The Senate met at 9:30 a.m. and was called to order by the Honorable Mike Lee, a Senator from the State of Utah.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we offer You our hearts. Guide our lawmakers. May they strive to permit justice to roll down like waters and righteousness like a mighty stream. Grant that they will join You in Your messianic thrust to bring good news to the marginalized, to announce to the fractured lower Chamber, with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

IMPEACHMENT
Mr. McConnell. Mr. President, these past weeks, the Senate has grappled with as grave a subject as we ever consider: a request from a majority of the House to remove the President. The Framers took impeachment extremely seriously, but they harbored no illusions that these trials would always begin for the right reasons.

Alexander Hamilton warned that “the demon of faction” would “extend his sceptre” over the House of Representatives “at certain seasons.” He warned that “an intemperate or designing majority of the House” might misuse impeachment as a weapon of ordinary politics rather than emergency tool of last resort. The Framers knew impeachments might begin with overheated passions and short-term factualism. But they knew those things could not get the final say, so they placed the ultimate judgment not in the fractious lower Chamber but in the sober and stable Senate.

They wanted impeachment trials to be fair to both sides. They wanted them to be timely, avoiding the “procrastinated determination of the charges.” They wanted us to take a deep breath and decide which outcome would reflect the facts, protect our institutions, and advance the common good. They called the Senate “the most fit depository of this important trust.” Tomorrow, we will know whether that trust was well-placed.

The drive to impeach President Trump did not begin with the allegations before us. Here was reporting in April of 2016, before the President was the nominee: “Donald Trump isn’t even the Republican nominee yet . . . [but] ‘Impeachment’ is already on the lips of pundits, newspaper editorials, constitutional scholars, and even a few members of Congress.”

Here was the Washington Post headline minutes after President Trump’s inauguration: “The campaign to impeach President Trump has begun,” the Washington Post says.

The Articles of Impeachment before us were not even the first ones House Democrats introduced. This was go-around number, roughly, seven. Those previously alleged high crimes and misdemeanors included things like being impolite to the press and to professional athletes. It insults the intelligence of the American people to pretend this was a solemn process reluctantly begun because of withheld foreign aid. No, Washington Democrats’ position on this President has been clear literally for years. Their position was obvious when they openly rooted for the Mueller investigation to tear our country apart and were disappointed when the facts proved otherwise. It was obvious when they sought to impeach the President over and over.

Here is their real position: Washington Democrats think President Donald Trump committed a high crime
or misdemeanor the moment he defeated Hillary Clinton in the 2016 elec-
tion. That is the original sin of this Presidency: that he won and they lost.

Ever since, the Nation has suffered through a grinding campaign against
our institutions and the same people who keep shouting that
our norms and institutions need de-

manding—a campaign to degrade our
democracy and delegitimize our elections
from the same people who shout that confidence in our democracy must be
paramount.

We have watched a major American political party adopt the following ab-
surd proposition: We think this Presi-
dent's a bad leader. Let's go to war and
impose no obligation to hear new live
testimony. We recognize that Senate
traditions limited Democratic leader and then-Sen-
ator Joe Biden argued at length in 1999,
that part of the Senate inquiry under President
Clinton and-with a purely partisan majority
approach it. Such an act cannot rest
alone on the exercise of a constitu-
tional power, combined with concerns
about whether the President's motiva-
tion—a sort of general vote of no con-

impeachment

The impeachment power exists for a
reason. It is no nullity. But invoking it
on a partisan whim to settle 3-year-old
issues for a month-long political rally?

The impeachment power was in the national
interest because he acted inconsistently with their conception of
the national interest, a conception shared by some of President's subordi-
nate to the laws, and another to

that their existing case was "over-

overwhelming" and

incontrovertible at the same time they

were arguing for more witnesses.

But in reality, both of the House's
acccusations are constitutionally inco-
herent.

The "obstruction of Congress" charge is absurd and dangerous. House
Democrats argued that anytime the Speaker invokes the House's "sole
power of impeachment," the President
does not have to respond to whatever
he abstracts. No questions asked. Invoking executive
branch privileges and immunities in re-

response to House subpoenas becomes an
impeachable offense itself.

Here is how Chairman SCHIFF put it
back in October. "Any action"—any
action—"that forces us to litigate, or
have to consider litigation, will be con-

That is nonsense impeachment. That
is nonsense. "Impeachment" is not
some magical constitutional trump
card that melts away the separations
between the branches. The Framers
did not leave the House a secret
constitutional steamroller that
everyone somehow overlooked for 230
years.

When Congress subpoenas executive
branch officials with questions of privi-
lege, the two sides either reach an ac-

among

cadres. So the House managers
could not have been acting in the
national interest because he acted in-
consistently with their conception of
the national interest, a conception shared by some of President's subordi-
nate to the laws, and another to

We have heard sworn video testimony from 13 witnesses, over 193 video clips. We
have entered more than 28,000 pages of documents into evidence, including 17
depositions. And our Members asked
190 questions. In contrast to the House
proceedings, our trial gave both sides a
fair platform. Our process tracked with
the structure that Senators adopted for
the Clinton trial 20 years ago.

Just as Democrats such as the cur-
rent Democratic Leader and then-Sen-
ator Joe Biden argued at length in 1999,
we recognized that Senate traditions
imposed no obligation to hear new live
witness testimony if it is not necessary
to decide the case—if it is not neces-
sary to decide the case; let me em-
phasize that.

The House managers themselves said
over and over that additional testi-
mony was not necessary to prove their
case. They claimed dozens of times
that their existing case was "over-

whelming" and "incontrovertible."

That was the House managers saying
their evidence was overwhelming and

time for him, the demon, to exit the stage. We have indeed witnessed an abuse of power—a grave abuse of power—by just the kind of House majority that the Framers warned us about.

So tomorrow—tomorrow—the Senate must do what we were created to do. We have done our duty. We considered all the arguments. We have studied the “mountain of evidence.” and, tomorrow, we will vote.

We must be able to reject the House’s abuse of power, vote to protect our institutions, vote to reject new precedents that would reduce the Framers’ design to rubble, and vote to keep factual fever from boiling over and scorching our Republic.

I urge every one of our colleagues to cast the vote that the facts in evidence, the Constitution, and the common good clearly require. Vote to acquit the President of these charges. I support the absence of a quorum.

The PRESIDING OFFICER (Mr. Cassidy). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, the majority leader can come up on the floor and repeat his talking points, but there are some salient points that are irrefutable.

The first, this is the first impeachment trial of a President or impeachment trial of anybody else that was completed that has no witnesses and no documents. The American people are just amazed that our Republican friends would not even ask for witnesses and documents.

I thought the House did a very good job. I thought they made a compelling case. But even if you didn’t, the idea that that means you shouldn’t have a fair bar that the Founders set for removal from office.

The Founders imposed a threshold for impeachment of “Treason, Bribery, or other high Crimes and Misdemeanors”—in other words, very serious violations of public trust.

The Founders were deliberate in their choice of words. They wanted to be clear that impeachment was a severe remedy to be deployed only for very serious violations. When George Mason proposed adding the term “maladministration” to the impeachment clause during the Constitutional Convention, the Framers rejected the proposal because, as Madison pointed out, the term was too vague and would be “equivalent to a tenure during pleasure of the Senate.’’

The Founders recognized that without safeguards, impeachment could quickly degenerate into a political weapon to be used to turn over elections when one faction or another decided they didn’t like the President.

That is why the Founders split the impeachment power, giving the sole authority to impeach and the Senate the sole authority to try impeachments.

As a final check, the Founders required a two-thirds supermajority vote in the Senate to remove a President from office. All of these things show just how seriously the Founders regarded removing a duly elected President. They intended it as an extreme remedy to be used only in very grave circumstances.

I do not believe that the charges the House has leveled against the President meet that high bar. The House managers—presentation, which stretched over 22 hours, included testimony from more than a dozen witnesses. We also heard from the House managers during more than 16 hours of questions from Senators—in all, about 180 questions—and we received more than 28,000 pages of testimony, evidence, and documents from the House of Representatives.

I considered all the evidence carefully, but ultimately I concluded that the two charges presented by the House managers—abuse of power and obstruction of Congress—did not provide a compelling case for removing this President.

According to public reporting, House Democrats toyed with charging the President with bribery, believing that it polled well, but they didn’t have the evidence to prove that charge or, indeed, to prove any actual crime.

While allegations of specific criminal conduct may not be constitutionally required, they anchor impeachment in the law, and their absence is telling. Lacking evidence of a specific crime, the House decided to use the shotgun approach and throw everything under the catchall “abuse of power” umbrella.

Abuse of power is vaguely defined and subject to interpretation. In fact, I don’t believe there has been a President ever accused of some form of abuse of power.

For that reason, abuse of power seemed to me a fairly weak predicate on which to remove a democratically elected President from office. During the Clinton impeachment, we had the abuse of power article precisely because I believed it did not offer strong grounds for removing the duly elected President.

With respect to the second article, obstruction of Congress, the House took issue with the President’s assertion of legal privileges, including those rooted in the constitutional separation of powers. Of course, every President in recent memory has invoked those privileges—for example, when the Obama administration cited executive privilege to deny documents to Congress during the Fast and Furious gunrunning investigation.

The House could not have challenged the President’s privilege claims by going through the traditional channels to resolve disputes between the executive and legislative branches, that being, of course, the courts. That is what was done in previous impeachment inquiries, like the Clinton impeachment. But the House skipped that step in the hopes that the Senate would bail them out and compel testimony and documents that the House, in its rush to impeach, was unwilling to procure. Again, it seemed like a very thin basis on which to remove a duly elected President from office.

The facts in the case are that aid to Ukraine was released for the first time on the last day of the fiscal year. No investigation of the scandal-plagued firm Burisma or the Bidens was ever initiated. While we can debate the President’s judgment when it comes to his dealings with Ukraine, or even conclude that his actions were inappropriate, the House’s vague and overreaching impeachment charges do not meet the high bar set by the Founders for removal from office.

My second consideration in voting to acquit the President is the deeply par- tisan nature of the House’s impeachment proceedings. The Founders’ overriding concern about impeachment was
that partisan majorities could use impeachment as a political weapon.

In Federalist 65, Alexander Hamilton speaks of the danger of impeachment being used by "an intemperate or designing majority in the House of Representatives" in an effort to remove the President. Hamilton feared that the power to impeach the President and not to remove him from office, the Founders hoped that the Senate would act as a check on any attempt by the House to use the power of impeachment for partisan purposes. Because in this impeachment process, the Senate was exercising its constitutional power to conduct a fair and impartial trial of the charges brought by the House of Representatives.

The Framers therefore granted the House of Representatives impeachment powers yet cautioned against using that power unless absolutely necessary. Impeachment negates an election in which Americans choose their leader. If substantial numbers of Americans disagree with removing the President, removal damages civic society. If the House would conduct thorough and complete investigations, even if time-consuming, before impeachment.

A thorough investigation educates Americans that a President should be impeached and removed. Failing to confirm, the people loses anger towards, disdain for, and abandonment of the democratic process.

The Framers also required a two-thirds Senate majority for removal to prevent partisanship, so that removal only occurs after the House convinces its own Members, the Senate, and the American people. The Watergate investigation, for example, convinced Americans that President Nixon committed crimes, forcing his resignation with overwhelming support for removal in the House and the Senate.

In the case against President Trump, the House declined to call witnesses it deemed relevant, arguing the courts would take too long and the President was an imminent threat to our Republic. House managers blamed legal resistance from the administration and witnesses. For example, Dr. Charles Kushner threatened the congressional committee afraid of being sued while claiming to be fearlessly pursuing truth for the good of the country. It also rang hollow when Adam Schiff said that we could not vote for the next election for voters to decide President Trump’s fate after Speaker Nancy Pelosi held the articles for 37 days. That decision smacks of partisan political motivations.

The partisanship the Founders warned against was reflected in the House vote with the only bipartisan votes being against impeachment. House Managers Schiff, Nadler, and Cicilline once said impeachment would divide the Nation. They never explained why their opinions changed.

The role of the Senate, though, is to judge the House’s evidence. House managers stated their case was "overwhelming" and "compelling." Having not pursued further witness testimony in building their case, the House managers demanded the Senate call witnesses the House did not call. Additional witnesses, however, would not have changed material facts, but allowing the House to poorly develop a case, sacrificing thoroughness for political timing, would have forever changed the dynamic of the Chambers respective to the role of each in the impeachment process. Should the Senate acquiesce in this manipulation of the process, it would welcome the House to use impeachment as a political weapon whenever the majority chooses.

I have been speaking of procedure. I want to emphasize that procedure matters. Justice Frankfurter once wrote: "The history of liberty has largely been the history of the observance of procedural safeguards." If the appropriate use of impeachment is to be preserved, procedural safeguards must be observed.

Moving now to charges, in article II, House managers argued the President obstructed Congress by acting on the advice of legal counsel to resist subpoenas. The judiciary resolves disputes between the executive and legislative branches. The House should have exhausted judicial remedies before bringing this charge. I shall vote against article II.

On article I, abuse of power, three issues must be addressed: one, the legal standard of guilt by which to judge the President; two, whether the President committed a crime; and if so, three, whether that crime warrants removal from office.
Since the House managers allege President Trump committed something "akin to a crime," in deciding whether abuse of power is a high crime or misdemeanor, the prudent decision is to apply the principle of lenity. This principle, relied upon by Supreme Court Justice Marshall and Justice Frankfurter, says that if a law is ambiguous, it is better to narrowly interpret the words of a law in favor of the defendant.

Although the preceding discussion finds that the House managers failed to prove their case beyond a shadow of a doubt, failed to define the crime, thereby invoking the principle of lenity, it is still a question that if a crime was committed, was it an impeachable crime?

In 1998, then-Democratic Congressman Ed Markey argued that even though President Clinton, as chief law enforcement officer of the land, lied under oath, the crime was not impeachable. The Senate agreed, establishing the precedent that to remove a President, the crime must reach a high threshold. The allegation against President Trump was not proven beyond a reasonable doubt, and it does not meet that high threshold.

I shall vote 'no' on article I.

I end by speaking of the ramifications for our Republic. In 1998, then-Congressman Chuck Schumer said of the Clinton impeachment:

"I suspect history will show that we have lowered the bar for impeachment so much, we have broken the seal on this extreme penalty so cavalierly that it will be used as a routine tool to fight political battles. My fear is that when a Republican wins the White House, Democrats will demand payback."

Mr. Schumer was a prophet. This must stop.

With that, I yield.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Madam President, I want to first thank the House managers and the counsel for the President for their time and their hard work and patience these past few weeks.

Yes, folks, we have had a robust and at times a rancorous trial. Some days I left here feeling angry, and some days I left here feeling more hopeful. Frankly, it is likely that many Americans—and in my case, Iowans—from every political stripe will feel hurt by this process at some level. But we are all representatives of the ideals and beliefs of the people we are here to represent.

Like all of you, I have sworn an oath to uphold the Constitution, and I take that oath very seriously. There have been a lot of arguments presented about what the Constitution says regarding the threshold for impeaching a President. It is clear to me that the Constitution goes out of its way to make it a high bar for removing the President.

The argument of the House managers simply did not demonstrate that the President’s actions rise to an impeachable offense. Given the constitutional requirements, voting any other way on these articles would remove the ability of the American people to make their own decision at the ballot box in November.

This process was fraught from the start with political aims and partisan innuendos that simply cannot be overlooked.

The House managers’ arguments have argued that the American people cannot be trusted to render their own judgment on this President. I reject this premise and the complete distrust of the American people with everything in my heart. To do this would set a new and dangerous precedent in American history.

As we sit here today, we believe we are experiencing a unique and historical event; however, if the case presented by the House of Representatives is allowed to be the basis for the removal of this President, I am afraid that impeachment will become just another tool used by those who play partisan politics. This is not what the Founders intended, and this is a very dark path to go down.

Under the Constitution, impeachment wasn’t designed to be a litmus test for every action of the President’s; elections were designed to be that check. Further, the issue of foreign affairs has historically been fraught with peril for Presidents. Foreign affairs is an art, not a science, and trying to insert a formula into every Presidential interaction with a foreign leader is a path toward ineffectiveness.

The Senate is about to close this chapter in American history. I pray that we do not allow this to become just another way of upending the electoral will of the American people with every international and domestic advantage. To do this would set a new and dangerous precedent in American history.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Mississippi.

Mr. CACKER. Madam President, tomorrow I will cast my vote against the removal of our duly elected President. I will do so based upon my understanding of the duty conferred upon me.
by the Constitution of the United States.

I do not believe the House managers have proved the allegations contained in the Articles of Impeachment, nor do I believe the articles allege conduct that rise to the standards for removal. I find the President’s counsel to be persuasive in this regard. Significantly, much of the American public, without the benefit of learned constitutional instruction, has come to the same conclusion.

During the 2½ weeks of this trial, we have received more than 28,000 pages of documents, we have seen 192 video clips of 13 different witnesses, we had the opportunity to question each side for a total of 16 hours, and we have listened to literally hours and hours of argument. Clearly, I am unable to discuss every aspect of the trial in the time allotted me. Some facts in this case are in dispute, but many are not. Here is what we all know beyond a doubt.

First, that voices on the left have been calling for the impeachment of Donald Trump since day one—literally day one. The Washington Post on January 20, 2017, published an article titled “The Campaign to Impeach President Trump Has Begun” on Inauguration Day.

Secondly, we know that the yearslong $32 million Mueller investigation failed to reveal sufficient ammunition for those who desired impeachment.

Third, the impeachment of this President in the House was the result of a narrowly partisan vote, with no Republican Representatives—zero—voting in favor of the articles.

And fourth, a guilty verdict this week would not only immediately remove the President from office, but it would also remove his name from the ballot in an election, which is already going on, and the first caucuses of which were conducted only yesterday.

The words are right there in articles I and II, on pages 3 and 4 of the resolution: “disqualification to hold . . . any office.”

The Founders of this country entrusted Congress with the power of impeachment as a check and balance on the executive branch. This power was never intended to settle policy differences or political disagreements—even intense disagreements. It was not designed for Congress to judge if a President they found odious or obnoxious or with whom they vehemently disagree.

The Constitution gives Congress this extraordinary authority as a remedy only for what it calls “high Crimes and Misdemeanors.” And making it clear what an extreme action of impeachment is, the Framers required the support of two-thirds in this Chamber in order to convict.

These standards intentionally set a very high bar to prevent abuse of the impeachment process. Meeting these standards requires this process be used to try only the most serious allegations and requires broad consensus in the Senate. Members of both parties have, in the past, warned about the dangers of a narrowly partisan impeachment.

As late as last year, House Speaker NANCY PELOSI cautioned: “Impeachment is a serious step to the country that unless there’s something so compelling and overwhelming and bipartisan, I don’t think we should go down that path because it divides the country.”

Congressman NADLER, one of the impeachment managers, said in 1998:

> There must never be a narrowly voted impeachment or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment would lack legitimacy, would produce divisiveness and bitterness in our politics for years to come.

This wide approach has been supported in the past by House Manager ZOE LOFgren, by Senator and future Vice President Joe Biden, and by our own colleagues, Senator MENENDEZ and SCHUMER, who feared that impeachment would become a routine tool.

These leaders had good company in taking this position. In Federalist No. 65, Alexander Hamilton warned of the danger that the decision to impeach “will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence or guilt.”

Many of our Democratic friends who once sided with Hamilton have apparently changed their minds. They have also reversed themselves on the urgency of doing so—a rather sudden and abrupt change of heart on that question.

House advocates of impeachment have argued that President Trump is willing to cheat in the ongoing election and amounting to such an imminent threat to our democracy that he must be removed. Unless he is out of office and out quickly, they assert, we cannot have any confidence that the 2020 election results will be trustworthy.

I ask: Does any Senator really believe that; that America cannot have a fair election if Donald Trump is in the White House? But that alleged danger was the reason for the abbreviated House procedure. The lead House manager, Congressman SCHIFF, said in an interview last year that the timing of impeachment was driven by the urgency of removing the President. Congressman NADLER agreed, saying that “nothing could be more urgent.”

Speaker PELOSI repeated the same argument many times to explain the rushed process in the House and why there was not time to give the President a fair hearing. Senators heard the words repeated and repeated on video clips shown during this trial—“urgent,” “urgency.”

What happened to that urgency once the House voted? Did the Speaker then rush the papers to the Senate so we could address this imminent threat? Hardly. Speaker PELOSI held the articles for more than a month. If this trial was so urgent, why not send the articles without delay? Some might conclude that by withholding the articles, the Speaker exposed that she did not, in fact, believe that this case was urgent. Perhaps she supported efforts to influence our procedural decisions. I do not impugn motives here. Our rules prohibit me from doing so. I merely note an obvious change for whatever reason.

As I consider the high bar of impeachment tomorrow, I will vote not to convict. I will do so because there is not overwhelming evidence, because no high crimes are shown, because there is not a broad consensus among my country that it is only articles based on a narrowly partisan basis, and because removing President Trump on these charges at this time would set a dangerous precedent.

I am a century old, during the decades and centuries to come. Some might argue that the impeachment of this President will be a historic event, but in some ways, the human element strikes me as more important. It has been a historic event, but in some ways, the human element strikes...
me as the most memorable. I will remember vividly the bravery of dedicated public servants who had everything to lose and nothing to gain by telling the American people the truth about Donald Trump and his scheme to corrupt our democracy for his personal benefit. Their courage, their grace under pressure, their dignity, and unshakeable honesty should be a model for all of us.

I will remember, for example, LTC Alexander Vindman, whose video appeared before us, a man who was brought to the United States at the age of 3 and grew to love this country so much that he put his life at risk in combat and then his career at risk by coming before the Congress. I will remember Fiona Hill, the daughter of a coal miner and nurse, who proceeded to get a Ph.D., swear an oath to this country, serving in both the Republican and Democratic administrations, warning us not to peddle the “fictional narrative . . . perpetrated and propagated,” as she said, “by the Russian security services themselves about乌克兰ian effort to meddle in our election. I will remember very vividly Ambassador William Taylor, West Point graduate and decorated Vietnam war veteran, who testified that he thought it was “crazy to withhold security assistance for help with a political campaign.”

I will remember the whistleblower who came forward to express shock and alarm that the President of the United States would attempt to extort a vulnerable democracy to help him cheat in the next election in exchange for the foreign military aid they so desperately needed to fight their adversary, Russia, and our adversary, Russia, attacking and killing their young men and women. I have met some of those young men and women who came to Connecticut to the Burn Center at Bridgeport Hospital, so badly injured they could barely talk, and the stories of the suffering and hardship came back to me, as I sat on the floor here, and their courage and their bravery and strength also will stay with me.

I will remember the moment that we raised our hands and took an oath to be impartial, all 100 of us—99—at the same time, in a historic moment when the weight of that responsibility shook me like a rock. I will also remember the shame and sadness that I felt when this body, this greatest deliberative body in the history of the world—voted to close its eyes, to put on blinders to evidence, witnesses, and documents; firsthand knowledge, eyes and ears on the President, black and white they couldn’t see, need to understand the complete story and give the American people the complete truth. That moment—unfortunately, a moment of dismay and disappointment—will stay with us as well, as we sit along for so long to part of this body, which I respected and revered, so utterly failing the American people at this moment of crisis.

And I will remember audible gasps, some laughs, and raised eyebrows in this Chamber when Professor Alan Dershowitz made the incredible, shocking argument that a President who believes that his own reelection serves the public interest can do anything he wants, and it is not impeachable. The implications of that argument for the future of our democracy are simply indescribable.

I have been a trial lawyer. I have spent most of my career out of the courtroom. So I can argue the legalities. But I am not here to rehash the legal arguments, because culpability here seems pretty clear to me. The President solicited a bribe when he sought a personal benefit and investigation of his political opponent, a smear of his rival, in exchange for an official act—in fact, two official acts: the release of military funding for an ally and a White House meeting—in return for that personal benefit. Those actions violate a violation of section 201, 18 United States Code, today. They were a violation of criminal law at the time of the Framers, and that is why they put it in the Constitution.

Bribery and treason are specifically mentioned. Bribery is included as an abuse of power, as it was when Judge Porteous was convicted and impeached. Many of the Members of this Chamber voted to impeach him, although bribery was never mentioned in the articles charging him.

The idea that bribery or any crime has to be mentioned for there to be an abuse of power is clearly preposterous. In my view, the elements of bribery have been proved beyond a reasonable doubt, and there is no excuse for that criminal conduct. I am going to submit a detailed statement for the Record that makes the legal case, but, clearly, bribery has been committed by this President.

Looking beyond the legalities, what strikes me, perhaps, as most telling here is the constant theme of secrecy—the fact that the President kept his reasons for withholding aid a secret. Unlike other suspensions of aid to other countries—like the Northern Triangle in Central America or Egypt, where it was announced publicly and Congress was notified—here, he kept it secret. He operated through his personal attorney, Rudy Giuliani, in secret, not the Senate, the State Department, not through the Department of Justice. Despite all of his claims of corruption and wrongdoing by Hunter or Joe Biden, he either never went to the Department of Justice or they declined to investigate because there was no “there” there. Instead, he sought, secretly, the investigation of a political rival through a foreign government, targeting a U.S. citizen secretly. His refusal to provide a single document to Congress to allow a single witness to testify, keeping their testimony and that evidence secret, concealing it; his defiance of every subpoena in court, effectively neutering Congress’s oversight authority—our oversight authority—to check any of these abuses, all of it is for the purpose of secrecy.

His claim of absolute immunity is totally discredited and rejected by the Supreme Court. He cannot be invoked to conceal criminal conduct that fits within the crime of a fraud exception.

And while the President’s lawyers argued before this body that the House should have gone to court to enforce those subpoenas instead of resorting to the remedy of impeachment, they then had the audacity to, simultaneously, at exactly the same time, argue in court that Congress cannot seek a judicial remedy to enforce subpoenas because it has already been tried. They argued no jurisdiction because of impeachment, and at the same time no access to evidence necessary for impeachment because, supposedly, you can go to court. This duplicity is absolutely stunning. And, I will say, just on a personal note as a prosecutor, it is a dead giveaway. He is guilty. Regardless of what we do tomorrow, we know for sure, in this great democracy, the truth will come out. It always does. It is just a question of when. It will come out in mid-March with John Bolton’s book, assuming the President doesn’t try to censor it and tie him up in court or exercise some prior restraint. It will come out in congressional investigations when John Bolton and others testify. It will come out because there are courageous men and women, like Ambassador Taylor, Fiona Hill, Colonel Vindman, and others, who are willing to put country ahead of their personal careers.

When my children grow up—and they are pretty well grown—I hope they will be more like them than like the President. I never, ever thought I would say that the President of the United States, let alone anybody, because this President has shown that he will take advantage of every opportunity for self-enrichment and self-aggrandizement. Whether it is violating the emoluments clause—and I, along with 199 of my colleagues, have sued him on that issue, making money from the Presidency, profiting and putting profit ahead of his official duties, or seeking to smear a political rival and soliciting a crime. Even if the aid went through and even if the investigation was never announced, it is still a crime—putting that kind of self-benefit ahead of his duty to the country and
our national security, the welfare and fight of an ally at the tip of the spear against a common adversary who is seeking to destroy Western democracies. He is someone who has said: Show me the boundaries of the law, and I will push them, and if I can succeed, I will do it again. And he will do it again. Everyone in this Chamber knows it.

So, as we make this momentous decision, I implore each of my colleagues to think about the gravity of what we will do if we fail to convict this President, the message that we send to countries struggling to overcome corruption, because America is more than just a country. America is an idea and an ideal. When we implore them to fight corruption, our credibility is shredded when we condone it at home.

The Framers, in their wisdom, knew that elections every 4 years were an inadequate check against any President who corruptly abuses power for personal gain. And this situation and this President are exactly what they feared when our young infant country was struggling to avoid foreign interference in our elections. It was their worst nightmare, foreign interference, the threat of others meddling—exactly what this President has invited.

It was delegate William Davie of North Carolina who said: ‘If he be not impeachable whilst in office, he will spare no effort or means whatever to get himself re-elected.’ It was precisely cheating in a future election, foreign interference in our domestic affairs, that the Framers established impeachment to prevent. That is why the remedy exists, and that is why we must use it now.

History will judge us harshly if we fall in this historic challenge. History will haunt the colleagues who fail to meet this challenge, who lack the courage that was demonstrated by those heroes of the Senate: Specter, Hill, Lugar, and others. And they will continue to serve our country. The truth will come out.

The heroes of this darker era will be our independent judiciary and our free press. They will continue providing freedom of information material under the law. They will continue to protect civil rights and civil liberties. They will continue their vigilance, even if we fail in ours.

