

trial had witnesses. Several of my colleagues, including the Republican leader, voted for them. Conducting an impeachment trial of the President of the United States and having no witnesses would be without precedent and, frankly, a new low for the majority in this body that history will not look kindly on.

Each day that goes by, the case for witnesses and documents gains force and gains momentum. Last night, a new cache of documents, including dozens of pages of notes, text messages, and other records, shed light on the activities of the President's associates in Ukraine. The documents paint a sordid picture of the efforts by the President's personal attorney, Rudy Giuliani, and his associate, Lev Parnas, to remove a sitting U.S. Ambassador and to pressure Ukraine President Zelensky to announce an investigation of one of the President's political rivals. Part of the plot to remove Ambassador Yovanovitch involved hiring a cheap Republican operative to follow her around and monitor her movements. How low can they go?

Just when you think that President Trump and his network couldn't possibly get any more into the muck, reports suggest they are even dirtier than you could imagine. I saw a novelist on TV this morning. He said: If I had brought this plot to my publisher, he would have rejected it. He would have said it was absurd, that it could never happen, and that people will not believe it.

Well, here it is, led by President Trump, who, again, cares not for the morals, ethics, and honor of this country as much as he cares about himself.

To allegedly have some cut-rate political operative stalk an American Ambassador at the direction of the President's lawyer, potentially with the President's "knowledge and consent"—that is what one of the emails read—I mean, how much more can America take in the decline of our morals, our values, and our standing in the world?

I don't care who you are—Democrat, Republican, liberal, conservative. Doesn't this kind of thing bother you if anyone does it, let alone the President of the United States?

I don't know how any Member of this body could pick up the newspaper this morning, read this new revelation, and not conclude that the Senate needs access to relevant documents like these in the trial of President Trump. The release of this new information dramatically underscores the need for witnesses and for documents.

The Republican leader has, so far, opposed Democratic requests to call for factfinding witnesses and to subpoena three specific sets of relevant documents. Despite their having no argument against them, the Republicans' position at the moment is to punt the question of witnesses and documents until after both sides finish their presentations. Then, they say they will

consider documents and witnesses with an open mind.

The Democrats have requested four fact witnesses. They are the President's top advisers, like Mr. Mulvaney. They are not the Democrats' men. They are the President's men. They are not Democratic witnesses. They are not our witnesses. They are just witnesses, plain and simple. Each of them has firsthand information about the charges against the President.

So, as the House prepares to send the articles to the Senate today, it is time for us—all of us—to turn to the serious job of conducting a fair trial, one that the American people will accept as fair, not as a coverup and not as something that has hidden the evidence. The focus of Senators on both sides must fall on the question of witnesses and documents.

CHINA

Mr. SCHUMER. Mr. President, on China, later this morning the President is expected to take part in the signing ceremony for the so-called phase 1 trade agreement with China.

Now, I have commended the President for his instincts when it has come to China. At one point, his instincts were to be strong and tough. I have compared his stances previously to those of previous administrations. I was rooting for the President to succeed for the sake of jobs and wealth and the economy in this country, and I told him that personally. So this phase 1 deal is an extreme disappointment to me and to millions and millions of Americans who want to see us make China play fairly. President Trump's phase 1 trade deal with China is a historic blunder. Several harmful policies and practices are reportedly unaddressed.

First, there appear to be no commitments to end China's subsidy program that continues to hurt U.S. industries and workers at all levels.

Second, there appear to be no commitments to reform the Chinese policy of state-owned enterprises, which unfairly compete with American enterprises and take American jobs away while they are allowed to freely sell here and while our best companies can't sell there.

Third, there appear to be no commitments to curtail the illegal dumping of Chinese products into our markets, which puts American firms out of business and workers out of jobs.

Fourth, glaringly, there appear to be no significant commitments to definitely end China's predatory and flagrant cyber theft of American intellectual property, which has stolen a generation of American jobs and American wealth.

