

want to highlight a few provisions in the bill that are important.

Just this morning, Secretary Ross announced that the Trump administration will relax penalties on Chinese telecom giant ZTE. Instead of permanently crippling ZTE, the administration will settle for a smaller fine than the company paid in 2017 and a reorganization of the company's board. It is essentially a slap on the wrist.

As a reminder, ZTE has been a threat to our national security, and that was stated by the Republican-led FCC, Republican-led FBI, and Republican-led Pentagon. This is not a partisan issue. ZTE was guilty not only of evading U.S. sanctions but lying to U.S. officials about it afterward. ZTE has been deemed such a threat to our telecommunications networks that the FCC recommended forbidding the sale of any ZTE products in the United States.

But, inexplicably, President Trump, after talking tough, did a total reversal. Once again, it seems President Xi has outfoxed President Trump. There is absolutely no good reason that ZTE should get a second chance, but with this deal, the President has inexplicably thrown him a lifeline. President Xi must be laughing all the way to the forbidden palace. He has once again taken advantage of President Trump on an issue vital to our security.

Many believe ZTE could be a mechanism for spying on our military and on lots of different parts of the United States. China has shown no reluctance to do that in the past, and we are just rolling over for no reason, having gotten nothing in return. This is a serious mistake, a 180-degree turn away from the President's promise to be tough on China. Donald Trump should be aiming his trade fire at China, but instead he inexplicably aims it at allies, such as Canada and Europe. When it comes to China, despite his tough talk, this deal with ZTE proves that President Trump just shoots blanks. This guy—the art of the deal? He has gotten taken to the cleaners by President Xi, and the rest of the world is probably laughing at him.

We cannot allow the damage from this action by Secretary Ross to stay. We must undo it. It will be up to Congress to reverse this deal if the President goes forward with it, which he has announced this morning he will.

The Banking Committee already adopted an amendment that would prohibit the administration from weakening sanctions against the Chinese telecoms, including ZTE; however, the President has rushed to undo the sanctions before that bill could pass, so it won't affect ZTE because the sanctions have just been lifted by the administration.

Now that the President has rushed to give this company relief, we will offer a bipartisan amendment, led by Senators Cotton and Van Hollen, that retroactively imposes the sanctions

originally leveled against ZTE, reversing the consent agreement signed this morning. This is a bipartisan bill. Senator COTTON and Senator VAN HOLLEN don't agree on much, but thank God, when it comes to national security, they are agreeing. This Chamber should overwhelmingly vote for the Cotton-Van Hollen amendment, which I am proud to cosponsor, as I believe Senator CORNYN and others on the other side will do. We must do that. We hope Leader MCCONNELL will allow a vote or, at minimum, put it in the managers' package. We cannot move forward with this danger to national security without doing something about ZTE.

There is also a provision in the Defense bill to expand the jurisdiction of the Committee on Foreign Investment in the United States, known as CFIUS, so that the board can review minority-position investments and joint ventures in critical technology and infrastructure companies.

Too often, foreign companies—usually Chinese—backed by some hostile foreign governments—usually the Chinese Government—and they are hostile to us economically, make no mistake about it. That word is not too strong. They try to gain controlling or minority positions in critical American technology companies to pilfer their intellectual property and reproduce it in their own countries. They don't allow us to sell the goods; they instead buy minority interests in American companies, learn how to do it, produce it in China, and then undercut us and sell it here. No wonder we lose millions of jobs to China.

This must be stopped. Because these foreign companies go to great lengths to avoid a CFIUS review and sneak in under the radar, we ought to widen the scope of cases that CFIUS can look at, better protecting our national security and our economic security, and the Defense bill, fortunately, is the first opportunity to do that.

Now back to ZTE, the ZTE example is perhaps the best example of how this administration's trade policies are in shambles. The President has talked tough on China. President Trump and I agree very strongly—or we had agreed. I don't know where he is now, but in the past, we have agreed. We just had a conversation a few weeks ago about the need to combat China's rapacious trade practices. Initially, I was hopeful the President would follow through. He seemed to do this out of conviction. But it seems that even though President Trump roars like a lion on China, he behaves like a lamb. Instead of ramping up pressure on China, he tells them he is weak. He tells them he will back off. He tells them he is not for real. President Trump has directed far too much of the administration's energies on trade toward punishing allies such as Canada and Europe instead of focusing on the real menace, the No. 1 menace—China.

