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## Senate

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Allison Jones Rushing, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### NOMINATION OF CHAD A. READLER

Mr. SCHUMER. Mr. President, this week the Senate will vote on another of President Trump's hard-right judicial nominees, Chad Readler, of the Sixth Circuit Court of Appeals in Ohio.

Let me just say, anyone who thinks the Republican Party has abandoned their embrace of eliminating protections for preexisting conditions ought to see how everyone votes on Chad Readler. It will be a surprise to no one that this nomination is proceeding over the objection of Senator BROWN, yet another example of Republicans discarding the blue slip. Mr. Readler stands out in his own way. A vote to confirm this nomination is a vote to end protections for Americans with preexisting conditions.

Mr. Readler is behind the Trump administration's decision last year to side with Texas and 19 other States with Republican attorneys general suing to repeal our healthcare law. Mr. Readler was not just somebody who worked on the case; he was the lead lawyer, filing the Department of Justice brief declaring that the administration refused to defend the laws of our country.

In a brief so outlandish that career Justice Department attorneys refused to sign, Mr. Readler argued that protections for people with preexisting conditions should be eliminated. Mark

my words. When this vote is cast, we will see how every Republican feels about preexisting conditions, their protestations to the contrary.

Listen to this, folks. On the very next day after the brief was submitted, Mr. Readler was rewarded for his efforts by President Trump with a nomination for a lifetime appointment. On day one, Readler files the lead suit to eliminate protections for those with preexisting conditions, and on day two, he is nominated to the bench—a lifetime appointment.

All 47 of us Senate Democrats are united in opposing this nomination, and we urge our Republican colleagues who claim to support protections for preexisting conditions to join us in voting to reject his nomination.

He is not just some lawyer who participated. He is the chief cook and bottle washer of the case that hurts hundreds of millions of Americans. If you have a daughter with cancer, and you can't get insurance, if you have a wife or a husband who has a serious condition, and the insurance company pulls back, you are losing your protection if Readler has his way. Now he is going to get on the bench with a lifetime appointment unless our Republican colleagues have the sense and the courage to block him.

On this vote, every Republican will be forced to show their constituents and the American people whether they stand for preexisting condition protections, for more Americans having healthcare coverage, protecting Medicaid, and all insurance plans covering maternity care and prescription drugs. Having failed in Congress to repeal these vital healthcare protections that American families count on each day, President Trump has turned to the courts. The decision by Mr. Readler, President Trump, and others in the Trump administration to side with Republican attorneys general who have declared our healthcare law unconstitutional is the latest example of the

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

#### PRAYER

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

Let us pray.

Almighty God, we praise Your greatness, might, and majesty, for You are exalted above all. We receive power because of Your presence, and Your compassion never fails.

Today, guide our lawmakers as they strive to do Your will. Deliver them from the strain and stress of the demands of daily duties. Give them wisdom and courage for the living of these days.

Lord, unite them in the common endeavor to make America a beacon of freedom for our world. May all they think, say, and do truly honor You.

We pray in Your powerful Name. Amen.

#### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAWLEY). Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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



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President and Republicans trying to repeal our healthcare law.

The Texas lawsuit is working its way through the courts now. If Mr. Readler's legal argument prevails in the courts, access to healthcare for children with asthma, adults with arthritis, and cancer survivors would no longer be guaranteed.

Mr. Readler argues that preexisting condition protections like these are unconstitutional. We Senate Democrats think that is outrageous and extreme, which is why we are calling on Republicans to join us in opposing his nomination.

In short, any Republican Senator who supports Mr. Readler's nomination is supporting the Trump Republican lawsuit to get rid of preexisting condition protections and to take away healthcare from tens of millions—if not hundreds of millions—of Americans.

#### DECLARATION OF NATIONAL EMERGENCY

Mr. President, now on the national emergency, over the weekend, RAND PAUL, the fourth Republican in the Senate, announced his support for the resolution to terminate the President's national emergency, giving it the needed 51 votes to pass this Chamber.

It is clear that Members of both parties know there is no actual emergency at the border. The President himself made clear, when announcing the state of emergency, that he didn't need to do this. When the President says "I don't need to do this," he is saying that there is no emergency.

By definition, an emergency is something you need to do; it is an emergency. In the President's own words, this is not an emergency. It is a political bone and a face-saving device for the President to throw to the right-wing, to show he is still fighting for the wall. It goes way beyond simply how you feel on the wall, pro or con; it goes to the fundamental building blocks of how this country was structured.

