continuing to give him robust help.

Where Winston Churchill stood generations ago, so, too, President Zelenskyy stands, not just as a President but also as an ambassador to freedom itself.

Let me say that again because it is so important. Where Winston Churchill stood generations ago, so, too, will President Zelenskyy stand here today, not just as a President but as an ambassador to freedom itself.

President Zelenskyy could not arrive at a more crucial moment for the Senate. We are not only voting to approve more emergency wartime funding, but today, here in the Senate, we will also vote to confirm the U.S. Ambassador to Russia, Lynne Tracy, who will be tasked with standing up to Putin.

We should complete our work on both the omnibus with Ukrainian aid and the confirmation of our new Ambassador to Russia very quickly.

I hope all House Republicans will attend the Zelenskyy address this evening, and when they do, they should listen to President Zelenskyy describe the horror his people have endured at the hands of Vladimir Putin.

I hope that Donald Trump's friendship with Putin is not motivating House Republicans to turn a blind eye to Ukraine's suffering and desperate need for help, because the so-called friendship between Putin and Trump was a sour relationship that was deeply damaging to our country and to the international order.

This week marks 10 months since Vladimir Putin began his unprovoked,

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



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immoral, and savage invasion of Ukrainian territory. While the conflict is sadly not near its conclusion, Russia's military is on its heels after a series of humiliating defeats—a testament to the Ukrainian people's bravery, resilience, and commitment to defending their homeland.

Ukraine's success also shows that American support is working. To date, our funding has put more weapons in Ukrainian hands and more victories under their belt. Now is not the time—not the time—to take our foot off the gas when it comes to helping Ukraine. The single worst thing we can do right now is give Putin any signal that we are wavering in our commitment to defend democracy in Ukraine and around the globe.

By passing this omnibus and confirming a new ambassador, we can send President Zelenskyy back to Ukraine with the message that the Senate, the Congress, and the American people stand unequivocally behind the people of Ukraine, and we are backing that up with real dollars and real resources.

I commend President Zelenskyy for his courage. I thank him for his leadership. And I will happily join Congress in welcoming him to the Capitol later this evening.

#### OMNIBUS

Now on the omni, as we speak, Democrats and Republicans are working on the final significant achievement of a truly significant 2 years in Congress: a yearlong funding bill to avert a shutdown and keep the government working well into the next fall.

Earlier this week, the appropriators released the text of the omnibus, a bill overflowing with good news—good news for our kids, our parents, our troops, our small businesses, and more.

The Senate took the first step to passing this bill last night, voting 70 to 25 to begin debate. Note the margin, 70 to 25. That is a strong signal that both sides are keen to finish funding the government very soon.

We must finish our work before the deadline of Friday midnight, but in reality, I hope we can vote on final passage much sooner than that, even as early as tonight. There is no reason for the Senate to wait and plenty of reasons to move quickly before a potential blizzard makes travel hazardous for Members, their staff, and families right before the Christmas season. In an effort to reach final passage soon, both sides will continue negotiating a number of amendments that I hope we can begin voting on later today, but, again, that is going to require cooperation.

So I urge my colleagues not to stand in the way of moving this process forward. Nobody wants a shutdown. Nobody benefits from a shutdown. So I hope nobody here will delay this process to fund the government ASAP.

Now, as I said yesterday, this bipartisan package is chock-full of good news for our kids, our veterans, our small businesses, and even for our democracy.

For one, we will pass long-sought reforms to the Electoral Count Act after a lot of hard work from Senators MANCHIN and KLOBUCHAR and COLLINS and BLUNT and many others. The 117th Congress began under the shadow of a violent insurrection, so it is fitting that one of our final actions will be passing a bill safeguarding our elections from future dangers.

The omnibus also represents a major win for kids and parents across the country. It increases childcare assistance by 30 percent. Our childcare agencies are struggling. This 30 percent increase is a huge shot in the arm to help them. It is a massive boost for the tens of millions of families who can't afford this basic necessity. We have a shortage of workers; one of the reasons—not good childcare. This helps alleviate that situation because moms and dads who want to take care of their kids but have to go to work can't go to work unless there is adequate and good childcare.

We are also taking a temporary program that helped kids eat during the summer during COVID and making it permanent, so parents won't have to worry about their kids going hungry during a day when school is not in session.

