

however, the President's actions have increased the risk of Iran rushing to develop a nuclear weapon, weakened our ability to fight ISIS, and strengthened the hands of Russia and China in the Middle East, at America's expense. How in the world is the world "a much safer place today" than when President Trump took office? It is not.

Every American should ask themselves this question: Are we safer today after these actions, with Russia and China on the ascent, with our ability to fight ISIS weakened, and with Iran rushing to make a nuclear weapon? Every American should ask this question.

As we continue to grapple with the fallout from the President's actions, there are several points for my colleagues to consider. The Trump administration has not been transparent with Congress or the American people. The Trump administration did not consult with Congress prior to the strike on Soleimani and had classified the War Powers Act notification sent to Congress without any justification. There is no reason much of it should be classified.

It took over a week for the administration to conduct a briefing for the Senate about the strike and then the briefers, top members of the administration, practically ran out of the room after only a few questions, putting the "brief" in briefing.

Today Secretary Pompeo refused to testify in the House about the administration's decisions. On something as serious as the current situation in Iran, the administration's lack of transparency has been completely unacceptable. While the President has promised to keep us out of endless wars in the Middle East, his actions have moved us closer to exactly such a war, making the American people and American forces less safe.

While I am thankful that nobody was hurt by Iran's retaliatory missile strikes last week, there are several reasons to be concerned. Iran can strike us in other ways in the months ahead with cyber warfare, proxies, or established terror networks that have destabilized the Middle East for decades. The Supreme Leader himself has said the recent strikes on U.S. installations in Iraq were just "one slap" and "not enough." Iran has also announced it will no longer abide by any restraints on its nuclear program.

The President has tweeted "all is well" with Iran now. You would have to be delusional to believe that. It is sort of like saying North Korea is no longer a nuclear threat.

In many ways, the President has made Americans less safe. Unfortunately, what is happening with Iran is typical of how the President has conducted foreign policy over the last 3 years—erratic, impulsive, and without regard for long-term consequences. As a result, the President's foreign policy is dangerously incompetent.

We cannot say that any major problem area around the globe was better

off than it was 3 years ago. Because of all this—because of this erratic, impulsive foreign policy—the Senate must not allow the President to proceed unchecked. Senator Kaine's War Powers Resolution is needed now more than ever, and I am glad the Senate will consider the resolution this week.

Senator Sanders also has a bill that would deny funding for a war with Iran. We should consider that legislation, which I cosponsored as well. As the situation with Iran continues to evolve, the administration must come back and finish what they barely started last week, keeping Congress briefed and up to speed with all major developments, troop deployments, and strategy.

On matters of war and peace, for the safety of our troops, the security of our Nation is at stake. Congressional oversight and congressional prerogatives are not optional; they are mandatory.

#### CHINA TRADE AGREEMENT

Madam President, finally, on China.

Later this week, China and the United States will participate in a signing ceremony for a so-called phase one of the trade agreement, in which President Trump has agreed to cut some tariffs on Chinese goods in return for temporary assurances with China to buy more agricultural products from the United States.

After 18 months, the President's phase one deal with China is stunning in how little substance it achieves at such a high cost. It fails to address deep structural disparities in our trade relationship with China—disparities that will harm American workers and businesses for years. It also seems like this deal could send a signal to Chinese negotiators that the United States can be steamrolled and that President Trump can be played every time.

Now, I have publicly praised President Trump when he has taken a tough stance with trade negotiations with China at some political risk. I have said his instincts on China were even better than President Bush's and Obama's. So I come to this as someone who is truly rooting for the President to succeed. For these reasons, I am even more disappointed in what President Trump has managed to achieve—or, rather, failed to achieve.

According to public reports and by the administration's own admission, this deal does little to end China's greatest trade abuses. It does not secure commitments on state-sponsored cyber theft, China's massive subsidies to domestic industries, preferential treatment to state-owned enterprises or dumping Chinese goods into the U.S. market.