Congress has the power of the purse. Congress is a check on the Executive. The Founding Fathers feared—probably above anything else, having dealt with King George in the Revolution—that an overreaching Executive was one of the greatest dangers to our democracy. That is why so many Presidents have respected and done emergencies only in the rarest of times.

The last bunch of emergencies were either a war, 9/11, Desert Storm, diseases—real emergencies—things that affect our climate, disasters such as hurricanes and tornadoes, in terms of what has happened with our weather and our climate.

If this coequal branch of government allows Presidents—whoever they may be, Democrats or Republicans—to just declare an emergency whenever they want to achieve a partisan policy goal, it will fundamentally alter the balance of power in this country in a way the Founding Fathers would be aghast at.

My guess is if George Washington, Benjamin Franklin, or James Madison

were looking down on this Chamber, they would want us to rise to the occasion; that was the democracy they wanted. I don't know if we will.

The Founders of this Nation gave the Congress one of the greatest powers any government has—the power of the purse. President Trump is trying to take these powers away, even after Congress rejected—explicitly rejected several times—the money for his wall.

We Democrats know this, and now it is clear that a growing number of Republicans know it, as well: To allow this emergency to persist is a change in the fundamental, necessary, and often exquisite balance of power that marks the genius of the American Constitution.

I know many of my friends on the other side of the aisle understand that. In fact, if you are a true conservative and not just a Trump acolyte, you realize that there shouldn't be too much power centralized in any place because conservatism, at its root, believes in maximizing the freedom of the individual and minimizing anything that encroaches on it, including an overreaching Executive. So to look the other way because President Trump wants this and because he is sometimes almost in a temper tantrum about this issue is so shortsighted and so detrimental to the long-term health, stability, and viability of how this balance of power works.

Let us come together on this issue—Democrats, Republicans, House and Senate—and rise to the occasion. If Congress stands up, it will be a reaffirmation of our democracy. It will be a day historians will proudly note decades from now. It will be a reaffirmation of the democracy the Founding Fathers wanted.

#### CLIMATE CHANGE

Mr. President, for decades, we have known that 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—the Republican Party—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.

Today marks day 18 since I first challenged our Republican leader and all of my Republican colleagues to answer these three questions: One, is climate change real? Two, is it caused by human activity? And, three, should Congress act immediately, strongly, to deal with this issue?

We haven't heard an answer from the leader or from almost every Republican in this body. So let me repeat them again.

Leader MCCONNELL, do you believe that climate change is real? Leader MCCONNELL, do you believe that it is caused by human activity? Leader MCCONNELL, do you believe that Congress should take immediate action to address the crisis of climate change?

I suppose it is not a surprise that Republicans are fearful to answer these questions. They know the public is on our side on this issue, overwhelmingly two to one. But the oil industry, which funnels tons of money into Republican coffers, much of it dark money, undisclosed—they are on the other side. That is why they are afraid to answer the question one way or the other.

Today's Washington Post details how the denial of basic scientific facts surrounding climate change is amounting to a political litmus test for President Trump. Perhaps Republicans are avoiding answering questions I have posed for fear that the President would retaliate for siding against him and his radical views. There is no real, rational explanation.

#### U.S.-CHINA TRADE NEGOTIATIONS

Mr. President, finally, on China trade, we have seen reports in today's newspapers that President Trump is close to cutting a deal with China.

I have given the President credit for bringing China to the table with his strong action on tariffs. He has done more to stop China from stealing our intellectual property and keeping American businesses out, causing tens of millions of Americans to lose income and millions of Americans to lose jobs. He has done more than previous Presidents. I give him credit.

But if now—at the end of the day—he sells out, backs out, and just looks at trade balances and doesn't deal with the fundamental, structural ways China takes advantage of us, it doesn't matter that he put in the tariffs in the first place.

The bottom line is very simple: China is our economic rival, and they don't play by the rules. They steal intellectual property by cyber theft, even promising that they will not. They don't let American companies come in and compete fairly in China, even though their companies can come here.

My late father-in-law, a cabdriver in New York City, just like one of those Damon Runyon cabdrivers, said that when it comes to certain things, America is not Uncle Sam; we are "Uncle Sap." When it comes to China, that is what we are. We have let them take advantage of us for two decades—two decades.

Now President Trump has the opportunity to stop them, and the news reports today say that he is going to back off—back off—because China will buy some more product.

China's buying more products will not change the structural problems. It will not change the basic erosion of American wealth and jobs as it flows to China. It is a temporary salve and nothing more.

I care about our farmers; we have a lot of them in New York State. I care about companies that might be hurt in the short run by this, but unless we take some tough action against China, the hurt will be much greater and much longer.

I say to President Trump: You stayed tough in North Korea, and it inured to