

The yeas and nays were ordered.

The SPEAKER pro tempore (Ms. CRAIG). This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 192, not voting 8, as follows:

[Roll No. 682]

# YEAS—230

Adams	Golden	Omar
Aguilar	Gomez	Pallone
Allred	Gonzalez (TX)	Panetta
Axne	Gottheimer	Pappas
Barragán	Green, Al (TX)	Pascrell
Bass	Grijalva	Payne
Beatty	Haaland	Perlmutter
Bera	Harder (CA)	Peters
Beyer	Hastings	Peterson
Bishop (GA)	Hayes	Phillips
Blumenauer	Heck	Pingree
Blunt Rochester	Herrera Beutler	Pocan
Bonamici	Higgins (NY)	Porter
Boyle, Brendan	Himes	Pressley
F.	Horn, Kendra S.	Price (NC)
Brindisi	Horsford	Quigley
Brown (MD)	Houlihan	Raskin
Brownley (CA)	Hoyer	Rice (NY)
Bustos	Huffman	Richmond
Butterfield	Jackson Lee	Rose (NY)
Carbajal	Jayapal	Rouda
Cárdenas	Jeffries	Roibal-Allard
Carson (IN)	Johnson (GA)	Ruiz
Cartwright	Johnson (TX)	Ruppersberger
Case	Kaptur	Rush
Casten (IL)	Keating	Ryan
Castor (FL)	Kelly (IL)	Sánchez
Castro (TX)	Kennedy	Sarbanes
Chu, Judy	Khanna	Scanlon
Cicilline	Kildee	Schakowsky
Cisneros	Kilmer	Schiff
Clark (MA)	Kim	Schneider
Clarke (NY)	Kind	Schrader
Clay	Kirkpatrick	Schrier
Cleaver	Krishnamoorthi	Scott (VA)
Clyburn	Kuster (NH)	Scott, David
Cohen	Lamb	Sewell (AL)
Connolly	Langevin	Shalala
Cooper	Larsen (WA)	Sherman
Correa	Larson (CT)	Sherrill
Costa	Lawrence	Sires
Courtney	Lawson (FL)	Slotkin
Cox (CA)	Lee (CA)	Smith (WA)
Craig	Lee (NV)	Soto
Crist	Levin (CA)	Spanberger
Crow	Levin (MI)	Speier
Cuellar	Lipinski	Stanton
Cunningham	Loeb sack	Stevens
Davids (KS)	Lofgren	Suozzi
Davis (CA)	Lowenthal	Swalwell (CA)
Davis, Danny K.	Lowey	Takano
Dean	Luján	Thompson (CA)
DeFazio	Luria	Thompson (MS)
DeGette	Lynch	Titus
DeLauro	Malinowski	Tlaib
DelBene	Maloney,	Tonko
Delgado	Carolyn B.	Torres (CA)
Demings	Maloney, Sean	Torres Small
DeSaunier	Matsui	(NM)
Deutch	McAdams	Trahan
Dingell	McBath	Trone
Doggett	McCollum	Underwood
Doyle, Michael	McEachin	Van Drew
F.	McGovern	Vargas
Engel	McNerney	Veasey
Escobar	Meeks	Vela
Eshoo	Meng	Velázquez
Espallat	Moore	Visclosky
Evans	Morelle	Wasserman
Finkenauer	Moulton	Schultz
Fitzpatrick	Mucarsel-Powell	Waters
Fletcher	Murphy (FL)	Watson Coleman
Foster	Nadler	Welch
Frankel	Napolitano	Wexton
Fudge	Neal	Wild
Gallego	Neguse	Wilson (FL)
Garamendi	Norcross	Yarmuth
Garcia (IL)	O'Halleran	
Garcia (TX)	Ocasio-Cortez	

# NAYS—192

Abraham	Babin	Biggs
Aderholt	Bacon	Billirakis
Allen	Baird	Bishop (NC)
Amash	Balderson	Bishop (UT)
Amodel	Banks	Bost
Armstrong	Barr	Brady
Arrington	Bergman	Brooks (AL)

Brooks (IN)	Higgins (LA)	Reed
Buchanan	Hill (AR)	Reschenthaler
Buck	Holding	Rice (SC)
Bucshon	Hollingsworth	Riggleman
Budd	Hudson	Roby
Burgess	Huizenga	Rodgers (WA)
Byrne	Hurd (TX)	Roe, David P.
Calvert	Johnson (LA)	Rogers (AL)
Carter (GA)	Johnson (OH)	Rogers (KY)
Carter (TX)	Johnson (SD)	Rose, John W.
Chabot	Jordan	Rouzer
Cheney	Joyce (OH)	Roy
Cline	Joyce (PA)	Rutherford
Cloud	Katko	Scalise
Cole	Keller	Schweikert
Collins (GA)	Kelly (MS)	Scott, Austin
Comer	Kelly (PA)	Sensenbrenner
Conaway	King (IA)	Shimkus
Cook	King (NY)	Simpson
Crawford	Kinzinger	Smith (MO)
Crenshaw	Kustoff (TN)	Smith (NE)
Curtis	LaHood	Smith (NJ)
Davidson (OH)	LaMalfa	Smucker
Davis, Rodney	Lamborn	Spano
DesJarlais	Latta	Staubert
Diaz-Balart	Lesko	Stefanik
Duncan	Long	Steil
Dunn	Loudermilk	Steube
Emmer	Lucas	Stewart
Estes	Luetkemeyer	Stivers
Ferguson	Marchant	Taylor
Fleischmann	Marshall	Thompson (PA)
Flores	Massie	Thornberry
Fortenberry	Mast	Timmons
Foxx (NC)	McCarthy	Tipton
Fulcher	McCauley	Turner
Gaetz	McClintock	Upton
Gallagher	McHenry	Wagner
Gianforte	McKinley	Walberg
Gibbs	Meadows	Walden
Gohmert	Meuser	Walker
Gonzalez (OH)	Miller	Walorski
Gooden	Mitchell	Waltz
Granger	Moolenaar	Watkins
Graves (GA)	Mooney (WV)	Weber (TX)
Graves (LA)	Mullin	Webster (FL)
Graves (MO)	Murphy (NC)	Wenstrup
Green (TN)	Newhouse	Westerman
Griffith	Norman	Williams
Grothman	Nunes	Wilson (SC)
Guest	Olson	Wittman
Guthrie	Palazzo	Womack
Hagedorn	Palmer	Woodall
Harris	Pence	Wright
Hartzer	Perry	Yoho
Hern, Kevin	Posey	Young
Hice (GA)	Ratcliffe	Zeldin

# NOT VOTING—8

Burchett	Hunter	Rooney (FL)
Gabbard	Lewis	Serrano
Gosar	Lieu, Ted	

# □ 1408

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOMENT OF SILENCE MOURNING THOSE KILLED IN TERRORIST ATTACK AT NAVAL AIR STATION PENSACOLA ON DECEMBER 6, 2019

(Mr. GAETZ asked and was given permission to address the House for 1 minute.)

Mr. GAETZ. Mr. Speaker, I am joined here with members of the Florida, Georgia, and Alabama delegations because on December 6, in the early hours of the day, our Nation learned of a terrorist attack unfolding at Naval Air Station Pensacola. The attack took the lives of Ensign Joshua Kaleb Watson of Coffee County, Alabama; Airman Mohammed Sameh Haitham of St. Petersburg, Florida; and Airman Apprentice Cameron Scott Walters of Richmond Hill, Georgia.

