

CONGRESSIONAL POWER OF THE PURSE ACT

Mr. LEAHY. Mr. President, the authors of our Constitution purposefully built checks and balances into the foundation of our democracy, and the power of the purse is a critical part of those checks and balances. Article 1, section 9 of the Constitution states “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.” That means Congress, not the executive branch, is charged with making decisions about how to invest and spend Federal revenue. As the vice chairman of the Appropriations Committee, I take this responsibility very seriously.

When Congress appropriates Federal dollars, we expect those dollars to be used as directed. We expect appropriations laws to be upheld, and we expect the administration to be transparent in its actions.

But for too many years, Presidents of both parties have encroached on the power of the purse as they have tried to expand their budgetary powers and, in some cases, substitute their judgment for that of Congress. This has been acutely true under this administration. No President has pushed the boundaries of and contorted appropriations law more than President Trump.

When Congress refused to give President Trump the money he requested for a wall on the southern border, he directed his administration to sidestep Congress and take it from funding for our military and their families. He continues to do so to this day.

The President wanted to pressure the Government of Ukraine into investigating his political rival, so he withheld security money for Ukraine in violation of the Impoundment Control Act. An action that would eventually lead to his impeachment.

Last year, the administration asserted to Congress that it had the power to propose rescissions in the last quarter of the fiscal year and further asserted it had the power to allow the funds to lapse if Congress did not act on its proposal, essentially claiming the executive branch, not Congress, had the last word on spending. The Government Accountability Office, GAO, thankfully and rightfully, disagreed. Last year, this administration also overturned a long held precedent that the executive branch did not need to respond to findings by GAO of violations of the Anti-Deficiency Act. Finally, this administration has suppressed OMB and executive branch agency cooperation with GAO in investigating the execution of appropriated funds.

The push and pull over the power of the purse between Congress and the executive branch did not start with President Trump and will not end when he is no longer in office. Administrations of both parties have clashed with Congress over this authority. But the actions of this President make clear that Congress needs to reassert itself

and defend its constitutionally granted prerogatives. This should not be a partisan issue. The Founders chose to vest the power of the purse with Congress. It is an important part of our system of checks and balances, and we must defend it.

That is why I am introducing the Congressional Power of the Purse Act. This bill will restore Congress’s central role in funding decisions, increase transparency in the executive branch, and add teeth to existing budget laws.

The bill strengthens the Impoundment Control Act, including the addition of penalties for failure to comply. The bill strengthens administration reporting requirements and congressional oversight tools, so Congress can better follow the money and ensure the law is being complied with. Finally, the bill reforms the National Emergencies Act of 1974 to provide more Congressional control over these designations and how they are used. I hope all members can support it.

I commend Representative LOWEY and Representative YARMUTH for introducing a similar bill in the House, and I hope that the House will send the bill to the Senate in July.

I ask unanimous consent that the following members be listed as original cosponsors: Senators MURRAY, VAN HOLLEN, FEINSTEIN, COONS, BALDWIN, WYDEN, MERKLEY, WHITEHOUSE, SCHATZ, SANDERS, SHAHEEN, TESTER, UDALL, CARDIN, REED, DURBIN, MURPHY and MANCHIN. I would note that this list of cosponsors includes every Democratic Member of the Appropriations Committee.

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. TESTER. Mr. President, I was absent when the Senate voted on vote No. 104 to invoke cloture on Executive Calendar No. 655. Victor G. Mercado, of California, to be an Assistant Secretary of Defense, vote No. 105 to confirm Mr. Mercado, vote No. 106 to invoke cloture on Executive Calendar No. 652, Brian D. Miller, of Virginia, to be Special Inspector General for Pandemic Recovery, and vote No. 107 to confirm Mr. Miller. On votes Nos. 104 and 105, had I been present, I would have voted yea on the motion to invoke cloture and confirm Mr. Mercado. On votes Nos. 106 and 107, had I present, I would have voted no on the motion to invoke cloture and confirm Mr. Miller.

Mr. President, I was absent when the Senate voted on vote No. 108 to invoke cloture on Executive Calendar No. 656, James H. Anderson, of Virginia, to be a Deputy Under Secretary of Defense. On vote No. 108, had I been present, I would have voted yea on the motion to invoke cloture on Mr. Anderson.

Mr. President, I was absent when the Senate voted on vote No. 109 to confirm Executive Calendar No. 656, James H. Anderson, of Virginia, to be a Deputy

Under Secretary of Defense. On vote No. 109, had I been present, I would have voted yea on the motion to confirm Mr. Anderson.

Mr. President, I was absent when the Senate voted on vote No. 110 to invoke cloture on Executive Calendar No. 644, Drew B. Tipton, of Texas, to be United States District Judge for the Southern District of Texas. On vote No. 110, had I been present, I would have voted no on the motion to invoke cloture on Mr. Tipton.

Mr. President, I was absent when the Senate voted on vote No. 111 to confirm Executive Calendar No. 644, Drew B. Tipton, of Texas, to be United States District Judge for the Southern District of Texas. On vote No. 111, had I been present, I would have voted no on the motion to confirm Mr. Tipton.●

DEFENSE NOMINATIONS

Mr. VAN HOLLEN. Mr. President, after Monday’s shameful display by the Secretary of Defense, I voted against the President’s nominees to be Deputy Under Secretary of Defense for Policy and Assistant Secretary of Defense for Strategy, Plans, and Capabilities.

The language of war has no place on American streets in the face of peaceful protests. Secretary Esper’s dangerous comment that the military needs to “dominate the battlespace”—referring to American cities—threatened the lives of American citizens exercising their constitutional rights. His willingness to accompany the President to a photo-op after gassing peaceful protesters underscores the moral rot in the Department’s leadership.