In signing this agreement, President Trump removes our most effective source of leverage in exchange for mediocre, temporary agriculture concessions, which may not even come to pass, given China's past history. Essentially, President Trump is selling China the farm in exchange for a few magic beans—in this case, soybeans.

The American people need to understand exactly what is in this phase one deal before the United States agrees to continue negotiations with China. So today I am sending the President a letter with a series of crucial questions: What commitments, if any, has China made with regard to its harmful government subsidy programs? What commitments, if any, has China made concerning their state-owned enterprises? What about its practice of dumping products into our markets or their state-sanctioned cyber theft? What help will be afforded to our farmers who have lost billions in the last 2 years, when China has already signed many long-term contracts with other soybean producers in places like Argentina and Brazil?

These issues must be resolved before we move forward, but I fear that after months of costly negotiations, President Trump—facing the election—has sold out American farmers, businesses, and workers in exchange for a photo op.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### IMPEACHMENT

Ms. HARRIS. Madam President, just across the street from where I stand today is the U.S. Supreme Court. That building has four words etched in marble above its entrance: "Equal Justice Under Law."

The promise of those four words is that in our country, our system of justice must treat everyone equally regardless of their race, gender, sexual orientation, gender identity, religion, disability, or socioeconomic status, but too many people in our country grow up knowing and experiencing that in America we have two systems of justice—one in which certain people are held accountable and another in which powerful people like Donald Trump escape accountability altogether.

This has been true from the first days of our Nation's history, when a group of men gathered in Philadelphia to debate lofty notions of justice and equality, yet produced a document that literally counted Black Americans as fractions of a person.

In the Declaration of Independence, we were told that "all men are created equal," but we know that in our Nation's founding at that time, the policy of our Nation was to rob indigenous people of their land and their livelihood and to exclude women from the right to vote.

So to make true the promise of America and move us toward a more perfect Union, people have organized and fought and marched for justice. From the suffragettes to Dr. Martin Luther King, Jr., those fights have won us progress toward a more just and inclusive nation, but, clearly, there is still more work to be done to achieve equal justice under law.

When the determination of whether you sit in jail before trial is too often based on the size of your bank account

rather than the size of your crime, we have not yet achieved equal justice under law. There is more work to be done when young people selling drugs on the corner too often become felons for life, while white-collar criminals face no accountability.

There is more work to be done when regarding the sexual assault of women, the current President has said:

When you're a star, they let you do it. You can do anything.

There is work to be done when the American people know that the rules aren't equally enforced against powerful people. Unless we acknowledge these truths, too many Americans will remain distrustful of our institutions and cynical about our government and our leaders.

This is the point, my colleagues: We now face a choice. Will we insist that we have one system of justice that applies equally to all or will we continue to have two systems of justice in which some are above the law?

Later this week, the Senate will likely begin the impeachment trial of President Donald Trump. This moment in our history will have consequences. The Senate is charged with deciding whether the President of the United States, with all his power and supposed wealth, will be held accountable for his actions and whether we will finally live up to the principle of "Equal Justice Under Law."

This is why I speak to you today, fully aware that I stand on the shoulders of those who come before me in our Nation's ongoing fight for equality. I speak because I was raised by people who spent most of their lives demanding justice in the face of racism, misogyny, bigotry, and inequality. I speak because I have dedicated my entire career to upholding the rule of law and bringing integrity to our system of justice. I speak to ensure that everyone in California and throughout our country can enjoy the rights and freedoms guaranteed to them by the U.S. Constitution.

As a U.S. Senator, I speak fully prepared to uphold my solemn oath to support and defend the Constitution of the United States and to do impartial justice according to the Constitution and laws, and to affirm that my first obligation is to serve the people of the United States—all the people.

I hope my colleagues can agree that our Nation's Founders had the foresight to create a system of checks and balances and anticipate the need to remove a President who might yield to foreign influence or use the Presidency for personal power and benefit.

Our Founders feared that a day like this might come, and so they empowered the U.S. Congress with the tool of impeachment to hold a lawless President accountable.

This week, after months of investigation, sworn testimony, public hearings and debate, the House of Representatives will likely send to the U.S. Senate two Articles of Impeachment.