We congregate here today to honor the memory of those who lost their lives and those who were wounded during the course of this egregious attack.

Those who wear the uniform inspire the best within us because they are truly the best among us. They are our sons and daughters, our fathers and mothers. Last Friday, three of them were taken from us, and we shall not forget their names, or those who have been impacted by that terrible attack.

I request all present, both on the floor and in the gallery, to rise for a moment of silence; and I am proud and honored to be joined by my colleagues.

# □ 1415

## LEGISLATIVE PROGRAM

(Mr. SCALISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCALISE. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for next week. I yield to the gentleman from Maryland (Mr. HOYER), my friend.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning-hour debate and 2 p.m. for legislative business. Members are advised that no votes are expected in the House on Monday. Again, no votes on Monday, but we will do legislative business. We will be debating suspension bills, and the votes will be rolled until the following day.

On Tuesday, Wednesday, Thursday, and Friday, the House will meet at 9 a.m. for legislative business. Let me stress that so that every Member understands. We normally go in at noon for a schedule like this on Tuesday, Wednesday, and Thursday, but we will be going in at 9 a.m. on those days, as well as Friday.

Members are advised that the first votes of the week on Tuesday are expected between 9 and 10. Again, I want to emphasize that, although we do not have any votes on Monday night, we expect Tuesday to be a full workday, so Members really ought to come into town on Monday.

We will consider several bills, Mr. Speaker, under suspension of the rules. The complete list of suspensions will be announced by the close of business tomorrow.

As Members know, the current continuing resolution expires on December 20. The House will consider some appropriation measures. Hopefully, and my expectation is, they are making progress in the Appropriations Committee on coming to a resolution on the 12 appropriation bills.

It is my hope that we will consider those appropriation bills on the floor on Tuesday, perhaps a series of minibus packages to fund all of government for the remainder of the fiscal year.

I would urge all of my colleagues on the Appropriations Committee to do

everything they can in the next 24 hours, frankly, to bring this matter to a close and agreement so that the staff will have an opportunity to put the bills together for consideration next week.

This week, negotiators were able to reach an agreement on a new trade agreement. The Republican whip has been asking me about that agreement. I have assured him we wanted to get to yes, and we have gotten to yes. We are pleased at that, this trade agreement with Canada and Mexico.

It is possible that the USMCA trade agreement could be brought to the floor next week. The only reason it is possible and not assured is the administration is working on submitting implementing legislation to the Congress. My presumption is they will have that legislation to us in the relatively near term. It will be, therefore, available for consideration next week.

This week, the House Judiciary Committee began markup, as the House knows and the country knows, of two Articles of Impeachment. Following committee action on these articles, the Judiciary Committee will make a recommendation to the full House of Representatives. We will determine a path forward on the floor following that recommendation.

Lastly, Mr. Speaker, as is always the case in the last week, at least the last scheduled week of a session, there may well be other pieces of legislation that will ripen for consideration and that may well be considered next week. We will announce those as soon as we know which, if any, bills qualify for that treatment.

Mr. SCALISE. Mr. Speaker, we are encouraged by the progress that we are seeing and involved in on the appropriations bills to properly fund the government.

As we have both discussed for some time now, the important job of Congress exercising its power of the purse is critical. The willingness for all sides to work together—House, Senate, Republican, Democrat, along with the White House—to get to a place where we can reach an agreement on how to properly fund our troops not for a month or two at a time but for the entire year, the value that it gives those men and women in uniform, the ability for our generals to acquire the tools that are necessary so that they can train safely and defend our country effectively, it is well served when we reach this agreement.

I am encouraged by the progress the gentleman reflected. Hopefully, we can get to that point where, early next week, those bills are agreed upon, finalized, passed with large bipartisan majorities, which I have no doubt we will produce, and then get those signed by the President and move to USMCA, as the gentleman talked about. Mr. Speaker, I yield to the gentleman.

Mr. HOYER. I appreciate the gentleman making the comment with respect to the Defense Department and

the importance of funding them, and I agree with that.

I want to point out that the same challenge applies to all the other agencies of government. The more quickly they can be funded, the more they know what their funding is for the next 9 months—that is, between December 20 and September 30—and the more able they are to plan and rationally run their agencies. So I appreciate his observation about the Defense Department. It applies to all of government.

We are hopeful that we can fund, and our intention is to fund, all of government with full-year or at least the balance of the year appropriation bills.

Mr. SCALISE. Mr. Speaker, I share full agreement with what the gentleman talked about in regard to all the agencies as we have had these negotiations and look forward to seeing them come to fruition early next week, to get that approved then.

Of course, the United States-Mexico-Canada trade agreement is a critical step to show the world that we can come together, build better trade relationships with our neighbors, create over 160,000 new jobs for hardworking families, get our economy moving even stronger, allow us to sell products into countries like Canada and Mexico that we can't sell today, and also send a message to our friends around the world like Japan, Great Britain, and so many others that want to get better trade deals with us as well. It tells them that we are fully able to not only negotiate those better deals but pass those deals through Congress.

Then, as we all know and all agree, I would imagine, we focus our efforts on China to get China to play by the rules that everybody else has, with a stronger agreement that allows our country to be even more secure and our economy to thrive even more.

All of that is critical to get additional economic growth.

I would ask, does the gentleman know the timeframe? We are, as you mentioned, trying to get the final details worked out with the administration. Hopefully, those final pieces get put in place today or tomorrow so that it can get sent down to Congress. If that does happen, is there a timeframe, as you look at the calendar for Wednesday, Thursday, or Friday? Is there a place where the majority is looking at putting it on the calendar more than other places so we can prepare as we look to whip that bill and produce, obviously, the votes to pass it?

Mr. Speaker, I yield to the gentleman.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his question. We don't have a specific day, but I will tell him that it is our intention, assuming that the administration gets the enabling legislation to us in a timely fashion, which is my expectation they will do, to consider that next week. Now, which day next week has not been decided, but we do intend to consider it next week. We want to pass it before we leave here.

Mr. SCALISE. Mr. Speaker, I appreciate that. We stand ready to continue this work in good faith, which it has been from the beginning.

Obviously, President Trump negotiated this deal, but his trade representative, Ambassador Lighthizer, has done yeoman's work, working tirelessly with all of us in Congress—Republican, Democrat, House, Senate—to work through the final details that we all had.

A trade deal is always complicated. It always has pieces that some like more than others. Ultimately, when it is better for the country than the current deal we are in with NAFTA, I think there is broad agreement that we finally got there, so hopefully we can get that completed next week and then start yielding the economic benefits.

If the gentleman had something else, I will yield.

Mr. HOYER. Ambassador Lighthizer, as I have said all along, we have perceived as an honest broker. I think he has dealt with us fairly and openly.

Very frankly, we believe that the agreement that has now been finalized is substantially stronger and better than it was when it was first given to us for consideration. I say that in the sense that we took the position, and I have taken this position on the floor, the gentleman knows, that enforcement was critical.