At this time, I have lost confidence that any nominee can be trusted to stand up to the President’s attempts to weaponize the Defense Department for his personal and political ends. For that reason, I voted against his nominees in the Department.

INTERNATIONAL DAY AGAINST HOMOPHOBIA, TRANSPHOBIA AND BIPHOBIA

Mr. CARDIN. Mr. President, today I rise to mark the start of LGBT Pride Month with reflections on the recent International Day against Homophobia, Transphobia and Biphobia—IDAHOBIT. For more than 50 years, Pride Month has been a reminder that, despite recent progress, every day, millions of people around the world face social stigmatization, legal prosecution, and even violence based on their sexual orientation or because of their gender identity. COVID-19 is necessitating adjustments to how this month is celebrated, with organizers moving large-scale parades from the streets of towns and cities to the internet, where a 24-hour online Global Pride celebration is planned for later this month.

Two short weeks ago was the annual commemoration of the International Day against Homophobia, Transphobia

and Biphobia—IDAHOBIT. Started on May 17, 2004, IDAHOBIT was established by LGBTQ activists in 2004 to commemorate the World Health Organization's historic decision in 1990 to remove homosexuality from the International Classification of Diseases. As in the United States, despite the progress we have made since 1990, around the world, homophobia, transphobia, and biphobia continue to flourish in many parts of the world.

The theme of this year's International Day against Homophobia, Transphobia and Biphobia was "Breaking the Silence." Millions of LGBTQ individuals around the world continue to be forced to hide their identities because of who they are or whom they love. They struggle to achieve the most basic of human rights, let alone respect and visibility. The International Lesbian, Gay, Bisexual, Trans and Intersex Association—ILGA—lists 70 countries in which same-sex activities are outlawed, and penalties range from 8 years' imprisonment to the death penalty. Even in countries that do not criminalize homosexuality, many still have laws on the books that make living openly next to impossible. Only five countries, of which the United States is not one, ban the damaging practice of conversion therapy.

This type of discrimination has only been compounded by the global outbreak of COVID-19. In addition to the widespread health and economic hardship that this pandemic is creating, it is producing new risks and forms of persecution for the LGBTQ community.

In Uganda, security forces stormed an LGBTQ shelter, binding the occupants' hands with rope before marching them to a nearby police station on charges of disobeying social distancing rules. In Latin America, transgender, nonbinary, and queer people who present as gender-nonconforming are being detained or fined for going to the grocery store on days designated by the government as "men-only" or "women-only." Hungarian Prime Minister Viktor Orban has used the pandemic as an excuse to move legislation that will ban the legal recognition of transgender citizens. Meanwhile, in South Korea, there is a disturbing rise in online hate speech blaming the LGBTQ community for spreading the coronavirus. A number of religious leaders around the world have cruelly attributed the spread of COVID-19 to divine retribution for recognition of same-sex marriages.

The COVID-19 pandemic will eventually fade, but the abuse of LGBTQ people will continue unless we come together as a global community to put an end to it. Historically, the United States has been a strong international leader on issues of human rights like this one. However, the current administration's neglect of LGBTQ rights, both at home and abroad, has hurt our credibility and diminished our power to make positive change.

Within the United States, the Trump administration has issued rules sanctioning employment, housing, medical, and other forms of discrimination based on gender identity. It has also repeatedly used religious liberty as a shield to enable discrimination on the basis of sexual orientation. On a global scale, the administration has attempted to undermine internationally recognized definitions of human rights through the U.S. State Department's Commission on Inalienable Rights and turned a blind eye to the persecution of LGBTQ people in other countries. It is said that you can measure the strength of a democracy by the rights it affords to marginalized communities, these actions do not reflect the strong democracy that we strive to be.

Looking at the state of the world today, it is clear that we need more champions for LGBTQ rights on the international stage. We need more leaders to break the silence and speak up for everyone's right to live truly as themselves. This Pride Month, I am hopeful that the United States will once again be one of those voices. For my part, I will keep fighting to protect LGBTQ rights at home and around the globe, so that all people can pursue happiness and love without fear.

ADDITIONAL STATEMENTS

TRIBUTE TO ART STAVENS

• Mr. CRAMER. Mr. President, I want to honor the service and dedication of one of North Dakota's most dedicated volunteer firefighters.

Art Stavens of Hatton, ND, became a member of the Hatton Volunteer Fire Department in 1951 and has served ever since. Art turned 95 on May 19 and was honored by his fellow firefighters and community residents with a surprise drive-by parade past his home. It appropriately included several fire trucks.

His time in the department has included being the fire chief for 6 years and assistant fire chief for another 3 years. When Art stopped responding to fire calls, he could be found standing on the highway directing vehicles to the location of a fire.

Art still attends firefighter functions such as meetings and conventions, and he remains as dedicated as ever to the role of volunteers who step forward to protect their communities.

Art Stavens may be the longest serving volunteer firefighter in the United States. On behalf of all North Dakotans, I thank him for his 69 years of service on the Hatton Volunteer Fire Department. I congratulate him on his 95th birthday and wish him many more years of health and happiness. •

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-4638. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Charles D. Luckey, United States Army Reserve, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4639. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Admiral James G. Foggo III, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-4640. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burundi that was declared in Executive Order 13712 of November 22, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-4641. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4642. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-4643. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4644. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Central African Republic that was declared in Executive Order 13667 of May 12, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-4645. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-4646. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Director, Shareholder, and Member Meetings" (RIN1557-AE94) received in the Office of the President of the Senate on June 1, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4647. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility, Internal Docket ID FEMA-8629" ((44 CFR Part 64) (Docket No. FEMA-2020-0005)) received during adjournment of the Senate in the Office of the President of the Senate on May 28, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4648. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community