American farmers, American families, and America's future, and nowhere near enough reduction in global emissions to show for it. It is a self-inflicted wound for the low price, by one estimate, of somewhere in the neighborhood of $93 trillion.

This is not based on logic or reason; it is just based on the prevailing fashions in New York and San Francisco. That is what is defining today's Democrats.

ORDER OF BUSINESS

Madam President, I ask unanimous consent that following the disposition of the Beach nomination, the Senate resume legislative session for a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that there be 30 minutes of debate controlled by Senator ERNST or her designee.

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

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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, tomorrow, the Senate will vote on a resolution to terminate the President's emergency declaration—a declaration that undermines our separation of powers in order to fund the President's wall with American taxpayer dollars, despite Candidate Trump's repeated promises that Mexico would pay for it.

The resolution could not be any simpler. All it says is this, one single sentence: ''Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to section 202 of the National Emergencies Act . . . the national emergency declared by the finding of the President on February 15, 2019, in Proclamation 9844 . . . is hereby terminated.''

That is it in the entirety. There are no political games here. There is no ''gotcha.'' There is no discussion as to whether we need a wall, whether there is a crisis on the southern border. It simply says that this is not an emergency.

The vote tomorrow boils down to something very simple for our Republican friends: Do you believe in the Constitution and conservative principles? There are all of these self-proclaimed conservatives. Well, the No. 1 tenet of conservatism is that no one, particularly an Executive, a President, should have too much power. That has been what conservatives have stood for through the centuries, and all of a sudden, because Donald Trump says he wants to declare an emergency, are people going to succumb?

The Founding Fathers would be rolling in their graves. They would be rolling in their graves for any President, let alone this one who we know overreaches in terms of power and who we know has no understanding of the exquisite and delicate balance that James Madison, George Washington, Thomas Jefferson, and so many others created in the Constitution and the Bill of Rights.

Do our Republican friends stand for conservative principles? Do they stand for any principles at all, or do they just take a loyalty pledge to President Trump and meekly do whatever he wants? It is that simple.

There are a lot of issues on which we disagree. There are lots of times our Republican friends bow to President Trump, but there ought to be an exception. And if there ever were an exception, it should be this.

Many of my Republican colleagues rightly stood up and told the President not to take this action. Leader MCCONNELL himself said it was a bad idea, a bad precedent, contravenes the power of the purse, a dangerous step, an erosion of congressional authority. And they, our Republican friends, were right. The President himself said he ''didn't need to do this.'' That is not an emergency.

Are we going to say that anytime a President can't get his or her way with Congress, they can declare an emergency and Congress will meekly shrug its shoulders and walk by and bow in obeisance to any President, Democratic or Republican? What a disgrace.

This is one of the true tests of our Republican colleagues—one of the true tests—because it has always been the Democratic Party that has been for a stronger Executive. Dwight Eisenhower was worried about too much power going to the President, and so was Ronald Reagan. Where are our Republican friends now? Has Donald Trump turned this Republican Party and its conservative principles so inside out that we can't even get four votes to declare that this isn't an emergency, that we can't get 20 votes to say to the President that we will override this, because this is far more important than any view on the wall or the southern border, which we all know has been going on for a long time. While the President thinks it is an emergency, Congress clearly didn't. Even when Republicans controlled the House and Senate, they did nothing about the wall.

I have talked to a lot of my Republican colleagues. They know what this is all about. Everyone here knows the truth. The President did not declare an emergency because there is one; he declared an emergency because he lost in Congress and wanted to go around it. He has no principles in terms of congressional balance of power. We know that. We all know that. So to bow in obeisance to him when we all know what he is doing is so wrong—a low moment for this Senate and its Republican friends.

When it comes to the Constitution, you ought to stand up to fear and do the right thing no matter who is in the White House. My Republican friends know the right thing to do. They should not be afraid to do it.

Last I checked, we all took the same oath of office. What did it say? ''Uphold the Constitution.''

There are different views on the Constitution, but I haven't heard one constitutional scholar—left, right, or center—say that this upholding the President on this emergency is the right thing to do in terms of the Constitution. I hope my Republican friends will join us.

