

the rules as the proverbial fish in a barrel. Too often, we just ignore China's aggression, genuflecting before the throne of free markets. But you don't have a free market if the biggest player is allowed to cheat.

China's cheating takes many forms. For many years, it held down the value of its currency to make its products artificially inexpensive, intending to drive competitors from other countries out of business. More recently, China has debased its currency to partially compensate for tariffs imposed on its goods. Today, so-called industrial policy is China's primary weapon of choice. China subsidizes a company by loaning it funds at submarket rates, by forgiving loans, by providing free research and development, or simply by allowing it to use intellectual property stolen from other nations.

Subsidy is even easier to hide when the company is owned by the government itself. There are 140,000 state-owned enterprises in China, accounting for 40 percent of its industrial assets. Profitability, return on capital, and repayment of debt are mostly irrelevant in such state-owned enterprises. They can employ predatory pricing—entering a foreign market by pricing a product well below its cost, driving domestic competitors out of business. When an American company does that, it is prosecuted under antitrust laws, but proving a Chinese product is priced below cost is extremely difficult given the lack of reliable cost data.

China's industrial policies are killing and debilitating businesses throughout the world.

Look, I am a free market, free trade guy, but free markets require rules to enforce honest competition. Slavishly accepting China's cheating as a dynamic of a free market, competitive workplace makes no sense at all. The President is right to use tariffs to crack down on China's theft of intellectual property, but when it comes to China's predatory industrial policy, the cheating will not end. We need to counter it directly.

Classically, a country has several tools to counter a predatory competitor. It can ban all or certain of its products. We did this with the Soviets during the Cold War. It can employ counterbalancing subsidies. It can require high levels of local content. And, of course, it can align with other nations to establish strict rules of conduct, which it then vigorously and swiftly enforces. All or some mix of these is needed.

As we confront China's aggression, we must also endeavor to convince it to turn back from the road of economic, military, and geopolitical conflict upon which it has embarked. Joining the other nations of the world in genuinely fair and free trade and in respect for the sovereignty of its trading partners and neighbors is very much in China's, America's, and the world's interest. China is not yet a geopolitical foe, but its actions over the last sev-

eral years have brought it right up to that line.

What I have said today won't come as a surprise to leaders here in Washington. The forms of China's aggression are widely understood by members of the administration, Members of Congress, and foreign affairs experts on both sides of the aisle. But, to date, our national response has largely been ad hoc or short-term or piecemeal. It is past time for us to conduct and construct a comprehensive strategy to meet the challenge of an ambitious and increasingly hostile China.

I said at the outset of my remarks that there are two dimensions needed in a strategy to preserve American leadership: First, strengthen America, and second, confront China's predation. There is a third dimension. We must alert the American people to the threat we face and unite them to the greatest extent possible in our response. In the past, an act of war or blustering threats by hostile actors have united us. But don't expect to see the Chinese President pound his shoe on the counter or shout that he is going to bury us, as Nikita Khrushchev did long ago. No, China intends to overcome us just like the cook who kills the frog in a pot of boiling water, smiling and cajoling as it slowly turns up the military and economic heat.

The disappearance of traditional media and the emergence of social media have made it more difficult to unite the country. Conspiring voices online prey on the human tendency to diminish the dignity and worth of people of different views, of different races, religions, or colors. Contempt rather than empathy is a growing feature in our politics and media. Each of us must make an effort to shut out the voices of hate and fear, to ignore divisive and alarming conspiracies, and to be more respectful, more empathetic of our fellow Americans. And when it comes to cooling the rhetoric and encouraging unity, there is no more powerful medium than the bully pulpit of the President of the United States.

Bringing a nation of 330 million people together in a shared effort is a greater challenge these days than bringing 2 coasts together with a railroad. But now, as then, national unity demands that the voices of leaders draw upon the better angels of our nature. They must call upon the distinctive qualities of our national character evidenced time and again in American history. We must reaffirm the principles of the Declaration of Independence.

Jon Meacham said it well: The greatest words ever originally written in English may be these: "All Men are created equal." That founding conviction propelled America to become the greatest Nation on Earth. No people have done more to assuage poverty, to combat tyranny, or to advance the God-given right of every woman and man to be free. That is still our common cause, our enduring legacy, and

our promise to generations unborn. Only America can lead that endeavor, but only with honor, with integrity, and with the combined strength of the friends of freedom will we succeed.

America remains the best hope of Earth and the champion of freedom. May God bless us with the courage and wisdom to keep that sacred trust.

I yield the floor.

(The remarks of Ms. CANTWELL pertaining to the introduction of S. 1703 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. CANTWELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### HEALTHCARE

Mr. DURBIN. Mr. President, this Senate Chamber has had a lot of historic debates. We have considered legislation of great seriousness and historic importance.

