NOT VOTING—16

Barr	Gosar	Norman
Bass	Hunter	Porter
Byrne	Kinzinger	Serrano
Cartwright	Larson (CT)	Shimkus
Emmer	Marchant	
Gabbard	McHenry	

□ 1239

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on Friday, December 6, 2019, I was unfortunately not present for roll call votes 653 through 654, in order to attend a funeral. If I had been present for these votes, I would have voted:

Nay on roll call vote 653 on the motion to recommit with instructions.

Yea on roll call vote 654 on the passage of H.R. 4.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. PRESSLEY). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

□ 1245

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

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding, and I apologize for a little bit of lateness here.

On Monday, Madam Speaker, the House will meet at 12 p.m. for morning hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m.

On Tuesday and Wednesday, the House will meet at 10 a.m. for morning hour debate and 12 p.m. for legislative business.

On Thursday, the House will meet at 9 a.m. for legislative business. Members are advised that votes on Thursday could occur later than usual. It is now approximately 12:30 when Members could get out. I want to make it clear that next Thursday we may go later than the usual time that Members are expecting to leave.

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

The House will consider H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act. This legislation would lower prescription drug costs for every American, as well as level the playing field for American patients and taxpayers. Last year, House Democrats promised to lower healthcare costs by lowering the price of prescription drugs for the people, and we are proud to deliver on that promise this coming week.

In addition, Madam Speaker, the House will consider H.R. 729, the Coastal and Great Lakes Communities Enhancement Act. This bill is a package of bipartisan legislation that protects vulnerable coastal and Great Lakes communities impacted by the climate crisis.

Lastly, it is possible the House will consider the NDAA conference report. Other legislation is possible, as well, as we come to the close of this first session of the Congress of the United States.

Mr. SCALISE. Madam Speaker, I would like to ask—I know there are a lot of good-faith negotiations that continue on the United States-Mexico-Canada trade agreement, USMCA. We have been having productive conversations, meetings, some potential changes that I know we are negotiating with the other countries involved, as well. Does the gentleman have any idea if we may be close to bringing USMCA to the floor for a vote?

Madam Speaker, I yield to the gentleman.

Mr. HOYER. Madam Speaker, the answer is, I hope so. As the gentleman probably knows, we have made some proposals back. Mr. NEAL has talked to representatives from the Mexican Government about this and representatives of the Canadian Government about the enforcement issue, which has been somewhat the holdup.

As the gentleman knows, both the Speaker and I voted for NAFTA. We believe that what is being worked on now is an improvement to NAFTA, but it is only an improvement if you can enforce its provisions. As the gentleman knows, over the last two decades plus, there has been no successful enforcement action issued under the present NAFTA. When the Speaker and I voted for NAFTA, we voted for it on the theory that it could be enforced, and there was a side-bar agreement. Unfortunately, as the gentleman also knows, the side-bar agreement did not lead to effective enforcement.

As a result, I know that enforcement is being discussed by Mr. Lighthizer. And I want to say that we perceive Mr. Lighthizer as representing the administration and negotiating in good faith and as an honest broker. We are appreciative of that fact.

But we are now, as I understand it, and don't hold me to this, but as I understand it, we are in discussions with the Mexican Government as to whether or not they will agree to some of the enforcement actions, which implies there is a general agreement between the administration and ourselves on what should be or could be included to effect enforcement.

But in answer specifically to the gentleman's question, I will be very happy if we can get agreement and bring this bill to the floor as early as next week, if it is ready to come.

Now, the problem is, as the gentleman knows, there is a process that needs to be effected, but I will tell the gentleman that the Speaker and I both would like to see this legislation pass as soon as possible, if, and in the context, we have effective enforcement included.

Mr. SCALISE. Madam Speaker, I share the gentleman's interest in getting this passed as soon as possible. Clearly, the job benefits to our country, over 160,000 new jobs will come, and better trading relationships with Mexico and Canada when we pass USMCA, as well as the message it sends to our friends around the world.

