



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, TUESDAY, SEPTEMBER 10, 2019

No. 144

## Senate

The Senate met at 10 a.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.

Eternal God, Your words are pure. When hate seems to triumph, surround us with Your protection and favor. Have mercy upon our Nation and world.

Lord, the wicked are often exalted as they blaspheme and destroy. May our lawmakers not permit inaction to derail liberty.

How long will the enemies of freedom prevail? Awake us all, and use us for Your glory, for we trust in Your mercy.

We pray in Your great 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.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak in morning business for 1 minute.

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

### UNITED STATES-MEXICO-CANADA AGREEMENT

Mr. GRASSLEY. Madam President, agriculture and the family farmers of America depend upon exports for prosperity. Passing the U.S.-Mexico-Canada Agreement is then critical to provide farmers and ranchers with the certainty they need to make long-term business decisions.

Over \$10 billion worth of agricultural products are exported each year to our

neighbors, and that supports more than 86,000 jobs. Modernizing and improving our trade relationships with Canada and Mexico is a bipartisan no-brainer.

Former Secretary of Agriculture Tom Vilsack and I discussed the USMCA in Des Moines last month at a local dairy processing plant. Secretary Vilsack and I agree we must pass the USMCA to help our farmers.

I yield the floor.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### BUSINESS BEFORE THE SENATE

Mr. McCONNELL. Madam President, the Senate is in the midst of confirming several more of the President's well-qualified nominees to important Federal posts. After we complete today's vote on Ambassador Kelly Craft, whom we confirmed a month ago to serve as Ambassador to the United Nations, we will turn to several more public servants whom the President has asked to serve at the Departments of State, Treasury, Health and Human Services, and Veterans Affairs, among others.

Meanwhile, the Appropriations Committee is working to produce government funding legislation. With a good-faith, bipartisan, bicameral approach, we will be able to build on the agreement the President signed into law last month and ensure adequate funding for the American people's priorities. As always, I know my colleagues and I are grateful to Chairman SHELBY and Ranking Member LEAHY for their work. I hope we are able to consider significant bipartisan funding legislation here on the floor this month before turning to a temporary continuing resolution while work continues.

### 400TH ANNIVERSARY OF SLAVERY

Mr. McCONNELL. Madam President, now on an entirely different matter, today Congress observes the 400th anniversary of a reprehensible moment in the history of our land. In August 1619, an English ship landed at the tip of Virginia's Lower Peninsula. On board were 20-some Africans whom the crew had captured from a Portuguese slave ship. These men and women were sold to the Colonies, and with that, England's American Colonies had taken their first step into the already massive transatlantic slave trade. The shameful history of slavery in what would become our Nation had begun.

In many ways, slavery is the original sin of the United States of America. This systematic racial exploitation wove its way into the Colonies' economies and societies. Almost two centuries later, the disgusting practice was a stumbling block in our founding debates. It ultimately was allowed to continue for the sake of union.

Some of our Founders participated personally even as they argued the philosophical case for equality under God and under law. Thomas Jefferson owned slaves while he wrote the Declaration of Independence—and the shameful inconsistency was not lost on him. Jefferson wrote: "Indeed, I tremble for my country when I reflect that God is just: that his justice cannot sleep forever."

Indeed, justice did not sleep forever. The last century and a half has seen the moral truths on which this Nation is founded slowly overcome one racist evil after another. After an unthinkable bloody Civil War, slavery in America was no more. Almost a century later—much too late—the failures of Reconstruction and the cruelty of Jim Crow began giving way to the herism of the civil rights movement.

Change has come too slow. The process has been incredibly imperfect. But every American should take pride in the undeniable progress we have made

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



Printed on recycled paper.

in overcoming the terrible chapter that was opened 400 years ago. We should take pride that our American ideals of equality and justice—not the sins of our forefathers—are the true, deepest bedrock of this great Nation.

Today, with the Nation, Congress looks back to 1619 and remembers the size and scope of slavery's stain on our history. We mark this somber anniversary with grief for all the slaves whose God-given freedoms were so brutally denied. We reflect gratefully on the tremendous, rich contribution that generations of African Americans have made to this Nation despite this violence and adversity. We give thanks that true American values slammed the door on this unjust part of our Nation's history and continue to prevail today.

