

allies and has created a security vacuum that our longest standing adversaries—Iran, Putin, and Assad—are exploiting. He put American lives in danger by letting hardened ISIS fighters escape captivity and regroup.

As American troops leave Kurdish areas, videos show Kurdish locals hurling rotting vegetables and shouting “America lies.” That is painful. Do you know to whom it is the most painful? Our soldiers who fought alongside the Kurds. The Kurds sacrificed some of their own people so that Americans wouldn’t have to die.

One leading Russian newspaper, which is, no doubt, part of the Putin propaganda machine, ran a column this week that proclaimed Russia’s unexpected triumph in the Middle East and that Putin won the lottery. Meanwhile, public reports suggest that at least 200 people with suspected links to the Islamic State have escaped the displacement camp in northeast Syria as a result of the Turkish invasion, and we in New York know better than anyone what a small group of bad, bad terrorists—evil terrorists—can do in untold damage to our homeland.

This policy is reckless, unthought out, and dangerous. It has been 3 weeks since the announcement of the President’s decision, and he has yet to articulate any plan for what happens next. As a 5-day pause on hostilities comes quickly to an end tomorrow, every Member of this Chamber ought to be asking: What is President Trump’s strategy to secure the enduring defeat of ISIS? How does the President plan to find the escaped ISIS prisoners? How does he plan to fix this mess? These ISIS people are dangerous and can create a problem right here in our homeland.

This morning, according to the New York Times, the President is now considering leaving a small force in eastern Syria. We need to know if that is true. If so, how many? What would be the force’s mission and for how long? Maybe the most pressing question is, How would a deployment in eastern Syria secure ISIS prisoners and help track down those who have escaped? This presents such a great danger to our country.

The President is flitting from one idea to the next and has no coherent, apparent strategy. His own Cabinet officials have yet to even agree on a time to brief the Senators on the administration’s plan. We have been waiting, and we want to hear from the top people—Secretary Esper, Secretary Pompeo, and CIA Director Haspel. This is serious stuff. The Congress has to be briefed. We are worried the reason we are not being briefed is that there is no strategy and that these three people who are in charge of major portions of the American Government—the military, the CIA, the diplomatic corps—don’t have any idea what the President is up to.

The quickest, simplest, and most powerful way to send that message to

the President would be for the Senate to take up and pass the bipartisan House resolution on Syria. Last week, I asked for the Senate’s consent to take it up, but unfortunately it was blocked. We are going to keep going back to it.

It makes a difference when my Republican colleagues stand up to the President. That can affect him more than anything else, so they shouldn’t duck it or be allowed to duck it. When the Republicans pressure the President, as they did on the G7, he considers changing course. So, when it comes to our national security, vital matters of foreign policy, and, yes, especially when it comes to the Constitution, the rule of law, or the integrity of our democracy, the Republicans must put the country over the party.

On Syria and the fight against ISIS, that means Leader McCONNELL and Senate Republicans should let us vote on the House resolution criticizing the President’s withdrawal.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BOOZMAN). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

TRUMP ADMINISTRATION

Mr. CASEY. Mr. President, I rise this afternoon to talk about the question of impeachment, which, of course, is being debated across the country.

Evidence continues to mount regarding actions the President has taken. Of course, this issue is not only worthy of debate but also worthy of inquiry and review and even debate and discussion here in the Senate.

From the Mueller report to the recent revelations regarding the President’s dealing with Ukraine and its President, evidence indicates that the President is not only willing to take actions which, in my judgment, amount to an abuse of power—in fact, I think the behavior of the President on the phone call with the Ukrainian President was a textbook case of abuse of power. Apparently, he wants to enlist others to defend the indefensible—this behavior—and has said other things that are troubling to so many Americans.

I think it is important to provide some historical perspective on impeachment, and I will seek to do some of that today. This is by no means a full review of the history, but I think it is important to talk about some of the questions our Founders were wrestling with.

Our Founders grappled with many different questions as they debated the

Constitution itself, particularly the nature and the power of the Office of the President of the United States. As our Founders debated how to hold the President accountable during the 1787 Constitutional Convention in Philadelphia, Elbridge Gerry said as follows regarding the issue of impeachment: “A good magistrate will not fear [impeachments]. A bad one ought to be kept in fear of them.”