But we have this task now. History will sit in judgment of us, and the future of our Republic will be in jeopardy if we fail tomorrow to do the right thing.

I yield the floor.

The PRESIDING OFFICER (Mrs. LOEFFLER). The Senator from Maryland is recognized.

MR. VAN HOLLEN. Madam President, it is the constitutional duty of each Senator to weigh the evidence before us and render a final verdict on the two Articles of Impeachment.

On the charge of abuse of power, the House managers have presented overwhelming evidence, a ‘mountain of it,’ as Senator ALEXANDER has conceded. For anyone with eyes to see or ears to hear, President Trump undoubtedly used the power of the Presidency to withhold vital, taxpayer-funded military aid to a foreign country to extort that government into helping him in his reelection campaign. He did so even though fighting Russian aggression is in our national interest. And make no mistake, the fact that he got caught before his scheme succeeded is no defense.

The House has also proved its case on the charge of obstruction of Congress. President Trump has engaged in unprecedented stonewalling, a preconcooked blanket coverup that makes President Nixon look like an amateur—not a single document produced nor a single witness. Those who did testify did so despite the President’s order not to show up. They included Trump political appointees and a major donor to his campaign, individuals who served our country in war, dedicated public servants who took an oath to defend the Constitution as ‘anti-Trumpers’ and ‘Democratic witnesses’ is wrong, as were the President’s attempts to bully and intimidate them.

With the facts proven, the Senate must now ask: Do these charges meet the standard for impeachment? The President claims impeachment requires charging him with a statutory crime, but that is a fringe view with potentially absurd results. Their lead lawyer making this argument, Alan Dershowitz, did not hold this view during the Clinton impeachment; nor does Trump’s Attorney General, William Barr; nor does Jonathan Turley. Trump’s constitutional law expert at the House Judiciary Committee hearing—not does the authority cited by the President’s own lawyers here in the Senate and referenced nine times in their legal briefs, that authority, entitled the ‘Impeachment Handbook’ states that ‘the limitation of impeachable offenses to those offenses made generally criminal by statute is unwarranted—even absurd.’

This suggested standard has been roundly dismissed because it leads to ridiculous conclusions—for example, that a President could withhold taxpayer-funded disaster assistance to the people of a State until their Governor endorsed his reelection. Even Alan Dershowitz recognized the folly of his own argument, so he switched to saying impeachment requires ‘criminal-like’ conduct. Well, the President’s actions here have all the markings of a criminal-like conduct, including what the Founders would consider bribery and extortion. Moreover, as made clear by the nonpartisan legal opinion I requested from the GAO, the President and his team broke the impeachment control law as part of his overall extortion scheme.

In fact, the toxic mix of misconduct we find here—a President corruptly using his office in a manner that compromises our national security to get a foreign government to help him stay in power—is exactly the kind of abuse of power our Founders most feared.

Yet the President shows no sign of repentance or regret. He acknowledges no wrongdoing is an ongoing threat to our country and our Constitution. Even as this impeachment process has proceeded, he has continued to solicit other countries, including China, to help his reelection efforts, as he says the Constitution gives him ‘the right to do whatever I want as President.’

Let’s be honest. President Trump sees the Constitution not as a check on his powers but as a blank check to abuse power, and he will not change. His ongoing betrayal of the oath of office represents a clear and present danger to our Constitution, our democracy, and the rule of law.

Those who argue we must not remove the President before the next election ignore the fact that the Founders included an impeachment clause in the same Constitution that establishes 4-year terms for the President. They wrote the impeachment clause for exactly this moment to corral corrupt President from enlisting a foreign power to help him cheat in an election.

President Trump has committed high crimes and misdemeanors against the Constitution, and we must use the only remedy the Framers provided for him guilty and remove him from office. Failure to convict will send a terrible signal that this President and any future President can commit crimes against the Constitution and the American people and get away with it.

But it is not only the President who has violated his duty under the Constitution. So, too, has this Senate, not because of the ultimate conclusion expected tomorrow but because of the flawed way the Senate will reach that decision. While I strongly disagree with acquittal, that verdict might be accepted by most Americans if reached through a real and a fair trial. But this Senate did not hold a real trial. It held the first impeachment proceeding in our history not to call a single witness or seek a single document.

President Trump’s former National Security Advisor, John Bolton, offered us important information about the charges against the President. The Senate voted not to hear from him. President Trump said he wanted his Acting Chief of Staff, Mick Mulvaney, to testify at the Senate trial, but then he changed his mind and Senate Republicans voted not to hear from him. I offered to have the Chief Justice make decisions about relevant witnesses and documents, just as impartial judges do in trials every day across America. In fact, unlike in every other courtroom, it preserved the right of the Senate to overturn the Chief Justice’s decision by a majority vote. That is obviously a fair process for the President, but every Republican Senator voted
against it. And why? Because they are afraid of getting to the truth, the whole truth, and nothing but the truth. They know that, as more incriminating facts come out, it becomes harder to acquit. By joining the President’s cover-up, they have become his accomplices.

While the decision on the President will come tomorrow, the verdict on this Senate is already in—guilty. I am struck by the contrast of where we are today and where our Founders were more than 200 years ago. George Washington was the ultimate rock star and an American hero, refused to be anointed King when it was offered to him by his adoring countrymen. He reminded folks that he had just fought against a Monarch and he said no. He reminded folks that he knew unchecked power would destroy a republic. He warned us of what he called the “great peril.”

The President illegally withheld congressionally approved military aid to an ally at war with Russia and conditioned its release on Ukraine making an announcement the President could use to falsely discredit a likely political opponent.

When the President’s corrupt plan was brought to light, the White House engaged in a systematic and unprecedented effort to cover up the scheme. The complete refusal to cooperate with a constitutionally authorized investigation is unparalleled in American history.

Despite the extraordinary efforts by the President to cover up the facts, the House managers made a convincing case. It is clear the President’s actions were not an effort to further official American foreign policy. The President was not working in the public interest. What the President did was wrong, unacceptable, and impeachable.

I expect the President’s lawyers to offer new eyewitness testimony from people with firsthand knowledge and offer new documents to defend the President, but that did not happen. It became very clear to me that the President’s closest advisers could not speak to the President’s innocence, and his lawyers did everything in their power to prevent them from testifying under oath.

No other sovereign government has interfered with an American election: that he willfully obstructed justice at every turn; and that his actions run counter to our Nation’s most cherished and fundamental values—it is clear the President betrayed the American public placed in him to fully execute his constitutional responsibilities. This betrayal is, by definition, a high crime and misdemeanor. If it does not rise to the level of impeachment and removal, I am not sure what would.

The Senate has a constitutional responsibility to hold him accountable. If we do not stand up and defend our democracy during this fragile period, we will be allowing the President and future Presidents to have unchecked power. This is not what our Founders intended.

The oath I swore to protect and defend the Constitution demands that I vote to preserve the future of our Republic. I will faithfully execute my oath and vote to hold this President accountable for his actions.

I yield the floor.

I suggest the absence of a quorum.

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

Mr. WHITEHOUSE. Madam President, may I say that it is a pleasure to speak to the Senate with the new Senator from Michigan is recognized.

Mr. PETERS. Madam President, I swore to defend the Constitution, both as an officer in the U.S. Navy Reserve and as a U.S. Senator. At the beginning of this impeachment trial, I swore an oath to keep an open mind, listen carefully to the facts, and, in the event of an impartial jury, thereby put his personal interest ahead of national security and the public trust.

The President’s conduct is unacceptable for any official, let alone the leader of our country. Our Nation’s Founders feared unchecked and unlimited power by the President. They rebelled against an abusive Monarch with unlimited powers that created a republic that distributed power across different branches of government. They were careful students of history. They knew unchecked power would destroy a democratic republic. They were especially fearful of an unchecked executive and specifically granted Congress the power of impeachment to check a President who thought of themselves as above the law.

Two years ago, I had the privilege of participating in the annual bipartisan Senate tradition, reading President George Washington’s Farewell Address to the Senate. In that address, President Washington warned that unchecked power, the rise of partisan factions and foreign influence, if left unchecked, would undermine our young Nation and allow for the rise of a demagogue. He warned that we could become so divided and so entrenched in the beliefs of our particular partisan group that “men who had a common interest and warned us of what he called the “great peril.”

I am struck by the contrast of where we are today and where our Founders were more than 200 years ago. George Washington was the ultimate rock star of his time. He was beloved, and when he announced he would leave the Presidency and return to Mount Vernon, people begged him to stay. But tomorrow, by refusing to hold President Trump accountable for his abuses of power, the Senate is offering him unbridled power without accountability, and he will gleefully seize that power. And when he does, our Republic will face an existential threat. A vote against the Articles of Impeachment will set a dangerous precedent. It will be used by future Presidents to act with impunity. Given what we know—that the President abused his power in office by attempting to extort an foreign government to interfere with an American election; that he willfully obstructed justice at every turn; and that his actions run counter to our Nation’s most cherished and fundamental values—it is clear the President betrayed the American public placed in him to fully execute his constitutional responsibilities. This betrayal is, by definition, a high crime and misdemeanor. If it does not rise to the level of impeachment and removal, I am not sure what would.

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

Mr. WHITEHOUSE. Madam President, may I say that it is a pleasure to speak to the Senate with the new Senator from Georgia presiding for the first time, at least, that I have had this occasion.

Well, here we are. The impeachment outcome is settled, as it was from day one. In my view, the facts are clear, the conduct impeachable, and the obstruction unprecedented.

In my view, this impeachment process ran into a partisan wall, and the Senate’s part was to deny the American people the most basic elements of a fair trial: witnesses and evidence. Alexander Hamilton, years ago, warned us of what he called the “greatest danger” in impeachments, that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.

In my view, that danger has met us. This side of the aisle, we have the stanza that “to every man and nation comes the moment to decide, in the strife of truth with falsehood, for the good or evil side.”

In my view, the Senate chose the wrong side.

We are obviously going to disagree about a lot here, so let me focus on two thoughts that perhaps we can agree on.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.
One is that what we have done here should carry little weight as precedent. Politics cast very long shadows over this proceeding. This was not our finest hour, by any stretch, and much of what was said and done here should not be repeated, let alone treated as precedent.

I hope history treats this episode as an aberration, not a precedent.

Too many things that are right and proper had to be bent or broken to get to this point. The result, and so much of what was said by White House counsel was not only wrong but disgraceful.

The presentation in this Chamber by White House counsel was characterized by smarminess, smear, elision, outright misstatement, and various dishonest rhetorical tricks that I doubt they would dare pull before judges.

Knowing that we were a captive and silent audience, knowing the outcome was predetermined in their favor, and granting the TV audience, particularly an audience of one, they delivered a performance that leaves a stain on the pages of the Senate Record.

Perhaps there will be consequences for some of their conduct in our Chamber.

The conduct of White House counsel in the Trump impeachment trial raises grave concerns.

A staunch Republican friend, who is an accomplished prominent lawyer, emailed me about a White House counsel argument, calling it "the most shocking thing I have seen a 'serious' lawyer say in my entire legal career." He referred to Professor Dershowitz, but the conduct of White House counsel in this matter has indeed been shocking far beyond the excesses of Professor Dershowitz.

In some cases, we do not know who pays them. Mr. Sekulow is evidently anonymous and paid for by dark money, through a mail drop box. Who is he working for here? Does his secret benefactor create a conflict for him? We should know.

Among them are lawyers who appear to have grave professional conflicts. They represent the President although they are fact witnesses to conduct charged in the impeachment. This concern was brought to their attention by House counsel on January 21, 2020, putting them on notice. They ignored the letter.

The House argued that members of the White House counsel team actually administered a massive cover-up, using extreme and unprecedented arguments to protect a blanket defiance against congressional inquiry into alleged Presidential misdeeds, with the intent to hide evidence of those misdeeds.

There is new evidence that counsel were not just fact witnesses, but present at meetings in which the scheme was advanced, and the misconduct alleged was confessed to, by the President. Being present during the commission of the offense and witness to an overt act in furtherance of the alleged scheme is more grave than being a mere fact witness. This needs further inquiry, but it raises the question of actual participation in the crime or fraud or misconduct at issue, which would waive their attorney-client privilege.

They have not been candid about the law. They have argued over and over that they will delay the Senate proceedings by litigation in United States District Courts if we allow witnesses or subpoeenas, mentioning only once, in their pretrial brief, the case of Walter Nixon v. United States, where the Supreme Court save the federal Judiciary "no role" in senate impeachment proceedings, warning "that opening the door of judicial review to the procedures used by the Senate in trying impeachments would 'expose the political life of the country to months, or perhaps years, of chaos,'" the very delay White House lawyers are threatened.

Further inquiry may reveal whether various counsel made, or permitted co-counsel to make, arguments at odds with facts to which they were witness, thereby deliberately misleading the Senate. For lawyer to participate in or be immediate witness to criminal or impeachable wrongful activity; and then practice as a counsel in matters related to that criminal or impeachable or wrongful activity; and then conceal from that tribunal what they knew about it; and then falsify or mislead that tribunal about the misconduct as they witnessed it, would be attorney misconduct of the gravest nature.

In light of these problems, one recurring argument by White House counsel takes on new meaning. In an often conflated argument, White House counsel insisted that no crime was alleged in the House of Representatives' Article of Impeachment. There was no crime committed. If, as recent evidence suggests, at least one White House counsel was present at and participated in a meeting in furtherance of the scheme at issue, the argument that the scheme was not criminal is deeply self-serving. That self-serving nature is precisely why counsel under that sort of conflict of interest should not appear in proceedings addressing conduct which they witnessed, which they knew about, which they abetted, or in which they participated.

White House counsel used their time before us to smear non-parties; to present virtual political commercials; to misstate, exaggerate or mislead about legal propositions; to misstate, exaggerate or mislead about factual propositions; to misstate, exaggerate or mislead about House managers' arguments; and to float conspiracy theories and unsupported political charges to the public audience. In some cases, arguments for instance, calling secondary witnesses' testimony hearsay and secondhand at the same time they are blocking the direct witnesses' testimony. It was in sum, a sordid spectacle, one that few if any courts would have tolerated. They came into our House, and dirtied it.

So enough of my professional disgust with their performance, but let us agree that this ought not to happen again. Let us also not do something else.

There is one particular argument the White House made that we should truncate, discard, and put out into the trash: the notion that a U.S. district court can supervise or pass on the Senate's impeachment proceeding. I truly hope we can agree on this.

As a Court of Impeachment, we are constituted at the Founders' command. The Chief Justice presided in that seat at the Founders' command. We convened as a body at the Founders' command. And at the Founders' command, the Senate—the Senate—has the sole power to try all impeachments.

Every signal from the Constitution directs that we try acts and no part of the Senate's power to do so is conferred anywhere else in the government. It is on us.

The President's counsel proposed that they may interrupt the Senate's trial of impeachment, delay the Senate, contempt proceedings under the House's subpoena, and no part of the Senate's power to do so is conferred anywhere else in the government.

There are three arguments against this proposition. The obvious one is the Constitution. The Constitution puts the trial in the hands of the Senate sitting as a Court of Impeachment and makes no mention of any role for any court to supervise or pass on the Senate's conduct of this trial. It is simply not in the Constitution.

The second argument is the improbability—the improbability—that the Founders would convene the U.S. Senate as a Court of Impeachment, bring the perpetrators of the U.S. House of Representatives over here to present their charges, put the Chief Justice of the U.S. Supreme Court into that chair to go down the street to the U.S. district court to litigate our trial determinations about evidence and privilege—determinations in our proceeding.

There are three arguments against this proposition. The obvious one is the Constitution. The Constitution puts the trial in the hands of the Senate sitting as a Court of Impeachment and makes no mention of any role for any court to supervise or pass on the Senate's conduct of this trial. It is simply not in the Constitution.

The impeachment provisions of the Constitution were adopted by the Founders in September of 1787, after that long, hot summer in Philadelphia, and ratified with the Constitution in 1788. The Judiciary Act establishing lower courts did not pass until 1789. It is hard to imagine that the Founders meant the proceedings and determinations of our Senate Court of Impeachment to be subject to the oversight of a judge down the road from us whose office did not even exist at the time.

The Founders in the Constitution put this squarely on us. To one is mentioned. It is our "sole Power." It is the duty of the Chief Justice under the Constitution to preside over the trial.
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It is his duty to make appropriate rulings. And it is on us to live with that, unless—as we may—we choose to overrule the Chief Justice as a body, by recorded vote, and live with that. We run this trial—the Senators, the Senate—no one else. We are responsible to the people of the United States to run this trial. We were trusted by the Founders to live up to those responsibilities.

When we sit as a Court of Impeachment, it is all on us. The Founders put it squarely on us. We took that job when we took our oaths. That means we control the trial rulings, the timing, the evidence determinations, and the privileges we will accept. We can accept the rulings of the Chief Justice or we can reverse them, but it is our job.

Previous impeachments record the Senate making just such rulings. Never has the Senate referred such a ruling to a court. Indeed, in Walter Nixon v. United States, 506 U.S. 224, a 1993 decision, the Court held that Federal courts have no power to review procedures used by the Senate in trying impeachments, that it was a nonjusticiable political question, and that "the Judiciary, and the Supreme Court in particular, were not chosen to have any role in impeachments."

The Supreme Court in that decision even foresaw the delays that White House Counsel threatened us with and saw them as an argument against any judicial review. The Court said that "opening the door of judicial review to the procedures used by the Senate in trying impeachments would expose the political life of the country to months, or perhaps years, of chaos," and the Court immediately went on to particularly highlight that concern with respect to the impeachment of a President.

It would have been nice if White House Counsel, when they were in this Chamber arguing for their threatened delay, could have addressed this Supreme Court decision.

The Constitution, common sense, and our impeachment precedents put the responsibility for a Senate trial of impeachment squarely on us. We should not—we should never—shirk that responsibility.

This has been a sad and sordid moment for the Senate. It has done harm enough. Let it not provide any credit to this false White House argument, and let this not be precedent for future Presidential misconduct.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. SMITH. Madam President, this morning, I let Minnesotans know that I was reluctant to go down the path of impeachment. While I strongly disagree with the President on many issues, I see impeachment as a last resort, and I feared that leaping to impeachment would only serve to drive us even further into our political corners. This changed when I read the whistleblower report, which alleged nothing less than the President’s corrupt abuse of power, an abuse that had the potential to undermine our election in 2020.

For me, this left no choice but for the House to fully investigate these allegations. When the House sent the two Articles of Impeachment to the Senate, it brought that same concern according to the Constitution and the laws,” and I take that oath as seriously as anything I have ever done.

This impeachment trial has been about whether the President’s corrupt abuse of power—power that he used for his own personal, political benefit while betraying the public trust—is a high crime and misdemeanor as defined by the Founders of our Constitution.

I believe that it is, and I also believe that the core question, whether such as this undermines the core values we stand for as a nation that no one is above the law, including and most especially the President.

Over the past several weeks, I have listened to hundreds of hours of presentations, questions and answers, and read thousands of pages of documents. Through it all, the facts underlying the case against the President were never really refuted.

The President, through his personal lawyer, Rudy Giuliani, withheld Ukrainian security assistance and a prestigious meeting in the White House in an effort to persuade President Zelensky to announce he was investigating Joe Biden and the theory that Ukraine interfered in our 2016 elections. In order to improve his prospects for reelection, Trump directed that vital assistance be withheld until Ukraine announced investigations into a baseless conspiracy theory that originated as Russian propaganda, and he only released the aid when he was found.

Then, when the House sought to investigate these actions, the Trump White House categorically blocked any and all subpoenas for documents and witnesses. No U.S. President has ever categorized rejected the power of Congress to investigate and do oversight of the executive branch—not Nixon, not Clinton. This obstruction frustrates the separation of powers between the legislative and executive branches.

How can our constitutional system work if we allow the President to decide if and how Congress can investigate the President’s misconduct? It can’t. If we say that the President can decide when he cooperates with a congressional investigation, we are saying that he is above the law.

While evidence of the President’s wrongdoing is substantial, I advocated every step I could for a trial that would be fair for both sides, which means hearing from witnesses with direct knowledge of the President’s actions. I am greatly disappointed that almost all of my Republican colleagues in the Senate abandoned the historical, bipartisan precedent of hearing from witnesses in every Senate impeachment trial.

Unfortunately, when so many people know the truth of what happened, the complete truth will come out. Yet the Senate abandoned its responsibilities when it blocked efforts to get the complete truth here in this Chamber. As a result, there will be a permanent cloud over these proceedings. The President may be acquitted, but without a fair trial he cannot claim to be exonerated.

The core question of this impeachment trial is this: Do we say that it is OK for the President to use his office to advance his personal political interests while ignoring or damaging the public good? My answer is no.

Corruptly soliciting a foreign government’s help for an investigation, obstructing investigations, and withholding crucial American aid to Ukraine—such actions are grave offenses that threaten the constitutional balance of power. The separation of powers are grave offenses that threaten the constitutional balance of power. This is what Alexander Hamilton was talking about when he wrote that impeachment proceedings should concern ‘‘the abuse or violation of some public trust.’’

Some have argued that what the President did was wrong, but his conduct does not rise to the level of impeachment. They agree that the President used his power to secure an unfair advantage in our elections but think that this abuse of power isn’t that bad. It isn’t bad enough to remove him from office.

It is that bad. Trump’s abuses of power are grave offenses that threaten the constitutional balance of power and the core value that no one, especially the President, is above the law. The President’s abuse of power undermines the integrity of our next election and calls into question whether our elections will be free and fair. His abuse of power deters our security by undermining the moral stature of the United States as a trusted ally and as a fighter against corruption.

For me, one of the saddest moments of this trial was the testimony from American diplomats who urged Ukrainian leaders not to engage in political investigations. According to the testimony, the Ukrainians responded by saying, in effect: Do you mean like the Bidens and the Clintons?

Some have said that we should wait and let the American people decide in the next election, only months away. But when the President has solicited the help of foreign nations to influence our elections with disinformation and has prevented the American people from hearing a full and fair accounting of that effort, our duty to defend the Constitution requires that we act now. A vote to remove the President from office protects our next election.

When Leader MCCONNELL refuses to allow the Senate to consider election
security legislation and when the President shows no remorse and says publicly that he is ready to do it again, we have no choice but to act. When the President says that the Constitution allows him to do whatever he wants, Congress has no choice.

The President’s conduct is a threat to our elections and our national security. What is more, if we fail to check this President, future Presidents may be emboldened to pursue even more shameless schemes.

Lots of countries have high-minded constitutions full of powerful words and strong enunciations of rights that don’t really mean anything. As House manager ADAM SCHIFF pointed out, Russia has a Constitution like this. Our Constitution is different. It is not some dry, historic document that we keep behind glass in a museum. It is the big idea of our system of government that no one is above the law, and people, not Monarchs, are the source of power. It is a living, breathing thing. Everything flows from this great idea realized in the lives of Minnesotans who, every day, seek the freedom and the opportunities they need to build the lives they want. There is nothing inevitable about democracy. It is a state that we have to fight for. The fight for democracy and our Constitution has chosen us in this moment, and it is our job to rise to this moment.

After the Senate vote, the work of reinforcing the American values of fairness and justice will continue. We have a lot of work to do. Democracy is hard work, and I know that Minnesotans are up to it. The truth is that I see more signs of common ground, hope, and determination in Minnesota than I do the fractures of division, distrust, and partisanship, and that is a foundation for us all to build on going forward.

I yield the floor.

The PRESIDING OFFICER (Mr. PAUL). The Senator from Kentucky.

Mr. PAUL. Mr. President, the great irony of the last several weeks in the impeachment trial is that the Democrats accused the President of using his governmental office to go after his political opponent. The irony is, they then used the impeachment process to go after their political opponent. In fact, as you look at the way it unfolded, they admitted as much.

As the impeachment proceedings unfolded, we didn’t have time for witnesses. We had to get it done before Christmas because we wanted it done and ready to go for the election. We had to get it done—the entire process needed to be completed—before the election.

They didn’t have time for the process. They didn’t have time for due process. They didn’t have time for the President to call his own witnesses or cross-examine their witnesses.

The great irony, they did exactly what the President did. They used the government and the government’s process to go after their political opponent.

What is the evidence that it is partisan? They didn’t convince one Republican. Not one elected Republican decided that any of their arguments were valid or that the President should be impeached.

They didn’t convince them of anything. They made it into a sham. They made it into a political process because they didn’t like the results of the election.

When did this start? Did the impeachment start at the moment when the Ukrainian President? No, the impeachment and the attacks on the President started 6 months before he was elected.

We had something truly devastating to our Republican happen. We had, for the first time in our history, a secret court decide to investigate a campaign. At the time, when those of us who criticized this secret court for spying on the Trump campaign, they said: Oh, it is just a conspiracy theory. None of this is happening. There is no “there”.

But now that we have investigated it—guess what—the FISA court admits they had lied 17 times. We have a half a dozen people at the top level of our intelligence community who have admitted to having extreme bias. You have Peter Strzok and Lisa Page talking to each other about the President and having an insurance policy against him succeeding and becoming the President. You have McCabe, you have Comey, and you have Clapper.

You remember James Clapper, the one who came to the Senate, and, when asked by Senator WYDEN, “Are you storing, are you gathering information from Americas by the millions and storing it on government computers?” James Clapper said no. He lied to Congress and committed a felony. Is he in jail? No, he is making millions of dollars as a contributor on television now, using and peddling his national security influence for dollars, after having committed a felony in lying to you.

These are the people who plotted to bring the President down. These are the people who continue to plot to bring the President down. Before all of this started, though, I was a critic of the secret courts. I was a critic of FISA. I was a critic of them abusing American civil liberties. I was a critic of them invading our privacy, recording the communications, who we talk to, and sometimes recording conversations—all of this done supposedly to go after terrorists, but Americans, by the millions, are caught up in this web.

But now, for the first time, it is not just American civil liberties that are being abused by our intelligence agencies. It is an entire Presidential campaign, and it could go either way. This is why you want to limit power. Men are not angels, and that is why we put restrictions on government. We need more restrictions now. We can’t allow secret courts to investigate campaigns.

This started before the election. It went on for the last 3 years, through the Mueller investigation. They thought they had the President dead to rights, and they would bring him down through this investigation. So, initially, the spying didn’t work, and the Mueller investigation didn’t work. They went seamlessly into the impeachment.

The question for the American public is now: Will they go on? Are they going to immediately start up hearings again in the House that will be partisan hearings again? I suspect they will. They have had their day in the Sun, and they loved it, and I think they are going to keep doing it time and time and time again.

Now, during the proceedings, I asked a question that was disallowed, but I am going to ask that question again this morning, because the Constitution does protect debate and does protect the asking of questions. I think they were a big mistake not allowing my question.

My question did not talk about anybody who is a whistleblower. My question did not accuse anybody of being a whistleblower. It did not make a statement accusing. It was simply asking whether there was someone who was a whistleblower. I simply named two people’s names because I think it is very important to know what happened.

We are now finding out that the FISA investigation was predicated upon 17 lies by the FBI, by people at high levels who were biased against the President, and it turns out it was an illegitimate investigation. Everything they did about investigating the President was untrue and abused government to do something they never should have done in the first place.

So I asked this question. And this is my question—my exact question. We will put it up here:

Are you aware that the House Intelligence Committee staffer Shawn Misko had a close relationship with Eric Ciaramella while at the National Security Council together? Are you aware and how do you respond to reports that Ciaramella and Misko may have worked together to plot impeaching the President before there were formal House impeachment proceedings?

Now, why did I ask this question? Because there are news reports saying that these two people—one of them who works for ADAM SCHIFF and one of them who worked with this person at the National Security Council—that they knew each other and had been overheard talking about impeaching the President in the first month of his office. In January of 2017, they were already plotting the impeachment.

And you say: Well, we should protect the whistleblower. The whistleblower deserves anonymity.

The law does not prevent anonymity. His boss is not supposed to say anything about him. He is not supposed to be fired. I am for that.

But when you get into the details of talking about whistleblowers, there is a variety of opinions around here. The
greatest whistleblower in American history, in all likelihood, is Edward Snowden. What did people want to do with him? Half the people here want to put him to death and the other half want to put him in jail forever. So it depends on what you blow the whistle on, and there can be an actual power for the whistleblower statute.

I am not for retributions on the whistleblower. I don’t want him to go to jail, and I don’t want him to lose his job, but the people who all worked together at the National Security Council, knew each other and gamed the system, knowing that they would get these protections—they gamed the system in order to try to bring down the President—we should know about that. If they had extreme bias going into the impeachment, we should know about that.

I think the question is an important one, and I think we should still get to the bottom of it. Were people plotting to bring down the President? They were plotting in advance of the election. Were they plotting within the halls of government to bring down the President? Look, these people also knew the Vindman brothers, who are still there. So you have the Vindman brothers over there who know Eric Ciaramella, who also know Sean Misko, who also knew two people working on ADAM SCHIFF’s staff, and ADAM SCHIFF throws his hands up and says: I don’t know who the whistleblower is. I have never met him. I have no idea who he is.