Fifth, concerning what the deal achieves in terms of agricultural purchases, it appears the Trump administration has not addressed the fact that China has existing contracts with countries like Brazil and Argentina. It

doesn't need any more of our products, certainly not in the numbers that have been talked about, and the agreement does not grapple with the fact that American farmers have already lost billions, have watched their markets disappear, and have gone bankrupt in the time it has taken the President to reach the deal.

Reading the reporting of phase one of the trade deal feels like watching a bad rerun of the past 10 years of botched trade negotiations with China. I fear that President Xi is laughing at us behind our backs for having gained so much at our expense. The United States concedes our leverage, and in exchange, China makes vague, unenforceable promises it never intends to fulfill. We have seen this over and over again. China agrees to something, and they don't do it.

President Trump complained about President Obama and President Bush and others when they signed these deals and nothing happened, and he is doing the same darn thing—the same darn thing. It is no wonder they haven't made it public. They are afraid that when people actually read it, they will see that it is not good for America and that the Chinese took us hook, line, and sinker.

If I sound frustrated and angry, it is because I am. Even today, an hour before the deal is signed by the President, I have to use phrases like "appear to" and "according to reports" because the administration has shrouded the details of the agreement in secrecy and kept the text of the deal under lock and key. The Trump administration doesn't want the details of the agreement to come out before they can spin it because it knows that once the details come out, everyone will see that China has taken President Trump to the cleaners. President Trump, the great negotiator, has been totally out-negotiated by President Xi.

Just like on impeachment, the President and his team are afraid of the truth. They don't want anyone to see the facts or the truth; they just want to spin. If the Trump administration were proud of this deal, they would hold it up to the world and shout it from the mountaintops. Instead, they have kept it hidden. They want to spin it, but they can't spin away the fact that this deal is a bad deal for American workers, American companies, American jobs, and American wealth. Even today—the day the agreement will be signed—we have been told we may not get all the details.

Given the absurd secrecy surrounding President Trump's phase one trade deal, I expect that once everyone gets to take a look at it in the light of day, they will find that the administration has signed one of the most tragically one-sided agreements in recent memory.

Even the farmers—President Trump sold out the structural changes to try to help the farmers—when they look at the specifics, they are going to see that

they are a lot less than meets the eye and that our farmers will continue to suffer.

It was an opportunity to secure real reforms to China's rapacious trade and industrial policy. President Trump may have just squandered it indefinitely—a severe and potentially irreparable loss for the American people, American businesses, American workers.

Given how poorly trade deal one was executed with China, I have virtually no faith that trade deal two, if it ever comes about, will be any better. In fact, most Americans should fear it if it is anything like this one.

BORDER SECURITY

Mr. SCHUMER. Mr. President, on the wall, yesterday the Washington Post reported that the Trump administration is planning to divert \$7.2 billion in funding from the Defense Department to fund his border wall with Mexico.

Once again, the administration proposes stealing this funding from military families and counterdrug programs, bringing the total amount that the President has stolen—stolen—from our troops and our families to over \$13 billion.

The last time the President took money away from military construction, serious military projects suffered—schools in Kentucky, medical facilities in North Carolina, and hurricane recovery projects in Florida. Now the President wants to take even more money away from these projects for a border wall that he promised Mexico would pay for. This is another slap in the face to our Armed Forces, their families, and all of the places throughout America that have military bases that need new construction funding.

Some Senate Democrats strongly oppose this action. We will continue to oppose the transfer of counterdrug funding for the wall, and we will force yet another vote to terminate the President's bogus national emergency declaration and return these much needed military construction funds back to the military, to the men and women in our Armed Forces, and to their families. Our Republican friends, hopefully, will join us in that vote.

President Trump is once again subverting the will of Congress—once again thumbing his nose at the Constitution. The Founders gave Congress the power of the purse, not the President, and this Chamber has refused repeatedly to fund the President's wall. But whether it is to Federal appropriations, foreign policy, or our oversight authority, President Trump seems to have little regard for constraints placed on the Executive. He seems to view the Constitution as merely a nuisance, some inconvenient obstacle in the way of his personal and political interests. It is time for Democrats and Republicans to say: Enough.

