

was demonized by Democrats and their allies. We were hit with leftwing talking points that insisted that voter fraud was not real—it never happens, they said—that fraud just didn't happen and that modest efforts to ensure that voters are who they say they are and are voting in the proper places were really some sinister, rightwing plot to prevent people from voting.

As you might expect, now that an incident of very real voter fraud has become national news and the Republican candidate seems to have benefited, these longstanding Democratic talking points have been really quiet. We haven't heard much lately from the Democrats about how fraud never happens. They have gone silent. Now some are singing a different tune. There is a new interest in ensuring the sanctity of American elections.

I have been focused for decades on protecting the integrity of elections, so I would like to welcome my friends on the left to their new realization. They have just discovered that this subject really matters, but I have yet to see any evidence that they are actually interested in cleaning up the conditions that lead to messes like this one in North Carolina.

At the root of the North Carolina debacle is a practice that is known as ballot harvesting. Essentially, it is a means by which campaign representatives can collect absentee ballots on the premise of delivering them to a polling place or an election office. That is what ballot harvesting is. So think about it. Who in American politics keeps long lists of potential voters? Who mobilizes networks of people to go door-to-door? Who funds and stands up to these kinds of canvassing organizations? Who does those things?

I am sorry to say that there are not huge teams of politically neutral Eagle Scouts who rove the country and hope to use ballot harvesting to politely make voters' lives more convenient. This is not an Eagle Scout activity. The folks who really lick their lips at the prospect of mass ballot harvesting are political operatives, of course—political operatives, interest groups, and one-sided political machines. This is why many jurisdictions, including in North Carolina, have outlawed the practice altogether. I will say that again. Many jurisdictions, including in North Carolina, have outlawed this practice altogether.

Ballot harvesting threatens to change the nature of our representative democracy. Forget about persuading people and spurring them to turn out to the polls; this practice makes elections a kind of scavenger hunt to see which side's operatives can return to headquarters with the most ballots in the trunks of their cars, and once those operatives take ahold of these ballots, the voters have no way to keep tabs on whether they were ever delivered.

Of course, a system that invites political operatives to be rewarded for

turning up ballots will open the door to misbehavior. Remember, it is illegal in North Carolina and in most States for the obvious reason, but I have noted with interest that the Democrats' new focus on this practice has yet to extend to California. I wonder why. Well, in California, it is legal. It is a common practice in California. California allows anyone—not just family members but anyone—to show up at polling places on election day with ballots that are not theirs. Welcome to California.

Reports suggest that Orange County alone saw—listen to this—250,000 absentee ballots dropped off on election day last year. The county's registrar told the newspaper that some individuals dropped off hundreds of other people's ballots. We have no way to know if those ballots were sealed or if the people had even voted when they were harvested. The only evidence we have that the voter cast his or her ballot is the signature.

This past election cycle turned out favorably for California Democrats, amazingly enough. These late-arriving ballots seemed to help turn several races their way. Maybe this helps explain why: When House GOP leaders expressed concern over ballot harvesting in California, the State's Democratic secretary of state mocked their concern by saying: "What they call strange and bizarre we call democracy." Now ballot harvesting has thrown out an election result in the U.S. House of Representatives—legal in California, illegal in North Carolina.

Maybe that helps explain why, as it stands, the Democrat Politician Protection Act—Speaker PELOSI's massive new Federal takeover of the way States and communities run their elections—contains no effort whatsoever to crack down on ballot harvesting. It is not in there. Instead, it contains provision after provision that would erode the protections that are supposed to ensure votes reflect the voices of the voters whose names are on the envelopes.

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Provision after provision would erode commonsense protections and bring the guardrails down. So would a serious reform bill aimed to take away States' abilities to impose meaningful ID or signature requirements for voters. Would someone concerned about restoring democracy dismiss signature verification as an obstacle to be removed? I don't think so.

Perhaps these facts signal that Democrats see a political advantage in eroding commonsense protections and would rather keep that advantage than make episodes like the North Carolina mess less likely to happen in the future.

An example of real-live voter fraud is staring the country right in the face right now in North Carolina. Yet

Democrats choose at this moment to propose a sprawling Federal takeover of election law that would erode the integrity of our elections even further.

So that, I think, pretty well underscores what the priorities of today's Democrat Party is.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Eric D. Miller, of Washington, to be United States Circuit Judge for the Ninth Circuit.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### DECLARATION OF NATIONAL EMERGENCY

Mr. SCHUMER. Madam President, today, the House of Representatives will take up a motion to terminate the state of emergency proclaimed by President Trump. For many reasons, the measure should pass with bipartisan support.

First, Members of both parties know there is no actual emergency at the border. Nearly 60 former national security advisers—Democrat and Republican, bipartisan—including former Secretaries of State and Defense, have written a statement saying there is "no factual evidence of an emergency at the border." The President himself said, when announcing the state of emergency, that he "didn't need to do this."

An emergency, by definition, is something you need to do. It is an emergency. In the President's own words, this is not a state of emergency.

If we let Presidents, whomever they be—Democrat or Republican—willy-nilly, because they want to get something done, just declare an emergency when it is clear it has been a long-term

condition, a long-term issue, this country is a different country.

That leads to my second point. Members of both parties should be concerned about the President diverting money away from military construction projects in their districts.

Again, the President doesn't like you for some reason. He says there is an emergency and takes money away from a project in your State that you have worked hard for. That is no way to govern.

But at the top of the list is this: the Founding Fathers looking down upon this Chamber and upon these United States of America. They set up an exquisite balance of power. They were worried about an overreaching Executive. They knew what King George was all about. So they named the Congress, the House and Senate, the article I—article I, not II, III or IV—part of the government. Second, they gave the Congress one of the greatest powers any government has, which is the power of the purse.