These articles charge President Trump with abusing his power for his personal and political gain and with obstructing Congress's effort to investigate his misconduct.

In this trial, the U.S. Senate must not only consider the charges against the President but also conduct itself in a way that demonstrates to the American people that in our system of justice no one is above the law. Each Senator here must exhibit the kind of moral and ethical leadership that this President abandoned when he pressured a foreign nation to interfere in our elections.

There is no question that President Trump's misconduct has left a vacuum of leadership in our country, and the American people are therefore rightly looking to the U.S. Senate to demonstrate that their leaders are worthy of the public's trust.

The American people should expect their Senators to seek the truth, not cover up the facts. So let's honor our oath to defend the Constitution by doing the job the American people have entrusted to us.

Let us ensure that this trial is a search for truth and that we follow the facts where they lead and come to a verdict based on all of the available evidence.

Let us do our jobs and insist that we hear from Mick Mulvaney, John Bolton, and anyone with a firsthand knowledge of the President's misconduct. Let us demand that the White House turn over additional emails and documents that shed light on the President's motives for withholding military aid from Ukraine. And let us be clear that an order from this President to block evidence or witness testimony will itself be further evidence of his efforts to obstruct the U.S. Congress.

The importance of this moment in our history cannot be overstated. What we do in this trial will show the world who we are as a country. Our actions will also send a message to further Presidents and future Presidents of the United States about the kind of conduct that is acceptable from the leader of our Nation.

As the U.S. Senate, we must say that it is unacceptable for a President to shake down a vulnerable foreign nation for personal or political benefit. We must say with one voice that no President can disregard the legitimate oversight authority of the U.S. Congress, and we must say, as leaders of the United States of America, that in our system of justice, everyone—everyone—will be held accountable for their actions, including the President of the United States.

My final point is that, years from now, people are going to judge. They are going to judge whether we rose to the solemn occasion that is the impeachment trial of the President of the United States, and we cannot be passive in this moment. I am mindful of Coretta Scott King's words:

Freedom is never really won. You earn it and win it with each generation.

It is incumbent on this generation to fight for a system of justice in which all are treated equally.

In that ongoing fight, we, as the U.S. Senate, must agree that we cannot speak about the ideals of equality and justice and then act in ways that violate those very principles. It is our duty, both as Senators and as proud Americans, to protect the Constitution, to earn the people's trust, and to prove to the American people that it is still within the power of the U.S. Congress to hold the President accountable. History is watching. Our actions here will shape this body's legacy.

I urge my colleagues to have the courage, the foresight, and the patriotism to act in the interest of our Nation and its people. I urge my colleagues to fight for one system of justice in the United States of America and to ensure that no one is above the law. I urge my colleagues to reaffirm the most basic of American principles—that ours is not the government of one man but a government of the people, by the people, and for the people.

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

The PRESIDING OFFICER (Mr. BOOZMAN). Without objection, it is so ordered.

#### NOMINATION OF PETER GAYNOR

Mr. JOHNSON. Mr. President, I rise today asking the Senate to confirm the nomination of Mr. Peter Gaynor to be the Administrator of the Federal Emergency Management Agency. The FEMA Administrator serves as the principal adviser to the President, the Homeland Security Council, and the Secretary of Homeland Security for all matters related to emergency management.

The Administrator's principal duties include the operation of the National Response Coordination Center and the effective support of all emergency support functions. More broadly, the Administrator coordinates the implementation of a risk-based, all-hazards strategy to prepare for, mitigate against, respond to, and recover from natural disasters, acts of terrorism, and other manmade disasters.

The Agency has over 20,000 employees and a surge capacity force of over 9,000 volunteers to respond during local and national emergencies, working around the clock when necessary.

The President's nominee to head FEMA, Mr. Peter Gaynor, has extensive experience at the local, State, and Federal emergency management levels. In 2018, the Senate confirmed Mr. Gaynor as the Deputy Administrator of FEMA, and for most of last year he served as the Acting Administrator.