Consistent with Gerry’s remarks, our Constitution provides an impeachment process for “Treason, Bribery, or other high Crimes and Misdemeanors.” At the time of the drafting, our Founders’ understanding of “high Crimes and Misdemeanors” was informed by centuries of English legal precedent.

We know, as Alexander Hamilton explained in *Federalist No. 65*, impeachment should stem from “abuse or violation of some public trust.” I will say it again: “abuse or violation of some public trust.” Informed by this history, Congress has consistently interpreted the phrase broadly to mean “serious violations of the public trust”—that was one understanding—and has explained that “the phrase refers to misconduct that damages the state and the operations of governmental institutions, and is not limited to criminal misconduct.” That is an important distinction—“not limited to criminal misconduct.”

There is no requirement for a President to engage in a *quid pro quo*. Any kind of *quid pro quo* arrangement is not required for impeachment, although it is certainly an impeachable offense to engage in that kind of conduct. Rather, our Constitution merely requires “abuse or violation of some public trust,” as Hamilton spoke to.

Since Special Counsel Mueller issued his report on Russian interference in the 2016 election and, more recently, as testimony has emerged about President Trump’s conduct toward Ukraine, I have attempted to assess how President Trump’s actions fit in our historical and current understanding of what “high Crimes and Misdemeanors” means.

This is an undertaking that must be done in a considered manner and after reviewing all of the relevant information that is available. But I am increasingly convinced that Speaker PELOSI was correct in calling for a formal impeachment inquiry into President Trump’s conduct. A failure by Congress to pursue impeachment in the face of grave offenses by the President would be insulting to our Constitution and insulting to our values.

Let’s talk about the Ukraine example for a moment. Over the past several weeks, our Nation has been confronted by credible and detailed press reports, as well as exhaustive testimony, in some cases lasting 8 hours, 9 hours, 10 hours at a time, just for one witness, and this testimony has come from both career diplomats and State Department officials indicating that the

President has been employing his personal attorney to manage a shadow diplomacy agenda focused on personal vendettas and unfounded conspiracy theories in Ukraine.

In a telephone call with President Zelensky of Ukraine, President Trump—immediately after the Ukrainian President raised the issue of purchasing Javelins to defend his country from Russian aggression—asked the Ukrainian President to “do us a favor though” by working with his lawyer, Rudy Giuliani, and launching an investigation into a discredited conspiracy theory regarding a DNC server in Ukraine. To say that theory is discredited is an understatement. It has been debunked, so said a former Homeland Security Advisor to President Trump, among others.

President Trump also asked President Zelensky “to look into” Joe Biden’s son and explained that “a lot of people want to find out” about Biden—a political rival who, of course, is running for President.

After a memorandum of the phone call was released to the public, the House Intelligence Committee released a text message from the top U.S. diplomat in Ukraine, who indicated that he thought it was “crazy [for the President] to withhold security assistance for help with a political campaign.”

Other officials have since come forward, some even resigning because of their serious concerns over the White House’s handling of Ukraine policy. Michael McKinley, a former senior adviser to the U.S. Secretary of State, testified that he resigned for two reasons: “the failure, in my view, of the State Department to offer support to Foreign Service employees caught up in the impeachment inquiry on Ukraine, and, second, by what appears to be the utilization of our ambassadors overseas to advance a domestic political objective.” That is what Mr. McKinley, who just left the State Department, said.

Our Founders had the foresight to ensure that the power of the President was not unlimited and that Congress could, if necessary, hold the Executive accountable for abuses of power through the impeachment process. Surely, not every instance of Presidential wrongdoing merits impeachment. Using the vast powers of impeachment in a cavalier fashion would be an insult to our Constitution.

This inquiry is not simply about President Trump’s abuse of power. This inquiry is about our democracy and the values that the Founders agreed should guide our Nation.

Impeachment is not what anyone in this town would prefer. It is what our Constitution demands—demands—when an Executive abuses his or her power in a manner that “damages the state and the operations of government institutions.” That is from an earlier impeachment in the 1860s.

As Hamilton said so long ago—but so prescient—when there is an “abuse or

violation of some public trust,” we are summoned—summoned—by our constitutional duty to act.