There are other countries, Japan, United Kingdom and others who would love to negotiate better trade deals with us, but this has to come first for us to prove that we can get trade deals done.

I appreciate that the gentleman and your side have been working with Ambassador Lighthizer. I don't think there is anybody who has worked harder and in more good faith than Ambassador Lighthizer. And I am glad that those talks continue with the Mexican Government, and, hopefully, we can get a final agreement that we can then bring to this floor. And we stand ready to help deliver the votes to pass that legislation, hopefully, as soon as possible, so our country can get those benefits.

I do want to shift gears to talk about where we are with impeachment, but specifically, something that came to light just the other day when the report from Chairman SCHIFF came out. There were, of course, multiple hearings, public hearings, some in secret, but at no time did it come up that the chairman was spying on people, using phone records and subpoenaing phone records, that wasn't discussed in those conversations in the hearings, and yet, in the final report, it seemed like there was very selective targeting of certain people by the chairman in this listing of phone records that he had been subpoenaing.

From what I have heard, Chairman SCHIFF has over 3,500 pages of surveillance on people, whether it is members of the press—which he did spy on members of the press—Members of Congress, and who knows who else? It is a real concern. It is a real concern that we don't know what he is doing with this, why he is doing this. Is it being used for political retribution? Which is a serious concern.

But my question to the gentlemen is—I am not sure if you are aware of how much data there is out there. I have heard reports of 3,500 pages of phone records. How many members of the press are being spied on by Chairman SCHIFF? How many other Members of Congress are being spied on? And

why is this going on? Is this something that the majority party condones or encouraged or was it a surprise to you as it was to us?

Madam Speaker, I yield to the gentleman.

Mr. HOYER. Madam Speaker, I will say to the gentleman that I don't accept his premise that Mr. SCHIFF or the committee spied on anybody. They do have records, apparently.

The gentleman asked me how deep my knowledge is. And I will tell him, frankly, not very deep. But I do not accept his premise that either Mr. SCHIFF, personally, or the committee spied on people.

They did receive information as a result of subpoenas and discovery with reference to what was going on, what were the facts, but I would have to get greater knowledge of the information to give the gentleman a broader response than that in terms of volume or substance.

Mr. SCALISE. Madam Speaker, I would just ask—because we have expressed a deep concern about this when we found out about it. It wasn't something that was discussed in the hearings, and yet, it shows up in the report. And it seemed to be designed in a way to seek political retribution on people that the chairman might have had disagreements with, which is an abuse of power, if that is what happened.

So the questions are, number one: With the press, that is a serious concern, that the chairman of a committee is using Federal subpoena powers to spy on or seek phone records of members of the press who have a job to do. We might not always agree or like some of the articles they write, but they play an important role in our democracy, and many times they talk to people in candid discussions where they have anonymous sources.

□ 1300

Is the chairman trying to go after anonymous sources of members of the press? How many other Members of Congress is the chairman spying on?

This is unprecedented. I have never seen a chairman of a committee abuse their subpoena power to go after other Members of Congress that they have political disagreements with or members of the press that they have political disagreements with. That is over the line. It is an abuse of power if it is going on.

Whether or not the gentleman is aware of all the details, if there are 3,500 pages, why would there be a necessity for the chairman to secretly be holding 3,500 pages of phone records of people that he is going to then selectively leak out to try to punish his political enemies in a retributive way? That is something we all ought to be concerned about.

We don't know a lot because we haven't been told a lot about it, but if there are 3,500 pages of phone records, I think we ought to know that.

What the chairman's objectives are, I think we ought to know that. How many more members of the press the chairman is spying on, I think we ought to know that, and how many other American citizens. It is a concern.

I would hope the gentleman would work with us, number one, to stop this, to not allow a chairman to abuse his power to go and seek retribution after people he has political disagreements with, whether they are members of the press, Members of Congress, or the legal counsel of people across this country.