So if he doesn’t know who he is and the President’s counsel doesn’t know who he is, how does the Chief Justice of the United States know who the whistleblower is? I have no independent confirmation from anywhere in government as to who the whistleblower is. So how am I prevented from asking a question when nobody seems to admit that they even know who this person is?

My point is, is by having such protections—such overzealous protection—we don’t get to the root of the matter of how this started, because this could happen again. When the institution of the bureaucracy, when the intelligence community with all the power to listen to every phone conversation you have has political bias and can game the system to go after you, that is a real worry. It is a real worry that they spied on you.

But what if you are an average ordinary American? What if you are just a supporter of President Trump or you are a Republican or you are a conservative? Are we not concerned that secret courts could allow for warrants to listen to your phone calls, to tap into your emails, to read your text messages? I am very concerned about that.

So we are going to have this discussion go on. It isn’t really about the whistleblower so much. It is about reforming government. It is about limiting the power of what they can do as secret courts. I think the FISA Court should be restricted from ever investigating campaigns. If you think a campaign has done something wrong, call the FBI, go to a regular court, where judges get to appear on both sides, and if you want to subpoena somebody or tap the phone, all right, we go through due process of law that has to be an extraordinary thing.

Think about it. Think about the danger. The other side says it is a danger to democracy. Think about the danger to democracy of letting your government tap the phones of people you disagree with politically.

I don’t care whether it is Republican or Democrat. We cannot allow the intelligence community and secret courts like the FISA court to go after political campaigns. And I mean that sincerely—Republican or Democrat. We need to change the rules. We cannot have secret courts trying to reverse the elections.

I feel very strongly about this. I was for some reform before Donald Trump ever came on the scene and before any of this happened. I have been for having more significant restrictions on these secret courts and more significant restrictions on the intelligence community. I worry that we would abuse the rights of Americans. This is a big deal, and if we are going to get something good out of this, if there is going to be some positive aspect to having to go through this nightmare we have been through the last several months and now, the blessing in disguise here would be that we actually reform the system so this never happens to anyone else ever again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise to voice my opposition to these Articles of Impeachment. I want the people of Nebraska to know how I will vote and why, as the Senate prepares for the trial’s final vote.

I took an oath to uphold the Constitution, and I have a responsibility to be an impartial juror during the trial.

I have given fair and careful consideration to the evidence presented during this trial, and I have engaged in the questioning process. This is a process that should be about facts and fairness, and that is what the Senate has done its very best to do, but the reality is that the House of Representatives didn’t do its job.

Under the Constitution and by precedent, the impeachment investigation is the responsibility of the House, not the Senate. Hearings in the House inquiry during the Nixon impeachment investigation lasted for 14 months. The Clinton impeachment House inquiry relied on years of prior investigation and overwhelming amounts of testimony from firsthand witnesses. President Trump’s inquiry in the House was only 12 weeks.

Disturbingly, there was a lack of due process during this House investigation. The President was not allowed to have his lawyers cross-examine witnesses at the House Intelligence Committee hearings and depositions. This is the committee that was the lead on the investigative hearings. Shockingly, the President of the United States was prevented from participating in the House’s impeachment for 71 of the 78 days of investigation. Our founding document protects the right of the accused. The Constitution explicitly states that no one should “be deprived of life, liberty or property without due process of law.” Our blueprint for freedom protects all individuals’ rights, whether that person is a truckdriver, a farmer, a businesswoman, or the President of the United States.

The third branch of government—our court system—is of foundational importance, and we have it for a reason. That reason is to provide every American with the opportunity to have justice fairly, to dispute with the Constitution and the rule of law. But because House Democrats were in a rush to impeach the President before their holiday break, they decided to abandon the courts completely.

Was the House’s constitutional right to subpoena witnesses? It was the President’s constitutional right to assert privilege. And it was the Court’s constitutional right to enforce subpoenas. The House did not petition the court to enforce subpoenas. Short-circuiting the process led to an incomplete investigation by the House.

Article 1, section 3 of the Constitution provides that the Senate shall have the sole Power to try all Impeachments.” If the Senate were to be become the factfinder in an impeachment investigation, it would completely change the role of the Senate from this point forward, this hallowed Chamber, the world’s greatest deliberative body. It would become an investigative arm of the House. Setting this precedent would have a devastating effect on our political institution, transforming the very nature of the Senate during impeachment hearings for generations to come.

The Senate is supposed to conduct a fair trial, protect the Constitution, and guarantee due process of law.

My Republican colleagues and I understand the gravity of these proceedings. The record shows that President Clinton’s impeachment trial was met with a motion filed by Senator Byrd to dismiss the Articles of Impeachment early on. In a single Senator filed such a motion. We approached this process with the seriousness it deserves.

Senate Republicans supported a resolution that gave the House managers more than ample time to lay their case. Since then, we have heard an extraordinary amount of information over the last 2 weeks. The House managers presented 192 video clips with testimony from 1200 pages and subcommittee documents. Senators then submitted 180 questions. After 2 weeks of trial arguments, the House managers failed to
make a compelling case that the President should be removed from office; therefore, I will vote for the President’s acquittal.

I firmly believe it is time for the Senate to move forward and return to the people’s business. It is time to refocus our attention on our bipartisan work: providing for our servicemembers, caring for our veterans, funding research to cure diseases that cut short too many lives, fighting the opioid addiction, and improving our criminal justice system.

So I speak to Nebraskans and to all Americans in urging every Senator in this Chamber to have the courage, the heart, and the vision to move past this process and work together toward a brighter future for generations to come. That should be our mindset at this pivotal moment. That should be our mindset in everything we do.

I urge my colleagues to take the long view and fulfill our constitutional role. Let’s unite around our common goals and our values. Let’s bring this process to an end and advance policies that will make life better for Nebraskans and better for all Americans.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I rise today to discuss why I will be voting to acquit President Trump on both Articles of Impeachment tomorrow afternoon.

Our Constitution makes clear that only a particularly grave act—"treason, bribery, or other high crimes and misdemeanors"—would justify a Senate voting to remove a President from office, while virtually no one in his own party—Democrats—wanted him to be removed by the House of Representatives to start an impeachment inquiry or to receive answers from the parties. Actually, I found that very instructive.

The Senate heard testimony from witnesses in 192 video segments—some of them repetitive—and received more than 100,000 pages of documents. The House record, which we received here in the Senate, included the testimony of 17 witnesses. So there were witnesses. The House brought witnesses testimony into the Senate.

If I may, the issue is still before us. These are the issues that transcend the day-to-day lives of all the people we represent. They also transcend the day-to-day sound bites we hear from the constant barrage of both positive and negative media to which we are so attuned.

No one has been served by this intense—and, at times, sensationalized—and very divisive proceeding. When we rid ourselves of the poisonous venom of partisan politics, we see more clearly. We know that we don’t always agree. Sometimes our views are pretty clear. But we can certainly find common ground, and we do, as was envisioned by our Founders.

So let’s all just take a deep breath and move on from here. Let’s listen to our better voices. Those are the Americans we represent, who remind us every day how important our freedom and our values are to them. We are told to the constitutional institutions that gird our values.

We sure have work to do. The American public expects us to do better. We should expect that of ourselves. After these wayward few weeks, there is no question we will need to rebuild that confidence. Do you know what? I am in this for the long haul, as I know the President’s job is—the one where West Virginians and Texans and Americans see better days ahead for themselves and their children; the one where West Virginians and Americans drive to work each day and hear that Congress is actually doing its job. We were sent to Congress to work...
for the American people, to deliver results, to renew their faith in our institutions, to rise above our own parties, and to make life better.

I have always been humbled by the confidence that has been placed in me by my fellow West Virginians. It is truly an honor to serve, and it is something that comes with great responsibility. We need to roll up our sleeves, stop the bickering, and deliver.

I am looking at a lot of young people here who are from West Virginia, and I am thinking: How can I do better for you all? That is where our future lies.

I am an eternal optimist. I always have been. I am optimistic that we can find the solutions that move our country forward. Sure, there will be differences of opinion. There will probably be some harsh and sharp words along the way and differences in our philosophies, but Americans and these young people expect that we will bridge those gaps. It is going to take a lot of hard work and it will certainly ready for the challenge, and I hope you will join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, tomorrow, on this floor, the Senate will reconvene again as a court to vote on two Articles of Impeachment against President Trump. Now, after performing my due diligence, along with many others, and considering all assertions by the House and Senate managers, I believe the President should be acquitted by both charges. I do not believe that removal from office is warranted, more especially during an election year.

I, like everyone in this body, listened to 12 days of debate and testimony covering nearly 90 hours. I spent time meeting with my fellow Senators in order to reach a conclusion that was, one, fair; and two, met our constitutional mandates; and three, what will best serve our Nation.

I did not seek that responsibility. However, I have tried to carry it out to the best of my ability. As a Senate juror, I was asked to weigh whether or not the House Articles of Impeachment charging the President with obstruction of Congress or abuse of power had merit and, if true, whether the offenses rose to a level that requires the President to be removed from office—again, during an election year.

And like many of us, I am troubled by multiple factors. Quite frankly, I am troubled with the House managers’ demand that we in the Senate fill in the gaps of their investigation and call many witnesses, something they failed to execute themselves. The job of the Senate is to be an honest jury, if you will, and not take up the role of prosecutor or prosecution. Nonetheless, after hearing House managers’ statements, I am clear that this is exactly the role they insisted we do.

I am troubled that countless times the House managers made Senators feel as if we were the ones on trial. I believe the House managers were both incorrect and demanding, constantly stating that Senators have no choice but to agree with their line of reasoning, and if we did not, then we would deal with the consequences—a vote against the President.

I served in the House 16 years. For 12 years before that, I was chief of staff for a House Member. I know the House. I truly enjoyed my service there. But you don’t come to the Senate and point fingers at Senate Members and make innuendos about the insinuation that we are on trial if we do not do the right thing, as they have concluded. Enough of that.

Additionally, my top concern was what precedence would be set for future Presidents and their expectations of privacy in conversation with their advisers, not to mention the future, with regard to this situation, once again, with our Nation finding itself in a whirlpool of partisan impeachment. I believe that the Senate will determine that the House managers have not put cause before personal animus. I would think, back in the day, perhaps, that they had a barrel—like a rain barrel to capture the excess water off the roof. I know of the one that Senator Hoeven introduced here in the Senate as a chief of staff for Senator Frank Carlson, it was within weeks we had the horrible tragedy of the assassination of Martin Luther King. Washington was burning. Marines were on the Capitol steps with sandbags and live ammunition. That was tough. Vietnam tore the country apart, so did Watergate, so did the impeachment of Bill Clinton, so did Iran-Contra, just to name a few.

Today a charge of impeachment against the President has placed this Nation in jeopardy again. The House managers’ assertions are exactly the kind of situation the Framers were trying to avoid—the remarks by Alexander Hamilton that I just read—as they devised the mechanism to remove a sitting President whose actions endangered the Republic.

However, as we did back then, we will once again come together. As I said, these are not the worst of times, and we have always pulled it together. We are a strong nation because we have strong people. We are a strong nation because it is in our nature to work together, even as we disagree among ourselves.

So I made my choice very clear, and my plea is, let us restore the threads of comity to get things done. It needs a lot of restitching. Today a charge of impeachment against the President has placed this Nation in jeopardy again. The House managers’ assertions are exactly the kind of situation the Framers were trying to avoid—the remarks by Alexander Hamilton that I just read—as they devised the mechanism to remove a sitting President whose actions endangered the Republic.

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So I made my choice very clear, and my plea is, let us restore the threads of comity in this distinguished body. Work together, we must. We will emerge strong because we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise today to speak regarding the impeachment of President Trump.

In the past few weeks, the Senate has listened as both the House managers and the President’s counsel presented their cases. Nearly 28,000
Mr. MENENDEZ. Mr. President, I rise today as an unwavering believer in the system of checks and balances laid out by our Framers in the Constitution, with three coequal branches of government at times working with, against, or as a check against each other. It is this system of checks and balances that safeguard our Republic against tyranny and ensures that our government by the people, as Abraham Lincoln said, does not perish from the Earth.

My colleagues, what the facts of this trial have shown and what every Member of this body knows is that President Trump did exactly what the House accused him of in these two Articles of Impeachment: abusing his power and obstructing Congress.

These articles strike at the very heart of a republic not ruled by men but the very law known as the Constitution. I sat through this trial, not once did I hear the President's team make a compelling defense. Instead, I heard a damning case from the House managers detailing how President Trump subverted our national security and solicited foreign interference in our election for his own personal political benefit.

The facts show that the President used U.S. security assistance and an official White House meeting—two of Ukraine’s highest priorities—not to advance our national security but, rather, his own 2020 reelection effort. In so doing, he violated the law known as the Impoundment Control Act and undermined Congress’ constitutional authority.

As the ranking member of the Senate Foreign Relations Committee, I want nothing more. When a foreign adversary like Russia interferes in our elections, it is not for the benefit of the United States; it is for the benefit of Russia.

The United States provides foreign assistance to countries all over the world because it benefits America’s interests. We help Ukraine in their fight against Russian aggression because it is the right thing to do for our national security and in doing so strengthens the rule of law and our relationship with our friends and allies.

Well, I would like you to do us a favor, though. The damage of that message cannot be undone. And if we don’t hold the President accountable, then we are saying it is OK to do it again.

I fear the consequences of the President’s actions, and I fear the consequences of our own inaction—not just for today or this year but for years to come when we have to tell our allies “Trust us; we will be there” or when we tell the American people “Trust us; we are doing this in the name of U.S. national security” or when we press other countries about strengthening the rule of law and holding free and fair elections.

If we do not rein in this conduct, if we do not call it the abuse of power that it is, then we have failed to live up to the ideals of our Republic.

We have allowed the American people and our Constitution down by failing to hold a fair trial. There is no American across this country who would call a trial without witnesses and documents a fair trial. They would call it a sham. And in a sham, there are no witnesses and documents, the Senate is complicit in the President’s obstruction of Congress—the essence of the House’s second Article of Impeachment.

The House had a constitutional prerogative to conduct an impeachment and oversight investigation. Yet President Trump engaged in unprecedented obstruction in order to cover up his misconduct by blocking witnesses with firsthand knowledge, by denying access to any documents, by publicly disparaging and threatening—threatening—those with the courage to defy his orders and testify publicly, by casting aside a coequal branch of government, as if he can really do, as he himself has said, whatever he wishes.

When a President tries to extort a foreign government for his own political aims and in doing so ignores the law and the Constitution, the only remedy can be that which our Framers gave us: impeachment and removal.

The Framers knew this day would come. They knew the threat of an Executive who welcomed or solicited foreign interference in our elections is real. What the Framers of our Constitution never could have known is that there would come a day when the United States would shrink in the face of a President who would behave like a King, not out of principle but out of willful ignorance and blind party loyalty.

Our failure to conduct a fair trial casts doubt on the very verdict rendered by this body. This is not an exoneration of a President; it is a corona of a King.

I believe that the day we fail to remove this President will go down in history as a day of constitutional infamy. It will be remembered as a dark
Mr. MARKEY. Madam President, I thank you.

Over the course of this trial, we have heard nothing less than a blistering, scalding indictment of President Trump's conduct. The House managers put forward—indeed, presented an overwhelming—case for impeaching Donald Trump engaged in impeachable conduct. He withheld both congressionally approved aid to our ally Ukraine and an Oval Office meeting desperately sought by Ukraine's new President to coordinate efforts to fight corruption and removal not because he hates our democracy, but because he has personal interests.

Trump sought an announcement by Ukraine of baseless investigations into bogus corruption allegations against Joe Biden, whom Donald Trump most feared as an opponent in the 2020 Presidential election. He also wanted Ukraine to announce an investigation into the discredited and debunked conspiracy theory that Ukraine, not Russia, interfered in the 2016 Presidential election.

At every turn, Donald Trump refused to cooperate with and actively obstructed Congress's investigation into his wrongdoing. His obstruction was, in the words of Mr. Mulvaney, “unprecedented, categorical, and indiscriminate.”

I listened carefully to the President's lawyers as they presented their defense case. Like my colleagues, I took pages of notes. They took notes. As I sat at this desk, with the seriousness and sanctity of the proceedings thick in the air, I waited for the President's lawyers to rebut the avalanche of evidence against their client, and I waited and waited. At the end of the case, I was still waiting. And that is because the President's lawyers did nothing to refute the facts in the House managers' case—nothing. They knew what we all knew after we heard the House managers' case. Donald Trump did it. He did it. He did exactly what he was alleged to have done. He abused his power. He committed impeachable crimes. He is guilty. There is no question about it—no question at all.

There is no doubt that President Trump used his personal attorney, Rudy Giuliani, to solicit Ukraine's interference in an Oval Office meeting desperately needed in the 2020 election. He also wanted Ukraine to announce an investigation into the discredited and debunked conspiracy theory that Ukraine, not Russia, interfered in the 2016 election.

Every day proves to be a colossus. We need Republicans of conscience—indeed, and with this vote, I intend to defend our democracy, for our national security, and for our constitutional order.

I ask my colleagues, what future damage will we enable if this body says that it is OK for a President to subvert our national security interests and illicit foreign interference in our elections? What will be left of our system of checks and balances if there are no consequences for obstructing investigations, blocking witnesses, and withholding evidence from Congress? If we do not love this President, can we pull ourselves back to a place where the rule of law matters? How much more shedding of the Constitution as a nation can we possibly endure?

We already know President Trump thinks he can go to war without congressional authorization. He believes he can misuse constitutionally appropriated funds for whatever he wants, like taking billions from the Department of Defense to spend on a border wall so he can prove to be a colossus. And through it all, the compliant and complicit Republican majority in the Senate has further emboldened this President by eliminating the 60-vote threshold for Supreme Court nominations.

We already know President Trump has no remorse, no contrition, no recognition whatsoever of his misconduct. Instead, he has doubled down on his abuses, gaslighting us repeatedly with the assertion that his call with President Zelensky was “perfect” and by publicly urging Ukraine and China to investigate his political rivals.

The question now before the U.S. Senate is not, What are the facts? We know the facts. No reasonable person can dispute them. No, the question for the Senate is, What in the pursuit of what we believe are the public interest, and it will, in part, be a reckoning of our own making. A majority in this Chamber will have made President Trump a dictator.

So, on every day prepared to defend our Constitution. I will vote guilty on the Articles of Impeachment, not because of loyalty to any party, but because of how it will or won't play in any upcoming election. I will vote for impeachment and removal not because I hate this President, because I don't, but because I love our country more.

I took an oath to uphold the Constitution, and with this vote, I intend to do so.

I yield the floor.
checks and balances that ensures accountability, that no one is above the law?

This weekend I asked some of my constituents what they would say on the floor of the Senate if they could make remarks in this trial.

Jennifer Baker Jones of Woburn said it perfectly:

Wednesday’s vote won’t be a vindication of Trump, but an end to the right of Congress to push back on the President. They are giving up their power to pressure the Government of Ukraine to interfere in the 2020 election.

It will be difficult because we have already ceded much of our authority and, indeed, betrayed the public’s faith in us by the conduct of this trial.

Hope Anderson in Lowell, MA, told me:

We need to not only hold our leaders and ourselves accountable, but seek to maintain and repair the public’s trust.

We are not here simply to protect one election in 2020. We are here to protect all elections.

At the beginning of this trial, we each took an oath to do impartial justice, but then we held the trial without witnesses and without documents. We moved to vote on the Articles of Impeachment without hearing from John Bolton, whose firsthand knowledge directly cuts the heart out of the President’s case; without hearing from Mick Mulvaney, whose fingerprints are all over this scheme; without the emails, texts, and other documents we know there are writings—that memorialize communications about the actions at issue here.

A trial is a search for the truth, the full truth, the whole truth. That search for the truth requires hearing from relevant witnesses and seeing relevant documents so that the fact finders understand the entire story. By not pursuing this evidence, the Senate—the fact finders—have told the American people that the truth does not matter. They have betrayed the American people.

I believe the vast majority of my Republican colleagues do understand what Donald Trump did here and know that it is very, very wrong. They know the House managers proved their case. Some are even saying that out loud.

I believe the vast majority of my Republican colleagues recognizes that abuse of power is an impeachable offense and that the President is not above the law. But, unfortunately, I also believe that they are simply too afraid of Donald Trump to do what they know is right.

Every Senator needs to consider this question. If what Donald Trump did here is not impeachable, extorting foreign interference in our free and fair elections and then covering it up—then, what is impeachable?

We have to have accountability. That is our duty to the American people.

I will end my remarks with the answer I got from my constituent Matthew Murray in Gloucester to what he would say if he were here. He said:

I urge you, my fellow Senators, to deliberate in accordance to your conscience and the Constitution. If you were elected, and vote to remove this dangerous President from office. This is an historic moment. I do not think that this body has a choice.

Thank you, Madam President. I yield back.

I suggest the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum be rescinded.

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

Mr. CARPER. Madam President, 233 years ago, our Founding Fathers gathered in Philadelphia, just a few miles north of us in Delaware. Eleven years earlier, we had declared our independence from the British Crown, the most powerful empire in the world. Despite long odds, David overcame Goliath, and we won our independence, but would the government of this new Nation endure?

When the Founders gathered in Philadelphia that summer of 1787, they began debating a new form of government. At times, the differences between our Founders—Northern States, Southern States, small States, and large States—seemed irreconcilable. However, a great compromise was eventually reached, and an intricate system of checks and balances was written into a governing document, the Constitution of the United States.

Nebraska Senator William Jennings Bryan once remarked: “Destiny is not a matter of chance. It is a matter of choice.” Our Constitution has endured for the past 233 years, and many others who lived under the harsh rule of a King and fought for the freedom to govern themselves.

Our Constitution gives the House of Representatives the sole power of impeachment, while the Senate has the sole power to conduct a trial in the event the House impeaches a sitting President.

We are now at the end of the impeachment trial of Donald J. Trump. It is not the trial that many of us had hoped for. We had hoped for a fair trial. The American people deserve a fair trial. A fair trial has witnesses. A fair trial has evidence.

I don’t believe that this history will be kind to those who have and continue to prevent the truth from coming to light during this trial. The American people deserve to know the truth, as does this jury, the Members of the United States Senate.

President Lincoln once said:

I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis.

Thomas Jefferson said something very similar to that. He said that if the people know the truth, they won’t make a mistake.

The same is true of the Senate. If given the truth, they, too, can be depended upon to meet this crisis and do the right thing. I believe the truth will not only set us free but keep us free.

We now have an obligation to consider the evidence presented by House managers and the President’s defense team related to the two Articles of Impeachment—one, abuse of power; two, obstruction of Congress.

The House managers have presented a case that is a result of a 3-month-long investigation during which the House Intelligence Committee issued scores of subpoenas for documents and testimony. Donald Trump obstructed this process from the start. The President—no, even President Richard Nixon during Watergate—has ever issued an order to a witness to refuse to cooperate in an impeachment inquiry. As a result of this unprecedented obstruction, the Trump administration did not provide a single document to the House of Representatives—not one.

Fortunately, those 17 brave public servants, many of whom risked their careers, came forward to testify under oath, and here is what we learned from them.

Donald Trump used the powers of his office to pressure the Government of Ukraine to interfere in the 2020 election on his behalf and to smear his
most feared political opponent, our former colleague, former Vice President Joe Biden. Donald Trump did this by illegally withholding funds appropriated by Congress to help an ally, Ukraine, in the midst of a hot war against Russia. Donald Trump did this by impeaching Vice President Joe Biden and a debunked conspiracy theory that Ukraine, not Russia, interfered in the 2016 election. And when he got caught in the midst of this corrupt scheme, President Trump even called for other foreign nations to interfere on his behalf in the upcoming 2020 election.

While I believe the evidence against Donald Trump is overwhelming, like any criminal defendant, he is entitled to a fair trial. Many of us listened carefully to the President’s defense team over the course of his 2-week trial. Not once did the President’s defense team rebut the fact of the case. Not once did they defend the character of or call an eyewitness who could contradict the assertions made by witnesses who testified under oath. Not once did we hear the President’s defense team say: Of course, the President wouldn’t use the weight of the Federal Government to smear his political rival. What did we hear? Instead, we heard distractions, conspiracy theories, unfounded smears about Vice President Biden—our former colleague—and his family. Instead, we heard a farfetched legal theory that Presidents cannot be impeached for soliciting foreign interference in our elections if they believe their own reelection is in the national interest. I believe the House managers proved their case, and there now appears to be some bipartisan agreement that the President abused his power. Still, does this merit conviction and removal from office? Think about that. Our Constitution, agreed to in 1787, sought to establish “a more perfect Union”—not a perfect union, “a more perfect Union.” The hard work toward a more perfect union did not end when Delaware became the first State to ratify the Constitution on December 7, 1787. In fact, it had only just begun. We went on as a nation to enact the Bill of Rights, abolish slavery, give women the right to vote, and much, much more.

Throughout our history, each generation of Americans has sought to improve our government and our country because, after all, we are not perfect. In the words of Senator Bryan, we do not leave our destiny to chance. We make it a matter of choice. And we choose to make this a more perfect union, a reflection that the hard work begun in Philadelphia in 1787 is never—never—truly complete. Our Constitution has weathered a Civil War, World War I, World War II, Vietnam, Watergate, a Great Depression, a great recession, death of Presidents, assassinations of Presidents, and, yes, impeachment of Presidents. Our Constitution will weather this storm too.

A vote to acquit this President does not exonerate this President. A vote to acquit effectively legalizes the corruption of our elections—the very foundation under our democratic process. A vote to acquit will subvert the democratic process—which cannot be called a trial due to the shocking refusal to allow key witnesses and documents—with a basic question: Is it an abuse of trust for a President to behave exactly as expected?

President Trump’s behavior has been appalling, but it has not been a surprise. The American people knew that Donald Trump would seek foreign help to win an election. He publicly did so in 2016, when he violated longstanding democracies and practice by refusing to release his tax returns. That he will continue to obstruct Congress, the media, and the American public is no surprise. His bigotry is no surprise. His lying is no surprise. His lack of ethics is no surprise. His xenophobia is no surprise. His misogyny is no surprise. His obsessive selfishness is no surprise. His hateful, divisive, and ignorant rhetoric is no surprise. But President impeachment was not designed to remove an amoral leader that the Nation had knowingly and willingly elected. It was designed to rescue the Nation from a leader who abuses the public trust. Can one abuse the public trust by behaving exactly as expected?

The Senate impeachment process answered my question. In 1974, Senators of both parties were willing to condemn extreme Presidential misconduct. In 1999, Senators of both parties were able to distinguish between unacceptable personal behavior and “high Crimes and Misdemeanors.” But in 2020, the Senate majority engineered an effort to conceal the truth rather than find the truth. Some described the American people as the deceiver, even as they voted to hide critical evidence from the American people.
While the President’s actions have not been surprising, the Senate’s capitulation has surprised me. And last Friday, as the majority repeatedly blocked the effort to consider witnesses and documents, I had a sad epiphany. Unchallenged evil spreads like a virus. We have now reached a stage where the President could sway the Senate and warp its behavior, and now the Senate’s refusal to allow a fair trial threatens to spread a broader anxiety about whether “impartial justice” is a hollow fiction. An acquittal will only lead to worse conduct.

I will not be part of this continual degradation of public trust; thus, I will vote to convict.

An acquittal will, however, underscore a higher principle. The removal of a man will not remove the moral void he exemplifies. Instead, every day, people of good will must engage as never before and show to ourselves and to the world that Americans still have the capacity to choose right over wrong, service over self, fact over fiction, and decency over malice.

With that, I yield the floor.

I suggest the absence of a quorum.

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

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

Mr. CRUZ. Madam President, tomorrow afternoon, the Senate will vote to acquit President Trump in these impeachment proceedings. That is the right thing to do. That is the decision that comports with both the facts and the law.

These impeachment proceedings began in the House of Representatives in a thoroughly partisan affair, driven by Democrats, without allowing the President to participate in cross examining witnesses and calling defense witnesses.

When the matter came to the Senate, the Senate was obligated to do much better. We had an obligation under the Constitution to conduct a fair trial, and that is what the Senate has done. Over the course of the last 2 weeks, we have heard hour upon hour upon hour of argument. The House proceeding heard testimony from 18 different witnesses. The Senate saw 130 video clips of witness testimony presented here on the Senate floor. The Senate posed 180 separate questions from Senators to the House managers or the White House defense team. Within the record were over 26,000 pages of documents, including the single most important evidence in this case, which is the actual transcript of the conversation at issue between President Trump and the President of Ukraine. The Trump administration, to the astonishment of everyone, decided that they had nothing to hide and released it to the world so that we can read precisely what was said in that conversation.

