

what is necessarily best for another. So this idea that we would build a physical barrier across the entire State is just nonsense. That is not what the President has proposed.

I remember that former Secretary of Homeland Security John Kelly, later the Chief of Staff, said: We are not proposing to build a wall “from sea to shining sea”—because he knew what we know, and that is that what works best in one sector doesn’t work well in another.

So we need to keep both the funding and the flexibility to provide the most needed resources that will work best. That is not something we should be trying to dictate or micromanage from thousands of miles away. As I mentioned, the humanitarian crisis has evolved significantly since 2014, and I have no doubt that it will continue to evolve in the coming years. We need to continue the conversation with experts on the ground and stakeholders on the ground and make sure that we can adapt as the threat evolves.

Based on feedback from my constituents in Texas, the funding bill we passed last month included five specific areas, including the Santa Ana Wildlife Refuge and the National Butterfly Center, where barriers cannot be constructed. It also included language stating that DHS must consult with local elected officials in certain counties and towns. I happen to believe that kind of consultation can be very positive and can lead to a win-win situation.

I will mention just one location in Hidalgo County, TX. They are right there on the river, and they had to improve the levees because they were worried about the rains leading to floods and the destruction that would follow. In order to deal with improvement of the levee system, they actually worked with the Border Patrol to come up with what they called a levee wall, which helped the Border Patrol control the flow of migrants to places where they could be accessed most easily, but it also provided the improvement in the levee system that helped the Rio Grande Valley, and, particularly, Hidalgo County to develop those counties without prohibitively high or even nonexistent insurance coverage. So that is an example of how, by consulting with local stakeholders, we can come up with win-win scenarios.

The border region’s future is bright, thanks to the dedicated law enforcement professionals, elected officials, and business community leaders who keep it safe and prosperous, but we simply can’t turn a blind eye and ignore the high level of illegal migration and substances moving across our border. We can’t turn a blind eye to the migrants being left for dead in the ranchlands by human smugglers. We can’t ignore the humanitarian crisis that continues to grow at an exponential rate.

The President’s emergency declaration was his commitment to finally ad-

dress the problems that overwhelmed our communities along the southern border—both in 2014, when President Obama identified it, and today. It is our duty to deliver real results—not only for the people of Texas but for our friends to the south.

I have heard the concerns raised by my constituents and colleagues about the use of emergency powers in this situation, and I share some of those concerns. I still believe that the regular appropriations process should always be used, but, unfortunately, we saw a refusal on the part of the Speaker of the House and others to engage in bona fide negotiations on border security funding, and that left the administration with what it deemed to be an inadequate source of revenue to do the border security measures they felt they needed in order to address the humanitarian crisis.

Rather than engaging with the President and debating whether the President has the authority to declare a national emergency for border security—which he clearly does—I think our discussions should focus on the structure of emergency powers laws moving forward and whether Congress has delegated too much power, not just to this President but to any President under these circumstances.

I think Brandeis University did a survey of all of the congressional grants of emergency powers that Congress has made over the last years and has identified 123 separate statutes which, if the President declares a national emergency, will allow the President to reprogram money that has been appropriated by Congress for various purposes. I think that is a serious over-delegation of authority by Congress to the executive branch, which is why I intend to cosponsor a bill introduced by our colleague, Senator LEE from Utah, to give Congress a stronger voice in the processes under the National Emergencies Act.

I am going to continue to come to the floor to argue with my colleagues about what we need in that unique part of our country, which is the border region, not only to have a prosperous region in America but also to have a safer America. It is not as simple, frankly, as some people would have it be, and it should not be the subject of partisanship and game-playing, like we have seen the debate over border security under the President’s request become.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Thank you, Mr. President.

It is good to hear from my colleague from Texas. I am here to talk about two different issues, but I did just want to say that I have had the pleasure and honor of visiting Senator CORNYN’s wonderful State. In fact, I was at the border last spring. It is a beautiful State that is full of hard-working and welcoming people. Certainly, our men

and women on the frontlines at the border are working incredibly hard and have a lot of excellent ideas about how to secure the border.

