

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 SCHUMER.** Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

abusers, and the adjudicated mentally ill to buy firearms without a background check.

Some are talking about the so-called red flag, but the red flag doesn't work if there is no background check. Mr. Jones is red-flagged. Then he goes online or goes to a gun show to buy a gun without a background check. The red flag doesn't work unless we tighten the loopholes—close the loopholes—on the background check law.

Later today, Republican leaders will meet with President Trump to talk about the congressional agenda this fall. Gun violence, according to the reports I have read, is expected to be a topic of the conversation. I strongly urge my Republican colleagues to prevail on the President to support universal background checks. Leader McCANNELL has said he will bring a bill to the floor if it has the President's support. That means there is a truly historic opportunity for President Trump to lead his party toward sensible gun safety laws that in the past, Republicans, in obeisance to the NRA, refused to support for decades.

Public support and public pressure is mounting from one end of the country to the other, with 93 percent of Americans supporting background checks. The vast majority of Republicans and gun owners—a vast majority—support it.

The President can provide Republicans important political cover. They shouldn't need it because so many Americans are for this, but they do because of the power sometimes exercised rather ruthlessly by the NRA. The President can do it. This is a moment of truth for the President, for Leader McCANNELL, and for all of my Republican colleagues.

The American people are fed up. Too many people are being killed across the country every day. Just yesterday, I was waiting at the airport, and a man came over to me and grabbed my arm and said to me that his nephew was a victim of gun violence. He pleaded with me for action. It is affecting more and more people, their families, their friends, and their communities. I imagine every one of my colleagues has met someone like this man over the past month.

The Mayor of Dayton, OH, Nan Whaley, joined with Democrats yesterday at a press conference—another incredibly compelling voice pushing for progress on this issue. We invited her to speak at our caucus lunch today. I expect my Republican colleagues have mayors in their States who, just like her, are exhausted by the daily gun violence in their cities. Republicans have a chance today to convince the President to do the right thing and come out in support of a policy that is not a figleaf, that is not milquetoast and will do nothing, but one that will actually save lives.

I strongly urge our Republican colleagues and Leader McCANNELL to use this afternoon's meeting at the White

House to discuss supporting a bipartisan background checks bill.

I yield the floor.

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

The PRESIDING OFFICER (Mr. SCOTT of Florida). Without objection, it is so ordered.

NOMINATION OF DALE CABANISS

Mr. PETERS. Mr. President, I rise today to oppose the nomination of Dale Cabaniss to serve as Director of the Office of Personnel Management.

With roughly 5,500 dedicated employees, OPM is responsible for managing the Federal Government's civilian workforce—overseeing government-wide policies for recruiting, for hiring, and training—and administering the healthcare, life insurance, and retirement benefits that impact millions of Americans every year.

The Director of OPM plays a crucial role in the Federal Government, not only by managing the agency's employees but by serving as a leader and an advocate for more than 2 million hard-working men and women in the Federal workforce. The next Director of OPM must have a proven track record of effective leadership.

While I acknowledge and I admire Ms. Cabaniss's long record of public service, which includes more than 20 years here in the Senate, I do not believe that her experience and qualifications satisfy the requirements of this very important and very challenging position.

Last summer, the Trump administration released its government-wide reorganization proposal, which includes plans to dismantle the Office of Personnel Management as we know it. Since then, Congress has repeatedly attempted to engage in an honest and productive dialogue with the administration about their reorganization proposal. However, they have not been transparent about the repercussions of this plan and what impact those repercussions could have on the Federal workforce. They have not demonstrated how taxpayers will be better served by their proposal, and it remains unclear if they have even studied the full impact of their proposal. In short, they have left too many fundamental questions simply unanswered.

The Office of Personnel Management is charged with safeguarding the non-partisan civil service from the political motives of this or any White House. During such a time of uncertainty and upheaval, OPM needs strong and steady leadership that is focused on good governance and that will not be swayed by political whims of elected officials. This Agency and the millions of Americans it serves each and every day deserve a proven, independent leader.

Simply put, Dale Cabaniss is not that leader. While Ms. Cabaniss has some

experience leading a small agency, I am not confident that her background has prepared her to provide the stability and the autonomy that OPM deserves.

Unfortunately, after a careful review of Ms. Cabaniss's record, I do not believe that she is the right choice to lead OPM at this critical time. I will be voting no, and I urge my colleagues to do the same.

I yield the floor.

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

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

DEBBIE SMITH ACT

Mr. CORNYN. Mr. President, for nearly 15 years, the Debbie Smith Act has been the driving force behind our progress to eliminate the Nation's rape kit backlog.

Though exact numbers are difficult to estimate, experts believe there are hundreds of thousands of untested rape kits in the United States. Each one of them, of course, represents a different story—the story of a sexual assault victim. Also, as a result of DNA science, it holds the key to apprehending a violent criminal and stopping them from committing further assaults.

Since the Debbie Smith Act was signed into law in 2004, more than \$1 billion has been invested in State and local crime labs for DNA testing. This program also supports training for law enforcement, correctional personnel, forensic nurses, and other professionals who work with victims of sexual assault. Though the primary goal of the program is to reduce the rape kit backlog and identify attackers, processing this DNA evidence can assist investigations into other nonviolent crimes as well.

Once evidence is tested, it is uploaded into the FBI's DNA database, called CODIS. This is similar to the criminal fingerprint database but provides DNA evidence that can help identify and convict people who commit other crimes. So if it is collected as a result of a sexual assault, you may, in fact, be able to get a hit that will help you identify someone who has committed a burglary, a murder, a robbery, or some other crime. This is particularly true when somebody commits a crime in one State and moves to another State—to be able to connect the identity of the person based on their DNA, not based on where the offense was committed. According to the National Institute of Justice, 42 percent of hits in the FBI's DNA database system are the direct result of Debbie Smith Act funding—42 percent.

In addition to helping us get more criminals off the streets, this information could also be the key to exonerating individuals who were wrongly