Now, it seems, from what I read in the press reports this morning, that some Senators are in search of a fig leaf. They want to salve their consciences. They know this is the wrong thing to do.

They came up with this idea that will change the emergency declaration for future moments. Reports indicate that a group of Republican Senators are pushing legislation that would ignore the President's power grab but limit future emergency declarations—what bunk, what a fig leaf. That will not pass.

To my friend, the Senator from Utah, who I know does have constitutional qualms, he is squirming. His legislation will not pass.

Let me just read you what Leader PELOSI said a few minutes ago. This is from her statement:

> Republican Senators are proposing new legislation to allow the President to violate the Constitution just this once in order to give themselves cover. The House will not take up this legislation to give President Trump a pass.

Do you hear me, my colleagues—my Republican colleagues? This will not pass. This is not a salve. It is a very transparent fig leaf. If you believe the President is doing the wrong thing, if you believe there shouldn't be an emergency, you don't say: Well, in the Congress we will introduce future legislation to change it, and, then, when the President declares another emergency, we will do new legislation to allow that too.

Come on. This fig leaf is so easily seen through, so easily blown aside that it leaves the constitutional pretensions of my Republican colleagues naked. The fig leaf is gone. Don't even think that it will have anything to do with what we are doing.

I hope my colleagues will stand strong. What the Republicans want to say with this fig leaf is, to paraphrase St. Augustine, ''Grant me the courage to stand up to President Trump, but not yet.''

Next time and next time and next time they will say the same thing.

Let's do the right thing. Let's tell the President that he cannot use his overreaching power to declare an emergency when he couldn't get Congress to

do what he wanted, and let's not make a joke of this by saying that there is some legislation that will not pass in the future that gives me the OK to vote for this, to vote against this resolution. That fig leaf makes a mockery of the whole Constitution and the whole process.

BUDGET PROPOSAL

President Trump put out his budget yesterday. It says ''promises kept.'' That is one of the biggest lies I have ever seen because if you look at the booklet, it is promises broken.

The President said he would never cut Medicare and Medicaid. He slashes them. It is an $845 billion cut to Medicare and $1.5 trillion cut to Medicaid.

The President says he believes in a strong infrastructure bill. Promises kept? This bill cuts transportation by over 20 percent.

The President said that education is the civil rights of this generation. Promises kept? The President cuts education dramatically.

On issue after issue after issue, the President's budget shows the real President Trump and how far away he is from the promises he makes to the working people of America. Many of them are catching on, many more will, and this budget will be a way to show who the President is.

Even worse—not ''even worse,'' but compounding the injury—there are huge giveaways to the wealthy, more tax breaks for the wealthiest of Americans. At a time when income distribution is getting more and more skewed to the top, when so much of the wealth of America and even the income of America goes to the top few, to have a budget that hurts the middle class, that hurts those trying to struggle to get to the middle class and makes it even easier for the wealthy to garner even more money—how out of touch is this budget?

I repeat my challenge. Leader MCCONNELL, this is your President. You seem to go along with him. Put this budget on the floor. Let's see if even a single Republican will vote for it. I would like to ask every one of my 53 Republican colleagues: How many of you will say, ''I support this budget''? I bet not one—not one.

This budget is a slap on the face to every American who has worked hard every day, paid his or her taxes, expects Medicare in retirement, expects some way to afford healthcare for retirement.

President Trump's budget is inhumane. We Democrats will fight it and fight these heartless cuts at every single turn.

TARIFFS

Finally, on China, yesterday U.S. Trade Representative Robert Lighthizer told the Senate Finance Committee that he could predict the success of a trade agreement with China, saying there are major issues left to be resolved. I hope these major issues are the sinew—the meat—of what China does to us.

This is not an issue of soybeans or imports or balance of trade, which is getting worse, even with what President Trump did. This is an issue of China's stealing the greatness of the American economy. This is an example of China's being able to cascade huge amounts of products into America and not letting us sell our products freely there, or seldom, under such conditions that it isn't worth it, such as turning our intellectual property and know-how to China or to Chinese Government-controlled companies.