To fail to act would be a dereliction of that duty, thereby inviting this executive and future executives to abuse that public trust with impunity. We should never do that.

H.R. 3055

Mr. CASEY. Mr. President, very briefly, I wanted to highlight a story that was in today’s Wall Street Journal, entitled “As Court Case Imperils Affordable Care Act, Some States Prepare Contingency Plans.” That is the headline. The subheadline is this: “Lawmakers explore ways to preserve coverage, benefits if the health law is struck down.”

This is the opening paragraph that I will read—it is not very long, but I want to read it—from the story today:

A federal appeals court decision that could strike down the Affordable Care Act as soon as this month has rattled officials in several states who are pursuing legislation to preserve some coverage in the absence of any Trump administration contingency plan.

Lawmakers in states including Louisiana, Nevada, New Mexico and California have passed bills or are reviewing action aimed at dealing with the fallout if the ACA is overturned.

That is from the very beginning of the article. I will not go further, other than to say that this is a grave matter. If a Federal appeals court were to rule in favor of the moving party on appeal—or I should say the moving party at the beginning of the suit—and affirm the district court, what would happen if that were the case? The patient protection in the Affordable Care Act would be wiped out, and it would cause not just chaos but would take away protections from people like those who have protections for a pre-existing condition and would also take healthcare coverage away from millions, if not tens of millions.

This is a critically important matter, and it deserves and warrants the attention of Members of the Senate and the House as well.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

APPROPRIATIONS

Mr. MORAN. Mr. President, thank you very much for the opportunity to speak to my colleagues on the Senate floor this evening.

I really come to talk about something that shouldn’t be momentous, shouldn’t be unusual, and should be routine around here. Unfortunately, as you and I have experienced, it is not routine. What is not routine is the U.S. Senate, the U.S. Congress getting its job done. Part of that job is the appropriations process, and it ought to be something we do every year on a routine basis.

Every city council, every county commission, and every school board in the State of Kansas every year passes a budget and determines the spending for that school board or that city council

or for that county commission. Yet, when we come to Washington, DC, over the years, it has become problematic and it has become difficult for us to do one of the basic things of a functioning government: to determine the amount of money to be spent, in broad terms, and then to fill in the spaces with what we should do for individual Agencies and Departments within that budget agreement.

We are poised for a vote tomorrow, a motion on cloture. What that means to folks in Kansas is this: Should we begin the process of debating, amending, and passing appropriations bills? I am here to urge my colleagues, both Republicans and Democrats, to vote yes on cloture, to bring us to the point in which we can have the debate.

I wouldn’t have thought when I came to the U.S. Senate that one of my primary tasks, at least as I saw it, would be to try to help this place function and have an appropriations process that is thoughtful, that establishes priorities, that allows every Member of the Senate to have input. That is something we ought to be able to accomplish without a lot of work, and I hope that we demonstrate that we can do that in the vote tomorrow.

The appropriations process has involved an Appropriations Committee of which you, Mr. President, and I serve on. Many of the bills have been considered and voted on. There will be four bills as a package in this motion to invoke cloture that will be presented to the full Senate tomorrow.

For the subcommittee that I chair—Commerce, Justice, Science—that appropriations bill will be a part of that cloture package. Agriculture, something hugely important to my constituents in Kansas and across the country, Interior, Transportation, Housing, and Urban Development—those four bills have passed unanimously out of the Senate Appropriations Committee in September. Every Republican on the committee and every Democrat on the committee voted in favor of them.

I know in my own circumstances, on the Commerce, Justice, Science bill, I worked closely—perhaps a better way to say it is that the ranking member of our subcommittee, the Senator from New Hampshire, Mrs. SHAHEEN, and I worked closely together—to try to find a path by which we could avoid those issues that would prevent us from finding an agreement that allowed our bill to move forward. I am pretty certain that occurred in the other three subcommittees.

Presented tomorrow is an opportunity for the Senate to take up 4 appropriations bills—4 out of 12—and those 4 are ones that were unanimously agreed to by the Appropriations Committee. I commend Chairman SHELBY and Vice Chairman LEAHY for their efforts in the full committee to bring us together to get us in a position where we have those four bills now, soon, I hope, to be pending in front of the Senate.