I do just want to make one point, which is simply that in addressing a humanitarian crisis at the border, we shouldn’t create another one by separating families at the border. To be clear, there is nothing in our law that requires families to be separated at the border. We simply should not be harming children as we deal with this issue.

I would welcome Senator CORNYN to our Homeland Security Committee, where we have discussed the various options that would keep us from hurting children in our care.

TITLE X

Mr. President, I am here today to rise in opposition to the Trump administration’s domestic gag rule on the title X program.

For more than 40 years, title X has provided women and families with comprehensive family planning and preventive health services. Congress created title X with a strong bipartisan vote, with Members of both parties recognizing how vital the services it provides are. Since then, for those in rural communities, for low-income women and men, and for members of the LGBTQ community, title X-supported health centers have been a major source of preventive care and reproductive health services, including cancer screenings, birth control, HIV and STI tests, and counseling services.

Title X helps communities and people throughout my home State of New Hampshire. Title X-funded centers deliver care to nearly 18,000 Granite Staters annually, and title X-supported Planned Parenthood centers serve 60 percent of those Granite Staters. In some parts of my State, there are no options other than a title X center, and if other options exist, they don’t provide the same expertise and commitment to reproductive healthcare services that title X centers offer. Community health centers around my State do important work, but they have told me that they will not be able to replace the services lost if the administration is successful in its efforts to target Planned Parenthood.

The Trump administration’s gag rule is simply dangerous. It would force providers to violate their professional and ethical standards regarding their obligation to give patients full and accurate information about their healthcare and would discriminate against providers who refuse to curtail truthful communication with their patients. This rule would cut investments in family planning clinics, taking away services that so many people depend on, with a disproportionate effect on low-income families and those who already struggle to access care. This effort is part of the shameless and blatantly political attempts from this administration to restrict access to healthcare.

By attacking providers, such as Planned Parenthood, the Trump administration is once again threatening the health and economic well-being of millions. Women in New Hampshire and across the country deserve better. They should have the right to make their own choice about if or when to start a family, and they should be able to visit providers of their choice who understand their healthcare needs and will be truthful about their healthcare options and realities. This title X gag rule undermines all of that.

I am going to continue to stand up for a woman's constitutionally protected rights, and I will do everything I can to fight back against these partisan attempts from the Trump administration to undermine women's reproductive healthcare.

Thank you.

NOMINATION OF NEOMI J. RAO

Mr. President, I also want to take a moment to express my opposition to a nominee the Senate is considering today for the DC Circuit Court of Appeals—Neomi Rao.

Ms. Rao is up for a lifetime appointment on the DC Circuit, but her record and previous statements make it clear that she is unfit for this position.

Ms. Rao's writings as a college student are nothing short of outrageous. Ms. Rao once described race as a "hot money-making issue." She has called the fight for LGBTQ equality a "trendy political movement." She has criticized the "dangerous feminist idealism which teaches women that they are equal." Perhaps most disturbing are Ms. Rao's previous writings on campus sexual assault and rape. Ms. Rao once claimed that women shared the responsibility for being raped, saying: "If she drinks to the point where she can no longer choose, well, getting to that point was part of her choice." She also noted that "a good way to prevent potential date rape is to stay reasonably sober."

I know that Ms. Rao has said she regretted these comments now that she is up for this appointment, but that cannot make up for the type of damage that rhetoric like this has done. In 2019, survivors are still not listened to and taken seriously, and dangerous rhetoric and callous beliefs like these have prevented women from coming forward with their experiences of sexual assault in the first place.

I cannot support a nominee who made a decision to publish these types of outrageous sentiments.

If Ms. Rao's previous statements aren't already disqualifying, then her record as a member of the Trump administration certainly is.

As the head of the Office of Information and Regulatory Affairs, OIRA, Ms. Rao signed off on a policy that would allow the Environmental Protection Agency to not use the best available evidence when developing clean air and clean water protections—a policy with dangerous implications given the fact that the Trump administration has ig-

nored science and fought to undermine these protections. Ms. Rao signed off on this policy even after publicly pledging to meet in a Homeland Security and Governmental Affairs subcommittee hearing that she would do just the opposite.