Madam Speaker, I yield to the gentleman.

Mr. HOYER. Madam Speaker, what we do know, by the facts, is that the President abused his power.

The gentleman does not want to speak to that, Madam Speaker. We do know the facts that were testified to in the committee.

The gentleman, like the President, seeks to distract.

I reject out of hand any assertion that either Mr. SCHIFF or the committee spied on anybody. Did they pursue discovery so that they could get the facts and the truth? They did.

I don't know the amount. I am not a member of the committee. I am not a member of the Intelligence Committee. I am not privy to all the information that may be available, but I reject, again, out of hand that either the chairman or the committee spied on people.

The gentleman has been a Member of this body for some period of time, and I am sure he watched what went on with Benghazi. Thousands and thousands and thousands of pages were received by subpoena, with cooperation by the Obama administration. The chairman of the Government Oversight Committee had thousands and thousands and thousands of pages of subpoenaed evidence or information.

But I will, frankly, Madam Speaker, look at this information because I believe it is a very serious and egregious accusation that Mr. SCHIFF or the committee spied on anybody.

They may not like the discovery process. They may not like the information that was complied by the discovery process. They may be upset that it did not absolve the President of the United States from clearly abusing his power as President of the United States for his personal gain. But I have no reason to believe it, and no evidence has been offered, just a bald-faced assertion that somehow, Madam Speaker, Mr. SCHIFF spied on people. I reject that and believe that to be totally without merit.

Mr. SCALISE. Madam Speaker, I would hope that the gentleman would work with us to get to the bottom of this. As the gentleman pointed out, he is not aware of what the chairman is really doing. Neither am I, but I am very concerned about what the chairman has done.

He selectively put in a report the names of members of the press, of Members of Congress whom he has had political disagreements with. He didn't put the names of everybody else in there.

If he has 3,500 pages of reports of phone records of people he has been spying on, he won't share all of those people that he is spying on, but he is selectively going to leak out names of members of the press who have written articles maybe that he disagrees with? That is frightening.

That would be an abuse of power, but we don't know because the chairman won't share the details of what he is up to. But he did selectively put some of that in a report that wasn't even discussed in the hearings.

So, yes, it raises alarms. It raises concerns, and I would hope we get to the bottom of it.

Madam Speaker, I yield to the gentleman.

Mr. HOYER. Madam Speaker, the gentleman said he was in my position of not having a lot of information, yet he makes conclusions, assertions, and accusations that I believe are not based in fact.

He continues the process argument that the Republicans have made over and over and over and over again. Why? Because they do not want to address the facts of this case, because they do not believe, correctly, that the facts are on their side.

I would hope that we could move on. We will see whether there are any facts to sustain what the Republican whip has asserted. I believe there are not, but I am not going to continue to argue process here.

There will be a time in the relatively near future when we will argue substance, the Constitution, the laws in this country, and our oath of office to protect and defend the Constitution of our country, our national security, and the integrity of our elections.

Mr. SCALISE. Madam Speaker, we are beyond the process arguments because we are into the details now. The facts have been very clear that the President did not abuse power, that the President did not commit impeachable offenses.

The Mueller report confirmed that, first of all, and then even the witnesses that the Democrats brought forward time and time again were asked, ''Can you name an impeachable offense?'' Not one. ''Can you name bribery?'' which was the new term after the majority party focus-grouped ''quid pro quo'' and realized that wasn't getting them where they wanted to go.

Bribery, they were asked, ''Can you name any cases of bribery?'' Not one. Even the witnesses earlier this week, none of whom had any firsthand knowledge of anything. Why they were there, who knows. But not one of them could name any firsthand account of wrongdoing. So those are facts.

What we do know is that over 100 Democrats in this Chamber voted for impeachment prior to the phone call with President Zelensky, voted for impeachment without any facts because

the objective of many in the majority was to impeach the President just because they didn't agree with the results of the 2016 election, not because there were high crimes and misdemeanors. They still haven't been able to lay out any.

