

January 29, 2019, less than one month before the Presidential Proclamation, the Directors of the CIA, DNI, FBI, and NSA testified about numerous serious current threats to U.S. national security, but none of the officials identified a security crisis at the U.S.-Mexico border. In a briefing before the House Armed Services Committee the next day, Pentagon officials acknowledged that the 2018 National Defense Strategy does not identify the southern border as a security threat. Leading legislators with access to classified information and the President's own statements have strongly suggested, if not confirmed, that there is no evidence supporting the administration's claims of an emergency. And it is reported that the President made the decision to circumvent the appropriations process and reprogram money without the Acting Secretary of Defense having even started to consider where the funds might come from, suggesting an absence of consultation and internal deliberations that in our experience are necessary and expected before taking a decision of this magnitude.

11. For all of the foregoing reasons, in our professional opinion, there is no factual basis for the declaration of a national emergency for the purpose of circumventing the appropriations process and reprogramming billions of dollars in funding to construct a wall at the southern border, as directed by the Presidential Proclamation of February 15, 2019.

Respectfully submitted,

*Signed/**

Madeleine K. Albright, Jeremy B. Bash, John B. Bellinger III, Daniel Benjamin, Antony Blinken, John O. Brennan, R. Nicholas Burns, William J. Burns, Johnnie Carson, James Clapper.

David S. Cohen, Eliot A. Cohen, Ryan Crocker, Thomas Donilon, Jen Easterly, Nancy Ely-Raphel, Daniel P. Erikson, John D. Feeley, Daniel F. Feldman, Jonathan Finer.

Jendayi Frazer, Suzy George, Phil Gordon, Chuck Hagel, Avril D. Haines, Luke Hartig, Heather A. Higginbottom, Roberta Jacobson, Gil Kerlikowske, John F. Kerry.

Prem Kumar, John E. McLaughlin, Lisa O. Monaco, Janet Napolitano, James D. Nealon, James C. O'Brien, Matthew G. Olsen, Leon E. Panetta, Anne W. Patterson, Thomas R. Pickering.

Amy Pope, Samantha J. Power, Jeffrey Prescott, Nicholas Rasmussen, Alan Charles Raul, Dan Restrepo, Susan E. Rice, Anne C. Richard, Eric P. Schwartz, Andrew J. Shapiro.

Wendy R. Sherman, Vikram Singh, Dana Shell Smith, Jeffrey H. Smith, Jake Sullivan, Strobe Talbott, Linda Thomas-Greenfield, Arturo A. Valenzuela.

Mr. SCHUMER. Even the President himself, who is now declaring an emergency, halfway through his meandering speech proclaiming the emergency, said: "I didn't need to do this . . . but I'd rather do it [build the wall] much faster."

If there was ever a statement that says this is not an emergency, that is it. He said he didn't need to do this. So, my colleagues, my dear colleagues, if we are going to let the President, any President, on a whim, declare emergencies just because he or she can't get their way in the Congress, we have fundamentally changed the building blocks, these strong, proud building blocks that the Founding Fathers put into place.

Second, the President's emergency declaration could cannibalize funding

from worthy projects all over the country. We don't even know yet which projects he is planning to take the funds from. I ask my colleagues to think about that—what important initiatives in your State are on the Trump chopping block? What military project will the President cancel to fund the border wall Congress rejected?

Third, and I made this point a little bit at the beginning, but it bears repeating. Far and away most importantly, the President's emergency declaration is a fundamental distortion of our constitutional order. The Constitution gives Congress the power of the purse, not the President, and congressional intent on the border wall is clear. The President's wall has been before Congress several times, and not once has it garnered enough votes to merit consideration. In some cases it was with Republican votes. The President said that it was just the Democrats who blocked it. That is not true. There were Republican votes when the wall was on the floor for voting as well.

As the great New Yorker, Justice Jackson from Jamestown, NY, observed, the President's legal authority in the realm of emergencies is at its very weakest when it goes against the expressed will of Congress. In case the will of Congress was not already clear, soon it will be made so. The obvious remedy for President Trump's outrageous and lawless declaration is for Congress to vote to terminate the state of emergency. The House will vote on such a resolution tomorrow, and the Senate will soon follow suit.

I know my friends on the other side of the aisle fashion themselves supporters of the military, defenders of property rights, and stewards of the Constitution, as do Democrats. This vote on the resolution to terminate the state of emergency will test our fidelity to those principles.

Congress should come together to reject in a bipartisan fashion—we have come together before in bipartisan ways. If ever there were one moment that cries out for bipartisan rejection of an overreach of power, this is it. We should reject this naked power grab, this defacement of our constitutional balance of powers, for what seem to be largely political purposes.

NORTH KOREA

Mr. SCHUMER. Madam President, the President is on his way to Thailand for a second summit with Chairman Kim of North Korea. It is in all of our interests for the President to achieve a diplomatic resolution with North Korea that achieves a stable peace and the complete, verifiable, and irreversible denuclearization of the Korean Peninsula. Failing that, the Congress must continue to pressure a regime that permits gross humanitarian abuses and remains one of the most repressive governments on the globe.

We cannot tolerate the President making concessions without, in ex-

change, receiving verifiable, enduring, and concrete commitments from North Korea to denuclearize.

President Trump's first summit with Chairman Kim granted his regime the international legitimacy and acceptance that Kim has long craved while undermining our policy of maximum pressure and sanctions, seemingly so the President could have a photo op and make a speech.

Unsurprisingly, the results of that meeting were disappointing. The President claimed, bizarrely and wildly, that North Korea is "no longer a nuclear threat" right after the meeting, while the U.S. intelligence community has continually testified before Congress that North Korea has not been denuclearizing and appears unlikely to give up its nuclear weapons. So how can the President say it is no longer a nuclear threat when the same threat existed when he threatened North Korea earlier and after, when he seemed to make nice to President Kim? Meanwhile, the President suspended joint military readiness drills with the South Koreans—drills we have been conducting for 60 years for the safety of East Asia.

No one wants to see a repeat of the same movie. No one wants another summit that is more about photo ops and optics than progress. We are all rooting for diplomacy to succeed, but the President can't be too naive or too eager to reach a deal that gives him the photo op again but that doesn't achieve the complete denuclearization of the Korean Peninsula.

CHINA

Mr. SCHUMER. Madam President, in a similar vein, on China, President Trump announced he would be delaying the imposition of higher tariffs on March 1, in the hopes of coming to a larger trade agreement. This is all well and good if the Trump administration ultimately achieves a strong deal that makes progress on China's rapacious trade policies. But we are not there yet, and my message to President Trump is don't back down.

The President has shown the right instincts on China many times. I give him credit for that. I have praised him publicly for that, but at other times, I believe his eagerness for the appearance of accomplishment gets the best of him. Recent history has taught us that when President Trump makes unilateral concessions to China—as he did when he interfered in the sanctions against ZTE—China does very little for us in return.

President Trump must not make the same mistake again, whether by interfering in the U.S. criminal charges brought against Huawei or otherwise decreasing our leverage, until and unless China makes meaningful, enforceable, and verifiable agreements to end its theft of American intellectual property and other trade abuses.

Hopefully, that is where the negotiations are headed. If the President does