Additionally, one of Ms. Rao's first efforts in the Trump administration was approving an effort to eliminate reporting requirements proposed by the Equal Employment Opportunity Commission to identify wage discrimination with regard to race and gender.

Finally, Ms. Rao approved of the title X gag rule, which, as I just discussed, will harm the health and well-being of people across the country.

It is clear that Ms. Rao is a partisan nominee with a dangerous record.

By the way, she has never tried a case—not in Federal court and not in State court.

Given her past comments, her record in the Trump administration, and her complete lack of experience, it is clear that she does not meet the standard that a lifetime appointment to a vital court requires. I will oppose her nomination today, and I urge my colleagues to do the same thing.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

THE GREEN NEW DEAL

Mr. DAINES. Mr. President, I would like to start by talking about one of the best things we are known for in Montana, and that is our great outdoors, whether it be our national parks, our iconic wildlife, hunting, or fly fishing. Like all Montanans, I want the peace of mind that I can continue to enjoy these opportunities with my kids and grandkids, just as my dad and my grandpa did with me growing up in Montana.

In Montana, we know how to foster commonsense, locally driven conservation to protect our environment. I am here to tell you today that there is nothing common sense about the so-called Green New Deal. In fact, the Green New Deal is a representation of everything that is wrong with Washington, DC. It is a radical, top-down idea that disregards the impacts on hard-working Montanans and Americans across our country.

You see, in Montana, we rely on a diverse portfolio of energy and fuel sources to help grow our economy, to create good-paying jobs, and to preserve our Montana way of life. In order to live where you also like to play—that is what we call Montana—you need a good-paying job. Montana is still a State where a mom or a dad, a grandma or a grandpa, or an uncle or an aunt can take a child down to Walmart and buy an elk tag over the counter and be at a trailhead to start elk hunting within 30 minutes. We need our ag production. We need clean coal. We need sustainable timber production. These are all part of our Montana way of life. They are all important to the

great State heritage we have. This Green New Deal would uproot all of that.

This Green New Deal sounds more like a socialist wish list than it does some great, bold conservation plan. Calling for an end to air travel, getting rid of all of the cows, and ceasing all production of coal would literally destroy our State's economy. The Green New Deal flat out doesn't work. Montana's rural communities would be left without any power or electricity. In fact, just this month, we saw record cold temperatures in Montana. I was trying to fly back to Washington, DC, a week ago Monday. When I got to our airport there in Bozeman, it was minus-40 degrees. We had to hold the plane for nearly 3 hours because deicing fluid only works at minus-25 and warmer temperatures.

The data that we have now looked at from during that cold snap shows that it was coal-fired generation—in particular, our Colstrip powerplant—that picked up the slack during those low temperatures. It kept the heat on for families across Montana.

Our wind turbines have difficulty working in subzero temperatures, and that is regardless of whether the wind blows. One of the challenges in a State like Montana is that when a high-pressure system moves in, whether in the wintertime or in the summertime—let's take the winter for example. When high pressure moves in, oftentimes that is associated with low temperatures. That usually is when we have a spike in requirements of energy consumption needs on the grid. What happens when a high-pressure system moves in is that the wind stops blowing. There is a reason wind is referred to as intermittent energy.

I am not opposed to the renewables. I think it is wonderful that we have wind energy in Montana. We have solar. We have hydro. We have a great renewable energy portfolio in Montana. But the reality is that during the coldest days of the winter, the wind doesn't blow. In fact, at minus-23 degrees and colder, they have to shut off the wind turbines because of the stress it presents to the materials of the turbines.

In the summertime, when high-pressure systems move in, the temperatures spike on the high side, and the wind stops blowing. At the same time, we have peak load on the grid.

So the commonsense thing to do is to focus on accelerating development of clean coal technology and keeping a balanced portfolio to make sure we meet the spike demands, whether they are in the summertime or in the wintertime.

While we should focus on accelerating investments to help renewables like wind become more reliable, which makes a lot of sense, we should continue to think about how to make renewables better.

The Green New Deal seems to think we all live in a fantasyland. In fact, it states how the United States has a disproportionate contribution to global