They have innuendo, hopes, and dreams, none of which have come to fruition when the witnesses have come forward.

Basically, the two people who really are most pertinent to this are President Trump and President Zelensky because they were the two who participated in the phone call. Both of them said there was nothing wrong done. In fact, President Zelensky appreciated the phone call from President Trump, thanked him for the help he has given that President Obama didn't give to help them stand up to Russia, and ultimately said there was no pressure. And he got the money for additional aid that he requested. Those are the facts.

Madam Speaker, I yield to the gentleman if there is anything else that he had.

Mr. HOYER. Madam Speaker, apparently he got $391 million to say he wasn't intimidated.

The witnesses to which the Republican whip referred, 75 percent of those witnesses, three out of four, said they believed that the offenses that were testified to by some members of the White House National Security Council, by an Ambassador, by an Under Secretary to Mr. Pompeo who Mr. Pompeo has said is a very credible individual, they all testified, and based upon that testimony, witnesses concluded, three out of four, that, in fact, they believed the offenses that were discussed were worthy of impeachment.

So, I don't know what hearings the gentleman is listening to, Madam Speaker, but the hearings that I listened to had three out of four constitutional experts saying very emphatically that, in fact, if those facts were true—and, of course, we are not going to try them here.

They are going to be tried in the United States Senate. All we do in this body under the Constitution is see whether or not, effectively—although it doesn't say this—there is probable cause to believe that, in fact, an abuse of power occurred.

The three experts who testified yesterday said it was. One expert said it was not. So 75 percent of the experts who testified and, frankly, literally hundreds and thousands of editorial writers, op-ed writers, citizens of this country have said this is an abuse of power.

The Senate will make that conclusion. They will decide whether or not in the trial phase of this matter. But to indicate that the evidence is not overwhelming that was elicited in the hearings by the Intelligence Committee is simply to see no evil, hear no evil, speak no evil.

Mr. SCALISE. Madam Speaker, I guess the gentleman is acknowledging it is a foregone conclusion that they are going to pass impeachment of the President by saying it is going to go to the Senate.

But let's keep in mind, when you talk about three out of the four witnesses from this week, all four of them, first of all, acknowledged that they had absolutely no firsthand knowledge of anything that happened, so they were giving their opinions.

All four of them acknowledged not one of them voted for President Trump, which is their prerogative, but some of them actually testified under oath that they have given money to Democratic candidates for President who were running against President Trump.

They are actively engaged in defeating President Trump, and then we are supposed to expect that they are giving some impartial scholarly assessment of evidence that they have seen, acknowledging they have no firsthand knowledge themselves.

They are incredibly biased because they are campaigning against the President, but you brought them in to try to make it look like they are objective witnesses. I think that came out very clearly, their political bias. I am glad that, at least under oath, they acknowledged that they had a political bias. But even one of the witnesses, all of whom said they voted against the President, said it would be abuse of power of this committee, of your majority, to impeach a President based on him exercising his rights and, frankly, following the law. Part of the law, which the gentleman from Maryland, the chairman of the committee, and even the Speaker of the House voted for, requires a President of the United States, prior to sending hard-earned taxpayer money to a foreign country, to ensure that they are rooting out corruption, the platform on which President Zelensky ran.

But the old Reagan doctrine of ''trust but verify'' was in process, where they were verifying that President Zelensky was, in fact, the real deal. We determined that, and we have high confidence that President Zelensky is following through on rooting out corruption.

The money was released prior to the deadline for the money being released. There was no investigation, no announcements, and all these other things.

Let's keep in mind the bias of those witnesses. Ultimately, the people of this country, I think, are deciding this already. But the people of the country are the ones next year who should select the President of the United States, not some people who have said since 2016 that they didn't like that election so they are going to try to impeach the President regardless of facts.

Madam Speaker, I yield to the gentleman if he had anything else.

