

Civil Liberties Union, which plans to wield public-records requests and lawsuits as part of an aggressive action plan aimed at protecting immigrants and pushing for government transparency, among other issues.

"We think that President Trump will be in violation of the Constitution and federal statutes on day one, and we plan a vigorous offense to ensure the worst of the constitutional violations do not occur," said Anthony D. Romero, the ACLU's executive director.

"We may have a new president, but we have the same old system of checks and balances," he added.

Strategists behind the campaign for impeachment said they are confident that other groups will soon join their cause. They argue that Trump will immediately be in violation of the U.S. Constitution's Foreign Emoluments Clause, which prohibits a president from accepting a gift or benefit from a foreign leader or government.

Fein cited several examples, including rent paid by the Industrial & Commercial Bank of China for its space in Trump Tower in New York and potential ongoing spending by foreign diplomats at the Trump International Hotel in Washington and other Trump properties. In addition, he said, royalties collected by the Trump organization from the president's business partner in the Philippines, who was recently named special envoy to the United States, could violate the clause.

Trump said this month that he would donate "profits" from foreign business clients to the U.S. Treasury. However, neither Trump nor representatives of the Trump Organization have provided details on how such payments would be tracked, collected and disbursed.

The foreign emoluments clause has never been tested in the courts, and some scholars argue that violating it would not qualify as "treason, bribery or other high crimes and misdemeanors," the grounds for impeachment of a federal official.

But Fein noted that former Virginia governor Edmund Jennings Randolph, a delegate to the Constitutional Convention and later the first U.S. attorney general, argued during Virginia's debate over ratifying the constitution that a president who was found to have taken a foreign emolument "may be impeached."

His group has mapped out a long-shot political strategy to build support for a vote in the House on articles of impeachment.

The first step is fairly simple: getting a resolution introduced that calls for the House Judiciary Committee to investigate whether there are grounds to impeach Trump—a move that Fein said a number of members of Congress are interested in taking. "Getting it introduced is not going to be a problem," he said.

Still, the idea that a majority of the GOP-controlled House members would ultimately vote to launch an investigation of the new president seems highly improbable. Fein said he is confident the political climate will change and lawmakers will eventually support the effort.

"I think that at a certain point, the combination of new revelations coming out and, importantly, calls and pressure from constituents in their own districts will be a deciding factor," he said. "And at some point, they will decide it is in their own interests to support this."

While half a dozen federal judges in American history have been impeached by the House and successfully convicted in the Senate, no U.S. president has ever been removed from office through such a process. The closest was Andrew Johnson, who narrowly avoided conviction in the Senate in 1868 after

the House charged him with removing the secretary of war in violation of the Tenure of Office Act.

In 1974, the House Judiciary Committee approved articles of impeachment against then-President Richard Nixon, but he resigned before they could be voted on by the full House. President Bill Clinton was impeached by the House on charges of perjury and obstruction of justice, but the articles of impeachment were defeated in the Senate in 1999.

Mr. GRASSLEY. I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

APPROPRIATIONS

Mr. MCCONNELL. Mr. President, tomorrow the Senate will vote on funding for the national defense. It will offer a test for our Democratic colleagues: Will their party's impeachment obsession crowd out even the most basic governing responsibilities?

Unfortunately, it seems we may already have our answer. The Democratic leader said at a press conference yesterday that his party intends to filibuster funding for our Armed Forces. Democrats have plenty of time and energy for their 3-year-old journey to impeach the President, but they can't get to yes on funding our servicemembers. That is about as clear a statement of priorities as you could get around here.

Just a few days ago, U.S. Special Forces executed a daring mission and took out the founder of ISIS. It was the clearest possible reminder that the national security of the United States and the missions of our servicemembers do not pause for partisan politics. But less than a week later, for political purposes, Senate Democrats say that they will refuse to secure funding for those very same missions.