The Chamber of Commerce has said, if you have a trade agreement without effective enforcement, you don't have a real agreement. What we were able to achieve was, we think, real enforcement, which protects workers, which protects the environment, which protects other aspects of the agreement.

We also are pleased that some of the things that were in the bill that we thought were harmful to consumers, in particular, were dropped.

But it was an honest negotiation, as the whip has pointed out. It was a hard negotiation, not so much between Mr. Lighthizer and ourselves, but between Mr. Lighthizer and some of the other interest groups, including our friends in Mexico.

We have now reached that agreement. Hopefully, we can pass this next week. Our friends in labor have endorsed this agreement. The Maryland/D.C. AFL-CIO has endorsed this agreement because they have the confidence that, unlike NAFTA—for which I voted, Mr. Speaker—in which there was no successful enforcement action over the last two decades, this will have the opportunity for successful enforcement for economic reasons and for other reasons. And I hope that this will move forward.

Mr. SCALISE. Mr. Speaker, anytime we can make an agreement better for the hardworking families of this country, it will be a Christmas gift well received by families all across the Nation. I look forward to getting this done and then hopefully, like I said, getting others done with other countries. We definitely have that opportunity and will seek it.

I want to shift gears and talk about impeachment and where we are, where the committee is right now. There are a number of items that I wanted to discuss, but one that has been an issue raised in the Judiciary Committee last night and today that continues to be a concern is that, under the rules, the minority was promised an actual day of hearings, and that has yet to happen. Multiple requests have been made, letters sent to the chairman. For whatever reason, the chairman has rejected and, in appearance, violated the rules by not allowing what has historically been granted as a minority day of hearing.

I would like to ask the gentleman if he was aware of this. It has been raised in the committee multiple times, why not only that tradition but why that rule is not being followed, and I would yield.

Mr. HOYER. Mr. Speaker, let me tell the gentleman very candidly, I have not discussed with Mr. NADLER or others on the Judiciary Committee that issue. So I really can't give you the rationale that was articulated by the chair or by others.

I will say, however, that the President has indicated he wants to move with dispatch on this issue. We are doing that, and we have little time left. Very frankly, there were other witnesses to come forward, and very frankly, there were a lot of witnesses who were precluded from coming forward that we thought would amplify, frankly, people who work for and with the President who may have had information to give. But I can't specifically articulate the rationale, but we can get that for you.

Mr. SCALISE. I appreciate that. It just seems an odd break from the rule that is designed to ensure that both sides are heard, and that is why there is an opportunity for a minority day of hearing.

The opportunity was requested, and the opportunity was denied, and then the committee today is going to be voting. The committee is acting as a jury to remove a President of the United States. Clearly, there were witnesses that we sought to bring forward that we were not allowed to bring forward, breaking from the custom and tradition of all the other impeachments that we have had. Clearly, the Nixon rules were repeated with Clinton so that both sides were treated fairly.

For whatever reason, this majority chose not to follow that custom and tradition, so the minority was not allowed to bring all the witnesses that we requested, and so the minority day of hearing was the only opportunity to present additional evidence that was sought.

□ 1430

And so if the jury, in essence, today is going to give a verdict, which they are, I would expect that the committee is going to pass the Articles of Impeachment.

You had over 70 percent of this committee, the Judiciary Committee, over 70 percent of the members of this jury

already voted to impeach the President on various votes that have been taken on this House floor. So if the jury doesn't want to hear the other side's argument, it begs the question: Was the jury rigged?

Mr. HOYER. Will the gentleman yield?

Mr. SCALISE. Mr. Speaker, I yield to the gentleman.

Because, out of fairness, but also out of the actual rules of the House, that opportunity is in the rules for the minority to have a day of hearings, and it was denied. That means that the evidence that was going to be submitted to the jury who is voting to remove a President was also denied.

And why both sides weren't able to be heard, why the chairman did not want both sides to be heard, I think begs a lot of questions.

Mr. Speaker, I yield to the gentleman on this.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

First of all, of course, this is not the jury in the sense of a petit jury that is going to decide guilt and innocence. It is, from a lawyer's standpoint, more analogous to a grand jury, which simply decides whether or not there is probable cause to believe the President abused his power in the exercise of his authority and, secondly, in the second Article, refused to cooperate with the Congress exercising its constitutional responsibility of oversight.

Secondly, let me say to the gentleman, as the gentleman knows, the President was given the opportunity to appear with counsel and to call such witnesses as he wanted to call—I believe that is correct—but to appear and defend against the allegations that are incorporated in the Articles of Impeachment, and the President chose not to appear.

The President chose not to have counsel present. Mr. Cipollone, counsel to the White House, in fact, responded to the offer to appear and said: We have chosen not to do so.

So to say that the respondent in this case—I won't call him a defendant. But the respondent in this case, the President of the United States, chose not to respond, chose not to appear, chose not to produce evidence in his defense. One could conclude that perhaps they decided they didn't have any, but I won't conclude that, but that could be one conclusion drawn.

But I will tell the gentleman, first of all, this is not a jury that is deciding guilt or innocence; it is a jury deciding probable cause whether or not there is cause to believe.

And, of course, we had extensive hearings at which many witnesses testified, some of whom worked for the administration, with the administration, in the White House, who testified to the facts, which most constitutional experts believe, if believed, constitute an abuse of power.

But, again, I will say to the gentleman, the central reality is the President refused to appear.

Mr. SCALISE. Mr. Speaker, the President, like any other person who is

requested to provide information, did comply.

When you look at the Articles of Impeachment, at the beginning of all of this, of course, there was the Mueller investigation for 22 months, which alleged many things. And, ultimately, the results turned out that there were no crimes committed by the President, as we had looked into when we were in the majority and knew that years ago, but for whatever reason, others wanted to continue making assertions. Those assertions turned out to be false.

So, instead of dropping it there, then you had the whistleblower complaint and the allegations of all of these things that happened on a phone call.

The only problem is the President then released the transcript of the phone call. And not only did those things not get reflected in the transcript, but the two people who actually participated, who should be listened to the most, both said there was nothing wrong with the call.

President Zelensky was asked was there any pressure applied. He said no. He got the money. He got the money, and he also got the Javelin missiles. He thanked President Trump on the phone call for the aid that allowed him to push back Russia.

As I will point out, President Trump sold 360 Javelin missiles to Ukraine so they could defend themselves, pushing back against Russia. President Obama and Vice President Joe Biden sold zero Javelin missiles to Ukraine to help them push back from Russia.

So all of this assertion of one President not allowing Ukraine to get the aid they need to stand up to Russia turned out to be true. President Obama is the one who didn't allow Ukraine to have the tools they need. He sold them zero.

They asked: Please sell us the Javelin missiles so we can defend ourselves against Russian aggression. And President Obama and Vice President Biden said no.

Why? That is a good question, and maybe somebody needs to open an investigation into that.

But in the meantime, President Trump said yes. He actually sold them 360 Javelins. President Zelensky, on the call, thanked him.

Was there pressure applied? Actually, there were thanks involved, President Zelensky thanking President Trump for allowing him the tools to stand up to Russia. He said: We may buy more. But he thanked him for the ones that he sold.

There was no quid pro quo. There were no investigations. They asked for help, and President Trump said: Absolutely. We will help you stand up to Russia.

And the facts are there.