So if President Trump is listening this morning, I tell him: Be strong on

China. Don't trade away our leverage for anything short of real concessions on intellectual property theft and market access—the two things that most threaten our long-term economic standing, that most threaten the American economy, the American worker, and American jobs.

EMOLUMENTS CLAUSE

Now on another matter, Madam President, today the U.S. District Court for the District of Columbia will hear oral arguments in a case concerning the potential violation of the emoluments clause by the President of the United States—none other than the President of the United States violating this clause. The emoluments clause of the Constitution of the United States—written over 200 years ago into the Constitution by our Founding Fathers—prohibits any member of our government from profiting from their office, accepting any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign state.

The reason for the emoluments clause is plain: The Framers were worried that members of our government could be co-opted or influenced by the bribery of foreign capitals and thus prohibited even the potential for self-enrichment. They knew then what we know now: We don't want double-dealing by our elected officials, and when they have private interests, you never know—are they acting in what they believe is the national interests or what will help make them a profit?

With President Trump, we sincerely hope that no such self-enrichment is going on, but it remains a great concern to millions of Americans that President Trump has maintained a stake in vast business empire holdings all over the world. President Trump continues to profit from these holdings while he refuses to divest—an appalling departure from well-established practices of past Presidents. It shows a degree of selfishness that we haven't seen in Presidents. The President still refuses to disclose his tax returns and the precise extent of his foreign holdings—another radical and disturbing departure from past Presidents. This President acts like he is in the swamp, not like he is cleaning it up.

The President's actions certainly present the possibility of exposure to violation of the emoluments clause, so I believe it is a good thing that the courts are looking at this issue and taking it seriously. That is what our Constitution says they should do. It is a good thing the courts are taking it seriously. We cannot afford to have the Office of the Presidency of the United States corrupted for narrow, selfish means.

President Trump could easily—if you want to be President, you give up all the stuff you own. Every President has done it. There are blind trusts. There are all kinds of ways to do it. But this President seems to think he is measured by a different standard than anyone else. Everyone else makes their tax

returns public; he does not. Everyone else divests themselves of any interest in foreign business to avoid even the appearance of conflict; he does not. It is a double standard.

When the President says he wants to clean up the swamp when he goes to his rallies and gets cheered, what are those people cheering for? He has made the swamp worse than any President I know.

PARDON POWER

In other news, Madam President, we have learned that the President is very keen on his pardon power. The President went so far as to tweet earlier this week that he believes he has the absolute right—his words—to pardon himself.

Let me remind President Trump of a very simple fact: President Trump, you do not have the right to pardon yourself. No one—no one—in America is above the law, not even the President—especially the President. If the President did have the right to pardon himself, he could engage in blatant corruption and self-dealing without consequence. The President could violate the emoluments clause, for example, and simply exonerate himself for taking bribes from foreign interests. Surely that is not what our Framers intended. It would turn the Presidency into a farce and render American democracy greatly defunct.

When the President says and tweets things like this, we have to be very clear about how wrong he is. We cannot allow the morality of this government, the shining example the Founding Fathers put together, to just recede. President Trump is doing that on almost a daily basis, and we need not just Democrats, we need Republicans and Independents to stand up when he says things like that.

I was glad to hear that a number of my Republican colleagues said he doesn't have the power to pardon himself. I was proud of Senator GRASSLEY, who always speaks his mind—sometimes I like it, sometimes I don't, but he always speaks his mind—who talked about how wrong it was for the President to say he could pardon himself.

The idea that the President could pardon anyone, anytime, himself included, is antithetical to the very idea of a democracy.

President Trump, you are not King by another name.

I hope the President will focus instead on the Nation's business in the months 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. INHOFE. Madam Present, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Will the Senator yield for a UC?

Mr. BOOKER. Mr. Chairman, I will yield to you under almost every circumstance.