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

One of the facets of this conversation always is that, I believe, the Republican whip adopts premises that are not supported by the evidence.

Ambassador Sondland, a contributor of $100,000, maybe more, to the Trump campaign in 2016, appointed by President Donald Trump and sent to represent the United States abroad, testified that, in fact, he heard and believed that there was a relationship between releasing the $391 million and having a visit at the White House to confirm the United States' continuing support for Ukraine, our ally and friend, assaulted by Russia, which, of course, Putin is pursuing.

Ambassador Sondland made it very clear that those were the conditions for that money being released. This was not hearsay. This is not Democrats. This is somebody who was a substantial supporter.

Apparently, the whip believes that if you are a supporter of somebody else, you must have a bias. So apparently, Ambassador Sondland either had a bias for or maybe he had a bias against because his testimony is firsthand, not hearsay, and, in fact, his testimony is there was a relationship between that.

Now, what I said, Madam Speaker, is not what the Republican whip attributed to me. What I said was the process, not that we had made any conclusion at this point, that the process is this House, under the Constitution, has the responsibility if it believes, and we will see if the Judiciary Committee concludes that, if it believes that there is probable cause to think that bribery was committed, an abuse of power was committed, a solicitation of a foreign government to participate in America's elections. If it concludes that, then the process is not that we make the decision that, yes, those are the facts. It is to be tried in the United States Senate under our Constitution.

□ 1315

They will then conclude, like a jury in any case in our courts will conclude, whether or not those facts lead to the conclusion that abuse of power was committed.

I just want to make sure the gentleman characterizes what I said. A conclusion has not yet been made. What I said was the facts seem to be pretty clear, however. There does not seem to be much difference.

The President of the United States, himself, gave to us and the public notes of the conversation he had: By the way, ''I would like you to do us a favor.'' That was in the context, Madam Speaker, of the President's withholding $391 million. And, of course, Mr. Mulvaney said that it happens all the time; get over it.

Well, I don't know whether the American public is going to get over it or whether the House or the Senate is going to get over it or not. But that was the attitude of Mr. Mulvaney: Of course we did this. It is always done. Get over it.

We will see what is concluded.

There is one more point I want to make.

The gentleman says that over 100 Democrats voted. Three times—in 2017, in 2018, and in 2019—prior to that July 25 phone call, Articles of Impeachment were filed. Three times, the majority of Democrats voted not to proceed and moved to table those resolutions. Three times a majority of Democrats voted. There was no rush to judgment.

And, very frankly, prior to this July 25 phone call and the whistleblower having the courage to come forward and say to the inspector general, I think this is of concern, and the inspector general making a determination that, yes, this was a serious matter requiring urgent consideration and that being transmitted to here, before that point, there was a Democratic Party that was saying, whatever our personal feelings may be about the election or about this President's operations in office, there was not sufficient evidence on which to move forward.

We were having hearings, and we said, until the facts are such that we feel it is timely and appropriate to move, we would not move.

There was no rush to judgment. 2017, 2018, and 2019 rejected a rush to judgment, a majority of Democrats. I made a couple of motions to table.

So, Madam Speaker, we are now proceeding, as our constitutional responsibility dictates that we do, and we will see what happens. But all this talk about process—and I reject any assertions with respect to Mr. SCHIFF and/or the committee—is to distract.

We will focus on the facts; we will focus on the evidence; and we will focus on what the reasonable conclusions based upon that evidence will be at some point in time in the future if the Judiciary Committee makes that determination that they want to recommend the House considering such action.

Mr. SCALISE. Madam Speaker, hopefully, we will get to the bottom of whatever Chairman SCHIFF has done with these phone records.

I do want to correct the RECORD. Ambassador Sondland was asked, under oath, in committee: Has anyone on the planet shown any direction between, a link between financial aid and investigations? Anyone on the planet. And under oath, he said no. That is clear. That was on the record. I just want to make that clear.