Then you look at the catchall Articles of Impeachment. It wasn't the bribery and the quid pro quo that were alleged for months, because there was

none, and so that is not in the Articles of Impeachment. So you see these catchall phrases like “abuse of power,” “obstruction of Congress.”

Then you read what they allege to be obstruction of Congress: it is the President exercising his rights.

The different Federal agencies that were asked for information—this is the obstruction of Congress—these Federal agencies all responded. They responded to the committee. They said: Here. Let’s have a conversation about how to get you information that you want without violating the executive privileges that every President has been afforded.

These are letters right here: White House, December 1, 2019; December 6, 2019; October 15, 2019, Office of the President:

Including invoking privileges that are held by the President in no way manifests evidence of obstruction; otherwise warrants, offered to negotiate about what information you want.

Secretary of State, October 1, 2019, sent a response to the committee.

Department of Energy, October 18, 2019, sent a response to the committee. Never heard back from the committee, so clearly the committee must have been okay with the response.

The Office of the Secretary of Defense, the Secretary of Defense on October 15, 2019:

The Department is prepared to engage in the process consistent with longstanding practice and provide the responsive information should there be resolution of this matter.

The Secretary of State, Secretary of Defense said: Here. What do you need? Let’s talk and work through it.

They didn’t get a response from the committee. The committee didn’t say: No. We want more. The committee didn’t say: We disagree with you—which means, by the way, there is a third branch of government. That is, the judicial branch.

If the two branches disagree, historically, in all these impeachments—by the way, you don’t have to wonder about it. You can go back and look at history: Nixon, Clinton. Go back to Andrew Johnson.

The White House and the legislative branch negotiated what kind of information they wanted, and if there was a disagreement—and sometimes there is—you go to the courts and you say: Let’s resolve it.

There were some people who the committee asked to come and testify before the committee. They issued subpoenas. In some cases, they withdrew those subpoenas. So that person wasn’t out of compliance; they weren’t asked to come. But in some cases, they went to the courts, and the courts are actually still working to resolve that difference. The courts haven’t worked it out.

That is an obstruction of Congress, to actually send a response to a question?

The legislative branch asked the executive branch a question. The execu-

tive branch, in letter after letter after letter, responds. The committee didn’t then go back and say: No. You didn’t give me what I wanted.

These were all responses. They might not have gotten the answer they wanted, but they got an answer. And if they didn’t agree with the answer—the gentleman from Maryland (Mr. HOYER) knows, historically, how that works—you ask again.

Maybe you ask for something different. Maybe you narrow it. Maybe you say: You know what, you have to give that to me, and if you don’t, I am going to go to the courts and make it happen.

They didn’t do any of that. They didn’t do any of that. They just filed Articles of Impeachment: Impeach the President. We don’t like the answer.

They gave us answers, answer after answer. And instead of saying, “Well, we disagree with your answer. This is what you need to send,” they just said, “Let’s impeach the President,” because that was the objective all along, as we know, in this whole sham. It has always been about impeachment, not about facts.

So when you have a process, if you don’t want to follow the process, you don’t want to actually go and try to get answers to questions, you just want to end at a conclusion of impeachment, that is where we are.

And that is why you see these two articles that don’t list crimes. All the alleged crimes were debunked. They are not in the Articles of Impeachment. And so we end up with abuse of power and obstruction of Congress.

Then you look at the things that are alleged, and there are actual answers from the different Federal agencies to the questions that were asked. The committee never went back and followed up. They just said: We are going to impeach the President because that is what we were going to do from the beginning.

Seventy-one percent of the members of the committee had already voted to impeach the President before the call with President Zelensky.

So why didn’t the majority go through the normal process? Why didn’t the majority allow us, the minority, our own day of hearings to counter some of these false allegations? I think the American people have figured it out. Because it was never about getting to the facts.

If that was the case, they would have worked with the executive branch to get those answers to those questions. They didn’t. They would have worked with us to allow us to have the minority day of hearing that the rules of the House allow us, but they didn’t. And so this is where we are.

Mr. Speaker, I yield to the gentleman.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, my friend articulates many things that have no basis in fact and believes, in my view, that if he

says it enough times that people will believe them. To that extent, I think he mirrors the President of the United States, who does the same thing.

First of all, the rules have been followed. Secondly, the evidence that has been adduced is overwhelming and has not been controverted.

John Bolton, when talking about this deal, which we believe is an abuse of power, said that this was the equivalent of a drug deal. That is John Bolton.

My friend has talked for many weeks about how the Mueller report found nothing.

First, let me read from the Mueller report something that was not part of an article but certainly informs us as to the intent and the feelings of the President of the United States.

The Mueller report said this: “Our investigation found multiple acts by the President that were capable of exerting undue influence over law enforcement investigations, including Russian interference and obstruction investigations.”

“The incidents were often carried out through one-on-one meetings in which the President sought to use his official power outside of usual channels.”

“These actions,” the Mueller report said, “ranged from their efforts to remove the special counsel and to reverse the effect of the Attorney General’s recusal, to the attempted use of official power to limit the scope of the investigation, to direct and indirect contacts with witnesses and the potential influence of their testimony.”

“The special counsel did not reach conclusions because”—and this is critical, and the whip constantly ignores this when he says the Mueller report found nothing.

“The special counsel,” it says, “did not reach conclusions because Department of Justice guidelines prohibit indicting a sitting President. Therefore, the Mueller report makes clear, however, that it does not exonerate the President by saying this. If we had confidence”—the whip may want to hear this.

The Mueller report said: “If we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice, we would so state. But, based upon the facts and the applicable legal standards, we are unable to reach that judgment that the President did not, in fact, participate in obstruction of justice.”

□ 1445

But because DOJ, for whom the counsel worked—not a special prosecutor, the special counsel—counsel demurred, essentially refused to make a judgment that he thought he was unable to make. But he made it clear that they could not find that the President did not obstruct justice.

Let me say something else. There are a number of people who thought the Mueller report and the Mueller investigation had great effect:

Paul Manafort, pled guilty to lying; Roger Stone, convicted; Michael Cohen, the President's counsel, convicted, in jail;

Michael Flynn, convicted of lying, the national security adviser appointed by President Trump, convicted;

Rick Gates, the deputy campaign manager for President Trump, convicted;

George Papadopoulos, who the President claimed was his foreign policy adviser—or one of his foreign policy advisers—convicted, pled guilty, served a short period of time, and now is a candidate for Congress on the Republican ticket in the State of California.

They all think that the Mueller report had some consequences. That is the context in which we see this crowd. No wonder so many of them didn't want to testify.

And when Mr. Sondland testified the first time and then, after that, he saw some of these convictions, he amended his testimony.

He came in and said, oh, yes, there may have been some discussion about a so-called quid pro quo or a bribery or extortion. He didn't say those words. Those are my words. He talks about obstruction of Congress and how there was no back and forth, and he says, well, they could have gone to court.

As a matter of fact, we have gone to court time after time after time. And guess what, Mr. Speaker, the court has said that Congress is entitled to that discovery. Now, they keep appealing it.

Mr. Speaker, that is the President's modus operandi, which he has pursued all of his adult life. When people said he owed them money; when people said he didn't fulfill a contract; when people said he should do this, that, or the other, he almost invariably took them to court and delayed and delayed and delayed.