I have been on the floor of the Senate when we voted on going to war. I can't think of a more serious responsibility that a Member of the Senate might have. You know that even at the end of a good day, innocent people are going to die, and you have to cast a vote as to whether America should make that decision.

I have been here when we passed legislation that really was transformative in terms of the future of this country. After we went through the great recession in 2008, President Obama stepped up and said that we have to do something about reforming Wall Street, and we did. We spent months in committee hearings and brought to the floor a bill that is characterized as Dodd-Frank to change Wall Street and to make sure we never went through that kind of economic crisis again.

I was here when we considered the Affordable Care Act 10 years ago. That debate went on for over a year, amendment after amendment, change after change. We were addressing an issue that affected virtually every single American family, if not directly, then indirectly.

Those are the types of things that have been debated on the floor of this Chamber. But look at it now. It is empty. It is so underutilized that for hours and hours each business day, we come to the floor to make little speeches. At best, we are going to have a vote or two on another nomination from the Republican side, usually a controversial nomination, and that is it. That is it.

When you think of all of the possibilities of what we could do in the U.S. Senate Chamber for the good of this country, it seems like a terrible waste of space and a terrible waste of time. Men and women who made great personal sacrifices to run for the U.S. Senate and who serve in this Chamber find themselves in an empty Chamber, by and large, with nothing going on.

If you want to see some action, switch your C-SPAN channel over to the House of Representatives. In that

Chamber, with a Democratic majority, they are actually legislating. That is right. On Capitol Hill, one of the branches of Congress is actually passing legislation. Students ought to see it so that they know what it looks like.

Don't look here because we don't do that anymore. We don't spend our time dealing with legislation in the U.S. Senate—only with lifetime appointments to the Federal bench that Senator MCCONNELL and the Federalist Society approve.

Let me give you an example of something that happened in the House, an opportunity for the Senate. It is about the Affordable Care Act.

The Affordable Care Act passed under President Obama 10 years ago. It really changed the way we sold health insurance in America. Before the Affordable Care Act, health insurance companies could, and often did, use people's medical history to deny coverage or to charge premiums they couldn't afford to pay for.

What type of preexisting condition caused people to be rendered essentially uninsurable before the Affordable Care Act? Asthma, diabetes, allergies, high blood pressure, arthritis, a history of cancer, or even being a woman—that was considered a preexisting condition. It raised your premiums and maybe even denied you coverage.

More than 133 million Americans out of some 360 million in this country have a preexisting condition. Five million of them are from my home State of Illinois. I bet even more are from the State of Florida.

Before the Affordable Care Act, insurance companies used to use that medical history against individuals and families. The Affordable Care Act said, enough of that discrimination against people who have preexisting medical conditions. That bill, that law, prohibited insurance companies from denying coverage to people with preexisting conditions or from trying to charge them higher premiums because of it.

For the past 2 years, President Donald Trump has had a single focus on eliminating the Affordable Care Act and the protections I just described. He has attempted in every way possible to eliminate protection for 133 million Americans with preexisting conditions. He even brought it to the floor of the U.S. Senate early in his Presidency.

I will never forget that night. It was early in the morning, and it was a seesaw vote back and forth as to whether we were going to repeal the Affordable Care Act. The Republicans, who had been decrying this for 10 years, couldn't wait to repeal it, but they had nothing to replace it with. So at 2:30 in the morning, through that door walked a man whom I consider a national hero, a Member of the U.S. Senate named John McCain. John McCain walked through that door, stood in that well, and as he could barely move his arm, having had his arms broken as a pris-

oner of war, said no. His "no" vote, with that thumb going down, changed history. It kept the Affordable Care Act alive. President Trump failed, and he has never forgiven that great hero John McCain for stepping up for the good of this country and voting no against the repeal of the Affordable Care Act.

The President did not quit with that legislative effort. He decided he would try to kill the Affordable Care Act and the protection for people with preexisting conditions. He would do it in court if he couldn't do it in the Senate.

President Trump's Department of Justice recently weighed in on a Texas court case and argued that the Affordable Care Act should be abolished. If that happened, of course, discrimination based on preexisting conditions would once again be legal in America.

In July, the court will hear the appeal of this case. If President Trump has his way, Americans will lose this protection if they have preexisting conditions. It is just that simple.

Last month, the House of Representatives, not too far away from where I am standing, decided to do something. They decided to legislate. Unlike the Senate, they understand that the House of Congress can actually pass a bill that might become a law. So they had a debate, and they had a vote. On a bipartisan basis, the House of Representatives, last month, passed the Protecting Americans with Preexisting Conditions Act. This bill would prevent President Trump or any President from once again allowing health insurance companies to discriminate against people with preexisting conditions. It would affect 5 million people in my State with preexisting conditions and their families.