The reason acquittal is the right decision is that the House managers failed to prove their case. They failed to demonstrate that they satisfied the constitutional standard of high crimes and misdemeanors. The text of the Constitution provides that a President may be impeached for “Treason, Bribery, or other high Crimes and Misdemeanors.” The House managers fell woefully short of that standard. Indeed, in the Articles of Impeachment they sent over here, they don’t allege any crime. They don’t even allege a single Federal law that the President violated.

An awful lot of Americans looking at these proceedings have heard a lot of noise, have heard a lot of screaming, but are left wondering, “What was this all about?”

If you examine the substance, there are two things that the House managers allege the President did wrong. One, they allege that the President withheld aid to Ukraine, and, two, they allege that the President wrongfully asked for an investigation into a political rival. Both of those are legitimate ends.

Let me address them one at a time because that is the reason acquittal is the right thing to do. That is the decision that comports with both the facts and the law.

One, they allege that the President withheld aid to Ukraine. That is their first argument, and they are right to do so. The House managers spent over 2 hours trying to make that case, and Madam President, I will say, on the face of it, that proposition is objectively absurd.

The White House legal defense team presented their case on the proposition that seeking an investigation into Burisma, the corrupt Ukrainian natural gas company, and Joe Biden and Hunter Biden—seeking any investigation into whether there was corruption was, in the words of the House managers, “the most malicious, fraudulent, and utterly ‘without merit.’” In their opening arguments, the House managers spent over 2 hours trying to make that case, and Madam President, I will say, on the face of it, that proposition is objectively absurd.

The White House legal defense team laid out, in considerable detail, that there was very substantial evidence of corruption. Burisma is a company that was built on corruption. The oligarch who started Burisma, was the sitting energy minister in Ukraine, and he amassed his billions by, as the sitting energy minister, giving gas licenses to his own company that he was head of. That is where Burisma made their money. It was a company built on corruption from day one.

Now, I think it is worth pausing and examining the timeline of what occurred before, because, remember, the House managers’ case is the sham, and a sham to even investigate corruption.

In early 2014, Vice President Joe Biden was named the point person for the Obama administration on Ukraine. In April—on April 13 of 2014—Devon Archer, business partner of Hunter Biden, the son of Joe Biden, joined the board of Burisma and began being paid a million dollars a year. On April 28, Britain’s securities fraud bureau freezes $23 million in accounts controlled by Zlochevsky, the oligarch who owned Burisma. Then, just 2 weeks later, on May 12, Hunter Biden, the son of Joe Biden, is named to the board and paid

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a million dollars a year, despite having no background in oil and gas and no discernible background in Ukraine. Hunter Biden gets paid a million dollars a year, and Joe Biden actively, aggressively, vigorously leads the Obama administration’s policies on Ukraine.

Now, the House managers were asked: What exactly did Hunter Biden do for his millions a year? They refused to answer that. That is a perfectly reasonable question to ask if you are investigating corruption. You are not just admitting but bragging that he told the President of Ukraine he would personally block a billion dollars in foreign aid loan guarantees unless Ukraine fired the prosecutor who was investigating Burisma, the company paying his son a million dollars a year. As Joe Biden bragged on that video, “Well, son of a bitch,” they fired him.

Now, that, on its face, raises significant issues of potential corruption. We don’t know for sure if there was, in fact, corruption, but when President Trump asked that it be investigated to get to the bottom of what happened, the President has the authority to investigate corruption, and there was more than sufficient basis to do so.

Of course, the House managers are right that it is somehow illegitimate, it is somehow inappropriate—it is, in fact, impeachable—to seek the investigation of your political rival. We know for a fact that the Obama administration not only sought the investigation but aggressively led an investigation marred by abuse of power, going after then-Candidate Trump, including wiretaps, including fraudulently obtained court documents and court warrants from the FISA Court.

Impeachment is an extraordinary remedy. It is not designed for when you disagree. It is not designed for when you have political differences or policy differences. It is designed for when a President crosses the constitutional threshold.

On February 6, 1974, the Democratic Judiciary Committee Chairman Peter Rodino, Democrat from New Jersey who led the impeachment inquiry into Richard Nixon, told his colleagues:

Whatever the result, whatever we learn or conclude, let us now proceed, with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: This was the right course. There was no other way.

That was the standard that led to an overwhelming bipartisan vote to open the impeachment proceeding against Richard Nixon, a standard that is remotely followed by the House managers. This was a partisan impeachment, and we are right now in an election year. The voters are voting, and it is up to the voters to decide which policies they want to continue. The House managers used the constitutional process by trying to use impeachment to settle a partisan score. That is divisive to the country, and I am proud that this body will vote—and I hope in a bipartisan way—to reject these Articles of Impeachment, to acquit the President, and to find President Trump not guilty of the articles the House has sent over.

I yield this floor to the House managers. The PRESIDING OFFICER (Mrs. CAPITO). The Senator from Louisiana.

Mr. KENNEDY. Madam President, I will vote against each of the House Democrats’ Articles of Impeachment, and I would like to explain why.

The House Democrats’ impeachment proceedings and their Articles of Impeachment were and are fatally flawed. My friends, the House Democrats, say that the President is out of control. What they really mean is that the President is out of their control. And that is not grounds for impeachment.

First, the process. The House Democrats’ impeachment proceedings were rigged. Speaker PELOSI and the House Democratic leaders before they even began to give President Trump a fair and impartial firing squad. Speaker PELOSI and the House Democrats’ judicial philosophy from the very beginning was guilty. That is why much of the proceedings were held in secret.

Democracy, they say, dies in darkness, and I believe it. That is why the House Democrats hid the identity of the original accuser, the so-called whistleblower, thus prohibiting the American people from being able to judge the accuser’s motives. That is also why the House Democrats prevented the President and his counsel from cross-examining the House Democrats’ witnesses, from offering his own witnesses, from offering rebuttal evidence, and even from being able to challenge the House Democrats’ evidence. The House Democrats wouldn’t even allow the President or his counsel to attend critical parts of the impeachment proceedings.

The U.S. Senate cannot and should not consider an impeachment based on such a deficient record. It is true that in America no one is above the law, but no one is beneath it either. Fairness matters in our country.

The House Democrats’ impeachment is also flawed because it is a partisan impeachment. Its genesis is partisan rage. Not a single, solitary House Republican voted for the Articles of Impeachment.

The House Democrats made a conscious decision to turn impeachment into a routine Washington, DC, political weapon, to normalize it. Our country’s Founders were concerned about impeachments based on partisan rage and our country’s Founders were adamantly opposed. That is why in the Constitution they required a two-thirds vote of the Senate to impeach.

Now, a word about the substance of the House Democrats’ Articles of Impeachment. The House Democrats accused the President of obstruction of justice. Why? Because he chose to assert executive privilege and testifying immunity when the House Democrats sought testimony and documents from some of the President’s closest aides. Anyone who knows a law book from a J. Crew catalog does not take this charge seriously. Executive privilege and testifying immunity are well-established, constitutionally based Presidential and executive branch privileges that every President at one time or another has asserted. The proper course by the House Democrats in the face of the assertion of these privileges was to seek judicial review—go see a judge to seek judicial review from our third branch of government, which then would have balanced the policies the President’s privileges against the public interest of overriding the privileges. But House Democrats chose not to do that. They cannot now complain.

The House Democrats also accused President Trump of abuse of power. If you listen carefully to their allegations, you will see that they don’t really argue that the President of the United States did not and does not have the inherent power to pause U.S. foreign aid to Ukraine until Ukraine agreed to investigate corruption. That is clearly within the authority of the President of the United States.

Instead, the House Democrats, claiming to be able to read the President’s mind, say that the President did it with a corrupt motive because the investigation of corruption was against former Vice President Joe Biden, a political rival. But the House Democrats didn’t get Joe Biden’s name out of a phonebook. Why did the President ask for an investigation involving former Vice President Biden? Four words: Hunter Biden and Burisma.

Now, these are the facts. President Obama put Vice President Biden in charge of the foreign affairs of our country for two other countries, Ukraine and China. And in both instances, the President’s son, Hunter Biden, promptly walked away with millions of dollars in contracts from politically connected companies in those two countries, including Burisma Holdings. The message that this behavior sent to the world was that America’s foreign policy can be bought like a sack of potatoes. No fairminded person can argue that an investigation of this possible corruption was not in the national interest.

The House Democrats’ impeachment proceedings and their Articles of Impeachment are an example of swamped-up Washington, DC, both procedurally and substantively. On the basis of partisan rage—partisan rage coursing through their veins—the House Democrats seek to annull the 134 million Americans who voted in the 2016 Presidential election, which resulted in the Trump Presidency, and to do so when a new Presidential election is just 10 months away. No one in the Milky Way who is fairminded can believe this is good for America. A nation as great as ours deserves better.
So to my Democratic friends, here is what I say. The 2016 Presidential election is over. Let it go. Put aside your partisan rage. Stop regretting yesterday, and instead, let’s try working together and creating tomorrow, because, after all, the future is just a bunch of things we do right now strung together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Madam President, in Federalist Papers No. 65, which we have heard referred to quite a bit in the last 2 weeks, Alexander Hamilton warned that the impeachment process should never be used as a partisan political weapon. He said that impeachment can “connect itself with the preexisting factions and will enlist all their animosities, partialities, influence, and interest on one side or on the other.” In America, we believe that always be the greatest danger that the decision will be regulated more by the comparative strength of the parties, than by the real demonstrations of innocence or guilt.

Today, unfortunately, over two centuries later, Hamilton’s fears have become reality. This current impeachment process has never been about the truth, justice, or the rule of law. For my colleagues across the aisle, this is only about overturning the 2016 election, impacting the 2020 election, and gaining the Senate majority.

From the start, this House process has been totally illegitimate. The Articles of Impeachment that the House of Representatives presented to us last month were nothing more than the fruit of a poisonous tree.

In America, we believe in the rule of law. In America, we believe in due process. In America, we believe that everyone has the right to a fair trial. In America, we believe anyone is innocent until proven guilty. However, House Democrats violated each of these foundational precepts in using the impeachment process as a partisan political weapon.

Throughout the course of the House impeachment investigation, Democrats repeatedly denied President Trump due process and the fundamental rights of the accused in America. Simply put, what they did was not fair. They denied him the right to have counsel, the right to have witnesses, the right to cross-examine their witnesses, the right to a fair trial, and, lastly, the right to face his accusers.

Contrast that with the last two Presidents to face impeachment. The grand jury investigation of Clinton and the Watergate investigation of Nixon were conducted in a fair manner, with rights for the accused. No action was taken by the House of Representatives until the facts were clear and indisputable in both of those trials. When these investigations were complete and those trials were held, the Presidents were found to have committed a crime, impeachment had bipartisan support, unlike this time.

This investigation is entirely different. It was rushed and was totally partisan, with not one single House Republican voting for these two pitiful Articles of Impeachment.

The impeachment trial in the Senate has been a mess, lasting more than 2 weeks. Unlike in the House, the Senate upheld its constitutional duty to conduct a fair trial. The Democratic House managers had the opportunity to present their case. Then, for the first time in this sad affair, the President and his team—his legal team—got the opportunity to present their case, their defense.


It is pretty simple. I am not a lawyer, but if you look at the facts, it is very direct. The Constitution clearly lays out four explicit reasons for impeaching a President. Even corruption does not qualify under these definitions. It is that the crimes—treason, bribery, high crimes, and misdemeanors. And they explained to us in the hearings: Another translation in modern terms, using the Old English for misdemeanors, is crimes. It is another way to define those.

The charges against President Trump don’t come close to any of these specified requirements. It is as simple as that. The House really was beginning to make up new constitutional law. Even if the other three Presidents who have faced impeachment was charged with committing a crime.

President Trump is the first President ever to face impeachment who was never accused of any crime in these proceedings, whatsoever. These two Articles of Impeachment simply do not qualify as reasons to impeach any President. Further, Democratic House managers did not prove their case for either of the two Articles of Impeachment.

The entire case for abuse of power is centered around the June 25, 2019, phone call between President Trump and President Zelensky of Ukraine. The Democrats allege President Trump only asked for help in investigating the Burisma situation for political gain. It is clear now, after hearing all the testimony, that the primary motivation to ask Zelensky to look into the Biden-Burisma corruption issue was to root out corruption in Ukraine. Ukraine has had a long history of corruption and this President was well within his rights to ask for help in rooting out this fairly obvious example of corruption. Democrats completely failed to prove the President’s request was for political gain only.

Regarding the obstruction of Congress article, every President has the right to exert executive privilege to protect our national interests and the separation of power. Honestly, this article has never been received in the Senate in the first place. We should have dismissed this article out of hand. It simply is absurd.

Arguing that President Trump obstructed Congress by claiming his rights is unacceptable and would fundamentally weaken this right for future Presidents. When President Trump exerted executive privilege—his right under the Constitution—Democrats continued to challenge the subpoenas. That is the way the Founders laid it out. They could have pursued the subpoenas in court. For some reason, the House Democrats chose not to do that. Last Democrats were in such a rush that they sent the Senate an incomplete case. That is why I believe the Senate should not have accepted them in the first place, because the process was illegitimate, inappropriate, and incomplete.

Bottom line: House Democrats simply did not do their job. In the Clinton investigation, the House investigated for over 400 days before they brought Articles of Impeachment. There was a complete investigation. In this case, it was barely 100.

The Democratic House managers brought the Articles of Impeachment and claimed they had overwhelming proof. Immediately in their opening statement, they claimed it was a smoking gun. However, right away, even with that, they immediately demanded the Senate call witnesses that the House had already chosen not to call, like John Bolton. They could have easily called him but chose not to, claiming it would take too long. Instead, they demanded that the Senate call additional witnesses who were not included in the House investigation.

The Constitution requires that the House conduct the investigation, including calling witnesses, taking depositions, collecting evidence, and the Senate is charged to rule based on the evidence the House provides.

This was designed this way for a very specific reason, a very practical reason. In the House, committees can investigate these charges while the rest of the House continues to do their legislative work. Unfortunately, in the Senate, when Articles of Impeachment are brought and sent to the Senate, the Senate, by constitutional law, must stop what it is doing, must open an impeachment hearing, and while in a formal impeachment hearing, the Senate cannot do anything else by law. It goes into legislative shutdown.

In this case, if we were to call additional witnesses, then we would be setting a dangerous precedent for every future case. The House could theoretically make up any flimsy charge they wanted with no investigation, no witnesses, no testimony, no evidence whatsoever, and then send the articles to the Senate and expect the Senate to do their job. That is not what the Founders wrote. That is not what they had in mind. It would open up a pandora’s box. It would shut the Senate down indefinitely, and you can see why the Founders did not want to go down that road. That is now how they built this
process. For the sake of our very sys-
tem of government, we cannot yield to
this unconstitutional effort.

The House actually did call 17 wit-
tesses. They sent over 193 videos and
28,000 pages of documents. Ultimately,
a majority in a body concluded that
was a real majority to hear from any of
those witnesses again. On top of that,
the impeachment rules do not require
the Senate to call witnesses. That is
the House’s job. It is just that simple.

Letter. This entire impeach-
ment process has been a purely
partisan political stunt perpetrated by
House Democrats. It truly is an embar-
assment and exactly what Alexander
Hamilton warned us all against.

It is no secret—Democrats have been
trying to obstruct this President from
day one. On the day President Trump
was inaugurated, the headline of the
Washington Post—right here in town—
claimed “The Campaign to Impeach
this President has Begun.”

Housc Democratic manager ADAM
SCHIFF, in his opening remarks, said
you can’t trust elections. That is why
we have impeachments. Really? Real-
ly? That is absurd.

The President has done nothing to
warrant this impeachment process. He
must be acquitted. If we let House
Democrats get away with this today,
we are setting a dangerous precedent
for the future.

Already, we are in an era of impeach-
ments. In the first 180 years, we only
had one impeachment case that came
to the Senate and was investigated in
the House. In the last 45 years, we have
had three investigated by the House,
and two have actually made it to the
Senate. If we let Democrats improperly
use the impeachment process as a par-
tisan political weapon, then it will
only get worse in the future.

I call on my colleagues today—I
plead with my colleagues today—to re-
ject this unconstitutional effort and
to vote to acquit Donald J. Trump of
these Articles of Impeachment.

The PRESIDING OFFICER. The Sen-
ator from Montana.

Mr. DAINES. Madam President, I rise
today in the very Chamber where just
three Presidential impeachment trials
have been held over the course of our
Nation’s history—President Johnson
in 1868, President Clinton in 1999, and now
President Trump.

In fact, I sat at this desk the past 2
weeks listening to over 65 hours of trial
proceedings, and during that time, we
heard from 13 witnesses, and we viewed
193 video clips and 28,000-plus pages of
documentation. Senators, over a 16-
hour period, asked over 180 questions.
In the Senate, we took our solemn duty
seriously.

If there is one thing to be remem-
bered from this trial for generations to
come, it is this: Sadly, over the course of
our country’s 244-year history, never
has our Nation faced such a partisan
abuse of power. Never has the Senate
been faced with Articles of Impeach-
ment that allege no crimes in an at-
tempt to remove a duly elected Presi-
dent of the United States from office.

Never before have we seen such a par-
tisan Presidential impeachment proc-
ess.

In 1974, when President Nixon faced
impeachment—Nixon, a Republican—
177 House Republicans joined Demo-
crats in support of the impeachment
inquiry. During President Clinton’s im-
peachment—a Democrat—31 Democrats
joined with 16 Republicans. But with
President Trump, there were zero. Not
one Republican supported it. In fact,
there were some Democrats who op-
posed it. So, to be clear, there was ac-
tually bipartisan opposition.

This impeachment is an unprece-
dented, purely partisan threat to the
Constitution. Our Founding Fathers, the
Framers of our great Constitution,
understood what the power of impeach-
ment meant when they gave it to Con-
gress after great deliberation.

Alexander Hamilton and James Madi-
son feared—they feared—congressional
abuse of power and legislative tyranny
as they debated whether to include the
power of impeachment in the Constitu-
tion because the Founders knew the re-
moval of a President from office amounted
to a political death sentence.

In Federalist 65, Hamilton warns that
the House could be “intemperate,” “was
the word he used, and abuse their ma-
Jority. He proclaimed that the Senate
would be—and I use his words—
“unawed and uninfluenced,” the “in-
dependent” institution to determine
whether a House impeachment was
warranted.

The Founders had the wisdom to es-
ablish a two-thirds Senate vote
threshold to help ensure that removal
could not be achieved by mere partisan
politics. The Founders established that
the thermonuclear option of impeach-
ment must be bipartisan to safeguard
not just the President from unwar-
anteed removal but, importantly, to
protect the will of the American people
who elected the President in the first
place.

Unfortunately, NANCY PELOSI, ADAM
SCHIFF, and House Democrats have
done exactly what the Founding
Fathers feared. They have ignored what
House manager and the chairman of
the House Judiciary Committee, JERRY
NADLER, himself correctly observed
during the 1998 Clinton impeachment
when he stated:

There must never be a narrowly voted
impeachment or even an impeachment
substantially supported by one of our
major political parties and largely
opposed by the other. Such an
impeachment would lack legitimacy.

That was JERRY NADLER in 1998.

Unfortunately, Nancy Pelosi’s House
of Representatives discarded NADLER’s
very wise words, and they stubbornly
defied historical precedent by rushing
these Articles of Impeachment, driven
by a Christmas deadline, on a purely
partisan vote and sending it to the
Senate.

The Democrats’ decision was a mis-
take, and it has only further divided
our Nation at a time when we need to
be working together. It was wrong, and
it has damaged our country. We now
need to fear for future Presidents,
Democrats or Republicans, who will
hold the oath of office in this newly
hyperpartisan era.

This partisan and weak case from
the House managers proves what this
impeachment has always been about—it
is about purely partisan politics. This
impeachment has been nothing more
than an attempt to overturn the 2016
Presidential election and to severely
impact the 2020 election.

By the way, if we were to convict
the President of either one of these arti-
cles, one or both, he literally would be
removed not only from office but from
the 2020 ballot.

Speaking of the 2020 ballot, the 2020
election is already underway. Just yest-
erday, Americans cast their votes in
Iowa for President of the United States.
In fact, last month, Montanaans
submitted signatures and filed the pa-
perwork to place President Trump on
the Montana ballot for the 2020 elec-
tion.

Sadly, it is no surprise that we are in
this situation today. You see, the
Democrats have been obsessed with im-
peaching President Trump since before
he was even sworn into office. They
could not accept the fact that Donald
Trump won the 2016 election.

On December 15, 2016, just 5 weeks
following the 2016 Presidential elec-
tion, there was a headline from Vanity
Fair, and I quote it: “Democrats are
Paving the Way to Impeach Donald
Trump.”

On January 20—now, when I think of
January 20, 2017, I think about the
day the President was inaugurated, which
it was—the Washington Post headline
read “The campaign to impeach Presi-
dent Trump has begun.” This article
was posted 19 minutes—just 19 min-
utes—after President Trump was sworn
into office.

It gets worse. Ten days later, on
January 30, 2017, the attorney for the whis-
tleblower who was talked about during
the trial—the whistlebuzzer’s attor-
ney, 10 days after President Trump was
inaugurated back in 2017, said this in a
tweet: “Coup has started. First of
many steps. Rebellion. Impeachment
will follow immediately.” That was the
attorney for the whistleblower who
really started this entire impeachment
process.

We have even seen some House Demo-
crats publicly state that the only way
to beat President Trump in the next
election is to impeach him.

Our Founding Fathers would be
grieved by the careless use of this most
powerful tool against the Presidency.

Impeachment is not a tool to overturn
the results of a past election. It is not a tool to change the outcome of an upcoming election. You see, in America, the power of our government doesn’t come from 100 Senators in this body or a handful of lawmakers; it is derived from the people whom we serve. This grand American experiment of our democratic Republic is built upon the idea of a government of, by, and for the people.

Montanans elected me to represent them in the U.S. Senate, to be their voice on this floor and in Washington, DC. Montanans overwhelmingly oppose this impeachment. Montanans stand with President Trump. Indeed, the President Trump won Montana by over 20 points in the 2016 election. Supporting this impeachment means ignoring the voices of Montanans who voted for President Trump in the last election, and it means silencing Montanans who plan to vote for President Trump in the 2020 election.

Keep in mind—never before has the U.S. Senate ever removed a President from office, and it is not going to happen now.

I am voting to acquit President Donald J. Trump.

For the good of our country, let it be seared in our minds forevermore: Impeachment must never ever again be used as a partisan weapon.

I encourage my colleagues on both sides of the aisle to fully understand the magnitude of what this would mean for our country. This is the first purely partisan impeachment in our history; the Founding Fathers included impeachment as an inherent risk within the delegation of power. Only by giving the power must we be, the power must be given, and we must trust the people to fully understand their role in setting disputes between the two branches of government.

The separation of powers doctrine recognized executive privilege as a lawful exercise for the President to protect both Presidential and deliberative communications. The House showed a deliberate disregard for the proper role of the judicial branch and now expects the Senate to gather evidence after they have already impeached. By finding an obstruction of Congress charge before the House exhausted its remedy for judicial relief would change the balance of power between our coequal branches of government and ignore the rightful place the courts hold in maintaining the balance of the executive and legislative branches.

No branch of government is above the Constitution. We are obligated
under oath of office to support and defend it.

Article I, sections 2 and 3 of the Constitution state “the House shall have the sole Power of Impeachment,” and “[t]he Senate shall have the sole Power to try all Impeachments.” The Framers intentionally separated these authorities.

The Senate does not have the authority to impeach; however, the Senate does have the authority to judge the sufficiency of articles presented to it. The Senate’s responsibilities, while daunting, are not overstepped if it merely makes an allegation.

This does not mean that the Senate cannot call witnesses, but it most certainly should not be the Senate’s obligation to do so because the House failed to do so in the first place.

Upon the founding of the Senate, James Madison explained that the Senate was “necessary” for two reasons: “that it shall have the power of impeachment against the ‘fickleness and passion’ that tended to influence the attitudes of the general public and Members of the House of Representatives.

George Washington is said to have told Thomas Jefferson that the Framers had created the Senate to “cool” House legislation, just as a saucer was used to cool hot tea. For impeachment, there can be no difference.

When the House is ignited by partisan passions eager to push a desired result, the Senate must be cool and firm in its heightened review. In recognizing the haste and half-hearted attempt by our colleagues in the House, the Senate must also recognize these Articles of Impeachment to be wholly insufficient and not warranting a removal from office.

Let this decision lie in its rightful place, with the electorate. The Senate has conducted a fair, impartial trial. We did our due diligence and fulfilled our constitutional duty. Now it is time to bring this process to a close and get on with the business of the American people who sent us here.

I will vote against the Articles of Impeachment, in keeping with the constitutional intent our Framers expected.

Madam President, I ask unanimous consent that citations to my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITATIONS
1. According to Commentaries on the Constitution by Joseph Story, the Framers saw the Senate as a tribunal “removed from popular power and passions... and from the more dangerous influence of mere party spirit,” guided by “a deep responsibility to future times.” 2 Joseph Story, Commentaries on the Constitution § 743 (1833).
3. According to Blackstone, maladministration applied to high officers in public trust and employment and was punished by the method of parliamentary impeachment. Blackstone at *122.
4. The term “high crimes and misdemeanors” was applied in impeachment proceedings conducted by parliament long before there was such a crime as a ‘misdemeanor’ as we know it today. Blackstone at 4.
5. “High misdemeanors” was applied in impeachment proceedings conducted by parliament long before there was such a crime as a ‘misdemeanor’ as we know it today. Misdemeanors alone referred to criminal sanctions for private wrongs. Blackstone at 61.
6. High crimes and misdemeanors were charged against officers of the “highest rank and favor with the crown” or who were in “judicial or executive offices” and because of their character they were punishable by ordinary rules of justice. Berger at 60; See also id. “The House of Lords was reminded of this history by Serjeant Pengelly during the impeachment of Lord Chancellor Macclesfield in 1787. The existing power of judicature reserved in the original frame of the English constitution for the punishment of offenses of a public nature, which may affect the nation; as well in instances where the inferior courts have no power to punish the crimes committed by or ordained by particular persons within the jurisdiction of the courts of Westminster Hall, where the person offending is by his degree, raised above the apprehension of danger, from a prosecution carried on in the usual course of justice; and that exalted station requires the united accusation of all the Commons.”
7. In defining high misdemeanors, Blackstone stated “... the first and principal is the mal-administration of such high officers ...” 4 Blackstone at *122.
8. When George Washington and James Madison debated the specific language of the impeachment clause, Mason stated: “Why is the provision restrained to treason and bribery only? Because the constitution will not reach many great and dangerous offences. Hastings is not guilty of treason. Attempts to subvert the constitution may not be treason as above defined.” 2 The Records of the Federal Convention at 499. See also id: The impeachment of Warren Hastings was a failed attempt between 1788 and 1796 to impeach the first Governor-General of Bengal in the Parliament of Great Britain. Hastings was accused of misconduct during his time in Calcutta, particularly relating to money corruption and lenience.
9. Mason then moved to add after bribery, “or maladministration,” to which Madison replied, “So vague a term will be equivalent to a tenure during pleasure of the Senate.” 2 The Records of the Federal Convention at 499.
10. At the Virginia ratifying convention, James Iredell, one of the first Justices of the Supreme Court, stated: “No power of any kind or degree can be given but what may be abused;... it is necessary to consider whether any particular power is absolutely necessary. If it be, the power must be given, and we must run the risk of abuse.” 4 The Debates in the Several State Conventions on the Adoption of the Federal Constitution, at 95 (Jonathan Elliot 2nd ed. 1877).
11. Upon the founding of the Senate, James Madison explained that the Senate would be a “necessary fence” against the “fickleness and passion” that tended to influence the attitudes of the generality of the House of Representatives. George Washington is said to have told Thomas Jefferson that the framers had created the Senate to protect these legislative powers. A saucer was used to cool hot tea. U.S. Senate, “Senate Created,” at http://www.senate.gov/artandhistory/history/minute/Sen- ate_Created.htm (January 3, 2020).

Mr. ROUNDS. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHKEN. Madam President, I come to the floor this afternoon to express my profound disappointment. This is a sad moment in our Nation’s history. I, like all of us in the Senate, came to this body to try and make a difference for our constituents, to address the kitchen table issues that affect their everyday lives—lowering prescription drug costs, rebuilding our crumbling infrastructure, making college more affordable, protecting our environment, helping our veterans, supporting our small businesses—so many of the things that I and others have worked on.