There is an editorial in "USA Today" which says this: "Trump has met the impeachment investigation with outright and unprecedented defiance." We share that view.

No President in history has refused to cooperate with the Congress of the United States in the exercising of its constitutional responsibility of oversight other than this President. Those are the facts.

This is not "The Washington Post" or "The New York Times." That editorial went on to say: "Allowing this obstruction to stand unchallenged would put the President above the law and permanently damage Congress' ability to investigate misconduct by Presidents of either party."

Now, Mr. Speaker, I would again reflect that Articles of Impeachment under the Constitution of the United States are what Mr. Mueller said was the appropriate option if the Congress believed that this President ought to be held accountable for abuse of power, because he said he couldn't do it because the Justice Department policy said he couldn't do it.

We have had hearings. Those hearings were participated in by the Repub-

lican side of the aisle and the Democratic side of the aisle. Time was divided equally between the sides for questioning of witnesses.

The witnesses were an ambassador hired by Secretary Pompeo, appointed by the President to represent us; Mr. Sondland, a close friend of the President's, apparently, or at least a big contributor of the President's, appointed by the President, who came back and said no.

Certainly, I believe there was a quid pro quo that, if you didn't start an investigation, if you didn't announce that in public, then there wouldn't be the \$391 million that you needed to defend your country and to defend freedom in Ukraine, which this Congress had, in a bipartisan way, sent to the President of the United States and that the Defense Department and others had certified reforms contemplated by that legislation had been effected, and they recommended the payment of that money.

And in addition, you could not have a meeting with the White House if this didn't happen.

So my friend continues to say no wrongdoing; nothing; no crimes; no this, that, and the other. That is not the case, Mr. Speaker. And no matter how many times he says it, whether it is an editorial in "USA Today" or an editorial in some other paper or articles in some other paper or—I will tell my friend—people with whom I talk on your side of the aisle—I will not name their names—they, like Zelensky, would be afraid of retribution, just as Mr. Sanford found out that disagreeing would incur the wrath of the President of the United States and get a response, either in a tweet or some other way.

Mr. Zelensky is in a very difficult position. The freedom of his country, the security of his people, he believes, are contingent upon whether President Trump will treat him fairly and as consistently as the Congress would want them treated.

So I say to my friend: We are going to move ahead. We will all have a chance to vote on these articles, and we will have a chance to debate them. And then the Senate will have a trial, if, in fact, articles pass this House. And that trial will be where the President, presumably, will offer witnesses.

But I find it interesting, Mr. Speaker, that Republican Senators are quoted frequently saying, we ought to have no witnesses. Republican Senators are saying, we ought to have no witnesses. Perhaps they just want to pass it so quickly. But it is as well, I think, because they don't know of any witnesses who will absolve the President from the actions that have been testified to without effective opposition to those premises.

So, Mr. Speaker, we can debate this. We are going to debate it, I am sure, next week. It will be debated in the United States Senate, and we can continue to debate it here today. But the

evidence, in the perception of many, is overwhelming and uncontradicted.

Mr. SCALISE. Mr. Speaker, if the gentleman says the evidence is overwhelming, the gentleman cites the Mueller report, the whole investigation that went on for 22 months with thousands of subpoenas, witnesses, and innuendos. And at the end of the day—with the full authority, by the way, Mr. Mueller had to file any criminal charges, if there were any laws broken that he saw—not one charge was filed.

What is the most interesting and maybe the most telling is that, in your Articles of Impeachment, the eight pages that you filed, not one time did you mention the Mueller report, because there is nothing criminal in the Mueller report. If there was, you would have put it in the Articles of Impeachment.

You are trying to remove a President of the United States from office, and the Constitution says the standard should be treason, bribery, or other high crimes and misdemeanors, which you would think means you would list high crimes and misdemeanors—or treason or bribery. There is not a word of bribery or high crimes and misdemeanors listed in this.

Not one time is the Mueller report mentioned. So if there is all that rich data, it would be here, and it is not, because there wasn't anything that came out of the Mueller report.

The gentleman mentions the Department of Justice—

Mr. HOYER. Will my friend yield?

Mr. SCALISE. I am going to go through a few points because the gentleman made a lot of assertions that are not accurate, and I think it is important to go through them.

The Department of Justice did not say that a President can't be removed. The Attorney General made that clear, that the President can be indicted.

But what the Attorney General said was—

Mr. HOYER. Will the gentleman tell me where he did that?

Mr. SCALISE. Through the Department of Justice, he said there was no obstruction. There was no obstruction. That is what the Department of Justice said.

Again, if there was, you would have put those findings from the Mueller report in this document. And there is nothing in there, no mention of the Mueller report.

Then the gentleman opened up by saying the rules have been followed. The rules have been followed. That is what the gentleman from Maryland said. The only problem is, just today, yet another rule has been broken.

House rules, clause 2(j)(1) of rule 11, provides that, once the demand is made for a minority day of hearing, minority members shall be entitled—"shall" means it has to happen—to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

Well, guess what? That didn't happen. We requested it multiple times, and the rules that the gentleman said "the rules have been followed"—the only problem is the rule has been broken.

"Shall be entitled to a hearing," and it has been denied. The chairman denied it again today in committee.

So you can't say the rules have been followed when, just today, that very committee broke the rules of the House allowing us to have the opportunity to present the alternative case.

You want to talk about abuse of power. What is going on in that Judiciary Committee right now is an abuse of power: denying the minority the ability to even present the other side of an argument. You have got two sides of any argument, and maybe you think you made a strong case if you only present yours.

You look at what is going on across the country when only one side has been presented. The country still thinks this is a waste of time, not going after a President because he broke the law but going after a President because you don't like him, you are unhappy that he got elected in 2016, and you are afraid that he might get elected again in 2020.

I trust the people of this country to make that decision again next year, and they will—not Members of Congress who have expressed that they wanted him impeached before he took the oath of office, Members of Congress on your side who said impeachable offenses aren't required to impeach a President.

So, when we talk of abuse of power, absolutely, that is an abuse of power.

The gentleman expresses concern for the people of Ukraine, maybe expresses that the President of Ukraine himself might be afraid to speak candidly. I have more confidence in the President of Ukraine than, if he says something, I believe it. We have worked with him on a number of things: cleaning up corruption. He is actually delivering on his promise, like this President has been delivering on his promise.

But let's talk about all the disdain, the concern for the people of Ukraine not having the tools to defend themselves. I am curious: Where was that disdain when President Obama and Joe Biden were in office and not one single time did they heed Ukraine's request to sell them Javelin missiles? Not one of them. They didn't sell one.

And Ukraine asked multiple times: Please allow us to defend ourselves against Russia. President Obama and Vice President Biden said no. I never heard anybody on that side expressing concern about the ability of the people of Ukraine to defend themselves then.

Good thing, when President Trump was asked that question, he said yes. No quid pro quo, just yes: Here are 360 Javelin missiles sold, so that they can push back Russia. And I am glad they are doing it. I am glad they are able to defend themselves.

Then you look at something equally alarming that has come out that deserves real attention in this Congress, and that is the Horowitz report: 17 listed abuses of the FISA process.