Washington Democrats have talked up a storm in recent days, criticizing the administration's approach to Syria and the Middle East. Lots of talk—but, apparently, they are not concerned enough about the Middle East and fighting ISIS to actually vote for the funding that keeps the missions going.

Consider this. If Democrats filibuster this defense funding, as they threatened to, they will literally be filibustering the exact kind of military assistance for Ukraine over which they are trying to impeach the President.

Let me say that again. This legislation is what appropriates the money for the Ukraine Security Assistance Initiative, which is precisely the program that Democrats are trying to impeach President Trump for supposedly slow-walking. Yet, tomorrow, right here in the Senate, they say that they are going to filibuster funding for the exact same program.

Only in Washington—only in Washington will you see a show like that.

They want to impeach the President for delaying assistance to Ukraine

while they block funding for the program themselves. I would say it is unbelievable, except that is exactly what is happening.

Look, I think it is pretty clear that our Democratic colleagues do not have a great affinity for President Trump. But the country cannot afford for Democrats in Congress to take a 1-year vacation from any productive legislation just because they would rather obsess over impeachment.

ISIS and other radical terrorists are not going to hit the pause button because Democrats will not fund the U.S. military. Strategic competitors like Russia and China are not going to hit pause because Democrats would rather hurt the White House than fund our military commanders.

Look, Congress needs to do its work. We need to fund our Armed Forces. Tomorrow's vote will tell us which Senators are actually ready to do it.

IMPEACHMENT

Mr. MCCONNELL. Mr. President, speaking of impeachment, yesterday, House Democrats released their much-hyped resolution, which was advertised as bringing fairness and due process into Speaker PELOSI's and Chairman SCHIFF's closed-door, partisan inquiry. Unfortunately, the draft resolution that has been released does nothing of the sort. It falls way short—way short.

As I have said repeatedly, an impeachment inquiry is about the most solemn and serious process the House of Representatives can embark upon. It seeks to effectively nullify Democratic elections and cancel out the American people's choice of a Commander in Chief.

For that reason, any such inquiry must be conducted by the highest standards of fairness and due process. But thus far, this time around, instead of setting a high bar, House Democrats seem determined to set a new low.

Speaker PELOSI has initiated a bizarre process, starting with the fact that she began it with a press conference instead of a proper vote of the House. The process seems to be treating Chairman SCHIFF as though he were a de facto special prosecutor, notwithstanding the fact that he is a partisan Member of Congress whose strange behavior has already included fabricating a lengthy quotation and attributing it to President Trump during an official hearing, which he was chairing.

House Democrats' inquiry thus far has been conducted behind closed doors. They have denied their Republican counterparts privileges that Democrats received during the Clinton impeachment when they were in the minority. Unlike during the inquiries around both President Clinton and President Nixon, they have denied President Trump basic due process rights and are cutting his counsel out of the process in an unprecedented way.

House Democrats' new resolution does not change any of that. It does not

confer on President Trump the most basic rights of due process or, seemingly, alter Chairman SCHIFF's unfair process in the House Intelligence Committee in any way whatsoever.

Chairman SCHIFF can continue doing this behind closed doors without the President's participation, so long as he holds at least one public hearing at some point. He is not even required to make all the evidence he obtains public. He alone gets to decide what evidence goes in his report. And the resolution doesn't even give the President any rights in the public hearing that it requires Chairman SCHIFF to hold.

The resolution merely seems to contemplate that maybe—maybe—some day in the future, at some other phase of this, due process might—might—finally kick in, but only if the House Judiciary Committee feels like holding hearings and calling its own witnesses—in other words, no due process now, maybe some later, but only if we feel like it.

"No due process now, maybe some later, but only if we feel like it" is not even close to fair. "No due process now, maybe some later, but only if we feel like it" is not a standard that should ever be applied to any American, and it should not be applied here to the President of the United States.