Critics have argued that the impeachment process is nothing more than a political attack orchestrated by those who have wanted to remove this President since his election. I flatly reject that argument.

I have repeatedly expressed my reluctance to the use of impeachment. Unfortunately, it is this President’s disturbing actions that have put us in this position.

President Trump went to great lengths to try and force the Ukrainian President to help smear Joe Biden, his political rival. This scheme included withholding military aid and withholding a meeting at the White House with the Ukrainian President.

Each of us here took an oath to support and defend the Constitution. The Constitution requires us to do this job. It tells us that the Senate shall have “the sole Power to try all Impeachments.” After the power to declare war, the power to impeach is among the most serious and consequential powers granted to Congress by our founding document.

When we all stood here at the beginning of this trial, we took an oath to do “justice, according to the Constitution and laws.” That means a commitment to seek all of the facts. A fair trial means documents and witnesses, facts that will help us better understand the truth.

Previous Senates understood this. In fact, every Senate impeachment trial in history included witnesses. Most recently, in the Judge Porteous impeachment trial in 2010, when I was one of the Senators who served on that impeachment committee, we heard from 26 witnesses, 17 of whom had not testified in the House. We believed then that Senate witnesses were important for impeachment of a Federal district court judge. So why wouldn’t we
want witnesses in something as important as an impeachment of a sitting President?

We know that documents exist that could help shed more light on this case. We also know of other witnesses with additional firsthand information whom we have yet to hear from. We have one witness, in particular—former National Security Advisor John Bolton, who has told the world he has relevant information and he is willing to testify.

Yet despite all of that, the Senate, on a partisan vote, refused to listen to Ambassador Bolton or any other witnesses. Members of this institution have willfully turned their back on important, relevant, firsthand information.

On the Articles of Impeachment before us, I have listened to the extensive arguments from both the House managers and the defense counsel for the President under the law. The evidence clearly shows that the President abused his power—which has been acknowledged by several Republican Senators—and he obstructed Congress, which is why I will be supporting both Articles of Impeachment.

On the first Article of Impeachment, it is my strong view that the House managers have proved that President Trump withheld military aid and a White House meeting from the Government of Ukraine to further his own political interests in the upcoming Presidential election and to damage the candidacy of his opponent. The evidence presented to the Senate was overwhelming.

Further supporting the House managers’ case, the independent Government Accountability Office, the GAO, concluded that the withholding of military aid to Ukraine was improper and illegal. The White House’s stonewall response to obtaining Ukraine’s assistance to help Ukraine better defend itself is in direct violation of the President’s own policies and would undo the progress made by Ukraine to defend itself. That was a bipartisan letter.

Putting our national security at risk in order to secure personal political favors is an unacceptable abuse of power, and that is why we are here today. In response to the overwhelming evidence presented by the House managers, the President’s counsels failed to refute these serious allegations. Their arguments that President Trump was focused only on the national interest are not supported by the facts. The President has never demonstrated an interest in reconstructing the economy in Ukraine and has a troubling pattern of personally seeking political dirt from foreign governments. I worry that this behavior will continue.

The 2020 election is 9 months away, and the President continues to suggest that he would consider receiving political help from foreign governments. Just recently, the President suggested that China should also investigate the Bidens.

Now, with respect to the second article dealing with obstruction of justice, the House managers have also presented overwhelming evidence that President Trump obstructed the investigation into his conduct toward Ukraine. The President has repeatedly denied the House of Representatives’ constitutional authority to conduct an impeachment inquiry. The President ordered Federal agencies and officials to ignore all requests for documents and all subpoenas. Those agencies obeyed the President’s order, and not a single document was turned over to the House. In total, nine witnesses called by the House followed President Trump’s order and refused to testify as part of the impeachment proceedings. This is an unprecedented attempt to thwart Congress’s constitutional authority to exercise the impeachment power. Even President Nixon instructed his White House staff to voluntarily appear before Congress and to testify under oath.

Despite the administration’s stonewalling, many courageous officials did come forward to testify at great personal and professional expense. I want to thank those who testified. Their bravery and commitment to the truth should be commended. But if the President is allowed to completely stonewall congressional impeachment investigations into executive branch abuses, then the congressional power of impeachment is meaningless.

As a Senator, I never imagined I would have to participate in an impeachment trial of a sitting President. It is not how I imagined we would end division not just here in Congress but across the country. I would much prefer that Congress be engaged in the critical bipartisan work that is needed on important issues, things that can improve lives across this country and move our Nation forward. I hope that this body will move on from this disappointing day and will get back to the business of the country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. Blackburn). The clerk will call the roll.

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

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

Mrs. FEINSTEIN. Madam President, the decision to remove a President at any point in their term—particularly 9 months before an election—is not something we should take lightly. Impeachment should not be a tool that Congress uses to settle policy or personal disagreement. Instead, it should only be used if a President engages in misconduct so egregious that their conviction and removal is necessary and in the Nation’s best interest.

Alexander Hamilton wrote in Federalist 65 that the Founders chose the Senate as “the most fit depositary of this important trust” to make such a weighty decision. They actually had faith that this body could rise above pure partisanship to conduct a fair trial and reach a just verdict.

In this case, however, we could not reach bipartisan agreement on even how to conduct the trial. It is a fact that, for the first time in this Nation’s history, the Senate will render a verdict in an impeachment hearing without hearing from a single witness and without reviewing key documents that have been withheld by the executive branch.

As recently as last Friday, OMB admitted it continues to withhold key documents. Let me provide an example: In a court filing, an OMB lawyer wrote that 24 White House emails were being withheld because they “reflect communications” by the President, Vice President, or top advisers on the “scope, duration, and purpose of the hold on military assistance to Ukraine.”

Proceeding without such vital evidence is a real mistake. I came to this trial with an open mind, to listen to the case presented by both sides and to then to make a determination based on the facts. After hearing the House managers’ case, it is clear that President Trump withheld U.S. aid in an effort to obtain Ukraine’s assistance to
win reelection by asking that Ukraine launch and make public an investigation into Joe Biden, Mr. Trump’s political opponent.

The President’s legal team tried to argue that this didn’t happen, but without producing any documents and hearing from key fact witnesses such as John Bolton and Mick Mulvaney, top advisers with firsthand knowledge of the President’s conduct and motives, their arguments were not persuasive.

So, with the evidence available to us and considering the President’s pattern of similar misconduct, I will vote yes on the Articles of Impeachment.

The House presented a compelling factual case. Congress appropriated nearly $400 million in foreign aid to Ukraine, an ally engaged in a war with a major power, Russia. It was signed into law by President Trump, who knew what he was signing and what it entailed. President Trump also knew that Ukraine desperately needed the aid and America’s partnership in its efforts against the huge power, Russia.

He used that vulnerability to his advantage. He privately demanded that, in exchange for U.S. aid and a White House invitation to an ally at war with Russia, Ukraine’s leaders had to publicly announce an investigation that would damage his political rival, Vice President Joe Biden. The President relayed those same demands to several Ukrainian officials through both private and official government channels. This was a clear quid pro quo, and it is at the heart of the argument in the first Article of Impeachment: abuse of power.

President Trump took this action to benefit himself personally and not for the good of the Nation. He violated the law by withholding appropriated funds in order to benefit himself and not our country. President Trump did not withold those funds because there was concern about corruption generally. Instead, he demanded just two specific investigations—Burisma and Biden—both intended to help him win reelection in 2020.

In hearing the House managers’ presentation, I think we have got to really ask ourselves, How can this President deal with any foreign nation after compromising himself and not for the good of the Nation? He violated the law by withholding appropriated funds in order to benefit himself and not our country. President Trump did not withhold those funds because there was concern about corruption generally. Instead, he demanded just two specific investigations—Burisma and Biden—both intended to help him win reelection in 2020.

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The House managers also presented a strong case on the second Article of Impeachment: obstruction of Congress. Here, the facts themselves are not in dispute. President Trump ordered his administration to withhold all documents and ordered executive branch witnesses not to testify before the House began its inquiry. The President’s legal team countered that he has a right to defy congressional subpoenas as a State’s sovereign and ruler, but there is no precedent for their sweeping claim of absolute immunity from congressional oversight, particularly in the context of impeachment proceedings.

President Trump has taken the position that there are no checks on his Presidential authority, effectively placing himself above the law, and I don’t believe the Senate can let this stand. Unfortunately, the President’s actions are not isolated incidents. Both Articles of Impeachment point to this. The articles note: “These actions were consistent with President Trump’s previous invitations of foreign interference with our elections and his obstruction of our investigations into Russian interference in United States elections.

During the 2016 campaign, President Trump welcomed Russia’s assistance to defeat his opponent, Hillary Clinton. The Mueller report detailed exactly how the Trump campaign sought to work with Russia to improve his electoral chances, including providing internal campaign data to a Russian operative, inviting Russia to hack Hillary Clinton after Russia had already successfully hacked the Democratic National Committee, and obtaining information about upcoming releases of emails stolen by Russian agents and weaponizing these stolen documents to harm Hillary Clinton.

When this conduct came under question, President Trump obstructed the investigation into Special Counsel Mueller and catalogued not 1 or 2 but 10 clear instances where President Trump sought to interfere in this investigation. This isn’t my view. This isn’t anyone else’s view; it is a catalogue of a group of legal professionals indicating 10 clear instances where Trump sought to interfere in the investigation. This egregious pattern of soliciting foreign interference and blocking any effort to investigate continues to this day. As recently as October, while the House impeachment inquiry was going on, President Trump stood on the White House lawn and asked China to investigate the Biden family.

This trial is about impartial justice as required by the oath we all took. After listening to the arguments of both sides, it is clear the House managers have proven their case. The President’s conduct with respect to Ukraine is the constitutionally proper part of his Presidency, and it is all about what is best for President Trump. If we vote to acquit and allow President Trump’s behavior, we will set a dangerous precedent, one that has the strong possibility of inflicting lasting damage on our country.

We will be saying that any President, Republican or Democratic, can leverage their office for personal political gain. We will be inviting more foreign interference into our elections and saying it is acceptable to use the President’s high position to solicit that assistance. His defense counsel admitted as much.

I am convinced this is a rare instance where this Senate has no choice but to walk into this Chamber as President Trump’s extremity on the rule that article II of the Constitution gives him the right to do whatever he wants. I am convinced this is a rare instance where this Senate has no choice but to walk into this Chamber as President Trump’s extremity on the rule that article II of the Constitution gives him the right to do whatever he wants. I reach this conclusion reluctantly and with deep concern but with the belief that this action is necessary and cannot and should not be ignored.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, before I get started on my comments, I want to commend my colleague from California, who has served in this body with great distinction for a long time, who was present during the preceding impeachment proceedings under President Clinton, and who, time and again—and I have had the honor of following in her shoes on the Intelligence Committee—has always been a voice of good judgment. The impeachment of Donald J. Trump. So I thank my friend, the senior Senator from California, for her comments.

Mrs. FEINSTEIN. I thank Mr. Warner.

Mr. WARNER. I will echo many of her thoughts.

Madam President, I want to begin my remarks the way we began this trial: with the oath we each took to do impartial justice. Now, any other day, we would walk into this Chamber as Republicans and Democrats, but in this trial we have a much greater responsibility.

The allegations against this President are grave. The House managers presented a compelling case, based on the testimony of more than a dozen witnesses. And the remarkable thing about the dozen witnesses that we saw clips of: all of these witnesses were either appointees—political appointees—of President Trump or career public servants. The fact that these dozen witnesses had the courage to speak truth to power when they knew that their careers, their reputations would be sullied in many ways speaks volumes.

Their testimony and the House managers’ case presents a clear fact pattern, a fact pattern that even many of my Republican colleagues acknowledge is true.

This evidence reflects a corrupt scheme to solicit foreign interference in support of this President’s reelection. The President both unlawfully withheld aid to an ally at war with Russia and he withheld a White House
meeting that would have strengthened our relationship with a democratically elected leader of Ukraine, a leader who was trying to prevent further Russian occupation of his country. The President used these powerful tools of foreign policy—leverage—not leverage to further advance America’s national interests but leverage to secure investigations into a political opponent. He also used these as an opportunity to try to expound on the so-called Ukraine conspiracy theory, a notion that has been adequately debunked by Mr. Trump’s own law enforcement and intelligence agencies; a theory that somehow it was Ukraine, not Russia, that attacked our democracy in 2016. It is a theory, by the way, that currently has been and continues to be promoted by the Russian spy services.

Since this information came to light, the President has attempted to confound the House of Representatives’ charge that he obstructed the impeachment process. The White House issued a blanket refusal to provide any witnesses or documents without any historical precedent or sound legal argument to support this position. For this reason, the Trump administration charged with obstruction of Congress.

Frankly, I understand some of the points the President’s defense team has raised concerning this second Article of Impeachment. There are legitimate questions about executive privilege and separation of powers, but we cannot accept the absolute immunity argument the White House has invented. This absolute stance and the evidence we have seen about the President’s corrupt actions and intentions do not reflect a principled, good-faith defense of executive privilege. Rather, it suggests an effort to deny Congress the constitutional authority to investigate Presidential wrongdoing and, ultimately, the Senate’s ability to demand exposure of the President’s conduct.

In reviewing this evidence, I have tried to stick to my oath of impartiality. I have tried to keep an open mind about what witnesses like John Bolton and Mick Mulvaney—people who were in the room with the President—could tell us. If anyone can provide new information that further explains the President’s actions, it is they. But I don’t see how the White House is assisting the investigation by withholding any information or admitting that what they would say under oath would not be good for this President. And I am deeply disappointed that the Senate could not achieve the majority necessary for a full, fair trial. Consequently, the defense of the President that we are left with is thin, legalistic, and, frankly, cynical.

Instead of disputing the core facts, which are damning on their own terms, the President’s lawyers have resorted to remarkable legal gymnastics. The notion that even if the President did what he is accused of, abuse of power is not impeachable; that foreign interference is not a crime; that even calling witnesses to seek the truth about the President’s actions and motivations might somehow endanger the Republic. And then when Professor Dershowitz made his bizarre argument that abusing Presidential power to aid your reelection is impeachable if you believe your own election to be in the national interest, I paid close attention. Frankly, I paid closer attention to what Professor Dershowitz said in this Chamber than I paid when I was in his class at Harvard Law School degree to understand what utter nonsense that argument is and where it could take us if we followed it to its logical conclusion.

The Framers wrote impeachment into the Constitution precisely because they were worried about the abuse of Presidential power. And if an abuse of power is what the Framers had in mind when they crafted impeachment, then, the two questions remaining in our deliberations are simple: Did President Trump abuse his power and should he be removed from office?

The House managers have presented a compelling case that the President’s actions and motivations are not consistent with the public interest, not consistent with our Constitution’s clear prohibition of impeachable offenses. The House managers laid out a compelling case. The defense made their arguments, but I don’t see how their defense holds up.

So how did I get to this point? Well, just a little over 2 weeks ago, we came into this Chamber and we started hearing testimony. That testimony resulted in these two notebooks full of notes, because, quite frankly, the House managers laid out a compelling case. The defense made their arguments, but the case of the House was incredibly compelling.

An impeachment is a solemn time. It is not something we should be taking without the deepest and most serious consideration. I compare it to a vote to send our people to war. But in this particular case, there was very little transparency, and none, if the President would have had it his way, of information coming to this body during this trial. This, in fact, is the shortest impeachment trial of a President ever. If we are going to have information to make good decisions—and I always said if you have good information, you can make good decisions—then, the President really needed to open up and cooperate just a little bit.

This is the first time ever that we had a trial with no witnesses and no documents—a trial in the Senate with no information from the executive branch. And I get it. I understand the President’s lawyers and their argument that the Constitution’s clear prohibition of impeachable offenses is not the kind of offense that would allow Congress to make its decision based on new information that is not impeachable, evidentiary, or exculpatory.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MONTANAS. Madam President, I am going to read a statement and then I am going to go back through the information that I used to make the decision to be able to write this statement. Montanans sent me to the U.S. Senate to hold government accountable. I fought to allow this trial to include documents and testimony from witnesses with firsthand knowledge of the allegations against the President, regardless of whether they were incriminating or exculpatory, so that the Senate could make its decision based on the best information available.

Unfortunately, my Republican colleagues and the administration blocked this information, robbing the American people of their legitimate right to hold the elected officials accountable.

Based on the evidence that was available to me during this trial, I believe President Trump abused his power by withholding military aid from an ally for personal political gain, and that he had both the ability and the motive to do so.

We are not above the law. The Constitution is the supreme law of the land. The Constitution is not something we can look at and say, ‘Well, this is political and this is not political, and whatever is political is to be disregarded.’

The Constitution is a solemn time. It is not something we should be taking without the deepest and most serious consideration. I compare it to a vote to send our people to war. But in this particular case, there was very little transparency, and none, if the President would have had it his way, of information coming to this body during this trial. This, in fact, is the shortest impeachment trial of a President ever. If we are going to have information to make good decisions—and I always said if you have good information, you can make good decisions—then, the President really needed to open up and cooperate just a little bit.

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I yield the floor.
But I have to tell you that the Williams letter is a prime example. I went down to the SCIF. I read it. I have to tell you something. If there is something in there that needs to be classified, you have me. The information in that letter was information that I knew before I went in the SCIF. It is the same with many of the emails—if not all of the emails—that the President has requested to be classified and kept away from this body and kept away from the press.

The question is how this democracy should work. It should be open. If things are done, the people should be allowed to know.

There are moments in time when documents have to be classified on sensitive information, but I am here to tell you I have seen none of that. I think many of the FOIA requests that have been brought forth show heavily redacted email messages, and then when we find out what was really in them, there was no need for that redaction.

So when it comes to the obstruction of Congress, the article II impeachment, I don’t think there is any doubt that the President obstructed our ability—the United States—corrupts an electoral system. The Founders constructed an elaborate system of checks and balances to prevent “factions” from sacrificing “both the public good and the rights of other citizens.” Impeachment is part of that elaborate system. The Founders set a very high bar for its use, requiring that the President may only be removed by a two-thirds vote of the Senate.

The Framers recognized that in removing a sitting President, we would be acting against not only the officeholder but also the voters who entrusted him with that position. Thus, the Senate must consider whether misconduct occurred, its nature, and the traumatic and disruptive impact that removing a duly elected President would have on our Nation.

In the trial of President Clinton, I argued that in order to convict, “we must conclude from the evidence presented to us with no room for doubt that the President intended to violate the Constitution and our democracy suffer should the President remain in office one moment more.” The House managers adopted a similar threshold when they argued that President Trump’s conduct is so dangerous that he must not remain in power one moment longer.

The point is, impeachment of a President should be reserved for conduct that poses such a serious threat to our governmental institutions as to warrant the extreme step of immediate removal from office. I voted to acquit President Clinton, even though the House managers proved to my satisfaction that he did commit a crime, because his conduct did not meet that threshold.

I will now discuss each of the articles.

In its first Article of Impeachment against President Trump, the House asserts that the President abused the power of his Presidency. While there are gaps in the record, some key facts are not disputed.

It is clear from the July 25, 2019, phone call between President Trump and Ukrainian President Zelensky that the President intended to solicit “assistance” from Ukraine to help with his re-election effort. The President’s conduct occurred, its nature, and the traumatic and disruptive impact that removing a duly elected President would have on our Nation.

To protect against this, the Founders constructed an elaborate system of checks and balances to prevent “factions” from sacrificing “both the public good and the rights of other citizens.” Impeachment is part of that elaborate system. The Founders set a very high bar for its use, requiring that the President may only be removed by a two-thirds vote of the Senate.

The Framers recognized that in removing a sitting President, we would be acting against not only the officeholder but also the voters who entrusted him with that position. Thus, the Senate must consider whether misconduct occurred, its nature, and the traumatic and disruptive impact that removing a duly elected President would have on our Nation.
President Biden on that phone call, and it was wrong for him to ask a foreign country to investigate a political rival.

The House Judiciary Committee identified in its report crimes that it believed the President committed. Article II seeks to conviction of a President requires a criminal act, the high bar for removal from office is perhaps even higher when the impeachment is for a difficult-to-define, noncriminal act.

In any event, the House did little to support its assertion in article I that the President "will remain a threat to national security and the Constitution if allowed to remain in office." As to the impeachment trial of President Clinton, I do not believe that the House has met its burden of showing that the President's conduct, however flawed, warrants the extreme step of immediate removal from office, nor does the record support the assertion that House managers believed the President must not remain in office one moment longer. The fact that the House delayed transmitting the Articles of Impeachment to the Senate for 33 days undercuts this argument.

For reasons I have discussed, I will vote to acquit on article I.

Article II seeks to have the Senate convict the President based on a dispute over witnesses and documents between the legislative and executive branches. As a general principle, an objection or privilege asserted by one party cannot be deemed invalid, let alone impeachable, simply because the opposing party disagrees with it.

Before the House even authorized its impeachment inquiry, it issued 23 subpoenas to current and former administration officials. When the House and the President could not reach an accommodation, the House failed to compel testimony and document production. The House actually withdrew a subpoena seeking testimony from Dr. Charles Kupperman, a national security aide, once he went to court for guidance. And the House chose not to issue a subpoena to John Bolton, the National Security Advisor, whom the House has identified as the key witness.

At a minimum, the House should have pursued the full extent of its own remedies before bringing impeachment charges. To include in the record of impeachment as a "last resort" for the Congress. In this case, however, the House chose to skip the basic steps of judicial adjudication and instead leapt straight to impeachment as the first resort. Therefore, I will vote to acquit on article II.

This decision is not about whether you like or dislike this President, or agree with or oppose his policies, or approach disapprove of his conduct in other circumstances. Rather, it is about whether the charges meet the very high constitutional standard of "Treason, Bribery, or other High Crimes and Misdemeanors." It has been 230 years since George Washington first took the oath of office, and there are good reasons why during that entire time the Senate has never removed a President. Such a move would not only affect the sitting President but could have unpredictable and potentially adverse consequences for public confidence in our electoral process.

It is my judgment that, except when extraordinary circumstances require a different result, we should entrust to the judgment and fundamental decision of a democracy; namely, who should lead their country.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Madam President, in 1974, as the Judiciary Committee voted to approve Articles of Impeachment against President Nixon, Chairman Peter Rodino, of my home State of New Jersey, a lifelong Newark resident of my home city who had been thrust into the high-profile position only the previous year, returned to his office and called his wife. When she answered the phone, this chairman, this longtime Congressman broke down in tears and cried.

Forty-six years later, our Nation has found itself under similar duress, and I agree with my fellow Newarker—impeaching a President is a profoundly sad time for our Nation. It is a painful time. No matter what party, if you love your country, then this is heartbreaking.

When we think about our history as Americans, so many of us have reverence for our Founding Fathers and our founding documents. They represented imperfect genius. We talk about the Declaration of Independence. We hail the Constitution. These documents literally bent the arc of not just our own history but human history for democratic governance on the planet. While our forebears in the path of our Nation's relatively brief existence, the governing document that came between the Declaration of Independence and our Constitution is often overlooked—the Articles of Confederation.

With the benefit of hindsight, it is easy to view the development of our Nation as preordained, inevitable—as if it were an expected march toward the greatness we now collectively hail, that this was somehow a perfectly plotted path toward a more perfect union. But it wasn't.

In 1787, as our Founders gathered in Philadelphia, our fledgling country was at a crisis and at a crossroads. Its future, as in so many moments of our past, was deeply uncertain.

You see, when the Framers designed our system of government in the Articles of Confederation, you can say they were not imbued with King George III fresh in their minds, they created a government with powers so diffuse and decentralized that nothing could really get done. Instead of one Nation, we were operating essentially as 13 independent States. The Constitution did not provide for a strong central government to check and balance the power of the States. The Framers knew a government they could not raise money. It lacked a judiciary and an executive branch.

So when our Framers arrived in Philadelphia that hot summer, they would have to thread a difficult needle, providing for a strong central government that represented the people and one that also guarded against the corrupt tendencies that come when power is concentrated, as they well knew was so in a monarchy.

Our democratic Republic was their solution. The Nation needed a powerful Executive, yes, but that Executive needed guardrails, and his power needed to be checked and balanced. So the Framers created what it almost for granted—three coequal branches of government: the legislative, the executive, and judicial branches. Each branch would have the ability to check the power of the other branches to ensure, as James Madison so profoundly argued, that ambition would "be made to counteract ambition."

But this system of checks and balances was not enough for our Founders. Still reeling from their experience under the oppressive rule of the King, many feared an unaccountable, autocratic leader. So the Founders created a mechanism of last resort—impeachment.

George Mason prophetically asked the Founders to wrestle with the concept of impeachment at the Constitutional Convention, saying: "Shall any man be above Justice?"

The Founders answered that question with a resounding no. The Constitution made clear that any Federal officer, even the President, would be subject to impeachment and removal. No one—no one is above the law. This was seen as the ultimate safeguard, and it has never been invoked twice before in American history. This is the third.

I sat in this very spot and listened to the evidence presented, honoring my oath to be objective, and based on the evidence that was presented in hour after hour after hour of presentations. I concluded that the President, Donald John Trump, is guilty of committing high crimes and misdemeanors against the United States of America, against the people. I believe he abused the awesome power of his office for personal political gain to interfere in the most sacred institution of our democracy, our elections. He then engaged in a concerted,
far-reaching, and categorical effort to cover up his transgression and block any efforts for the people's representatives to have the truth. It brings me no satisfaction to come to this conclusion. I feel that sadness of my heart. Yet we have sworn an oath to protect and defend the Constitution of the United States.

This is not a moment that should call for partisan passions. It is not a moment that we think of in terms of the limitless of personal ambition. This is a patriotic moment. It is about putting principle above party. It is about honoring this body and the Senate's rightful place in our constitutional system of checks and balances. It is about fulfilling the enormous trust the Founders placed in this body as an impartial Court of Impeachment and a necessary check on what they foresaw as the potential for "grave abuses" by the Executive.

If we fail to hold this President accountable, then we fail the Founders' intent; we fail our democracy; and I fear the injury that will result.

When our grandchildren and their children read about this chapter in the history of our time far into the future, when this President is a memory along with those of us serving in this Chamber, it will not be seen through the eye of politics or partisanship. They will read about how this body acted in this moment of constitutional crisis. I fear that these succeeding eyes, at a time when the full body of evidence will be out in the public domain, will see clearly how this body abdicated its constitutional responsibilities, surrendering them to partisan passions. They will read about how the Senate shut its doors to the truth, even though it was within easy reach; how, for the first time in our history of impeachment proceedings for judges and for past Presidents, the world's greatest deliberative body conducted an impeachment trial without demanding a single witness and without subpoenaing a single document; how, even as new evidence during the trial continued to be uncovered, the Members of this body failed to even view it. They failed to pursue with even the faintest effort those things that would have easily and perfectly revealed the breadth and depth of the President's misconduct.

We cross the street, in the Supreme Court, the saying is that justice is blind, but that means that no one is above the law. It does not mean that this body should abdicate its responsibilities and it should abandon its senses and even abandon common sense. If there is evidence to know that could speak beyond a reasonable doubt to this President's alleged crimes and misconduct, it makes no sense whatsoever that we should deny. In this deliberative body, the truth must be told.

This kind of willful ignorance, this metaphorical closing of our eyes and ears, is a grave danger to any democracy. It is the rot from within, when the ideals of truth and justice fall victim to the toxic tyranny of absolute partisanship.

This President has claimed authoritarian power that our Constitution was never intended. He has literally said that article II allows him to do whatever he wants. That outrageous statement tomorrow could be given life within this democracy.

He has declared himself unaccountable as a function of his office. He has shed the very governing ideals of this great Republic, and we, the Senate, the body designed to check such abuses of power, that "dignified . . . independent . . . unawed and uninfluenced" tribunal, as Hamilton so famously wrote in Federalist Paper No. 65, have been enablers to this destructive instinct.

This is a sad day. This is a sad moment in the history of this body and in our Nation, and I fear that it is emblematic of a symptom of deeper challenges to this Nation, challenges that are being exploited by our enemies abroad and by opportunists here at home.

The factionalism that our Founders warned us of has deepened beyond mere partisanship to a self-destructive tribalism. The "cunning, ambitious, and unprincipled men" seeking to subvert the power of the people, as Washington predicted in his profound and prophetic Farewell Address, have found their season to flourish here in our time. Many in our society now hate other Americans, not because of the content of their character or their virtue and the values they hold dear, but we, as Americans, now more and more see hate proliferating in our country between fellow Americans because of what party we belong to.

We have failed to listen to the words that come out of each other's mouths, failed to listen to what they mean or the principles or the underlying facts because we now simply listen to partisanship. This Nation was founded with great sacrifice. The blood, sweat, and tears of our ancestors, which gave life and strength to this Nation, are now being weakened and threatened, as our very first President warned.