I would say one final thing to my conservative friends. The true founda-

tion of conservatism is to minimize the powers of government, particularly the Executive, because they believe it provides more room for the individual. Where are our conservative voices when Donald Trump, in issue after issue—one of the most egregious being this border wall—takes the power away from Congress, away from the American people, and arrogates it onto his own personal wishes?

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

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

UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. TOOMEY. Mr. President, it appears that we are likely to be considering some version of the USMCA, implementing legislation this week, so I want to address this agreement, but in order to do that, I think we have to start with the underlying NAFTA agreement, which has been in place for some years, and ask a question, which is, Why did we go down the path of renegotiating NAFTA in the first place? Let's start there.

As I can imagine, one reason that one might want to renegotiate a trade agreement is if the trade agreement in question were not a reciprocal agreement. If it treated one party differently than it treated the other parties, then you might question whether that is a fair arrangement and might decide that if it is not, it needs to be revisited. That certainly would not describe NAFTA. NAFTA is entirely reciprocal.

Another reason one might decide to renegotiate a trade agreement is if there were tariffs—meaning it wasn't really a free-trade agreement; it was an agreement that maybe changed the terms of trade. But if you still had tariffs, you might decide, as a free-trader like me, that it would be a good idea to renegotiate so that we can eliminate the remaining tariffs.

Well, that certainly isn't the motivation, either, because with NAFTA, there are zero tariffs on 100 percent of manufactured goods that cross the borders of any of the three countries that are parties and zero tariffs on 97.5 percent of agricultural goods. So really there is not much more to do on the tariff side.

By the way, that is true about any other kinds of restrictions on trade. There are no quotas, no obstacles. This is a free-trade agreement. That is what it is. It is fair, it is free, and it is reciprocal among the three countries. As a matter of fact, since NAFTA was adopted, U.S. exports to Mexico, for instance, have increased 500 percent.

That is true of Pennsylvania exports to Mexico, as it is on average for all 50 States.

I will state that modernizing the agreement always made sense, right? We now have this huge digital economy that did not exist back in the early nineties when NAFTA was adopted, so it definitely makes sense—it always makes sense to modernize, to update. But I think it is very clear that modernizing and updating were not the driving motivations for renegotiating NAFTA and adopting USMCA. The fundamental reason was that we have a trade deficit with Mexico. It is pretty persistent every year. It is not a huge deficit, but we have a trade deficit with Mexico, and that was deemed to be unacceptable to the administration.

So the fundamental purpose of renegotiating NAFTA and the reason Mexico and Canada had to be coerced into this new agreement was so that we could diminish exports from Mexico. Despite the fact that economists universally understand that a trade deficit with a country like Mexico is a meaningless measure, nevertheless, that is the goal.

Since trade in cars and car parts is the source of the trade deficit with Mexico, it is the auto sector that bears the brunt of the restrictions.

Let me suggest that one useful way to think about USMCA is that it is NAFTA with two categories of changes. The first category is the modest constructive modernizations I alluded to. They are mostly taken from the Trans-Pacific Partnership Agreement that had been negotiated by a previous administration. Examples include requiring that there be free digital trade. So you can't impose a tax on a data transfer, for instance, or you can't impose a tariff on software, and you can't require that data be stored locally. These are good things.

It is important to note they are codifying existing practices. Canada, Mexico, and the United States do not currently impose obstacles and tariffs on this kind of economic activity. Under USMCA, they won't be able to; it will be codified. So we will make permanent that which is already the practice. There is a very, very tiny reduction in Canadian protectionism with respect to dairy products.

For the most part, these modernizing features are modest, they come from TPP, but most importantly, they could have been achieved without the second category of changes I am about to describe. They could have been achieved because they weren't really controversial.

The other important category of changes to NAFTA that USMCA contains is a full series of protectionist measures that are designed to diminish trade and/or investment. So for the first time in certainly modern times, we are going to consider a trade agreement that is designed to diminish trade, which should be very disturbing for those of us who understand how