When the President tries to take these powers away, which clearly he is doing in this case—he called for an emergency when he couldn't get his way in Congress, not because some new facts came on the scene—it is a change in the fundamental, necessary, and, often, exquisite balance of power.

I know many of my friends on the other side of the aisle understand that. In fact, true conservatism worries about too much power being centralized in any place because conservatism exalts the freedom of the individual.

So to look the other way because Donald Trump wants this—because he is almost sometimes in a temper tantrum about this issue—is so shortsighted and is so detrimental to the long-term health, stability, and viability, even, of how the balance of power works.

So I implore my friends on the other side of the aisle to contemplate what it might portend for our democracy to allow this emergency declaration to stand. What would stop any future President from claiming an emergency every week and doing what they wanted—a total subversion of the balance of powers, a derogation of huge power to the Executive, which has plenty of power already?

The National Emergencies Act has been used only once in its relatively short history, and that was to take action after 9/11—clearly, an emergency. Now President Trump is trying to bend the law to his will, not to address a military emergency, not to address any real emergency. This has been an ongoing issue. He would say “problem.” That is OK, but he is doing it for personal political gain, to accomplish something Congress rejected and the American people oppose.

He has tried several times to get this wall. Congress has resisted. Congress even resisted when Democrats didn't have control of the House, and now they do. Elections do matter. We are a

democracy, President Trump. So it is hard to imagine a more senseless and destructive use of emergency powers than what the President has proposed.

So let us, Democrats and Republicans, House and Senate, rise to the occasion. This will be a moment in history, a point where things may turn a bit. If Congress stands up, it will be a reaffirmation of our democracy. It will be a reaffirmation of the democracy the Founding Fathers wanted. If Congress stands up—Democrats and Republicans—when the Founding Fathers look down on this Chamber after the vote occurs, they will smile because this is the democracy they wanted. They did not want a democracy where a President could simply declare an emergency on a whim and overrule what Congress has done.

So let us—Congress—first the House and then the Senate, speak up with one bipartisan voice to remedy this injury that President Trump is trying to do to our constitutional order.

Whatever you think of the best way to secure our border, this is not the way for a President—any President—to exercise his authority. This is not about whether you are for or against a wall, and I, of course, am against it. It is about what America is all about, whatever your view on the wall.

#### GUNS

Madam President, on guns, the House this week will take up a measure to close the dangerous loopholes in the background check system used to certify firearms. For years, Democrats have tried to address these loopholes—the gun show, online, and private sales loopholes—only to be met with lock-step resistance by a Republican Congress beholden to the NRA. It is 90 percent of Americans who favor strengthening the background check system, not 51, not 52, 90—the majority of Republicans, the majority of gun owners. Any way you slice it, Americans are strengthening background checks. Americans believe felons, spousal abusers, or those adjudicated mentally ill should not have guns, but Congress is paralyzed because of the other side's obeisance to the NRA—not even after Newtown, not even after Charleston, not even after Las Vegas, not even after Orlando, not after Parkland.

On guns, the tide is turning. Make no mistake about it, a strong majority of the American people support these policies now. The NRA has been considerably weakened. They did not do very well in the last elections. Finally, there is a House in Congress that will listen to the American people and take action on guns—thoughtful, moderate action on background checks.

With each measure that passes the House, the pressure will build on the Senate to take up these reasonable, commonsense gun safety measures, and I hope my colleagues will join us.

#### BUYBACKS

On another matter, buybacks. This morning, the New York Times reported on an interesting facet of the recent

stock market rally. Many investors, according to the Times, are selling off stock. Average investors are selling off stock. Pensions, and mutual funds, nonprofits, endowments, private equity firms, and trusts are all, in the aggregate, selling stock.

So then why is it rallying? The laws of supply and demand should say the stock market should go down. The Times reports that it is corporate self-investment buybacks. Companies are buying back their own stock at such a rapid clip that they are propping up the market and, to a great degree, themselves. It is another clear example of how the recent explosion of stock buybacks in corporate America is distorting the market—artificially, some would argue.

Some Democratic Senators, and even some Republican Senators, have begun to sound the alarm about the record-breaking scale of corporate buybacks. Over the last decade, based on analysis of America's largest corporations, 466 of S&P 500 companies, 92 cents out of every dollar of corporate profit has gone to share buybacks or dividends.

Some say, well, they have already, before the profits, put money into their workers and into their communities. We are saying they should put some more, for the good of the country. Stock price, when so much of it is held up by buybacks, shouldn't be the only indicia, the only measure, of how well the country is doing, especially when 85 percent of the stocks are owned by the top 10 percent of Americans.

Most Americans would completely agree that there are more productive ways for corporations to allocate their capital than this borderline obsession with stock buybacks—the slavery to short-term rises in price to please investors—while not doing much for workers or for communities.

I hope corporate America will wake up. Income inequality, along with climate change, to me, are the two greatest problems America faces. We need corporate America to propose some solutions because when they say let government do it, much of corporate America then opposes government doing anything for workers or for communities.

Let's take a careful look at this, and let's see what the right solutions are. The status quo is not acceptable.

#### CLIMATE CHANGE

Madam President, on climate change, for decades we have known climate change is not only a major national challenge but an existential threat to our planet and to our future. Despite the gravity and scale of this challenge, one political party in the United States has largely denied the problem even exists, denied the overwhelming consensus of the scientific community, and denied most attempts in Congress to tackle climate change.

President Trump's record on climate change is one of abject failure: denying science, systematically rolling back environmental protections that reduce