I am also proud that we got many of the best elements of the Omnibus in this package. We will ensure new mothers on Medicaid and CHIP can have a full year of postpartum coverage. That is a great breakthrough.

We are increasing funding to train nurses and healthcare workers as well as beef up support for mental health services, which I fought for very hard. Discrimination in maternal care and at birth is a real blot on our country. That people of color have higher rates of mortality, for the moms and the kids, is a disgrace, and this goes a good way toward trying to rectify that blot on our country's pride.

There is also some other good stuff. At a time in which we are seeing a surge in union activity because workers realize that to get adequate pay, adequate benefits, a union can help them, Democrats heeded the call and broke the nearly decade long funding freeze on the NLRB.

The NLRB was one of the very few Agencies that got no increase in funding for years and years despite the increase in mission. It is a very important priority to Democrats and for working Americans because the NLRB is one of the most important pro-worker Agencies, and it has been utterly starved for resources for about a decade.

So let me say it again. Kids, parents, veterans, nurses, workers—these are just a few of the beneficiaries of our bipartisan funding package. So there is every reason in the world for the Senate to finish its work as soon as possible. No one got everything they wanted—that is how this works—but we got a lot of good things in there to help America.

I want to thank all of my colleagues from both sides of the aisle for their work. Let's finish the job today, if possible, by working together and cooperatively.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

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

#### UKRAINE

Mr. MCCONNELL. Mr. President, the bipartisan government funding bill before this body is imperfect but strong. It will make huge new investments in our Armed Forces, while cutting non-defense, nonveterans baseline spending in real dollars.

So let me say that again. The world's greatest military will get the funding increases that it needs, outpacing inflation. Meanwhile, nondefense, nonveterans spending will come in below the rate of inflation for a real dollar cut.

This is a debate about American security, American servicemembers, and American interests on the world stage.

Month after month, year after year, competitors such as China are methodically pouring money and planning into upgrading and modernizing their own militaries. They are constantly probing new ways to expand their military, intelligence, economic, and political reach, indirectly or directly threatening American forces and our allies' and partners' forces.

So under these perilous circumstances, cutting defense spending in real dollars, as Democrats first wanted to do, is simply not an option.

And embarking on a potentially endless cycle of continuing resolutions that give our military real dollar funding cuts because of inflation and giving Defense Department leaders no certainty whatsoever to either plan or to invest is simply not an option that we can adopt.

There is no question the bipartisan funding bill is certainly imperfect. If Senate Republicans controlled this Chamber, we would have handled the appropriations process entirely differently from top to bottom.

But given the reality of where we stand today, Senators have two options this week—just two: We either give our Armed Forces the resources and the certainty that they need, or we will deny it to them.

Finally, on a related matter, today, Members of Congress will have the opportunity to assemble in a joint meeting and hear from President Zelenskyy of Ukraine.

I look forward to welcoming President Zelenskyy to the Capitol and to hearing from the Ukrainian people's elected leader at a critical moment in their struggle for their safety and their sovereignty against Russia's unhinged aggression.

The people of Ukraine have reminded the entire free world about the meaning of sovereignty and the price of freedom. They have fought back against the invaders with inspiring bravery.

And let's be clear: The reason that a big bipartisan majority of the American people and big bipartisan majorities in Congress support continuing to assist Ukraine is not primarily about inspiring speeches or a desire to engage in philanthropy.

The Ukrainian people are courageous and innocent, and they deserve our help. President Zelenskyy is an inspiring leader. But the most basic reasons for continuing to help Ukraine degrade and defeat the Russian invaders are cold, hard, practical American interests.

Helping equip our friends in Eastern Europe to win this war is also a direct investment in reducing Putin's future capabilities to menace America, threaten our allies, and contest our core interests.

Defeating the Russians will help prevent further security crises in Europe. It will prevent even further economic chaos that would roil key American trading partners and hurt American workers and families directly.

It will massively wear down the arsenal that is available to Putin for future efforts to use bullying and bloodshed to redraw still other borders down the road.

And it will send a stark warning to other would-be aggressors like the People's Republic of China.

By assisting Ukraine today, America is directly demonstrating our commitment to the basic principles of territorial integrity and national sovereignty—changing the calculus for others considering military aggression and lowering the odds of far costlier and far more deadly conflicts in the process.