The gentleman knows, I supported the FISA process to allow us to combat terrorists. It is a controversial program, a program that has got a very narrow scope to allow the United States to protect our national security, but it also has a very strict requirement from our intelligence agencies. The FBI and the CIA have the ability to go unfettered and ask the judge for the ability to surveil people.

□ 1500

The judge trusts that they are giving him the full information. And we saw abuses listed in the Horowitz report of the FISA process. Even more, Mr. Durham is initiating and conducting his own criminal investigation.

And what the Attorney General talked about this week is that they know that there are people in those intelligence agencies who were spying on the Trump campaign. I mean, imagine Federal agencies—FBI, CIA—spying on the campaign of a candidate for President.

Republican or Democrat, we should equally be alarmed that that happened. I hope it gets rooted out. I hope whoever did that and abused their power goes to jail. But it happened, and it is being investigated in a criminal way.

But Horowitz, himself, pointed out where there were abuses of the FISA process. And you know what, that is coming back up to this Congress early next year for renewal. Parts of that program are going to come back up again, important tools to combat terrorism, but tools that now have been identified to have been abused. We need to work together to clean that up so that doesn't happen again. But that happened, and it was used against the Trump campaign.

I haven't heard the disdain and outrage from both sides. I am surely outraged. Our side is surely outraged. I would hope that we are all outraged that that happened.

But when we talk about those reports, again, if there were all of those things that the gentleman asserts in the Mueller investigation and, ultimately, report, I am curious that not one of those—there is not any mention of the Mueller report in these Articles of Impeachment that we will be facing on the House floor next week.

I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

I think I am speaking English. Let me repeat. What the Mueller report said was the Department of Justice policy was that they could not indict a sitting President of the United States. It went on to say, as I quoted, that did not mean that they could assert that there was no obstruction of justice. And if they thought they could assert that, they would have asserted it.

And Attorney General Barr then mischaracterized the Mueller report before it was released to put, in my opinion, the President's spin on the Mueller report, which, very frankly, the gentleman's side of the aisle has continued to spin all the time.

I mentioned the six people who were convicted of lying to the investigation, close associates of the President of the United States, now in jail or waiting to be sentenced. Mr. Stone falls into that category.

Mr. BARR said that there was no obstruction. He was wrong. He mischaracterized, misstated, and misled the American people. And Mueller said in his report that was not what he found.

Collusion is not a crime. Conspiracy is a crime.

But there were, in addition to the six people I have talked about, 10 Russians indicted for participating in trying to undermine the integrity of the elections in our country on behalf of Mr. Trump.

Now, the gentleman indicates that the Mueller report has not been mentioned. The Mueller report is not the gravamen or the central—we lawyers say "gravamen"—but the central tenet here.

The central tenet is, on July 25 and, frankly, leading up to that and succeeding that, the President of the United States involved himself in a way to enrich himself in terms of the election that was coming up, 2020—not the 2016 election, the 2020 election.

The evidence has not been rebutted that that was the fact; and, in fact, people close to the President of the United States confirmed it.

What the articles say is there was an abuse of power, which is what almost every constitutional scholar says was the central concern of our Founding Fathers when they included the impeachment provision in the Constitution of the United States: to be a check on authoritarian power serving its own interests, not the people's interest. That is what the central claim here is.

And with respect to the other Article of Impeachment, it does not mention the Mueller report because what it was focused on—although Mueller focused on the obstruction of justice evidence, not the charge, but the evidence.

What we are focusing on is the biggest attempt to prohibit the Congress of the United States and the exercise of its legitimate constitutional responsibility of oversight from getting information, either in testimony or in documents. And almost every scholar of past Presidents—including President Nixon and including President Clinton and the extraordinary discovery that was exercised against President Obama on a regular basis—found that this President has stonewalled more than any other President and with less justification than any other President, because most Presidents referred to executive privilege.

This President went much more broadly than those who dealt with him

personally, but simply wanted to preclude information from getting to the Congress so that it could make decisions based upon that evidence.

And, of course, the other suit that we have is a President who said he was going to release his tax information to the American people. He has fought in every forum to prevent that from happening, notwithstanding the legislation, which was not adopted by us—it is very old legislation—which says the tax writing committee can get that information.

And I would suggest the American people ought to have that information so they can determine for themselves whether this President is acting for his benefit or for their benefit, which is his constitutional responsibility.

Mr. SCALISE. Mr. Speaker, I thank the gentleman, but when the gentleman talks about stonewalling, acting as if President Trump is the only President in history to seek alternatives to a question that is asked by Congress—

Mr. HOYER. I didn't say that. Don't mischaracterize what I said. I did not say that.

Mr. SCALISE. The gentleman said that this President has tried to defy more than any other President. Those were roughly the words he said.

Mr. HOYER. That is accurate.

Mr. SCALISE. Let's keep in mind, President Obama, it took us 6 years to get to the bottom of the Fast and Furious scandal, and we still didn't get all of the information we wanted. For 6 years, President Obama fought various ways in the court.

Was that impeachable? Of course, we didn't try to impeach the President.

Every President, I am sure, including George Washington, had differences with Congress. We have multiple branches of government.

So the legislative branch has powers. When we exercise those powers in regard to the executive branch, the executive branch also has an equal opportunity to have a discussion, first of all, to see if we can come to an agreement.

Again, if you go back to the Clinton impeachment or you go back to the Nixon impeachment, both sides reached an agreement. Your majority never tried to go reach an agreement with the White House on how to get access to whatever it is you might have wanted to get access to.

What is a fair process?

Allowing the President to have his legal counsel in the room to ask questions to witnesses, that was denied. But that negotiations didn't happen.

It did happen in Nixon. It did happen in Clinton. And so you had a fair process of back and forth, where, ultimately, they agreed on rules of the game during an impeachment. It didn't happen here.

So when your majority asked, through various committees, for information from the White House, the White House has the ability to exercise other rights.

Again, letter after letter. The gentleman used the term "stonewalling." It is not stonewalling to respond to the committee and say: Okay, these are the things that we can get you. Here, look, DOD, we will work with you.

You never tried to work with DOD, but they said: Call us.

Didn't call them. Agency after agency, the Secretary of State responded. All of these agencies sent letters in response. That is not stonewalling. That is complying with the law. You might not have liked the answer.

And, again, if you didn't like the answer—I think we all know when you pull out the Constitution, there is not just two branches of government—you could have gone to the third branch of government and said: Courts, make them comply because they are not.

You didn't do that. So then you just rushed to impeach the President because you didn't like the answer.

If you go to the Mueller investigation, the gentleman lists those six people who were convicted. Not one of them had anything to do with accusations made against the President. In fact, they are not listed. They are not listed in the Articles of Impeachment.

The gentleman talked about Russia. Yes, we know Russia tried to meddle in our election in 2016. I think people on the gentleman's side might think Donald Trump was President back then. Barack Obama was President. Joe Biden was Vice President when Russia did try to interfere with our election. Why didn't they do more to stop it?

It is a good question to ask, but go ask President Obama and Vice President Biden. Don't go impeaching Trump because Russia tried to interfere with the 2016 election.

There were, absolutely, things that were going on in Ukraine that raised concerns. You had the Ambassador, the Ukraine Ambassador to the United States wrote an op-ed against candidate Trump. They were trying to interfere with the election against Donald Trump when he was a candidate for President. I didn't see any attempt to be concerned about that by the gentleman's side.