Mr. INHOFE. Madam President, I ask unanimous consent that at the conclusion of the remarks by the Senator from New Jersey, I be recognized as in morning business for as much time as I shall consume.

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

The Senator from New Jersey.

Mr. BOOKER. Madam President, I rise today to speak in opposition to the nomination of Kenneth Marcus to serve as the Assistant Secretary for Civil Rights at the Department of Education. One of the most critical functions of the Department of Education is the role in enforcing Federal civil rights and upholding the protection of students' civil rights in schools.

The Office for Civil Rights within the Department of Education is a particularly important instrument in enforcing civil rights in schools, protecting those precious rights of our children, and ensuring that schools provide students with access to equal educational opportunities and a nondiscriminatory environment in which to learn. It is an idea we have in our country that it is fundamental that we have a level playing field and abundant opportunity for all kids, no matter what their background is.

The continued need for this office is clear. In fact, during the Obama administration, the Office for Civil Rights and the Department of Education handled 76,000 complaints over 8 years and issued dozens of policy guidance documents to help schools better protect and preserve civil rights of students.

In the last year alone, or year and a half, we have seen what is clearly an abdication of this leadership in the Trump administration and what that has meant for the protection of civil rights for our country's children and for our country's students. We have seen an Office for Civil Rights that has rolled back protections for LGBTQ students, an office that has rolled back protections for students with disabilities, and an office that is set on gutting the very mission of the office itself, which is to protect all of our students from discrimination and empower them with equal opportunities to succeed.

The confirmation of Kenneth Marcus would be another blow to the civil rights of our students. Mr. Marcus is someone who, in his record and in his testimony to my colleagues on the Senate HELP Committee, has demonstrated that he possesses at best a disturbing apathy and at worst a wanton disregard for the importance, if not urgency, of protecting the rights of our kids in school.

When Mr. Marcus was asked by Senator MURRAY to name an example of something—anything—that Donald Trump had said or done when it comes to discrimination or civil rights that he disagrees with, and Mr. Marcus

could not name any area of disagreement. He couldn't find a single disagreement in the way that Donald Trump demeaned Americans with disabilities or how the President has spoken about Mexicans or even the way the President has issued policies that attack the rights of Muslims or the rights of LGBTQ Americans. There was no disagreement mentioned whatsoever.

When he was asked during his confirmation hearing if as Assistant Secretary he would intervene in an instance where Black students in a school district were receiving lower quality teachers, fewer books, fewer AP classes, and fewer educational resources than White students, one would expect his answer to have been: Yes, I would intervene. Yes, I would stand up for equality. Instead, Mr. Marcus refused to say that he would step in in such a hypothetical circumstance.

When Senator MURPHY asked about disparities in school districts that were suspending or expelling five times as many Black students for the same set of behaviors compared to White students, instead of just saying the obvious thing—that this is wrong, that the same behavior necessitates the same disciplinary action—instead of saying something as simple as that, Mr. Marcus went on to say this:

"I believe that disparities of that size are grounds for concern, but my experience says that one needs to approach each compliant, or compliance review, with an open mind and a sense of fairness to find out what the answers are. I will tell you that I have seen what appeared to be inexcusable disparities that were the result of paperwork errors, they just got the numbers wrong."

I don't know how much of the data on this issue of disciplinary inequality Mr. Marcus has seen, but it is abundantly clear that for someone who wants to be in this position, they should understand the crisis we have with discipline in this country. The data has shown that even in preschool—from the age of 4 years old—Black preschool kids are 3.6 times more likely to receive an out-of-school suspension than White preschool kids. Again, that is also for the same infraction.

This is not about getting the numbers wrong. This is about being aware of a problem we have in this country that fuels the school-to-prison pipeline. It is a problem that is so severe that I fought in a bipartisan way to get an amendment about school expulsions in the Every Student Succeeds Act. This is a problem that is so severe that in 2014 the Department of Education issued guidance clarifying that schools must administer discipline without discrimination on the basis of race, color, or national origin. The guidance provided important information and support for schools to create a safer, more inclusive environment. We know this problem is not going away, because just last month a new report from the Government Accountability Office concluded that Black students, boys, and