So I will say it one more time. Continuing our support for Ukraine is morally right, but it is not only that. It is also a direct investment in cold, hard American interests.

That is why Republicans rejected the Biden administration's original request for Ukraine assistance—because it was insufficient. The administration's initial plan assumed there would be a lull in fighting over the winter and so the disbursement rates of weapons would actually decrease.

But hoping for the best cannot mean that we fail to prepare for the worst. Rather than slowing assistance, we should be speeding up international deliveries to Ukraine to help them take back more territory and better prepare for whatever they need wherever they next go on their offensive.

So Republicans pushed hard here in the Senate to increase the amount of security assistance in this bill. I am glad our Democratic colleagues came around.

The agreement on the table increases weapons purchases to support Ukraine beyond the President's request. This assistance is in our national security interest, but it is also in America's economic interest. These investments will help expand our defense manufacturing capacity and contribute to an

industry that supports high-paying American jobs.

The money is tied to strong oversight requirements to ensure that America's investments reach only the intended targets.

There has been meaningful oversight over our Ukraine assistance all along the way, including by three separate inspectors general and the Government Accountability Office.

And on top of that, last week's NDAA will put in place even further expansions in oversight, more end-use monitoring, and stricter reporting requirements.

And the oversight won't stop there. Just as Senate ranking members have worked hard to maximize the impact of our assistance, the incoming House Republican majority will be able to use their gavels to keep an even closer eye on Ukraine aid and make sure the Biden administration is doing everything possible to rebuild our defense industrial base.

While America is uniquely capable of leading this effort, we should not and are not doing so all by ourselves.

Vital Eastern Front allies and partners in Poland, Latvia, Lithuania, Estonia, and Finland have risen to the challenge of backing Ukraine in the fight against tyranny.

So too have some Western European powers.

And some allies across Europe deserve credit for changing course, making substantial investments in their own militaries, and starting to unwind years of neglect of national defense.

But some other European allies have lagged behind. They can and must do more, both to stand with Ukraine today and to rebuild their own strength going forward.

Finally, we all know that Ukraine's fight to retake its territory is neither the beginning nor the end of the West's broader strategic competition with Putin's Russia.

Increasing the pressure on Putin's regime can and should be a bipartisan priority. That will take concrete steps, like sanctions with teeth, not empty symbolism.

If our Democratic colleagues are serious about joining this effort, Republicans stand ready to expose Russia's long trail of wartime atrocities and meaningfully ratchet up the economic and political costs that Russia pays for its misdeeds, from Ukraine to Georgia to Moldova to the Middle East and beyond.

These threats and atrocities require more than symbols and resolutions. They require concrete actions and consequences.

The plight of the innocent people of Ukraine is offering the world the starkest, most painful, and most personal reminder imaginable that global security and national self-determination do not uphold themselves; that peace is far from inevitable and freedom is far from self-fulfilling; that countries who benefit from global sta-

bility need to help deter countries who want chaos.

But even against the barbaric horrors of a war they never asked for—even in the face of torture, executions, and inhuman attacks on infrastructure, and systemic terror campaigns against civilian cities—against all these things—all these things—against the cold fate that Putin has tried to deal Ukraine, we have seen the warmth of the Ukrainian people's spirits win out. Their love for their homeland, for their families, for their freedom—the United States Congress will be honored to hear the message that their courageous President brings to us on behalf of the brave citizens he represents.

The ACTING PRESIDENT pro tempore. The Democratic whip.

#### JUSTICE FOR VICTIMS OF WAR CRIMES ACT

Mr. DURBIN. Mr. President, as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 4240 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4240) to amend section 2441 of title 18, United States Code, to broaden the scope of individuals subject to prosecution for war crimes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Durbin substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 6590), in the nature of a substitute, was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Victims of War Crimes Act".

#### SEC. 2. WAR CRIMES.

Section 2441 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

"(b) JURISDICTION.—There is jurisdiction over an offense described in subsection (a) if—

"(1) the offense occurs in whole or in part within the United States; or

"(2) regardless of where the offense occurs—

"(A) the victim or offender is—

"(i) a national of the United States or an alien lawfully admitted for permanent residence; or

"(ii) a member of the Armed Forces of the United States, regardless of nationality; or