But again, just go impeach Donald Trump because so many on the gentleman's side didn't like the fact that he won in 2016 and are afraid he is going to win again in 2020.

Again, that is not why you impeach a President.

So when you talk about these facts, it is important to point out all of the other sides.

Sondland, who has been brought up multiple times, Sondland testified under oath. He asked the President: Is there anything you want?

The President responded to him—he said this under oath. The President said: "I want nothing, no quid pro quo." That was Sondland's testimony.

So, again, as these people are being brought up, let's look at the whole context.

When the rules are being brought up, I haven't heard a response from the

gentleman when I read him a House rule that is, today, being violated.

In committee, they took a vote to violate House rules. The committee doesn't have that power. The House has that power, and it hasn't exercised it. That is still a rule of the House that is being broken today, not allowing the minority to have a day of hearing, trying to hide the facts from the American people.

If they were so serious about impeaching the President because you have this overwhelming evidence, then let both sides present their case. But, no, that House rule, today, is being violated. And there are many examples of that.

I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

The irony is that the reason we got cooperation in the Nixon case and in the Clinton case is because those administrations cooperated. This administration has absolutely not cooperated.

The gentleman has those letters, and he put them down as if they mean something. They are further evidence of delay. The committee requested legitimately.

What the gentleman didn't say—he said we ought to go to court. Mr. Speaker, I wonder if the gentleman knows what happened when we went to court, because we have gone to court five or six times. We haven't lost a case yet. We have not lost a case yet where the court has said that Congress is entitled to that information.

So these letters are fine, but they are delay and dissemble as we throw them on the table, as if they mean something.

The gentleman says the Russians interfered in our election. They did. The irony is, one of the reasons that the Obama administration didn't get more involved in that is because there was knowledge by some that they were interfering on behalf—or suspicion of—Mr. Trump because of some of the evidence we have heard.

Mr. Stone's case, Mr. Gates testified about the knowledge that the President had about WikiLeaks and of the President's invitation for WikiLeaks to release information.

Sondland changed his testimony. We have gone to court. The administration has refused to cooperate.

□ 1515

The gentleman ignores those facts. They are facts, and they are facts that are generally accepted across the land, even by those who are supporters of the President.

So we are going to have this discussion. They are going to have this discussion in the Senate. But the President chose not to come to the House to defend against the allegations. His counsel said they weren't going to participate. They had the opportunity; they did not take it. We will see what happens from there.



Mr. SCALISE. Mr. Speaker, I would not discount things like this letter from the Secretary of Defense, who, on October 7, 2019, received a subpoena and on October 15, 2019, responded. That is not delay, and that is not obfuscation.

A week later, they responded and said that the Department is prepared to engage in the process, consistent with longstanding practice, and provide the responsive information should there be a resolution to this matter.

It was a week later. That doesn't sound like somebody trying to run away from a request or a subpoena. A week later, the majority got a response. The gentleman might not have liked the response, but there was not a follow-up: We are going to work with you, Department of Defense.

The Secretary of Defense sent this a week after the majority's request, and the majority is going to impeach a President because they didn't like this answer and say: Oh, he is obstructing.

Again, I go back to Fast and Furious, one example: President Obama, 6 years we fought to get the information—6 years. We didn't try to impeach him for that. It doesn't mean he was breaking the law or committing high crimes and misdemeanors.

Maybe he delayed a lot longer than we would have liked. Six years is a lot longer than it should have taken to get answers to real questions about people who died. But for 6 years, we waited and worked and went and got those answers. That is the legal process.

And maybe we should work together, if we think that is too long, to try to speed it up.

But that was 6 years. This was 1 week after the subpoena the Secretary of Defense himself sent the majority this letter and said: Call us and work with us to get you this information.

The majority didn't follow up. They just said: Nope, we don't like it. That is too late. It is delaying.

A week later, the majority got an answer, and they didn't like the answer, so the majority said: Let's impeach the President of the United States.

There is letter after letter like this from other agencies—the Department of Energy. We can go down the list. But this wasn't 3 years later the majority got an answer. Yes, maybe the majority could raise questions then and go to the courts, but the majority didn't.

The majority got an answer a week later. That is delaying to the point where the majority would impeach a President of the United States?

And my friend doesn't think those conversations happened during Nixon?

My friend doesn't think those conversations with the White House happened during Clinton, where there were things that they didn't feel that they had to give that were subpoenaed and they went back and forth, but they came to an agreement?

Mr. Speaker, it means you have to sit down and work with people that I might not like.

It has been clear on the other side that there are some on the majority side who hate this President and who don't want him to be President. We understand. We have elections for that. We had an election in 2016, and he was duly elected.

Then the majority alleged that he conspired with Russia, but he didn't. Russia tried to interfere on President Obama's and Joe Biden's watch. It was their watch when it happened. President Trump didn't have any involvement in that, and the Mueller Report made that clear.

But then the majority kept going on making assertion after assertion, just like in these two Articles of Impeachment, and the majority comes up with abuse of power.

To quote Professor Turley, one of the witnesses from last week: The only abuse of power is by this majority trying to remove a President from office for exercising his rights under the law.

A week after the majority's request, their subpoena, a week after, they got a letter from the Secretary of Defense himself, and that is enough to impeach a President?

Mr. Speaker, I yield to the gentleman.

Mr. HOYER. Mr. Speaker, we could go, I guess, all day on this. But the fact is, let me say, with that letter, the gentleman says 1 week. The fact of the matter is this President has been defying Congress for years in terms of giving it information it constitutionally had the right to have. He has not responded. In fact, we have gone to court, and we have won every case. It is not like the court said: Oh, well, they have the right to do this; they can talk back and forth for days, years, and months.

The court said: No, they are entitled to that information.

Don't send me a letter; send me the information I request.

For my friend to pretend that that was just 1 week's delay—it has been years of delay to responding to information requested legitimately by the Congress of the United States.

After months of going to the court, the courts have come to a conclusion over and over and over again that the Congress is entitled to that information.

Two courts have now decided that we are entitled to his tax information and to his financial information. We haven't gotten it.

Why? Because he appeals again.

Why? Because that is his *modus operandi*, as I said. He did it in the private sector, and he is doing it in the public sector.

What surprises me is that—I am not wishing it, but my friend may be in charge someday again, and my friend is going to be very upset with the precedent that the gentleman is arguing for at this point in time in terms of not cooperating with the Congress of the United States in conducting its constitutional duties.

As I say, we could go on and on on this. We are going to have additional hearings. I would repeat again, from a USA Today editorial: "Trump has met the impeachment investigation with outright and unprecedented defiance," which is one of the reasons I suppose he didn't appear and he instructed people who have information, like John Bolton, like Secretary Pompeo, and like so many others: Don't appear. Don't testify. Don't provide information. That is obfuscation and refusal to cooperate. But we will have an opportunity to deal with these in the future.

I would hope that, at this point in time, Mr. Whip, we might cease and desist so our friends could have an opportunity to say what they want to say. But I am prepared to proceed if my friend is so disposed.

Mr. SCALISE. Mr. Speaker, I just hope the gentleman isn't asserting that the President of the United States, like any other American has the right, shouldn't have the right to appeal a decision. Ultimately, the courts at some level will resolve any issue before them. Courts do that, and that is the legal right of every American.