And, yes, today is a sad moment, but we, as a nation, have never been defined by our darkest hours. We have always been defined by how we respond to our challenges, how we have refused to surrender to cynicism, and how we have refused to give in to despair.

As Senator after Senator today gets up and speaks, I fear that mere words in this time are impotent and ineffective. It may mark where we as individuals stand for the record, but the challenge demands more from all of us in this time. We have already seen on this Senate floor that sound arguments have been dismissed as partisanship. I fear that some of us have been heard and not seen how they will not cure this time. They will not save this Republic from our deepening divides.

So I ask: What will? How? How do we heal? How do we meet this crisis? I know that this President is incapable of healing this Nation. I have never seen a leader in high office ever take such glee in meanness. He considers it some kind of high badge of virtue in the way he demonizes his political adversaries. He demonizes others, often the weak in our society, and I firmly believe that he has shown that he will even conspire with foreign nations to defeat his adversaries, and then seek to undermine the truth or transparency but by trying to heighten and ignite even more partisan passions.

So the question is really, How do we heal this Nation? How do we meet this challenge that is not embodied in any individual?

It was a man far greater than me named Learned Hand who said:

"Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can even do much to help it. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which sees no spirit of the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias."

I continue to quote this great judge.

"Our dangers, as it seems to me, are not from the outrageous but from the conforming; not from those who rarely and under the lurid glare of obloquy upset our moral complaisance, or shock us with uncustomed conduct, but from those, the mass of us, who take their virtues and their tastes, like their shirts and their furniture, from the limited patterns which the market offers."

I love our Nation's history. I am telling you right now we have seen that the true test of our democracy will not come simply from the low actions from our leaders on most high. The true test of democracy is not a simple or alone on the actions of this body because Presidents before and this body before have failed us in dark times. They failed the ideals of freedom when time and again they defended slavery. This body has failed the ideals of liberty when time and again it rejected civil rights. This body has failed the ideals in the past of equality when it voted down, again and again, suffrage for women. Lo, Presidents before and the Senate before has failed this Nation in the darkest of times. As the songs of my ancestors have said, our path has been watered with the tears and blood of ancestors.

How do we heal? How do we move forward? I say on this dark day that the hope of this Nation lies with its people. As Learned Hand said: The spirit of liberty is not embodied in the Constitution. Other nations have constitutions and have failed. The hope of this Nation will always lie with its people. So we will not be cured today, and, I tell you, it must be seen as a defeat. But we, as a people facing other defeats in this body, must never be defeated. Just like they beat us down at
Stonewall and they beat us back in Selma, the hope of this Nation lies with the people who faced defeats but must never be defeated.

So my prayer for our Republic, now yet in another crisis in the Senate, is that our time be leading us further and further into a treacherous time of partisanship and tribalism where we tear at each other and when we turn against each other. Now is the time in America where we must begin, in the words of people, to turn each other and we will find a way out of this dark time to a higher ground of hope. This is not a time to simply point blame at one side or another. This is a time to accept responsibility.

Like our ancestors in the past so under- stood, that change does not come from Washington. It must come to Washington. As I was taught as a boy, we didn't get civil rights because Washington. As I was taught as a boy, from Washington. It must come to us. We are a weary people in America. We are tired. We are frustrated. But we cannot give up. That flag over there and we who swear an oath to it must not give up. And now, more than ever, perhaps we need to act in the words of a great abolitionist, a former slave, who in a dark, difficult time when America was failing to live up to its promise, gave forth a senti- ment of his actions captured in the poetry of Langston Hughes. He declared through his deed and through his work and through his sacrifice: America never was America to me. And yet I swear this oath—America will be!

As a Nation, in this difficult time where we face the betrayal of a Presi- dent, the surrender of obligation by a body, may we meet this time with our actions of good will, of a commitment to love and to justice, and to yet again elevate the body so that body’s voice may be like, as it says in that great text, “a light unto all Nations.”

I yield the floor.

The PRESIDING OFFICER (Mr. Cas- sidy): The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am here today to talk about the Senate trial and the factors I have considered in making my decision on the Articles of Impeachment from the House. I have now read hundreds of pages of legal briefs, including the testi- mony of 17 witnesses. Here, on the Sen- ate floor, I have reviewed more than 190 witness videos and listened care- fully to more than 65 hours of detailed presentations from both the House managers and from the President’s legal team.

As co-founder and cochair of the Ukraine Caucus and someone who is proud to represent Ukraine Caucus Americans in Ohio, I have been active for the past several years in helping Ukraine as it has sought freedom and independence since the 2014 Revolution of Dignity that saw the corrupt Rus- sian-backed government of Viktor Yanukovych replaced with pro-Western elected leaders.

Since first seeing the transcript of the phone call between President Trump and President Zelensky 4 months ago, I have consistently said that the President asking Ukraine for an investigation into Joe Biden was in-appropriate and wrong. I have also said, since then, that any actions taken by members of the administra- tion or those outside the administra- tion that would delay the needed military assistance to Ukraine, and he provided it before the September 30 budget deadline, and the requested investigations by Ukraine were not appropri- ate either.

But while I don’t condone this behav- ior, these actions do not rise to the level of the Constitution’s impeach- ment standards.

I first looked to the fact that the Founders meant for impeachment of a President to be extremely rare, reserved only for “Treason, Bribery, or other High Crimes and Misdemeanors.” Any fair reading of what the Founders meant in the Constitution and in the Federalist papers in the context of his- tory and just plain common sense makes it clear that removing a duly elected President demands that those arguing for conviction meet a high standard.

As an example, for good reason there has never been a Presidential impeach- ment that didn’t allege a crime. In the Clinton impeachment, the independent counsel concluded that President Clinton committed not one but two crimes. In this case, no crime is alleged. Let me repeat. In the two Articles of Impeach- ment that came over to us from the House, there is no criminal law violation alleged. Although I don’t think that is always necessary—there could be circumstances where a crime isn’t necessary in an impeachment—there is no other bar for those who advocate for a convic- tion, and that high bar is not met here. What is more, even though it was de- layed, the President ultimately did produce the needed military assistance to Ukraine, and he provided it before the September 30 budget deadline, and the requested investigations by Ukraine were not undertaken. It is an important point to make. The aid went. The investigations did not occur.

The military assistance is particu- larly important to me as a strong sup- porter of Ukraine. In fact, I was one of those Senators who fought to give President Obama and his administra- tion the authority to provide badly needed lethal military assistance to Ukraine in response to the Russian ag- gression that came right after the Rev- olution of Dignity in 2014.

So I must say I was deeply disappointed when they did not. I strongly supported President Trump’s decision to change course and provide that assistance shortly after he came into office. While many of the林间党和 our allies were strongly supported President Trump’s decision to change course and provide that assistance shortly after he came into office. While many of the

Beyond whether the President’s con- duct met the high bar of impeachment, there is also the underlying issue of the legitimacy of the House impeachment process. The House Democrats sent the Senate a flawed case built on what re- sembled a perfunctory investigation or a White House meeting pending an investigation by Ukraine were not ap- propriate either.

The case of using the tools available to compel the administration to produce documents and witnesses, the House followed a self-imposed and en- tirely political deadline for voting on the Articles of Impeachment before Christmas. After the rushed vote, the House then inexplicably stalled, keeping those articles from being delivered here in the Senate for 28 days, time they could have used to subpoena wit- nesses and resolve legitimate disagree- ments about whether evidence was privileged or not. They didn’t even bother to subpoena witnesses they then wanted the Senate to subpoena for them.

The House process was also lacking in meaningful fairness and due proc- ess in a number of respects. It is incomprehensible to me that the Presi- dent’s counsel did not have the oppor- tunity to cross-examine fact witnesses and that the House selectively leaked deposition testimony from closed-door sessions.

Rushing an impeachment case through the House without due process and giving the Senate a half-baked case to finish sets a very dangerous precedent. If the Senate were to con- vict, it would send the wrong message and risk making this kind of quick, partisan impeachment in the House a regular occurrence moving forward. That would be terrible for the country.

Less than a year ago, Speaker Nancy Pelosi said, “Impeachment is not divi- sive to the country that unless there’s something so compelling and over- whelming and bipartisan, I don’t think we should go down that path.” She was right.

It is better to let the people decide. Early voting has already started in some States, and the Iowa caucuses oc- curred last night. Armed with all the
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information, we should let the voters have their say at the ballot box.

During the last impeachment 21 years ago, now-House Manager Congresswoman JERRY NADLER said:

There must never be a narrowly voted impeachment supported by one of our major political parties and largely opposed by the other. Such an impeachment would lack legitimacy.

In this case, the impeachment wasn't just 'substantially supported' by Democrats; it was only supported by Democrats. In fact, a few Democrats actually voted with all the Republicans to oppose the impeachment.

President Hamilton feared that impeachment could easily fall prey to partisan politics. That is exactly what happened here with the only purely partisan impeachment in the history of our great country. For all of that, I am going to vote against the Articles of Impeachment tomorrow.

It is time to move on and to move on to focus on bipartisan legislation to help the families whom we represent. Unlike the House, the Senate is blocked from conducting its regular business during impeachment.

My colleague from New Jersey asked a moment ago, how do we heal? How do we heal the wounds? Our country is divided, and I think the impeachment has further divided an already polarized country. I think we heal, in part, by surprising the people and coming out from our partisan corners and getting together to see a conviction because I do care about our country and bringing it together.

Instead, my hope is that lessons have been learned; that we can heal some wounds for the sake of the country; that we can work for bipartisan work; that we can allow American voters, exercising the most important constitutional check and balance of all, to have their say in this year's Presidential election. I believe this is what the Constitution requires and what the country needs.

I yield back my time. The PRESIDING OFFICER. The Senator from the White House lawn on October 3 that Ukraine should 'start a major investigation into the Bidens' before adding that China should also 'start an investigation into the Bidens.'

President Trump's own politically appointed Ambassador to the European Union, Gordon Sondland, explicitly testified that the meeting and the assistance were conditioned on announcing the investigations into the Bidens. The President's defense lawyers first insisted on this floor that he 'did absolutely nothing wrong.' But later, after even Republican Senators would not make that claim, the new justification for his misconduct was 'corruption' and 'burden-sharing.'

If the President were so concerned about corruption in Ukraine, why did he dismiss one of our best corruption-fighting diplomats, Marie Yovanovitch? In May, the Department of Defense also certified—certified—that Ukraine had taken 'substantial actions' to decrease corruption.

If there were legitimate foreign policy concerns about corruption, the President would not have released aid to Ukraine without delay in 2017 and in 2018, only to delay it in 2019, after Joe Biden announced his run for President. If there were legitimate foreign policy concerns, the President would not have released aid for Ukrainian security needs, despite the fact that he never actually asserted a privilege over a single document or witness. Rather, he issued a blanket directive in which
he refused to cooperate entirely with the House investigation. This action not only obstructed the House’s constitutional responsibility of oversight, it also sought to cover up the President’s corrupt abuse of power.

At the time of the drafting of the Constitution, the Framers’ understanding of “high Crimes and Misdemeanors” was informed by centuries of English legal precedent. This understanding was reflected in the language of Federalist No. 65 that I referred to earlier—an abuse or violation of some public trust.” Based on this history, both Chambers of Congress have consistently interpreted “high Crimes and Misdemeanors” broadly to mean “serious violations of the public trust.”

The President’s defense lawyers argued that impeachment requires the violation of a criminal statute to be constitutionally valid. This argument is offensive, dangerous, and not supported by any precedent, scholarly, or common sense about the sacred notion of the public trust.

When applying the impeachment standard of an “abuse or violation of some public trust,” it is clear that President Trump’s conduct failed to meet that standard. Any effort to corrupt our next election must be met with swift accountability, as provided for in the impeachment clause in the Constitution. There is no other remedy to constrain a President who has acted time and again to advance his personal interests over those of the Nation.

Furthermore, as demonstrated through Special Counsel Mueller’s report regarding Russian interference in the 2016 election and the substantial evidence presented in this impeachment trial and the House proceedings, President Trump has engaged in ongoing efforts to solicit foreign interference in our elections.

As the Washington Post reported on September 21st in a story written by three reporters who have covered the President for several years, the President’s conduct on the Ukraine phone call revealed a “President convinced of his own invincibility—apparently willing and even eager to wield the vast powers of the United States to taint a political foe and confident that no one could hold him back.”

This President will abuse his power again.

At the outset of this trial and throughout the proceedings, Senate Democrats and 75 percent of the American people have repeatedly called for relevant witnesses and relevant documents to be subpoenaed to ensure a full and fair trial for all parties. For example, we sought testimony from former National Security Advisor John Bolton, whose unpublished manuscript indicates that the President explicitly told Bolton that he wanted to continue the retaliatory assistance to Ukraine until it announced the political investigations he was seeking.

Fifty-one Senate Republicans refused to examine this or other relevant evidence, thereby rigging this trial to the benefit of the President. Fair trials have witnesses and documents. Cover-ups have neither.

This is the third Presidential impeachment trial in our country’s history, and it is the only one—the only one—to be conducted without calling a single witness. In fact, every completed impeachment trial in history has included new witnesses who were not even interviewed in the House of Representatives. Senate Republicans slammed the door shut on relevant testimony, contrary to the national interest.

Our Founders had the foresight to ensure that the power of the President was not unlimited and that Congress could, if necessary, hold the Executive accountable for abuses of power through the impeachment process. This trial is not simply about grave Presidential abuse of power; it is about our democracy and the presumption that our elections, and the very values that the Founders agreed should guide our Nation. I go back to the beginning and that inscription: “All public service is a trust, a sacred trust. Honor.” President Trump dishonored that public trust and thereby abused his power for personal political gain. In order to prevent continuing interference in our upcoming election and blurring the line between the President and Congress, I will vote guilty on both articles.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I rise today to address the topic that has consumed this body for the past several weeks, which is, of course, the impeachment trial of the President of the United States.

After the passage of two Impeachment Articles in the House, Speaker PELOSI waited nearly a month to transmit the articles to the Senate. Once she finally did, the trial took precedence, and the wheels were set in motion to conduct the proceedings and render a verdict.

Since it became clear that the House would vote to impeach the President, I have taken my constitutional duty to serve as a juror in the impeachment trial with the seriousness and attention that it demands.

In light of the extensive coverage the situation received, it was impossible not to take notice of the process that unfolded in the House over the course of its investigation. Its inquiry was hasty, flawed, and clearly undertaken under partisan pretenses. Having rushed to impeach the President ahead of an arbitrary deadline, as well as failing to provide adequate opportunities for the President to defend himself, the impeachment investigation in this case specifically was contrived, at least partially, and was a vehicle to fulfill the fierce desire among many of the President’s detractors that has existed since before he was even sworn in to remove him from office.

Be that as it may, the Constitution makes clear that the Senate has a duty to try all the impeachments. As such, that is what I have done, and I believe that many of my colleagues also shared, was for the process in this body to be fair. It was clear to me that what transpired in the House was incredibly partisan and unfair.

I believed the Senate must and would rise to the occasion to conduct a trial that was fair, respectful, and faithful to the design and intent of our Founders. I believed that the organizing resolution that we passed was sufficient in establishing a framework for the trial and also would address the outstanding issues at the appropriate times. Throughout the course of the trial, I stayed attentive and engaged, taking in the arguments and the evidence presented to the Senate, which included testimonies from over a dozen witnesses and thousands of documents as part of the House investigation.

The House impeachment managers were emphatic that their case against the President was overwhelming, uncontested, and uncontroversial. The President’s counsel made an equally forceful case in his defense, countering the claims made by the House and underscoring the grounds on which the Senate should reject the articles and proceed. By necessity, the attempt to expel him from office and a future ballot. Based on the work done by the House—or maybe, more accurately, the work not done and the inherently flawed and partisan nature of the product it presented to the Senate—I was skeptical that it could prove its case and convince anybody, apart from the President’s longtime, most severe critics, that his behavior merited removal from office. After 2 weeks of proceedings, the assessment of the situation has not been sway, nor has it changed. That is why I will vote to acquit the President and reject the weaponization of Congress’s authority to impeach the duly elected President of the United States.

To be clear, the partisan nature of this impeachment process potentially sets the stage for more impeachments along strictly partisan lines—a development that would be terrible for our country. The Constitution lays out justifications for impeachments, which include “Treason, Bribery, or other High Crimes and Misdemeanors.”

As a U.S. Senator, there is perhaps no more important decision that I am asked to make aside from voting to send American service members into battle. That is exactly why I treated this impeachment trial with the gravity and the thoughtfulness I believe that it deserved.

The accusations explicitly made by the House impeachment managers and echoed by some on this side that the Senate is engaging in a coverup are wrong on the merits and further drag this process down into the rhetoric of
partisan political warfare. I regret that it has descended to such a place. Fulfilling my constitutional obligation after drawing my own conclusions is far from a coverup.

The attempt to turn the impeachment weapon into a weapon of political convenience will be far more damaging than any other aspect of this chapter in our Nation’s history.

At the end of the day, this partisan, deficient impeachment has been built on inadequate foundation, in addition to being clearly motivated by the desire to remove the President, who some vocal activists have viewed as illegitimate since Election Day 2016.

Who some vocal activists have viewed the desire to remove the President, built on inadequate foundation, in addition to being clearly motivated by the desire to remove the President, who some vocal activists have viewed as illegitimate since Election Day 2016.

This is something so compelling and overwhelming that bipartisan action was still attempting to push the process nearly to a grinding halt.

Dictating for themselves how this impeachment trial will be conducted, and the outcome will represent the will of the American people. They are not interested in our fairness and integrity. They have every confidence they will succeed in that endeavor.

It is time to get back to the important work before us and to remember that those we represent are capable of judging for themselves how this impeachment was conducted and, maybe just as importantly, how we conducted ourselves as it unfolded.

We have a responsibility to lead by example. I urge my colleagues to join us in committing to getting back to doing the hard and necessary work before us when this impeachment trial reaches its conclusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, we are in our third week of the impeachment trial right now. After thousands of documents and over a dozen witnesses that we have heard, well over 100 video testimony clips that we have gone through, we are nearing the end.

The country is deeply divided on multiple issues right now, and the impeachment trial is both a symptom of our times and another example of our division.

The Nation didn’t have an impeachment inquiry for almost 100 years, until 1868, the partisan impeachment of Andrew Johnson.

Another impeachment wasn’t conducted for over 100 years after that, when the House began a formal impeachment inquiry into President Trump with an overwhelmingly bipartisan vote of 410 to 4.

Just a little over two decades later, there was another partisan impeachment process—President Clinton, when he was impeached on an almost straight partisan vote.

Tomorrow, will join many others to vote to acquit the President of the United States. His actions certainly do not rise to the level of removal from office. This is clearly another one of our partisan impeachments, now the third in our history.

Over the past 3 years, the House of Representatives has voted four times to open an impeachment inquiry: once in 2017, once in 2018, and twice in 2019.

Only the second vote in 2019 actually passed and turned into an actual impeachment inquiry.

For 4 months the country has been consumed with impeachment hearings and investigations. First, rumors of issues with Ukraine arose on August 28, when The New York Times wrote a story about U.S. aid being slow-walked for Ukraine, and then September 18, when the Washington Post released a story about a whistleblower report that claimed President Trump pressured an unnamed foreign head of state to do an investigation for his campaign.

Within days of the Washington Post story, before the whistleblower report came out, before anything was known, Speaker Pelosi announced the House would begin to impeach the President, which led to a formal House vote to open an impeachment inquiry on October 31 and a formal vote to impeach the President on December 18.

The House sent over two Articles of Impeachment, asking the Senate to decide if the President should be removed from office and barred from running for any future office in the United States—one on abuse of power; the second on obstruction of Congress. Let me take those two in order.

The abuse of power argument hinges on two things: Did the President of the United States use official funds to compel the Ukrainian Government to investigate Joe Biden’s son and his work for the corrupt natural gas company in Ukraine, Burisma, and did the President withhold a meeting with President Zelensky until President Zelensky agreed to investigate Joe Biden’s son?

To be clear, the theory of the funds being withheld from Ukraine in exchange for an investigation doesn’t originate from that now-infamous July 25 call. There is nothing in the text of the whistleblower’s complaint or the House’s articles of impeachment.

The aid must have been held because of the President’s desire to get the Biden investigation done, since the President’s attorney—his private attorney—Rudy Giuliani was working to find out more about the Biden investigation and Burisma.

Ambassador Sondland told multiple people about his theory. When he actually called President Trump and asked him directly about it, the President responded that there wasn’t any quid pro quo.

He just said he wanted the President of Ukraine to do what he can on and do the right thing.

Interestingly enough, that is the same thing that President Zelensky said and his Defense Minister said and the chief of staff said that there was legitimate concern about the transition of a brand-new President in Ukraine and his administration in the early days of his Presidency. An unknown on a world stage was elected, President Zelensky, on April 21. His swearing-in date was May 21.

During his swearing-in, he also abolished Parliament and called for snap elections. No one knew what he was going to do or what was going to happen.

Those elections happened July 21 in Ukraine, where an overwhelming number of President Zelensky’s party won in Parliament. There was an amazing transition in a relatively short period of time in Ukraine and there were a lot of questions.

I will tell you, I was in Ukraine in late May of 2019, and our State Department officials there certainly had questions on the ground about the rapid transition that was happening in Ukraine. It was entirely reasonable for there to be able to be a pause in that time period.

Those concerns were resolved in August and early September when the new Parliament started passing anti-corruption laws, and Vice President Pence sat down face-to-face with President Zelensky on September 1 in Poland to discuss the progress and corruption and their progress on getting other nations to help supply more aid to Ukraine.

As for the meeting with the President being withheld, as I just mentioned, the Vice President of the United States met with President

Not even a year ago, Speaker Pelosi wrote a story about the President calling an official from Ukraine, where an overwhelming number of questions.
Zelensky on September 1. That meeting was originally scheduled to be with the President of the United States and all the planning had gone into it, and there was documentation for that. There was a meeting happening between President Zelensky, which was actually a separate date that he stayed here, so the Vice President went in his stead.

There was no quid pro quo in a meeting. The meeting that was requested actually occurred. It was interesting to note, as well, when I researched the record about the aid dates for Ukraine in the past 3 years, I found out that, in 2019, the aid arrived in September. It is interesting, from 2016 to 2018, the vast majority of military aid for each of those years—2017, and 2018—also went to Ukraine in September.

Well, it is easy to create an intricate story about the hold of foreign aid. It is also clear that President Trump has held foreign aid from multiple countries over the last 2 years, including Afghanistan, Pakistan, Honduras, Guatemala, El Salvador, Lebanon, and others. There is no question that a President can withhold aid for a short period of time, but it has to be released by the administration, which it was to Ukraine on time.

The hold did occur. There are messages back and forth about being able to hold, but it is entirely reasonable to have the hold, and it was such a short period of time—the aid arrived at the same time as it usually did each of the past 3 years—that the Ministry of Defense for Ukraine actually stated that the hold was so short, they didn’t even know it.

What is interesting about this is this is stretched from not just an “abuse of power,” but also “obstruction of Congress.” That is the second Article of Impeachment. The House argument was that the President didn’t turn over every document and allow every witness without submitting everything to Congress immediately. They argued that, if the President challenged any subpoena, he was stalling, he was acting guilty, and so it was grounds for impeachment.

Remember how fast this all happened. The investigation started September 24. The official start of impeachment started October 31 and ended on December 18, with a partisan vote in the House for impeachment. If President Trump obstructed Congress because he didn’t turn over documents that didn’t even have a legal subpoena within 2 months, then I would say President Obama was not impeached, but maybe he should have been.

But you could argue in that same way because President Obama did not honor three subpoenas in 3 years on the Fast and Furious investigation when that happened. For 3 years, he stalled out, but there was no consideration for impeaching President Obama because he shouldn’t have been impeached. He was working through the court system as things moved.

This is a serious issue that became even more serious when the House managers moved, not just to say that this is obstruction of Congress if the President doesn’t immediately submit, but they took it to a different level by saying the President should not have access to the courts at all, literally stating: Does the Constitution give the legislative branch the power to block the executive branch from the judicial branch?

House managers said, yes, they can rapidly move through a trial, then bring the case to the Senate and have it only partially investigated and then try to use the power of the Senate to block the executive branch from ever trying to go to court to resolve issues that need to be resolved. Every other President has had that right. This one should have had that right as well.

This tale that President Trump thinks he is a King and doesn’t want to follow the law begs reality. Let me remind everyone of the Mueller investigation, where 2,800 subpoenas were done in over 2½ years, with 500 witnesses, including many of the President’s inner circle. All of those were provided. None of those were blocked by the administration.

After 2½ years, the final conclusion was there was no conspiracy between the President’s campaign and the Russian campaign. President Trump did honor those subpoenas. The President has been very clear in multiple court cases that he didn’t like it and he did not agree with it. He has been outspoken on those, but he has honored each court decision. It would be a terrible precedent for the Senate to remove a President from office because he didn’t agree that Congress couldn’t take away his rights in court like every other American.

The difficulty in this process, as with every impeachment process, is separating facts and the politics of it. There are facts in this case that we took a lot of time to go through. Each of us in this body sat for hour upon hour upon hour, for 2½ weeks, listening to testimony and going through the record. We all spent lots of time being able to read, on our own, the facts and details. That was entirely reasonable to be able to do.

But you have to examine, at the end of the day, what is a fact-based issue that has been answered—and each of the key facts raised by the House all have answers—and what is a politics issue—to say in an election year, what is being presented by the House that says: What can we do to slow down this process and to try to get the President a bad name during the middle of an election time period? To separate out those two is not a simple process.

But you could argue that the key element. Do the facts line up with the accusations made by the House? They do not. Are there plenty of accusations? Yes, there are. My fear is that, in the days ahead, there will be more and more accusations and the House has for the last 3 years.

But at this moment and the facts at this time, in the partisan rancor from the House and into the Senate, I am going to choose to acquit the President of the United States. This certainly does not rise to the level of removal from office and forbidding him to run for any other office in the future. It certainly doesn’t rise to that level.

In the days ahead, as more facts come out, all of history will be able to see how this occurred and the details of what happens next. I look forward, actually, for that to continue to be able to come out so all can be known.

I yield the floor.

 THE PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I would like to share my remarks, not only with my colleagues today, but more so with those who will come after us. I will focus on this trial evidence: the President’s actions as outlined in articles I and II of the Articles of Impeachment; and, finally, and most importantly in my mind, the implications of our decision this week on the future of our government and our country.

First, the trial—weeks ago, I joined my colleagues in swearing an oath to “do impartial justice.” Since that time, I have done everything possible to listen to everything that required full attention, taken three legal pads’ worth of notes, reviewed press accounts, and had conversations with my colleagues and citizens in my home State of Maine.

The one question I got most frequently back home was how we could proceed without calling relevant witnesses and securing the documents that would confirm or deny the charges against the President, which are at the heart of this matter.

But for the first time in American history, we failed to do so. We robbed ourselves and the American people of a full record of this President’s misuse of his office. This failure stains this institution, undermines tomorrow’s verdict, and creates a precedent that will haunt those who come after us and, indeed, will haunt the country. But now, we are here, left to make this decision without the facts, concealed by the White House and left concealed by the votes of this body last Friday.

This was not a trial in any real sense. It was, instead, an argument based upon a partial, but still damming,
record. How much better it could have been had we had access to all the facts, which will eventually come out, but too late to inform our decisions?

As to the articles themselves, I should begin by saying I have always been a conservative on the subject of impeachment. For the better part of the last 3 years, I have argued both publicly and privately against the idea. Impeachment should not be a tool to remove a President on the basis of policy disagreements. The President's lawyers are right when they argue that this would change our system of government and dangerously weaken any President.

But this reluctance must give way if it requires my turning a blind eye to what happened last summer. The events of last summer were no policy disagreement. They were a deliberate series of acts whereby the President sought to use the power of his office in his own personal and political interests, specifically by pressuring a government of a strategic partner—a partner, by the way, significantly dependent upon our moral and financial support—that government to take action against one of the President's political rivals and, thereby, undermine the integrity of the coming American election.

This last point is important. In normal circumstances, the argument of the President's defenders that impeachment is not necessary because the election is less than a year away would be persuasive. I could understand that. But the President, in this matter, was attempting to undermine that very election, and he gives every indication that he will continue to do so.

He has expressed no understanding that he did anything wrong, let alone anything reassembling remorse. Impeachment is not a punishment; it is a prevention. The only way, unfortunately, to keep an unpertinent President from repeating his wrongful actions is removal. This President has made it plain that he will listen to nothing else.

Article I charges a clear abuse of power, inviting foreign interference in the upcoming election. The President tasked his personal attorney to work with a foreign head of state to induce an investigation—or just the mere announcement of an investigation—that he could use to undermine the President's own personal and political interests.