Let me tell you about one of them. Her name is Cathy. She is from one of our suburban towns outside of Chicago—not the town, really—the big city of Naperville. She wrote me about her kids, especially her oldest child who has diabetes and the other three children in her house who have cystic fibrosis. Cathy wrote: "As a constituent and someone personally affected by cystic fibrosis, I'm asking you to please protect access to quality, specialized care for people with preexisting conditions."

Think about what that mom has been through with those three kids—diabetes for the oldest and cystic fibrosis for three of her children. Can you imagine the sleepless nights, the heartache, and the worry she and her family have been through because of those kids? Any family who has ever had a sick kid knows it is a special pain, and Cathy has had it over and over and over again.

Cathy, I have to say this: The House of Representatives is here to help you. Sadly, the Senate is not. Under Majority Leader MITCH MCCONNELL, Republican leader from Kentucky, the Senate is exclusively considering partisan, controversial, lifetime appointments to

the Federal courts and virtually nothing else—nothing else. The Senate should be voting on bills that improve people's lives. The Senate could pass the bill already passed by the House, and I could send Cathy of Naperville a message: We hear you. We want to help you and your kids. We don't want you to ever have to worry about health insurance in the future because the kids were born with these medical conditions.

There are other things we could do. How about this for a radical idea? Overwhelmingly, the American people, Republicans and Democrats, say: Congress, would you do something about the cost of prescription drugs?

What have we done on the floor so far when it comes to the cost of prescription drugs in the Senate? Nothing. Every single day, if you own a television, you get to see night ads by prescription drug companies, and some of them you could repeat right back to them. "If you are allergic to Xarelto, don't take Xarelto." How would I figure that out? Do you know the most heavily advertised drug? It is Humira. It is for an arthritic condition, but it also treats psoriasis. I am learning all of this because I see these ads over and over and over again. Do you have any idea how much Humira costs? AbbVie, the company that makes it, tells you \$5,500 a month. Now, if you are crippled with arthritis, maybe that is what you need and want to do. If you have a red spot on your elbow from psoriasis, probably not.

So I have a bill that says: Disclose the price of drugs on your ads. It is not a radical idea, and it is a price that the drug manufacturers themselves publicize. We are not making it up. Put it on your ad. It is one step but only one step forward. There are so many things we could do to deal with the high cost of prescription drugs that we are not doing on the floor of the U.S. Senate.

Instead, this empty Chamber is for Members of the Senate to come and give speeches and maybe look longingly across the Rotunda at the House of Representatives, which is actually legislating. What if we decided to do something about prescription drug prices? I think America would be in shock to think that the Senate actually is legislating.

We just had another tragedy in Virginia Beach, another mass shooting. Twelve innocent people were killed and several others seriously wounded. We don't know how that will end, but it is already a gross tragedy. It has been repeated over and over and over in virtually every one of our States.

Could we take the time on the floor of the Senate to make sure people with a felony conviction record do not buy guns in America? That is not too much to ask, is it? Closing that gun show loophole and keeping guns out of the hands of people who misuse them, we could be doing that on the floor of the Senate but not with Senator MCCONNELL's agenda. It doesn't fit. He doesn't have time.

We could also be reauthorizing the Violence Against Women's Act. It is a bill that used to pass so easily. Democrats and Republicans agree that we are against violence involving women. We are not reauthorizing it. We are not even considering it on the floor of the Senate.

The Senate would be a great place to legislate. It would almost sound like the movie or look like the movie, "Mr. Smith Goes to Washington," where people come to the floor of the Senate, elect Senators, debate issues, vote on amendments, have rollcalls, make speeches, appeal to the American people, and try to put the majority votes together. Wouldn't it be a wonderful return to those thrilling days of yesteryear when the Senate legislated?

But Senator MCCONNELL doesn't have time, no time this year for legislation. Maybe next year. If he is in charge, maybe never. I urge Leader MCCONNELL and my Republican colleagues, let's get back to work. Let's earn our paychecks. Let's use this Chamber for the purpose for which it was built. Let's actually debate a measure. Don't be afraid to vote, my colleagues in the Senate. I have done it several thousand times. It is not that painful. I have constituents who expect nothing less of us, to see the Senate at work actually legislating on matters that are meaningful. They realize the Senate has become an empty Chamber, a legislative graveyard. I am ready to go to work. Perhaps a few Republican Senators will join the Democrats in actually doing that.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PRESIDENTIAL POWERS

Mr. VAN HOLLEN. Mr. President, I rise to address a matter that I believe should alarm every Member of this Senate, regardless of party, and that is the President's and the executive branch's increasing use of declared emergency powers to seize powers that are not lawfully theirs to take.