Mr. HOYER. Will the gentleman yield?

Mr. SCALISE. I yield to the gentleman from Maryland.

Mr. HOYER. Of course he is.

Mr. SCALISE. By the way, if the President is victorious in the courts, would the gentleman recognize that he did lose that case, or would the gentleman say that was obfuscation, following the legal process?

Again, President Obama, for 6 years on Fast and Furious—just one case, 6 years.

The gentleman hasn't been in the majority for a year yet, and somehow that is so long, a week later response is so long that the majority should impeach a President, when, just on Fast and Furious, we didn't get questions we wanted answered from the White House, and in some cases it took 6 years. Some of that went through the courts.

We won some of those cases, by the way. We didn't win all of them, but we surely did win some of those cases.

But when we won a case against the President, meaning he violated some component of the law, we didn't impeach him for it, but we got the information, eventually. It took a lot longer than we would have liked.

But the President, just like President Obama, had the legal right to appeal decisions that he might not have agreed with in courts like the Ninth Circuit, which has one of the highest overturn rates of any circuit in the country.

So, if a circuit got it wrong and ultimately somewhere up higher they get it right, is that somehow something we should impeach a President of the United States for because they exercised their Article III powers to go to a judicial branch to get an answer to a question?



Mr. Speaker, I yield to the gentleman from Maryland.

Mr. HOYER. This could go on forever.

Of course not. I didn't make that assertion. Don't put it in my mouth.

My friend has every right, not only the President, but every citizen has the right to repair to the courts of the United States for redress of their grievances and the pressing of their case, period. The President has that right.

I never asserted that the President ought to be impeached on that basis, nor do I assert it now, nor do we assert it in our articles which have yet to be voted on, so we will see what they do on that vote.

But let me remind the gentleman and let me remind Mr. Speaker of the House, we had a vote in 2017, we had a vote in 2018, and we had a vote in 2019. Those votes were on whether or not we ought to move Articles of Impeachment forward to impeach the President of the United States. I voted "no" on each one of those votes. Over 60 percent of the Democrats voted "no" on each one, some higher, on each one of those votes in '17, '18, and '19.

So when you assert, Mr. Speaker, that somehow the Democrats were just frothing at the bit to impeach the President—I don't want to impeach this President. I wish this would pass from us. No one ran for Congress to impeach the President of the United States. But no one ought to shirk their responsibility.

I will tell you, Mr. Speaker, my belief is that there is not a single Republican in this House, not one, confronted with these facts against President Obama who wouldn't have voted to impeach President Obama—not one of the minority. I am convinced to my bones, and I have been here a long time and served with a lot of people, that not one of them would have voted against either one of these articles if President Obama had done the same fact pattern with the same evidence. Not one of the minority would have voted against one of these articles.

That is my view, Mr. Speaker, but we will see.

I said this morning, quoting the papers, that we are not whipping this. This is not about whipping some partisan vote. This is about each Member having to decide for themselves, with their conscience, with their moral values, and with their oath of office to defend and protect the Constitution of the United States, whether or not—and my friend quotes one witness, one constitutional expert. Three constitutional experts said, if you do not move forward on impeachment, effectively, the executive power will be unchecked and you will create a king, not a President.

Three times this Congress said: We are not going forward. But then, on July 25, a phone call occurred in which this President clearly said to an ally to whom we wanted to give \$391 million to defend himself and his people and his

country, but withheld because: I would like you to do me a favor.

That favor was not to help America, and that favor was not to clean up corruption, because he already had certified by his departments that they had met that criteria. It was, as the evidence is almost uncontroverted, to help him in the coming election and to undermine somebody he perceived to be one of his, if not the, principal opponent.

This is a heavy decision this Congress and this House will have to make, and each one of us will have to make it. Let us hope that each one of us makes it honestly and unrelated to politics or party, but related to patriotism and oath of office.

Mr. SCALISE. Mr. Speaker, just to keep the record clear, when the President made that phone call, the oft-misrepeated quote was this: "I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike . . . I guess you have one of your wealthy people . . . The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you are surrounding yourself with some of the same people."

The President expressed some concern with what happened in 2016 and concern about what happened to our country. "I would like you to do us a favor," and then he said, "our country."

There is no mention of Joe Biden in there, no mention of him. It is about getting to the bottom of the corruption that we all know happened. We might not have all the answers we want. We sure would like to get those answers, but it happened. It happened under Barack Obama and Joe Biden's watch. For whatever reason, they didn't do enough to stop it.

□ 1530

But when the gentleman asked if one of us would vote against Articles of Impeachment if it was President Obama, not one of us would have because we would have never brought these Articles of Impeachment. We didn't bring these kinds of Articles of Impeachment.

Again, I just listed one case, 6 years for Fast and Furious, where people died; Benghazi where people died, where we didn't get the answers we wanted, where the administration rebuffed, over and over again. But not one time did we bring Articles of Impeachment, because they were not impeachable offenses, just like there are no impeachable offenses here.

And so, we are proudly whipping against it because this is not the way to abuse Congress' power of impeachment, as one of those witnesses last week said.

In the call—some of the other witnesses, constitutional scholars, when

one of them tried to make fun of the son of the President of the United States, tried to bully and make fun of his name. Shameless. Shameless. It happened. To call that person a Presidential scholar or impartial, when some of those witnesses gave money to candidates running for President against President Trump, if that is the definition of impartial Presidential scholars, I think we all take their perception of whether or not this President should be removed from office a little bit differently than somebody who truly is impartial.

Even Professor Turley, who acknowledged that he didn't vote for President Trump, but said it would be abuse of Congress' power to move forward with impeachment because there are no impeachable offenses.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. The good news is they didn't bring impeachment against President Obama because he did nothing to warrant such an action. How proud I am of that.

Mr. SCALISE. Mr. Speaker, I yield back the balance of my time.

#### IN HONOR OF KALEB WATSON, CAMERON WALTERS, MOHAMMED HAITHAM—VICTIMS OF PENSACOLA SHOOTING

(Mr. SCHNEIDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHNEIDER. Mr. Speaker, I rise today to join with a grieving nation to honor the lives of three Navy sailors whose lives were tragically cut short in the heinous act of terrorism at the Naval Air Station in Pensacola, Florida.

Kaleb Watson of Coffee County, Alabama, and a recent graduate of the U.S. Naval Academy was 23 years old, and an aspiring pilot.

Mohammed Sameh Haitham was an all-star athlete and always anxious to help others. His 20th birthday would have been next week.

Cameron Walters of Richmond Hill, Georgia, was 21 and hoped to become an airman. According to Cameron's father, nothing made him prouder than to be able to wear the uniform of a United States sailor.

When confronted with the mortal threat of an active shooter, these sailors charged the gunman, an action that is credited with saving countless lives.

Mr. Speaker, Naval Station Great Lakes is in my district. Each year, more than 40,000 pass through Great Lakes to become sailors in the United States Navy. Cameron Walters and Mo Haitham were two such sailors.

The men and women who hear the call to duty and volunteer to wear the cloth of our Nation are role models for all of us. Let us take this time to recognize their commitment and let us commit as a Nation to ensure the heroic sacrifices of Kaleb Watson, Cameron Walters, and Mohammed Haitham will never be forgotten.