And to compel the Ukrainians to do so, he unilaterally withheld nearly $400 million appropriated by Congress to help them fend off Russia's naked and relentless aggression. The President's backers claim this was done in an effort to root out corruption. So why not use official channels? Why did he focus on examples of corruption generally other than ones directly affecting his political fortunes? And why did he not make public the withholding of funds, as the executive branch typically does, when seeking to leverage Federal moneys for policy goals?

No matter how many times the President claims his phone call with President Zelensky was perfect, it simply wasn't. He clearly solicited foreign interference in our elections. He disregarded a congressionally passed law. He impaired the security of a key American partner. He undermined our own national security. And, if he was simply pursuing our national interests rather than his own, why was his personal attorney Rudy Giuliani put in charge? Why was Giuliani mentioned in that phone call?

Put bluntly, no matter the defense, and as a majority of the Members of this body apparently now recognize, President Trump placed his own political interests above the national interests he is sworn to protect. And, as I mentioned, he has shown no sign that he will stop doing so when the next occasion arises, as it surely will.

The implications of acquitting the President on Article I are serious. This President will likely do it again, and future Presidents will be unbound from any restraints on the use of the world's most powerful political office for their own personal interests.

We are moving dangerously close to an elected Monarch—the very thing the Framers feared most.

Article II, to me, is even more serious in its long-term implications. Article I concerns an incident—an egregious misuse of power, to be sure, but a specific set of actions in time. A scheme is probably the most appropriate description, which took place over the course of the past year.

Article II, however, which concerns the President's wholesale obstruction of the impeachment process itself, goes to the heart of Congress's constitutionally derived power to investigate wrongdoing by this or any future President.

I do not arrive at this conclusion lightly. I take seriously the White House counsel's argument that there is a legitimate separation of powers issue in the course of their legal reasoning. Although I have to note it was never actually asserted in this case, but that executive privilege is real—and that there must be limits on Congress's ability to intrude upon the executive function.

But in this case, despite counsel's questions about which authorizing resolution passed when or whether the House should have more vigorously pursued it, the record is clear and is summarized in the White House letter to the House in early October—that the President and his administration "cannot participate" in the impeachment process—cannot participate.

To me, it is this ongoing blanket refusal to cooperate in any way—no witnesses, no documents, no evidence of any kind—that undermines the assertion that a categorical refusal, with overt witness intimidation thrown in, was based upon any legitimate, narrowly tailored legal or constitutional privilege.

No prior President has ever taken such a position, and the argument that this blanket obstruction should be tested in court is severely undercut by the administration's recent argument that the courts have no jurisdiction over such disputes and that the remedy for a wrongful refusal—you guessed it—impeachment. They argued that in the Federal court in Washington this week.

Interestingly, the first assertion of executive privilege was by George Washington, when the House sought background documents on the Jay Treaty. Washington rested his refusal to produce those documents on the idea that the House had no jurisdiction over matters of foreign policy, but, interestingly, Washington, in his message to Congress, did specify one instance where the House would have a legitimate claim on the documents' release. What was the instance? You guessed it—impeachment.

If allowed to stand in this position that the President—any President—can use his or her position to totally obstruct the production of evidence of their own wrongdoing, the impeachment power entirely, and it compromises the ongoing authority of Congress to provide any meaningful oversight of the executive whatsoever.

For these and other reasons, I will vote guilty on both Articles of Impeachment.

A final point, the Congress has been committing slow-motion institutional suicide for the past 70 years, abdicating its constitutional authorities and responsibilities one by one: the war power, effectively in the hands of the President since 1942; authority over trade with other countries, superseded by unilateral Presidential imposition of tariffs on friends and foes alike; and even the power of the purse, which a supine Congress ceded to the President last year, enabling him to rewrite our duly passed appropriations bill to substitute his priorities for ours. And now this.

The structure of our Constitution is based upon the bedrock principle that the concentration of power is dangerous, that power divided and shared is the best long-term assurance of liberty. To the extent we compromise this principle, give up powers the Framers bestowed upon us, and acquiesce to the growth of an imperial Presidency, we are failing. We are failing our oaths, we are failing our most fundamental responsibility, we are failing the American people.

History may record this week as a turning point in the American experiment—the day that we stepped away from the Framers’ vision, enabled a new and unbounded Presidency, and made ourselves observers rather than full participants in the shaping of our country’s future.

I sincerely hope I am wrong in all of this, but I deeply fear that I am right. I yield the floor.
The PRESIDING OFFICER (Ms. McSALLY). The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—READING OF WASHINGTON’S FAREWELL ADDRESS

Mr. MCCONNELL. Madam President, I seek unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington’s Farewell Address take place on Monday, February 24, following the prayer and pledge; further, that Senator BALDWIN be recognized to deliver the address.

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

ADDITIONAL STATEMENTS

TRIBUTE TO ALICE PRIESTER

Mr. MANCHIN. Madam President, it is my distinct honor to recognize a beloved member of my hometown of Farmington, WV, as well as a very dear lifelong friend to me and my family: Alice Priester, who celebrated her 100th birthday on February 2, 2020. Particularly what comes to mind when I think of Alice is our bond with the coal miners of our great State. She and I have both lost loved ones to accidents in the coal mines. Every day, as I fight for these brave souls who perform this dangerous work, I am also thinking of the family members like Alice, who also depend on safety standards, fair wages, and precautions. She and her late husband Paul have one son, Fred, who is also involved in the coal industry. I carry this heritage with me no matter where I am but especially when I am in Washington.

The women in my life who raised me are the most important people in the world to me. Even those not related by blood are considered as good as family in tight-knit communities like Farmington, and Alice is an inspiration to me and so many others. Having defeated cancer twice, Alice is one of the strongest, most inspirational people I have ever had the pleasure of calling a dear friend. When she is not cheering on the WVU Mountaineers, Alice is very involved with our church, helping with funeral dinners and driving her neighbors and friends to town and church functions. She also has had a history of involvement with the volunteer fire department and fundraising, and she treats her neighbors as family.

From her days working at the local mine’s company store to her retirement from the dining hall at Fairmont State University, Alice has showcased an unparalleled work ethic and zest for life that truly represents the very best of what it means to be a West Virginian.

Alice while you weren’t born here, you certainly are a West Virginian in your heart and soul. In West Virginia, if you are hungry, you will be fed. If you are lost, someone will not only give you directions but will offer to drive you to your destination. I am so deeply proud of the people of my home State and the values that make us stand out from the rest of the Nation. Gayle and I are so deeply appreciative of you, your genuine generosity to the Farmington community, and your warm, welcoming hospitality.

Alice, as your family and friends honor you, please know that you have provided so much happiness and wisdom to the lives of those around you throughout the years. It is my wish that the memory of your special 100th birthday remains with you just as your guidance and influence will remain in all the lives you have touched. Again, it is with the greatest admiration that I send to you my best wishes.

TRIBUTE TO MATTIE FLORENCE JONES

Mr. PAUL. Madam President, I want to recognize Ms. Mattie Florence Jones, recipient of the 2020 Dr. Martin Luther King, Jr. Freedom Award, for her lifetime of commitment to the dream of equality so beautifully articulated by Dr. King. Her tireless civil rights advocacy is surpassed only by her loving commitment to her family, including the dozens of foster children who were welcomed into her Louisville household. Her legacy of activism and service are unparalleled and worthy of this special distinction.

RECOGNIZING SUN HARVEST CITRUS

Mr. RUBIO. Madam President, as chairman of the Senate Committee on Small Business and Entrepreneurship, each week I honor a small business that demonstrates America’s unique entrepreneurial spirit. I am pleased to recognize a business that has been a notable member of their local community for nearly 30 years. Today, it is my pleasure to name Sun Harvest Citrus of Fort Myers, FL, as the Senate Small Business of the Week.

Founded in 1980 by Sandy McKenzie Nicely, Sun Harvest Citrus is known for their high-quality citrus products, which makes them a premiere Fort Myers destination. Their produce is sourced from citrus groves originally purchased by Sandy’s grandfather Robert Edsall, Sr., in 1940. The grove, located along the east coast of Florida and consisting of approximately 800 acres of land, has passed through her family for three generations and is now managed by her brother, David McKenzie. Sandy became inspired to open Sun Harvest Citrus store in 1990 when the Florida citrus industry dealt with overproduction. The store became a great way to sell the surplus citrus from the groves while offering locations for customers to gather. Since 1990, they have expanded their products to offer several different types of citrus produce, juices, candies, and sweets, as well as serve as a tourist attraction for the Fort Myers area.

Today, Sun Harvest Citrus employs more than 25 Floridians and produces a diverse variety of orange and grapefruit products. The store sells seasonal citrus baskets and produces up to 2,500 gallons of juice a day. One of their most popular products is the Orange Vanilla mix soft-serve ice cream that has become a well-known tourist stop for people traveling down the west coast of Florida. Many of their products are seasonal, such as Valencia oranges or Honeybell tangelos, with Sun Harvest Citrus providing each seasonal fruit and juice during the months they are produced.

In addition to their store and citrus groves, Sun Harvest Citrus has become a centerpiece in the Fort Myers community. USA Today listed Sun Harvest Citrus as one of the 10 best places to shop in the Fort Myers area. Sun Harvest Citrus also distributes their juice to local businesses and community events. For example, in an effort to spread Christmas cheer, Sun Harvest Citrus provided their fresh orange juice to patients and families at a holiday event hosted by the local Fort Myers Kiwanis at the John Hopkins All Children’s Outpatient Care Center.

Sun Harvest Citrus is an excellent example of a family run business that is making a positive impact in their community. I commend this Florida business for its dedication to providing great products to the community and creating a gathering place where all local residents and visitors are welcomed. I am proud to recognize everyone at Sun Harvest Citrus, and I look forward to seeing their continued success.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(P实用消息 today are printed at the end of the Senate proceedings.)

PRESDENTIAL MESSAGE

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON FEBRUARY 4, 2020—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying
The State of our Union is stronger than ever before! The vision I will lay out this evening demonstrates how we are building the world’s most prosperous and inclusive society and how every citizen can join in America’s unparalleled success, and where every community can take part in America’s extraordinary rise.

From the instant I took office, I moved rapidly to revive the United States economy—slashing a record number of jobkilling regulations, enacting historic and record-setting tax cuts, and fighting for fair and reciprocal trade agreements. Our agenda is relentlessly pro-worker, pro-family, pro-growth, and, most of all, pro-American. We are advancing with unbridled optimism and lifting high our citizens of every race, color, religion, and creed.

Since my election, we have created 7 million new jobs—5 million more than Government experts projected during the previous administration.

The unemployment rate is the lowest in over half a century. Incredibly, the average unemployment rate under my Administration is lower than any administration in the history of our country. If we had not reversed the failed economic policies of the previous administration, the world would not now be witness to America’s great economic success.

The unemployment rates for African-Americans, Hispanic-Americans, and Asian-Americans have reached the lowest levels in history. African-American youth unemployment has reached an all-time low. African-American poverty has declined to the lowest rate ever recorded.

The unemployment rate for women reached the lowest level in almost 70 years—marking the first time ever, given many former prisoners the ability to get a great job and a fresh start. This second chance at life is made possible because we passed our Nation’s last Criminal Justice Reform into law. Everybody said that Criminal Justice Reform could not be done, but I got it done, and the people in this room got it done.

Thanks to our bold regulatory reduc- tion campaign, the United States has become the number one producer of oil and natural gas in the world, by far. With the tremendous progress we have made over the past 3 years, America is now energy independent, and energy jobs, like so many elements of our economy, are at all-time highs. We are doing numbers that no one would have thought possible just 3 years ago.

Likewise, we are restoring our Nation’s manufacturing might, even though predictions were that this could never be done. America has opened 100 factories under the previous two administrations, America has now gained 12,000 new factories under my Administration with thousands upon thousands of plants and factories being planned or built. We have created over half a million new manufacturing jobs. Companies are not leaving; they are coming back. Everybody wants to be where the action is, and the United States of America is, indeed, where the action is.

One of the single biggest promises I made to the American people was to re- place the disastrous NAFTA trade deal. In fact, unfair trade is perhaps the sing- le biggest reason that I decided to run for President. Following NAFTA’s adoption, our Nation lost four manufacturing jobs. Many politicians came and went, pledging to change or replace NAFTA—only to do absolutely nothing. But unlike so many who came before me, I keep my promises. Six days ago, I replaced NAFTA and signed the brand new United States-Mexico-Canada Agreement (USMCA) into law.

The USMCA will create nearly 100,000 new high-paying American auto jobs, and massively boost exports for our farmers, ranchers, and factory workers. It will also bring trade with Mexico and Canada to a much higher degree, but also to a much greater level of fair- ness and reciprocity. This is the first major trade deal in many years to earn the strong backing of America’s labor unions.

I also promised our citizens that I would impose tariffs to confront Chi- na’s massive theft of American jobs. Our strategy worked. Days ago, we signed the groundbreaking new agree- ment with China that will defend our workers, protect our intellectual prop- erty, bring billions of dollars into our treasury, and open vast new markets
Tuskegee Airmen—the first black fighter pilots—and he also happens to be Iain’s great-grandfather. After more than 130 combat missions in World War II, he came back to a country still struggling for Civil Rights and went on to serve America in Korea and Vietnam. Last month we celebrated his 100th birthday. A few weeks ago, I signed a bill promoting Charles McGee to Brigadier General. And earlier today, I pinned the stars on his shoulders in the Oval Office. General McGee, I’m proud of you.

From the pilgrims to our Founders, from the soldiers at Valley Forge to the marchers at Selma, and from President Lincoln to the Reverend Dr. Martin Luther King, Jr., Americans have always rejected limits on our children’s future.

Members of Congress, we must never forget that the only victories that matter in Washington are victories that deliver for the American people. The prosperity of our country, their dreams are the soul of our country, and their love is what powers and sustains our country. We must always remember that our job is to put America first!

The next step forward in building an inclusive society is making sure that every young American gets a great education and the opportunity to achieve the American Dream. Yet, for too long, countless American children have been left behind by our government schools. To rescue these students, 18 States have created school choice in the form of Opportunity Scholarships. The programs are so popular, that tens of thousands of students remain on waiting lists. One of those students is Janiyah Davis, a fourth grader from Philadelphia. Janiyah’s mom Stephanie is a single parent. She would do anything to give her daughter a better future. But last year, that future was put further out of reach when Pennsylvania’s Governor vetoed legislation to expand school choice for 50,000 children.

Janiyah and Stephanie are in the gallery this evening. But there is more to their story. Janiyah, I am pleased to inform you that your long wait is over. I can proudly announce tonight that an Opportunity Scholarship has become available, it is going to you, and you will soon be heading to the school of your choice. Now, I call on the Congress to give 1 million American children the same opportunity Janiyah has just received. Pass the Education Freedom Scholarships and Opportunity Act—because no parent should be forced to send their child to a failing government school.

Every young person should have a safe and secure environment in which to learn and grow. For this reason, our magnificent First Lady has launched the “Be Best” initiative to advance a safe, healthy, supportive, and drug-free life for the next generation, online, in school, and in our communities. Thank you, Melania, for your extraordinary love and profound care for America’s children.

My Administration is determined to give our citizens the opportunities they need regardless of age or background. Through our Pledge to American Workers, 400 companies will also provide new jobs and education opportunities to almost 15 million Americans. My Budget also contains an exciting vision for our Nation’s high schools. Tonight, I ask the Congress to support students and back my plan to offer vocational and technical education in every single high school in America.

To expand equal opportunity, I am also proud that we achieved record and permanent funding for our Nation’s Historically Black Colleges and Universities. A good life for American families also requires the most affordable, innovative, and high-quality healthcare system on Earth. Before I took office, health insurance premiums had more than doubled in just 5 years. I moved quickly to provide affordable alternatives. Our new plans are up to 60 percent less expensive. I have also made an ironclad pledge to American families. We will always protect patients with pre-existing conditions. There is a guarantee. And we will always protect your Medicare and your Social Security.

The American patient should never be blindsided by medical bills that is why I signed an Executive Order requiring price transparency. Many experts believe that transparency, which will go into full effect at the beginning of next year, will be even bigger than healthcare reform. It will save families massive amounts of money for substantially better care.

But as we work to improve Americans’ healthcare, there are those who want to take away your healthcare, take away your doctor, and abolish private insurance entirely. One hundred thirty-two lawmakers in this room have endorsed legislation to impose a socialist takeover of our healthcare system, wiping out the private health insurance plans of 180 million Americans. To those watching at home tonight, I want you to know: We will never let socialism destroy American healthcare!

Over 130 legislators in this chamber have endorsed legislation that would take away our Nation’s free taxpayer-funded healthcare to millions of illegal aliens, forcing taxpayers to subsidize free care for anyone in the world who unlawfully crosses our borders. These proposals would raid the Medicare benefits our seniors depend on, while acting as a powerful lure for illegal immigration. This is what is happening in California and other States—their systems are totally out of control, costing taxpayers vast and unfathomable amounts of money. If both American taxpayers provide unlimited free healthcare to illegal aliens sounds fair to you, then stand with the radical left. But if you believe
that we should defend American patients and American seniors, then stand with me and pass legislation to prohibit free Government healthcare for illegal aliens!

This will be a tremendous boon to our nearly 20 million Americans living in our officially-identified southern border zone, where we spare a long, tall, and very powerful wall is being built. We have now completed over 100 miles and will have over 500 miles fully completed by early next year.

My Administration is also taking on the big pharmaceutical companies. We have approved a record number of affordable generic drugs, and medicines are being approved by the FDA at a faster clip than ever before. I was pleased to announce last year that, for the first time in 51 years, the cost of prescription drugs actually went down.

And working together, the Congress can reduce drug prices substantially from current levels. I have been speaking of this with Senator Chuck Grassley of Iowa and others in the Congress in order to get something on drug pricing done, and done properly. I am calling for bipartisan legislation that achieves the goal of dramatically lowering prescription drug prices.

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and I have signed 9 pieces of legislation to stamp out the menace of human trafficking, domestically and around the globe.

My Administration has undertaken an unprecedented effort to secure the southern border of the United States. Before I came into office, if you showed up illegally on our southern border and were arrested, you were simply released and allowed into our country, never to be seen again. My Administration has ended Catch-and-Release. If you come illegally, you will now be promptly removed. We entered into historic cooperation agreements with the Governments of Mexico, Honduras, El Salvador, and Guatemala. As a result of our unprecedented efforts, illegal crossings are down 75 percent since May—dropping 8 straight months in a row. And as the wall goes up, drug seizures rise, and border crossings go down.

Last year, I traveled to the border in Texas and met Chief Patrol Agent Raul Ortiz. Over the last 21 months, Agent Ortiz and his team have seized more than 200,000 pounds of poisonous narcotics, arrested more than 3,000 human smugglers, and rescued more than 2,000 migrants. Days ago, Agent Ortiz was promoted to Deputy Chief of Border Patrol—and he joins us tonight. Chief Ortiz: Please stand—a grateful Nation thanks you and all the heroes of Border Patrol.

To build on these historic gains, we are working on legislation to replace our outdated and randomized immigration system with one based on merit, welcoming those who follow the rules, contribute to our economy, support themselves financially, and uphold our values.

With every action, my Administration is restoring the rule of law and asserting the culture of American freedom. Working with Senate Majority Leader McConnell and his colleagues in the Senate, we have confirmed a record number of 187 new Federal judges to uphold our Constitution as written. This includes two brilliant new Supreme Court Justices, Neil Gorsuch, and Brett Kavanaugh.

My Administration is also defending religious liberty, and that includes the Constitutional right to pray in public schools. In America, we do not punish prayer. We do not tear down crosses. We do not ban symbols of faith. We do not muzzle preachers and pastors. In America, we celebrate faith. We cherish religion. We lift our voices in prayer, and we raise our sights to the Glory of God!

Just as we believe in the First Amendment, we also believe in another Constitutional right that is under siege all across our country. So long as I am President I will always protect your Second Amendment right to keep and bear arms.

In affirming our heritage as a free Nation, we must remember that America has always been a frontier nation. Now we must embrace the next frontier. America’s manifest destiny in the stars. I am asking the Congress to fully fund the Artemis program to ensure that the next man and the first woman on the moon will be American astronauts—using this as a launching pad to ensure that America is the first nation to plant its flag on Mars.

Our message to the terrorists is clear: You will never escape American justice. If you attack our citizens, you forfeit your life!

In recent months, we have seen proud Iranians raise their voices against their oppressive rulers. The Iranian regime must abandon its pursuit of nuclear weapons, stop spreading terror, death, and destruction, and start working for the good of its own people. Because of our powerful sanctions, the Iranian economy is doing very poorly. We can help them make it very good in a short period of time, but perhaps they are too proud or too foolish to ask for that help. We are here. Let’s see which road they choose. It is totally up to them.

As we defend American lives, we are working to end America’s wars in the Middle East.

In Afghanistan, the determination and valor of our warfighters has allowed us to make tremendous progress, and peace talks are underway. I am not looking to kill hundreds of thousands of people in Afghanistan, many of them innocent. It is also not our function to install another nation’s law enforcement agency. These are warfighters, the best in the world, and they either want to fight to win or not fight at all. We are working to finally end America’s longest war and bring our troops back home.

Our war places a heavy burden on our Nation’s extraordinary military families, especially spouses like Amy Williams from Port Bragg, North Carolina, and her 2 children—6-year-old Elliana and 3-year-old Rowan. Amy works full time, and volunteers countless hours helping other military families. For the past 7 months, she has done it all while her husband, Sergeant First Class Townsend Williams, is in Afghanistan on his fourth deployment to the Middle East. Amy’s kids have not seen their father’s face in many months. Amy, your family’s sacrifice makes it possible for all of our families to live in safety and peace—we thank you.

Sergeant Hake now rests in eternal glory in Arlington, and his wife Kelli is in the gallery tonight, joined by their son, who is now 13 years old. To Kelli and Gage: Chris will live in our hearts forever.

The terrorist responsible for killing Sergeant Hake was a 44-year-old American, who provided the deadly roadside bomb that took Chris’s life. Soleimani was the Iranian Regime’s most ruthless butcher, a monster who murdered or wounded thousands of American service members in Iraq. As Soleimani’s top terrorist, Soleimani orchestrated the deaths of countless men, women, and children. He directed the December assault on United States Forces in Iraq, and was actively planning new attacks. That is why, last month, at my direction, the United States Military executed a flawless precision strike that killed Soleimani and terminated his evil reign of terror forever.

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But Amy, there is one more thing. Tonight, we have a very special surprise. I am thrilled to inform you that your husband is back from deployment, he is here with us tonight, and we could not keep him waiting any longer. America welcomes home Sergeant Townsend Williams!

As the world bears witness tonight, America is a land of heroes. This is the place where greatness is born, where destiny is forged and where dreams come to life. This is the home of Thomas Edison and Teddy Roosevelt, of many great Generals, including Washington, Pershing, Patton, and MacArthur. This is the home of Abraham Lincoln, Frederick Douglass, Amelia Earhart, Harriet Tubman, the Wright Brothers, Neil Armstrong, and so many more. This is the country where children learn names like Wyatt Earp, Davy Crockett, and Annie Oakley. This is the place where the pilgrims landed at Plymouth and where Texas patriots made their last stand at the Alamo.

The American Nation was carved out of the vast frontier by the toughest, strongest, fiercest, and most determined men and women ever to walk the face of the Earth. Our ancestors braved the unknown; tamed the wilderness; settled the Wild West; lifted millions from poverty, disease, and hunger; vanquished tyranny and fascism; ushered the world to new heights of science and medicine; laid down the railroads, dug out canals, raised up the skyscrapers—and, ladies and gentlemen, built the exceptional Republic ever to exist in all of human history. And we are making it greater than ever before!

This is our glorious and magnificent inheritance.

We are Americans. We are the pioneers. We are the pathfinders. We settled the new world, we built the modern world, and we changed history forever by embracing the eternal truth that the hand of Almighty God.

America is the place where anything can happen! America is the place where anyone can rise. And here, on this land, on this continent, we find the most incredible dreams come true!

This Nation is our canvas, and this country is our masterpiece. We look at tomorrow and see unlimited frontiers just waiting to be explored. Our brightest discoveries are not yet known. Our most thrilling stories are not yet told. Our grandest journeys are not yet made. The American Age, the American Epic, the American Adventure, has only just begun!

Our spirit is still young; the sun is still rising; God’s grace is still shining; and my fellow Americans, the best is yet to come!

Thank you. God Bless You. God Bless America.

DONALD J. TRUMP.


MESSAGE FROM THE HOUSE

At 12:57 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 3, 2019, the Speaker appoints the following individual on the House of Representatives Commission on International Religious Freedom for a term ending on May 14, 2020, to fill the existing vacancy thereon: Dr. James W. Carr of Searcy, Arkansas, to succeed Ms. Kristina Arriaga of Alexandria, Virginia.

The message further announced that pursuant to 22 U.S.C. 7002, the Minority Leader appoints the following member to the United States-China Economic and Security Review Commission: Mr. Robert Borochoff of Houston, Texas.

The message also announced that pursuant to 44 U.S.C. 2702, the Minority Leader appoints the following member to the Advisory Committee on the Records of Congress: Mr. Gunter Wabel of Oakland, California.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the House, accompanied with accompanying papers, reports, and documents, and were referred as indicated:

EC–3887. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Acetamiprid; Pesticide Tolerances’’ (FRL No. 10004–12–OCSP) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3888. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Chlorfenapyr; Pesticide Tolerances’’ (FRL No. 10004–01–OCSP) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3889. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Cyantraniliprole; Pesticide Tolerances’’ (FRL No. 10004–23–OCSP) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3890. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Difenconazole; Pesticide Tolerances’’ (FRL No. 10002–06–OCSP) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3891. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Ethylethenbis(oxoyethylene) Bis(3,5-Tert-buty-1-hydroxy-M-tolyl) propionate); Exception from the Requirement of a ‘‘Tolerance’’ (FRL No. 10002–96–OCSP) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3892. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Prohexadione Calcium; Pesticide Tolerances’’ (FRL No. 10003–04–OCSP) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3893. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Flurathal; Pesticide Tolerances’’ (FRL No. 10004–63–OCSP) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3894. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Furathiuron; Pesticide Tolerances’’ (FRL No. 10004–47–OCSP) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3895. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Libya that was originally declared in Executive Order 13882 of July 26, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC–3896. A communication from the Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, a report entitled ‘‘Bureau of Consumer Financial Protection Fiscal Year 2020: Annual Performance Plan and Report, and Budget Overview’’; to the Committee on Banking, Housing, and Urban Affairs.

EC–3897. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Libya that was originally declared in Executive Order 13566 of February 25, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3898. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Air Plan Approval; Connecticut; Transport State Implementation Plan for the 2008 Ozone Standard’’ (FRL No. 10006–95–Region 1) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Environment and Public Works.

EC–3899. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Air Plan Approval; Ohio; Prevention of Significant Deterioration Greenhouse Gas Tailoring Rule’’ (FRL No. 10005–04–Region 5) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Environment and Public Works.

EC–3900. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Air Plan Approval; Texas; Houston-Galveston-Brazoria Area Redesignation and Maintenance Plan for Revoked Ozone Nonattainment Air Quality Section 185 Fee Program’’ (FRL No. 10004–70–Region 6) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Environment and Public Works.

EC–3901. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Air Plan Approval; Texas; Revisions
to Control of Air Pollution by Permits for New Construction or Modification" (FRL No. 10004–67–Region 6) received in the Office of the President of the Senate on February 3, 2020; to the Committee on Environment and Public Works.

EC–3902. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Proclamation of Air Quality Control Plan; District of Columbia; Reasonably Available Control Technology State Implementation Plan for Nitrogen Oxides Under the 2008 Ozone National Ambient Air Quality Standard (RIN:0539–A129)" received during adjournment of the Senate in the Office of the President of the Senate on January 31, 2020; to the Committee on Commerce, Science, and Transportation.


EC–3913. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (53); Amendment No. 3886" ((RIN2120–AA65) (Docket No. 31293)) received in the Office of the President of the Senate on January 30, 2020; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated.