Lighthizer is doing a good job, but I worry that the President is more focused on getting a win than getting a good deal. The President should be proud that he stood up to North Korea and walked away. He should do the same thing here.

President Xi is not going to give him much, and the President should have the guts to walk away because China is in a much weaker position, in part, because of the tariffs that the President correctly imposed on China.

If the President walks away from a weak deal, the odds are very high that he will be able to come back to the table with a much better deal because China will have to relent. Stay strong. Don't cave. This is America's whole future at stake.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from Hawaii.

JUDICIAL NOMINATIONS

Ms. HIRONO. Mr. President, two weeks ago, the Senate broke a century of precedent and confirmed a judge, Eric Miller, to the Ninth Circuit over the objection of both home State Senators.

Last week, the majority leader filed cloture on two circuit court nominees, Paul Matey for the Third Circuit and Neomi Rao to replace Brett Kavanaugh in the DC Circuit.

Yesterday, Paul Matey became the second person in Senate history, after Eric Miller, to be confirmed without blue slips from both home State Senators. By eliminating the blue slip—a century-old policy that requires meaningful consultation between the President and home State Senators on judicial nominations—Senate Republicans have been able to speed through confirming partisan judges with strong ideological perspectives and agendas.

Donald Trump appointed 30 circuit court judges in his first 2 years in office. That is 17 percent of the Federal appellate bench. By contrast, President Obama appointed only 16 circuit court judges in his first 2 years in office, and President George Bush appointed 17.

Donald Trump and the majority leader, with the help of the chair of the Judiciary Committee, are breaking nearly every rule that stands in their way to stack, at breakneck speed, the Federal courts with deeply partisan and ideological judges.

And why are they doing this? They are packing the courts to achieve, through the courts, what they haven't been able to accomplish through legislation or executive action—undermining Roe v. Wade, dismantling the Affordable Care Act, eliminating protections for workers, women, minorities, LGBTQ individuals, immigrants, and the environment.

The courts, with non-Trump judges, have been the constitutional guardrails stopping the Trump administration's deeply questionable policies and decisions, such as separating immigrant children from their parents, summarily ending DACA protections, and asking whether census respondents are U.S. citizens. All of these administration decisions have been stopped, for now, by Federal judges.

Trump's judicial nominees have extensive records of advocating for right-wing, ideologically-driven causes. In fact, these records are the reasons they are being nominated in the first place.

The nominees tell us to ignore their records and trust them when they say they will follow precedent and rule impartially, but after they are confirmed as judges, they can ignore promises made under oath during their confirmation hearing because they can. Short of impeaching these judges, there is nothing we can do about it—great for them, not great for Americans.

By the way, the average Trump judge tends to be younger, less diverse, and less experienced. They will be making rules that affect our lives for decades.

This week we are considering yet another Trump nominee, Neomi Rao, who should make us seriously ask how far the majority leader is willing to go to let Donald Trump pack the courts with extreme nominees and undermine the independence and impartiality of the Federal judiciary.

Neomi Rao is a nominee who has not only expressed offensive and controversial views in her twenties, but she has also continued to make concerning statements as a law professor. Her recent actions as Donald Trump's Administrator of the Office of Information and Regulatory Affairs, OIRA, have shown that her controversial statements in her twenties cannot be ignored as merely youthful indiscretions.

At the hearing, I asked her why, as a law professor, she defended dwarf-tossing by arguing that a ban on dwarf-tossing ''coerces individuals'' to accept a societal view of dignity that negates the dignity of an individual's choice to be tossed.

Does she seriously believe that dwarfs who are tossed do not share a societal view of dignity that being tossed is an affront to human dignity?

Ms. Rao asserted that she was only talking about a particular case and not taking a position one way or another on these issues. It is hard to understand what distinction she is making, but describing a ban on dwarf-tossing as not coercion is bizarre, especially coming from someone who purports to worry about the dignitary harm caused by affirmative action or diversity in education programs.