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

**THE PRESIDING OFFICER.** Under the previous order, morning business is closed.

#### 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 senior assistant legislative clerk read the nomination of Kelly Craft, of Kentucky, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

**MR. McCONNELL.** 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.

#### NATIONAL EMERGENCIES ACT

**MR. SCHUMER.** Madam President, I begin this morning with some news for my colleagues on both sides of the aisle. As stipulated by the National Emergencies Act, Democrats will once again force a vote to terminate the President's national emergency declaration. The provisions of the National Emergencies Act dictate that the resolution of disapproval be privileged and therefore must be voted upon.

As everyone no doubt remembers, the Trump administration declared a national emergency in February of this year after Congress repeatedly denied the President funding for the construction of a border wall that he promised Mexico would pay for. A few weeks ago, the administration released the list of military construction projects it has planned on canceling in order to steal money for the President's wall.

The President's emergency declaration was and is an outrageous power grab by a President who refuses to respect the constitutional separation of powers. I say to all of my colleagues, this issue rises to a large and vital constitutional issue: Does our country truly have checks and balances, particularly when we have such an overreaching President?

We all must consider the dangerous precedent this would set if Presidents could declare national emergencies every time their initiatives fail in Congress. It is outrageous. There is balance of powers. The President failed in Congress. He didn't say it was an emergency then, but he used the national emergency law, which is intended for true national emergencies—floods, states of war—and then overruled the will of the people as voiced in the Congress. This is so wrong. The President has clearly attempted to usurp the power of the purse given exclusively to the Congress by the Constitution to take funding from projects we have approved and give it to projects we have repeatedly declined to approve.

This goes to our democracy. This goes to how the Founding Fathers set up that delicate balance. We have never had such a President overreach on an emergency basis. The recourse for such a brazen power grab should be an overwhelming bipartisan vote in the Congress to terminate the emergency declaration and reassert our constitutional authority.

Most of my colleagues know this is wrong. In fact, when we had a vote the last time, 59 Senators—including a good number of Republicans—voted against the emergency. What adds insult to injury is the President stealing the money from our military projects that protect our Nation, support military families, local economies, and local schools.

The Trump administration has proposed pilfering funds from projects in 23 States, 3 U.S. territories, and military installations in 20 countries, including \$80 million from projects in North Carolina, \$30 million in Arizona, and even a middle school in Kentucky. How do we say to the men and women who risk their lives for us and whose families sacrifice that the President is taking the money away, and we are going to shrug our shoulders—not this Senator, not this Member and not, I believe, every Member on our side and not a whole bunch on the Republican side.

We need more people to join us. I hope we will see an even larger major-

ity stand up for both the Constitution and the military and its Members and their families. Democrats and Republicans alike should vote to terminate the President's national emergency declaration, and you can be sure we will make sure everyone will have a chance to do so within the next month.

If we don't do it, how many more emergencies will the President declare? Whom else will he take money from and to use for purposes he wants but that Congress doesn't and that the American people are largely opposed to?

#### GOVERNMENT FUNDING

Madam President, on another matter, we have until the end of the month for Members of both parties to work together to fund the Federal Government, one of our most basic responsibilities as legislators.

At the end of July, both parties came together to produce a budget deal that set the blueprint for negotiations this fall. The same spirit of bipartisanship is required to move forward through the appropriations process, and it starts with good-faith discussions on how we allocate funding to 12 subcommittees. To be successful, that process must be fair, cooperative, and bipartisan.

Under a partisan process, we know what happens. We all lived through it just 9 months ago. The President demanded funding for a border wall and then shut down the government when Congress didn't give in to him. Now, just 9 months later, I read reports that Republicans are considering going down the same path again, potentially risking another government shutdown over the exact same issue. I believe there is good will on both sides of the aisle. We want to avoid a shutdown. Certainly, Republicans learned their lesson; it wasn't very good for them the last time. Both sides want to avoid a shutdown and both sides would prefer to have a real budget, not a CR. The way to get that done is for both parties to work together and keep the appropriations process bipartisan, not for the Republicans to tell the Democrats that these are the 302(b)s and this is the order in which we will do the bill. That is not bipartisan, and that is not what the bipartisan agreement called for.

#### BACKGROUND CHECKS

Madam President, finally, on guns, over the August recess, Leader McCONNELL promised we would hold a debate on gun violence when we returned to Washington. Now that we are back, Democrats will insist on holding Leader McCONNELL to his promise.

The debate on gun safety should be our first order of business, and the place to start a debate is a vote on the House-passed, bipartisan background checks bill. It is the foundation on which most other gun safety laws depend. We can't make a real dent in preventing gun violence without first catching the glaring loopholes in our laws that allow criminals, spousal