POM–179. A petition from a citizen of the State of Texas relative to a constitutional amendment and impeachment; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H. R. 2758: A bill to amend the Homeland Security Act of 2002 to authorize the Operation Stonegarden grant program, and for other purposes (Rept. No. 116–212).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:


EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. MORAN for the Committee on Veterans’ Affairs:

*Grant C. Jaquith, of New York, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to
INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN (for himself and Ms. ROSEN):
S. 3250. A bill to ensure U.S. Customs and Border Protection officers, agents, and other personnel have adequate synthetic opioid detection equipment, that the Department of Homeland Security has a process to update synthetic opioid detection capability, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. ROSEN (for herself, Mrs. CAPITO, Mrs. FISCHER, and Mr. PETERS):
S. 3251. A bill to require the Federal Communications Commission, in coordination with the Secretary of Veterans Affairs, to designate a simple, easy-to-remember dialing code for veterans and other eligible individuals to use to obtain information about the benefits and services provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASSIDY (for himself, Mr. KENNEDY, Mrs. INHOFE, Mr. DAINES, Mr. LANKFORD, Mrs. BLACKBURN, Mr. CRUMER, and Mr. SCOTT of South Carolina):
S. 3252. A bill to prohibit chemical abortions performed without the presence of a healthcare provider, and for other purposes; to the Committee on the Judiciary.

By Mr. COONS (for himself and Mr. YOUNG):
S. 3253. A bill to require the Director of the National Science Foundation to develop an I-Corps course to support commercialization-ready innovation companies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

At the request of Ms. MURkowski, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 133, a bill to award a Congressional Gold Medal, collectively, to the members of the Women’s Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the “Six Triple Eight”.

At the request of Mr. DUCKWORTH, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 363, a bill to award a Congressional Gold Medal to the members of the Women's Army Corps who were as- signed to the 6888th Central Postal Directory Battalion, known as the “Six Triple Eight”.

By Mr. INHOFE (for himself and Mr. COTTON) was added as a cosponsor of S. 1093, a bill to award a Congressional Gold Medal to the troops from the United States and the Philippines who defended Bataan and Corregidor, in recognition of their dedicated and vital service during World War II.

At the request of Mr. UDALL, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 1293, a bill to expand employment opportunities for spouses of Foreign Service officers.

At the request of Mr. VAN HOLLEN, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 1293, a bill to improve mental health care provided by the Department of Veterans Affairs, and for other purposes.

At the request of Mr. UDALL, the name of the Senator from New Mexico (Mr. Udall) was added as a cosponsor of S. 1757, a bill to award a Congressional Gold Medal, collectively, to the United States Army Rangers Veterans of World War II in recognition of their extraordinary service during World War II.

At the request of Mr. DUCKWORTH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1764, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to ensure just and reasonable charges for telephone and advanced communications services in the correctional and detention facilities.

At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Mr. REED) was added as a cosponsor of S. 1767, a bill to prohibit the manufacture for sale, offer for sale, distribution in commerce, or importation into the United States of any inclined sleeper for infants, and for other purposes.

At the request of Mr. YOUNG, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1772, a bill to establish the Task Force on the Impact of the Affordable Housing Crisis, and for other purposes.

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1821, a bill to amend the Energy Independence and Security Act of 2007 to provide for research on, and the development and deployment of, marine energy, and for other purposes.

At the request of Mr. WICKER, the name of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1822, a bill to require the Federal Communications Commission to issue rules relating to the collection of data with respect to the availability of broadband services, and for other purposes.

At the request of Mr. CASEY, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 1902, a bill to require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes.

At the request of Ms. DUCKWORTH, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1985, a bill to assist communities affected by stranded nuclear waste, and for other purposes.

At the request of Mr. COONS, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 2009, a bill to amend the Energy Policy Act of 2005 to require the establishment of a small business voucher program, and for other purposes.
At the request of Ms. Rosen, the names of the Senator from Oregon (Mr. Merkley) and the Senator from Idaho (Mr. Risch) were added as cosponsors of S. 2063, a bill to authorize the Secretary of Education to award grants to eligible entities to carry out educational programs about the Holocaust, and for other purposes.

At the request of Ms. Cortez Masto, the name of the Senator from California (Ms. Feinstein) was added as a cosponsor of S. 2393, a bill to establish minimum standards of disclosure by franchises whose franchisees use loans guaranteed by the Small Business Administration.

At the request of Mr. Gardner, the name of the Senator from North Carolina (Mr. Tillis) was added as a cosponsor of S. 2492, a bill to amend the Public Health Service Act to provide best practices on student suicide awareness and prevention training and condition State educational agencies, local educational agencies, and tribal educational agencies receiving funds under section 520A of such Act to establish and implement a school-based student suicide awareness and prevention training program.

At the request of Mr. Blumenthal, the name of the Senator from Arizona (Ms. McSally) was added as a cosponsor of S. 2561, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

At the request of Mr. Cassidy, the names of the Senator from Rhode Island (Mr. Reed) and the Senator from Illinois (Ms. Duckworth) were added as cosponsors of S. 2615, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

At the request of Mr. Gardner, the names of the Senator from Texas (Mr. Cornyn), the Senator from Florida (Mr. Scott), the Senator from New Hampshire (Ms. Hassan) and the Senator from West Virginia (Ms. Capito) were added as cosponsors of S. 2661, a bill to amend the Communications Act of 1934 to designate 9-8-8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line, and for other purposes.

At the request of Ms. Baldwin, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 2661, supra.

At the request of Mrs. Murray, the names of the Senator from Pennsylvania (Mr. Casey) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. 2705, a bill to amend title 10, United States Code, to modify the requirements relating to the use of construction authority in the event of a declaration of war or national emergency, and for other purposes.

At the request of Mr. Blunt, the names of the Senator from Washington (Ms. Cantwell) and the Senator from Arkansas (Mr. Boozman) were added as cosponsors of S. 2715, a bill to develop and implement policies to advance early childhood development, to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

At the request of Mr. Inhoffe, the name of the Senator from Hawaii (Mr. Schatz) was added as a cosponsor of S. 2898, a bill to amend title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers.

At the request of Mr. Sullivan, the names of the Senator from New Hampshire (Ms. Shaheen) and the Senator from Maryland (Mr. Cardin) were added as cosponsors of S. 2950, a bill to amend title 38, United States Code, to concede exposure to airborne hazards and toxins from burn pits under certain circumstances, and for other purposes.

At the request of Mr. Scott of South Carolina, the name of the Senator from Indiana (Mr. Braun) was added as a cosponsor of S. 2973, a bill to amend the Fair Labor Standards Act of 1938 to harmonize the definition of employee with the common law.

At the request of Mr. Scott of South Carolina, the name of the Senator from Georgia (Mrs. Loeffler) was added as a cosponsor of S. 2994, a bill to amend the Internal Revenue Code of 1986 to require information with respect to the qualified opportunity zone tax incentives enacted by the 2017 tax reform legislation, to require public reports related to such tax incentives, and for other purposes.

At the request of Mr. Scott of South Carolina, the name of the Senator from Michigan (Mr. Peters) was added as a cosponsor of S. 2994, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

At the request of Mr. Durbin, the names of the Senator from Michigan (Mr. Peters) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. 3056, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

At the request of Mrs. Hyde-Smith, the name of the Senator from Indiana (Mr. Braun) was added as a cosponsor of S. 3072, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the approval of new abortion drugs, to prohibit investigational use exemptions for abortion drugs, and to impose additional regulatory requirements with respect to previously approved abortion drugs, and for other purposes.

At the request of Mr. Menendez, the name of the Senator from Nevada (Ms. Cortez Masto) was added as a cosponsor of S. 3101, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the cover over of distilled spirits taxes to Puerto Rico and the Virgin Islands and to transfer a portion of such cover over to the Puerto Rico Conservation Trust Fund.

At the request of Mr. Booker, the name of the Senator from New York (Mrs. Gillibrand) was added as a cosponsor of S. 3167, a bill to prohibit discrimination based on an individual’s texture or style of hair.

At the request of Ms. Stabenow, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 3217, a bill to standardize the designation of National Heritage Areas, and for other purposes.

At the request of Mr. Kennedy, the name of the Senator from North Dakota (Mr. Cramer) was added as a cosponsor of S. 3226, a bill to amend title 18, United States Code, to prohibit certain abortion procedures, and for other purposes.

At the request of Ms. Rosen, the names of the Senator from Minnesota (Ms. Smith), the Senator from Indiana (Mr. Young), the Senator from Arkansas (Mr. Cotton), the Senator from Maine (Mr. King) and the Senator from Michigan (Mr. Peters) were added as cosponsors of S. Res. 481, a resolution commemorating the 75th anniversary of the liberation of the Auschwitz extermination camp in Nazi-occupied Poland.

At the request of Mr. Tillis, the name of the Senator from Michigan (Mr. Peters) was added as a cosponsor of S. Res. 487, a resolution supporting the goals and ideals of Countering International Parental Child Abduction Month and expressing the sense of the Senate that Congress should raise awareness of the harm caused by international parental child abduction.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

Mrs. Fischer. Mr. President, I have 2 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Authority for Committees to Meet

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:
SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, February 4, 2020, at 9 a.m., to conduct a closed briefing.

SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

The Subcommittee on Transportation and Safety of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, February 4, 2020, at 10 a.m., to conduct a hearing.

ORDERS FOR WEDNESDAY, FEBRUARY 5, 2020

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate recess until 8:25 p.m. tonight, and upon reconvening, proceed as a body to the Hall of the House of Representatives for the joint session of Congress provided for in the proviso of H. J. Res. 86; that upon dissolution of the joint session, the Senate adjourn finally, that following the prayer and presentation of the Select Committee on Intelligence from the President of the United States, to the joint session of Congress the address of the President of the United States.

CHAEL R. PENCE, proceeded to the Hall of the House of Representatives to receive a message from the President of the United States.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 8:25 p.m. Thereupon, the Senate, at 5:39 p.m., recessed until 8:25 p.m. and was called to order by the Presiding Officer (Mr. Rounds).

The PRESIDING OFFICER. Under the previous order, the Senate will proceed as a body to the Hall of the House of Representatives to receive a message from the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Jennifer Hemweging; the Secretary of the Senate, Julie E. Adams; and the Vice President of the United States, Michael R. Pence, proceeded to the Hall of the House of Representatives to hear the address of the President of the United States, Donald J. Trump.

The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today’s RECORD.)

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:27 p.m., the Senate adjourned until Wednesday, February 5, 2020, at 9:30 a.m.
The following named officers for appointment to the grade indicated in the United States Air Force under Title 10, U.S.C., Section 624:

To be colonel:

DANIEL J. BROWN
MICHAEL B. BROUGH
JAMES J. ARNOLD
WESLEY M. ABADIE
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

TO THE GRADE INDICATED IN THE UNITED STATES AIR

ZACHARY E. WRIGHT, JR.
SKY J. WOLF
ADAM M. WILLIS
DERRIC ALLAN WHITESIDE
MICHAEL A. WATTS
LAVANYA VISWANATHAN
DANIEL T. TRUSCOTT
RICHARD E. TROWBRIDGE
JOHN F. TRENTINI III
ROBERT L. TONG
MICHAEL K. TIGER
KELLY B. THOMPSON
MATTHEW J. SWENSON
WILLIAM D. SMITH
MATTHEW P. SHUPE
MICHAEL R. SHERMAN
ANDREW J. SHEEAN
DAVID J. SHAW
BRETT SEARCEY
OWEN J. SCOTT
RYAN J. SCHUTTER
DAVID R. SAYERS
TYLER W. RUST
ILA S. REYES
JEANMARIE B. REY
JUSTIN C. REIS
JENNIFER L. PIPPIN
NEIL T. PHIPPEN
TREVOR A. PETERSON
DEMIAN A. PACKETT
ARIAN A. MOSES
MIGUEL JOSE MORALES
JEFFREY MEADE
ANGELA D. MCELRATH
MATTHEW S. MCDONOUGH
JAMES M. MANLEY
HILARY B. LOGE
MARK LIU
RACHEL A. LIEBERMAN
ANDREW J. KUSCHNERAIT
JEFFREY L. KINARD
JOHN H. KIM
HAMEED JAFRI
KATHERINE M. IVEY VACKAR
NICOLE M. HSU
ADAM B. HOWES
CHRISTOPHER W. HEWITT
TIMOTHY R. HAUSER
APRIL E. HAURY
WILLIAM B. HARRIS
AMY LEE HARRIS
MARK C. HANSEN
DALLAS G. HANSSEN
MATTHEW T. HAMPSON
CHRISTOPHER K. HALL
JOHN N. HALL
BRITTISH LYNNE BANNIN
GRAHAM D. BALL
NICOLE R. BAN
JONATHAN C. BASTA
PAUL F. BASIL
CALER S. BAXTER
CRAIG M. BECKER
VALERIE BERGMOL
BROOKE M. BELL
BRADEN M. BENNETT
PATRICK S. BERT
THOMAS M. BERTAGNOLI
LUCA A. BORRAN
KARINA BOSTWICK
OLIVIA M. BOUCHER
BRITTNY B. BOYD
NATALIE B. BRANTON
MARK A. BRASWELL
LINDA K. COATES
JARED W. CARDON
JENNIFER R. BEIN
GEOFFREY L. GESSEL
LINDA H. GIBBS
NICHOLAS W. DEANGELIS
VIVIANA DE ASSIS
EDWARD H. DAWKINS
WILLIAM T. DAVIS
EDWARD R. DAWKINS
SUSAN J. DENG
NICHOLAS W. DAVIS
JAY W. ANDERSON
ARMAND ALLKANJARI
ALISON C. EVANS
GIANINA L. EVANS
BRENT A. EVANS
ROBERT J. EVANS
ERIN A. EVA
RICHARD C. EVANS
CAROLINE J. ELLISON
BRAD J. ELLISON
LINDA J. ELLISON
DARYL E. ELLISON
BRADLEY E. ELLISON
ROBERT E. ELLISON
BLAINE G. ELLISON
JAMES E. ELLISON
KRISTIN E. ELLISON
NICHOLAS E. ELLISON
BRADLEY E. ELLISON
JONATHAN E. ELLISON
BRENT A. ELLISON
SUSAN E. ELLISON
CHRISTOPHER ELLER
JAMES E. ELLER
KURT E. ELLER
NICHOLAS E. ELLER
BRANDON E. ELLER
BRENT A. ELLER
SUSAN E. ELLER
CAROLINE J. ELLISON
BRAD J. ELLISON
LINDA J. ELLISON
DARYL E. ELLISON
DARYL E. ELLISON
BRAD J. ELLISON
JAMES E. ELLER
KRISTIN E. ELLISON
NICHOLAS E. ELLISON
BRADLEY E. ELLISON
JONATHAN E. ELLISON
BRENT A. ELLISON
SUSAN E. ELLER
CHRISTOPHER ELLER
JAMES E. ELLER
KURT E. ELLER
NICHOLAS E. ELLER
BRADLEY E.
The following named officers for appointment in the grade indicated in the United States Air Force under Title 10, U.S.C., Section 531:

- To be major
  - To be major
  - To be major

The following named officers for appointment in the grade indicated in the United States Army under Title 10, U.S.C., Section 531:

- To be lieutenant colonel
  - To be lieutenant colonel

The following named officers for appointment in the grade indicated in the United States Army Veterinary Corps under Title 10, U.S.C., Sections 531 and 7064:

- To be major

The following named officers for appointment in the grade indicated in the United States Army under Title 10, U.S.C., Section 531:

- To be major

The following named officers for appointment in the grade indicated in the United States Army Dental Corps under Title 10, U.S.C., Sections 531 and 7064:

- To be major

The following named officers for appointment in the grade indicated in the United States Army under Title 10, U.S.C., Section 531:

- To be major

The following named officers for appointment in the grade indicated in the United States Army Reserve of the United States Air Force under Title 10, U.S.C., Section 624:

- To be major

The following named officers for appointment in the grade indicated in the United States Army Reserve of the United States Army under Title 10, U.S.C., Sections 531 and 7064:

- To be major

The following named officers for appointment in the grade indicated in the United States Army Reserve of the United States Air Force under Title 10, U.S.C., Section 624:

- To be major

The following named officers for appointment in the grade indicated in the United States Army Reserve of the United States Army under Title 10, U.S.C., Sections 531 and 7064:

- To be major
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT

SHARDS R. TRUSSELL
JASON P. TUCKER
JOHN A. TURNER
JONATHAN M. TURNBULL
ISAAC T. TURNER
ROBERT R. TURNS
ROBERT A. TUTTLE
JASON T. TUTTLE
AUSTIN UNSHAT
UMIT U. URBAN
YUIJUN URECH
ELYEY P. VAI
JASON R. VALDEZ
AARON C. VALENCE
MATTHEW R. VALVOSKI
DAVID T. VANCE
LANCE S. VANDAMNIEKER
WILLIAM J. VANDERPLUIJN
ROBERT H. VANDERMARK
BRENT L. VANN
MICHAEL W. VASORDEN
JAMIE L. VASER
QUENTIN L. VESTER
MARGURITA E. VIEHMILION
HANNA L. VERNER
ALEXANDER B. VICKENY
ANDREW R. VINI
FRANK W. VONA
NICHOLAS G. VOTTERO
WALDEN W. WAGNER III
JOHN D. WATT
DANIEL W. WALKER
NICHOLAS R. WALKER
GRANT T. WANNAMAKER
LUCAS A. WANSINK
SHELTON G. WARD
CHARLES M. WARD III
JESSEW H. WASEK III
JAMES R. WASHINGTON
URBAN F. WATKIN
MICHAEL A. WATSON
CABERT W. WATTS
ERIC D. WAXMAN
KELLY W. WEAVER
DANIEL J. WEBB
THOMAS J. WEBER
INDIA T. WEENS-SMITHSON
ZACHARY D. WEIDTG
CORY M. W. WEISS
JOSEPH R. WEISS
ANDREW J. WELCH
CHRISTOPHER D. WELCH
INGMAR M. WELCH
ROBERT A. WELCH III
JACOB A. WERTZ, JR.
BENJAMIN L. WESTGARD
GREGORY S. WHEELIER
WILLIAM J. WEECH
BRADLEY J. WENSTEDT II
JUSTIN G. WINTER
JEREMY D. WIESENKOW
JOSHUA K. WOLF
DONI D. WONG
FRANKLIN D. WORSOM
ANTHONY T. WRENCH
BRETT W. WRIGHT
JONATHAN A. L. WRIGHT
DONIVAN L. WYN
HAIMU YANO
CANYON CZ. YEAMANS
BRIAN J. YOGER
RON L. YOUNGBLOOD
KARL W. YUBIK
CHRISTOPHER P. YACEK
MATTHEW J. ZAPPEN
ANDREW W. ZAPP
KYLE P. ZBROHORSKI
DAVID A. ZELAYA
DYSAV D. ZIMMER
D61529
D61497
D61485
D61574
D61526
D61485
D61394
D6142"
The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C. sections 8111 and 8112:

To be major

To be colonel

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C. section 8111:

To be captain

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C. sections 8111 and 8112:

To be major

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C. section 8111:

To be captain

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C. section 8111:

To be colonel

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C. section 8111:

To be major

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C. section 8111:

To be major

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C. section 8111:

To be colonel

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C. section 8111:

To be major

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C. section 8111:

To be major
To be lieutenant commander

ANDREW W. JACKSON

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C. SECTION 1228:

To be colonel

BRIAN J. AMEND
WILLIAM M. BLOCKER II
VINCENT K. BONG
SEAN N. DAILY
FRANCIS E. DICK III
MICHAEL R. Dwyer
DAVID R. BRINNELL
BRANDON J. FRAZIER
ANTHONY J. GAIADINO
TIMOTHY E. GREBOS
CHRISTOPHER M. HOLLOWAY
DANIEL R. JARL
JOHN A. KATIE
JOHN J. KELLY, JR.
SUN W. KIM
JERRY M. KLIEBER
SON B. LEEHAN II
JAMES P. MCGONIGLE III
CHARLIE W. MONTGOMERY
DAVID S. MORRISON
RAMIN M. OSLON
EUGENIS A. QUARBE II
REIN M. RICHTER
MARK L. ROBERT
STUART C. SMITH, JR.
ALEXANDER R. SNOWDEN
WADE D. STANTON
ADAM J. SUKREV
DARRICK D. SUN
ERIC J. TUYER
GRIZZL4Y W. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C. SECTION 1228:

To be lieutenant colonel

RYAN D. COLTON
JEREMY J. COLWELL
HABERT P. CONSIDAULT
STEVEN M. COOK
BRANDON E. CHERRY
JODY L. COOLEY
JASON C. COYLELAND
LISA D. CORBONNIER
AARON J. CORRIONNA
JAMIES E. CORRINGTON
JEREMY A. COTHERN
MARC E. COUVILLON
BRADLEY S. CREECH
JASON H. CREPIN
WILLIAM W. CRECKOWITE
NICHOLAS J. CRIEU
JASON D. DAMIN
JASON M. DAVIDSON
ARMANDO A. DAYU
MATTHEW S. DEJONGHE
CHRISTOPHER M. DEMARIS
CASEY G. DEMUNCE
CHRISTOPHER A. DENVER
BRIAN J. DEREKASHEK
MICHAEL J. DERNEDDA
THOMAS E. DOLAN
ALAXANDRA L. DOMINELLY
DANAY A. DOPPEI
JOHN A. DORENZEN
AVIA J. DREISCOLL
DAVID J. DREISCOLL
THOMAS E. DRISCOLL
GEORGE M. DREUSCHE
THOMAS J. DUFFY
MARCHAL S. DUGGER
CHRISTOPHER S. DUNCAN
LAN J. DUNCAN
PATRICK R. DUNCAN
DAVID C. DUNSWORTH
DANIEL R. DURAN
BENJAMIN D. EARLY
NAIANTHEL M. EARLY
ANDREW C. ECKERT
JOSHUA S. EDWARDS
ROSS A. EBRAHIM
ROBERT W. FEATHERSTON
ADRIAN S. FELICIAN
BUHR PEGUSON, JR.
LEO PEGUSON III
RYAN A. FERRER
JASON M. FISHTOCIA
DANIEL M. FLETCHER
CARLSON H. FLORES
VICTOR F. FLORES
SEAN P. FOLEY
JAMIE D. FOSTER
DAVID C. FRANK
TIMOTHY C. FRETOW
CHRISTOPHER M. FREY
JOSEPH R. FREY
JOHN A. FULTON
MATTHEW C. GAEDER
CHRIS W. GATES
MICHAEL L. GARDNER
CAROLYN J. GARCIA
ANTHONY T. GAROFANO
CLAYTON G. GANNIS
JAMIES M. GRIEGER III
JAMIES M. GRIEGER II
JONATHAN M. GRIEGER
CHARLES E. GREGG
DBERK R. GREGG
MICHAEL A. GRIEGG
MARCUS D. GILBERT
JAMIE L. GILLES
NATHAN L. GOLDE
PASCAL J. GONZALEZ
DANIEL B. GRAINGER
SCOTT D. GRANIO
DANIEL W. GRIESE
JEREMY B. GROSSFRAEM
ANDREA N. GULLESEN
SCOTT D. GURLEY
ROBERT F. GUZETTE II
JOEDAN M. GWAZDON
PAUL D. GAEGORDON
KYLE F. GARDNER
MATTHEW HALTON
BRIAN HANSSL
KALER J. HARKERMA
MICHAEL B. HARRISON
AARON J. HARRISON
KRISTEN N. HARRISON
ADAM M. HARRINGTON
JASON T. HARRIS
CHRISTOPHER R. HART
NICHOLAS J. HARVEY
REBECCA M. HARTLEY
JESSICA S. HAWKINS
MICHAEL J. HAYES
SCOTT H. HELMINSKI
JOSE H. HERNANDEZ
LUCAS F. HERRETDANE
PAUL C. HERRERA
JONATHAN D. HESSETT
EMMALINE J. HILL
MATTHEW W. HOLL
KEIKIT S. HOLLEY
JUASTIN F. HOOG
ADAM A. HOBOR
JASON E. HOKINS
WILLIAM M. HOUCK
JOHN C. HUNSFIELD II
JASON M. HUMMELTSCH
CHARLES F. HUNT

JUSTIN D. HUNTER
CHRISTOPHER J. JAMISON
ANDREW M. JAROS
TANZANIA R. JAYSURU
STEIN-JENSEN
CLARINISE E. JERINANG III
MURIEL F. JARIA
JEREMY B. JOHNSON
BLAKE G. JOHNSTON
JASON F. JONES
PATRICK W. JUNICK
JESSICA F. JAKLIN
ERIC T. KAUFFMAN
GARY A. KEENOR
RUTH E. KEKOR
STEVEN M. KERLING
CHRISTOPHER J. KELLY
ROBERT S. KIMPER
JON G. KINHEDDIN
BENJAMIN J. KILEY
MATTHEW F. KLORY
NATHAN K. KNOWLES
ANTHONY R. KOSTICK
DUANH L. KORTMAN, JR.
JASON T. KUENZISCH
DAVID A. KLEIDSMON
AARON M. KLEIDSMON
ETHAN C. KUMMOW
LOWELL D. KUSNIRSKY
JENNIFER A. LIPRAN
THOMAS A. KULISZ
STEPHEN D. MACKIN
JASON R. LAIRD
BRIAN B. LARKINS
JONATHON W. LANDERS
KYLE E. LAXER
JASON E. LATTA
NICHOLAS B. LAW
RALPH E. LEAMN
MARK A. LENZI
RAYMOND F. LEHRBUHR, JR.
JASON D. LILLEY
JASON D. LINDEL
MICHAEL T. LIPRIN
ANDREW R. LIZAR
GREGORY A. LILK
DAVID A. LOUIE
PAUL M. LOYMAN
FRANK A. MACHENAI, JR.
PATRICK S. MO FORDSON
ADAN A. MALDONADO
SHANE M. MAHON
MICHAEL F. MANNING
ERIKA E. MANZI
EBRY S. MANZLAN
JONATHAN E. MARANG
PAUL M. MARSH
SCOTT A. MARTIN
TRACY A. MATURIN
FRIDRIO F. MARTINEZ
LINDSAY E. MATTHEWS
WILLIAM J. MATKINS
NATHAN T. MACDIARMADH
LORDON L. MORGANS
RICHARD P. MCKINZIE
MICHAEL D. MCDONALD
STEPHEN M. MCNIEL
MATTHEW S. MCGUSKIN
JOHN A. McNULTY
WINTON D. MEEH
SHAWN A. MEIER
JOHN T. MEINER
ALEXANDER M. MELLON
CHARLES E. MILLER II
JOHN A. MILLER
JOSHDUO A. MILLER
BRANDON L. MARGRET
DIEGO M. MIRANDA
JUSTIN M. MONTKES
ROBERT A. MONTI
JOSEPH D. MONTAGNA
JOSHUA R. MONTEN<br>

PAUL T. MORGAN
MIGUEL MORENO
BRANDON W. MOPT
MARCUS D. MOYER
LINDSAY K. MURPHY
SCOTT E. MURPHY
ANDREW M. MYERS
JAMES O. MYUNG
JOHN B. NABBARD II
JAMES R. NEAGLE
TIMOTHY C. NICHOL
MATTHEW J. NEILLY
CHRISTOPHER M. NELSON
JEREMY M. NELSON
ROBERT J. NEHAM
ANDREW C. NEUBRANDER
KAHO NG
ANDREW D. NICHOLSON
THOMAS L. NICHOLSON III
TRAE N. NOGARI
AARON C. NOOBRON
MARK F. NOSTRO
COURTNEY D. ODRIN
WILBURD S. OLLIS IV
TOMMY L. OLSAM
JOSHDUO J. ONUSKA
KYLE B. ORL
JANE R. ORDEN
WILLIAM C. ORLEN
PEDRO ORTIZ
JABORD S. OVERTON
JAMOY F. PALM
BENJAMIN M. PARENT
RAMON E. PATITUANGO
LAURA J. PEZAZZOLA

February 4, 2020

CONGRESSIONAL RECORD — SENATE

S869
The following named limited duty officers for appointment to the grade indicated in the United States Marine Corps under Title 10, U.S.C., Section 624:

To be major

Donald C. Brown
James B. Haunty
Eric C. Kauban
Keith R. Wilkinson

The following named limited duty officers for appointment to the grade indicated in the United States Marine Corps under Title 10, U.S.C., Section 624:

To be major

Christina L. Hudson
David J. Labonte, Jr.
Derrick E. Oliver
Brant J. Patterson

The following named limited duty officers for appointment to the grade indicated in the United States Marine Corps under Title 10, U.S.C., Section 624:

To be major

James M. Shipman
Philip S. Spincir

The following named limited duty officers for appointment to the grade indicated in the United States Marine Corps under Title 10, U.S.C., Section 624:

To be major

Christopher L. Kaiser

The following named limited duty officers for appointment to the grade indicated in the United States Marine Corps under Title 10, U.S.C., Section 624:

To be major

Peter T. Graham
Glenn A. Stalfrick
Travis W. Storie

The following named limited duty officers for appointment to the grade indicated in the United States Marine Corps under Title 10, U.S.C., Section 624:

To be major

Daniel E. Fuson
Edwin R. Rodriguez
Jesus T. Rodriguez