I understand that many House Democrats made up their minds on impeachment years ago, but our basic norms of justice do not evaporate just because Washington Democrats have already made up their minds.

HEALTHCARE

Mr. MCCONNELL. Mr. President, on one final matter, our Democratic colleagues do apparently have time to push for show votes on messaging resolutions with no chance of becoming law. This week's installment is a Democratic effort to limit the flexibility that Governors of both parties have utilized to lighten the burdens of ObamaCare. States have jumped at the opportunity to use waivers to reduce the costs associated with ObamaCare's mandate. In the States that have taken advantage, premiums decreased significantly.

In 2018, the Trump administration expanded this policy with an even more flexible interpretation of this part of ObamaCare. The goal was to give States even more of what they had been asking for, even more latitude to preserve consumer choice and lower premiums. But notwithstanding all the evidence that says this is the right direction for the American people, our Democratic colleagues want to roll back the Trump administration guidance and limit States' flexibility.

Since this position is virtually impossible to explain on its merits, our Democratic colleagues have instead turned to a familiar talking point: the false claim that Republicans are trying to undercut protections for Americans with preexisting conditions. Sound familiar? But, of course, that is not true.

As Senate Republicans have said over and over and over again, we support protections for Americans with preexisting conditions. And the administration has made it very clear that this waiver program poses no threat—no threat—to those protections. The Administrator of the Centers for Medicare & Medicaid Services has stated that "a section 1332 waiver cannot"—cannot—"undermine coverage with people with pre-existing conditions."

What is more, as the White House has already made clear, Democrats' resolution has zero chance of becoming law. This is just another political messaging exercise with no path to making an impact.

I urge my colleagues to reject this resolution, keep fighting to lower premiums for the American people, and protect those with preexisting conditions.

MEASURE PLACED ON THE CALENDAR—H.R. 4334

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4334) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2020 through 2024, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE SECRETARY OF THE TREASURY AND THE SECRETARY OF HEALTH AND HUMAN SERVICES RELATING TO "STATE RELIEF AND EMPOWERMENT WAIVERS"—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 52, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 52) providing for congressional disapproval under chapter 8

of title 5, United States Code, of the rule submitted by the Secretary of the Treasury and the Secretary of Health and Human Services relating to "State Relief and Empowerment Waivers".

There being no objection, the Senate proceeded to consider the resolution.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

APPROPRIATIONS

Mr. SCHUMER. Mr. President, even as we consider the package of appropriations on the floor this week, we must also think about how both parties can reach an agreement on all 12 bills we need to pass before Thanksgiving. It is way past time for Democratic and Republican appropriators to sit down and hammer out bipartisan agreement on allocations to the various agencies, known as 302(b)s. That is how we got this done in the past. Democrats and Republicans in Congress have successfully negotiated two budget deals. The key to those agreements was that the President allowed Congress to do its work and stayed off to the side. I believe that, again, if left to our own devices, Congress could work out an agreement to fund the government.

As everyone remembers, the President's meddling and erratic behavior caused the last government shutdown—the longest in our Nation's history. The best way to avoid another shutdown would be for the President to keep out of the appropriations process and for Republicans to stop the games and get serious about negotiating in a bipartisan way forward.

I believe there was a meeting yesterday, and there may be some progress. I think some progress was made. Let's continue moving in that direction, the four corners of the Appropriations Committee—House and Senate, Democrats and Republicans—and put together an agreement we can all support.

TRUMP ADMINISTRATION

Mr. President, on the whistleblower, as the House of Representatives continues its impeachment inquiry as to whether the President jeopardized national security by pressuring Ukraine to interfere with our 2020 elections, the White House, their allies in Congress, and the media have resorted to despicable tactics to falsely discredit individuals who have provided the House testimony.

Yesterday, LTC Alexander Vindman, an Active-Duty Army officer serving on a detail in the White House, testified before Congress. Since Lieutenant Colonel Vindman's testimony was announced and especially in the past 24