We are going to litigate this. We are going to debate this for hours and hours.

Mr. HOYER. Will the gentleman yield?

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

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

Madam Speaker, what he said was he thought there was, in fact, a quid pro quo.

Of course, as the gentleman points out, he had a bias: a substantial contributor to Mr. Trump, appointed by Mr. Trump as Ambassador to the European Union.

His response to that question was—I would suggest if there was a bias from these witnesses that testified yesterday, simply because they support him, the same would apply to Mr. Sondland. But when asked whether or not there was a quid pro quo, his answer was yes.

Mr. SCALISE. Madam Speaker, when asked under oath whether or not he had any evidence of any link between investigations and money, he said no.

And the bottom line is President Zelensky got the money. The quid pro quo that was being alleged didn't happen. President Zelensky got the money. There were no investigations.

But this will continue anyway, and, clearly, over 100 Members had made up their mind prior to the phone call.

I know we are going to continue this debate over the next weeks. Hopefully, we get beyond it and deal with other issues.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The Chair will remind Members to refrain from engaging in personalities toward the President.

ADJOURNMENT FROM FRIDAY, DECEMBER 6, 2019, TO MONDAY, DECEMBER 9, 2019

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SENATE INACTION

(Ms. OMAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OMAR. Madam Speaker, I rise today to remind our constituents of the work that we have been doing on their behalf. The House of Representatives has passed nearly 400 bills this Congress for the people.

For our Dreamers and TPS recipients, we passed an immigration reform bill, the American Dream and Promise Act.

For our workers, we passed the Raise the Minimum Wage Act, to increase the Federal minimum wage to $15 an hour, and the Butch Lewis Act, to protect the pensions of more than 1 million workers and retirees.

For the personal and financial security of America's women, we passed a strong reauthorization of the Violence Against Women Act.

For our elections, we passed H.R. 1, which restores transparency and accountability to our elections, which included my own legislation to restrict foreign lobbying.

To strengthen our defenses against foreign attacks, we also passed the SAFE Act and the SHIELD Act.

And for our LGBTQ community, we passed the Equality Act.

All of these bills have been ignored. MITCH MCCONNELL brags about being the grim reaper, and that is exactly what he has been for the hopes and the dreams of the American people.

I would like to call for us to remind every single American of the work that we have been doing.

HONORING JO MARIE BANKSTON

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

Mr. OLSON. Madam Speaker, today, I rise to honor the life of Jo Marie Bankston, the first woman police officer to serve the people of Houston, Texas.

The year was 1955, 7 years before I was born, when Jo Marie—or Fena, as she was called by her friends and family—graduated in the first Houston Police Department class to include women. At that time, the mere idea of a woman police officer was something very few could imagine, much less pursue.

Fena paved the way for new female recruits through the 1950s and 1960s, ushering in a new era of strength and passion.

Fena passed away, sadly, last week, on Thanksgiving Day. She leaves behind a pioneering legacy of protecting and serving the Houston community. She also left behind a loving family, including her son, Jimmy, who carries out her spirit as a veteran of the HPD and as a current U.S. marshal.

Jo Marie inspired so many—some she knew and many more that she never knew. She made history in her own humble way.

May she enjoy fair winds and following seas in Heaven.

12 DAYS OF SALT

(Ms. SHERRILL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHERRILL. Madam Speaker, on this third day of SALT, my constituents have said to me that they think the holiday season is the perfect time to eliminate the SALT marriage penalty.

The 2017 tax law violated more than 100 years of Federal tax policy, capping the State and local tax deduction at $10,000. That means married couples filing jointly are constrained to the same $10,000 level that applies to individual filers.

This penalizes tens of thousands of couples in my district. In Morris County alone, there were more than 52,000 middle-class joint filers in 2016, and well over half were above the $10,000 cap. They are now likely subject to a marriage penalty simply for filing their taxes jointly.

I am a member of the SALT task force, and my bipartisan bill, the SALT