Just in the last week, we have seen two examples of this. We saw an administration claim emergency authority to move forward with an arms sale to Saudi Arabia and others. Last week, we also saw the President claim emergency powers in order to threaten an escalating set of tariffs on the country of Mexico.

Earlier this year, the President claimed emergency powers to divert funds away from important military and national security priorities to fund part of a wall along the U.S.-Mexico border. There was a headline, May 10,

2019, "Pentagon Shifts \$1.5 Billion to Border Wall From Afghan War Budget and Other Military Projects."

I, personally, oppose the outcomes the President is seeking in each of these emergency declarations. I oppose selling weapons to Saudi Arabia under the current circumstances. I oppose putting huge tariffs on Mexico that will harm American consumers and American businesses. I oppose diverting moneys from the Defense Department to spend on a wasteful, ineffective wall along the entire U.S. border.

Those are my views with respect to these outcomes. I suggest that all of us, Republicans and Democrats alike, should focus not only on the outcomes of each of these emergency declarations but the means the President is using to achieve them because, in each case, the President is claiming emergency powers to justify these actions. If this Senate stands by and allows that to happen, we will be surrendering our coequal powers as a separate branch of government and, in the process, undermining the integrity of our democracy itself. We should not leave this to the courts. We should not say, well, we don't think the President should be able to declare these emergency powers, but we are not going to deal with it here in the Senate; we are going to leave that to the third branch of government. That will undermine our democracy and this institution. Whether you like the outcomes or dislike the outcomes, the claim of emergency power to achieve these goals establishes a terrible precedent for our democracy, and we cannot sit idly by and allow that claim to continue unchecked.

I want to start by reviewing the Trump administration's invocation of so-called emergency powers to sell weapons to Saudi Arabia and others. The President's desire to please the Saudi regime and promote the Crown Prince's reckless conduct apparently knows no limits. It is a bottomless pit. We all recall President Trump vetoed a resolution that passed both Chambers of Congress with bipartisan support to end U.S. military support for the disastrous war in Yemen. When his own CIA Director concluded that the Crown Prince of Saudi Arabia was complicit in the murder of U.S. resident and journalist Jamal Khashoggi, the President refused to hold the Crown Prince accountable. Instead, he ran to his defense saying that "it could very well be that the Crown Prince had knowledge of this tragic event—maybe he did and maybe he didn't!"

That was the President's attitude, go ahead and murder a resident of the United States, go ahead and murder a columnist for a major U.S. paper. It doesn't really matter.

The administration went on to flout the law by refusing to provide a determination to Congress on whether the Saudi Crown Prince was responsible for the murder of Khashoggi. Despite the fact that Saudi leaders have openly

talked about acquiring a nuclear weapon, the President is singularly determined to conclude a nuclear cooperation agreement with the Saudis, attempting to dodge oversight and accountability at every turn.

That was just the prelude to what the President did last week when Congress was in its work period. The President invoked a so-called emergency authority to sell precision-guided munitions and other arms to Saudi Arabia, the UAE, and others. Why? It is pretty obvious. He knew that arms sale would be challenged by Congress, and it would be very likely that Congress would not approve that sale.

What happened? Here are the facts. Under the law, the administration must submit a formal notification to Congress of a proposed arms sale, if it is large enough. After the sale is notified, Congress has a short window in which we can act to block the sale. We would do that by introducing and passing a joint resolution of disapproval through the House and the Senate. The President knew the Congress was not going to support that sale and that we would likely vote to block it. What did he do? Instead of trying persuasion, instead of going through the constitutional process, the legal process, he decided to fake an emergency because under the law, the President can bypass congressional review if he states that "an emergency exists," which requires the sale to be made immediately "in the national security interests of the United States."

By making that declaration, the President was able to commit an end-run against Congress, and we should not allow it to happen because it is abuse of power and, I believe, an abuse of the law.

That emergency authority has only been used a handful of times in the last few decades. In fact, the last President to invoke it was President George H. W. Bush following the Iraqi invasion of Kuwait. Let's be clear. There is no emergency here, and the President is invoking it under false pretenses simply to hand another favor to the Saudi Crown Prince.

Where are these bombs and munitions going to end up? The war in Yemen and the Saudi-led coalition's war against the Houthis in Yemen has raged for 5 years now, costing the lives of more than 100,000 civilians. Millions are on the brink of starvation. The United Nations has declared Yemen the world's largest humanitarian catastrophe. Where are we 5 years into this war? The Houthis are more entrenched and militarily sophisticated. Iranian influence in the region has expanded.

In short, the Trump administration's strategy has been totally counterproductive. Instead of prioritizing a diplomatic solution of the conflict, the President is fueling the fire and perpetuating a humanitarian crisis.

What was the claimed emergency here, the emergency the President invoked to try to bypass the Congress