

the House extend its precedent-breaking spree over here to our Chamber.

There will be no unfair new rule book written solely for President Trump. The basic organization of the first phase of this trial will track the phase one of the Clinton trial, which all 100 Senators voted for in 1999. I have said for months that this is our preferred route.

By the way, that is exactly what the American people want. Seventy-seven percent told a Harvard-Harris survey that the basic outline of a Clinton trial, reserving the witness question until later in the proceedings, ought to be good enough for this President as well. Fair is fair. In the same survey, 58 percent of Americans said they want Speaker PELOSI to do her job and send the articles to the Senate rather than continue delaying.

It makes sense that American families have lost patience with this act just like we Senators have lost patience with it because this is not just some intramural tiff between the two Houses in our bicameral legislature. This recklessness affects our entire country.

When you take a step back, what has really happened over the last 3 weeks? What has happened? When you take a step back from the political noise and the pundits discussing “leverage”—by the way, that never existed—what have House Democrats actually done?

This is what they have done. They have initiated one of the most grave and most unsettling processes in our Constitution and then refused to allow a resolution of it. The Speaker began something that she herself predicted would be “so divisive to the country,” and now she is unilaterally saying it cannot move forward to resolution.

It is bad enough that House Democrats gave in to the temptation of subjective impeachment that every previous House for 230 years has managed to resist. However unwise, that is their constitutional prerogative. They get to start it, if they choose, but they do not get to declare that it can never be finished. They do not get to trap our entire country into an unending “Groundhog Day” of impeachment without resolution.

Alexander Hamilton specifically warned against a procrastinated resolution of impeachments. In part, that is because our duly-elected President deserves a verdict, just like every American who is accused by their government deserves a speedy trial.

This goes deeper than fairness to one individual. This is about what is fair to the entire country. There is a reason why the Framers did not contemplate a permanently unsettled Presidency. That is true under any circumstances, but consider especially the circumstances of recent days. Even as the Democrats have prolonged this game, we have seen Iran escalate tensions with our Nation. We live in a dangerous world.

So, yes, the House majority can create this temporary cloud over a Com-

mander in Chief if they choose—if they choose—but they do not get to keep the cloud in place forever. Look, there is real business for the American people that the Senate needs to complete. If the Speaker continues to refuse to take her own accusations to trial, the Senate will move forward next week with the business of our people. We will operate on the assumption that House Democrats are too embarrassed—too embarrassed—to ever move forward, and we will get back to the people’s business.

For example, the Senate continues to process President Trump’s landmark trade deal, the USMCA, through our committees of jurisdiction. It passed the Senate Finance Committee this week by a landslide vote of 25 to 3, a major victory for the President and for working families. Now our other committees will continue their consideration.

And there is more. The epidemic of opioids, fentanyl, and other substance abuse continues to plague our Nation. Some colleagues have signaled they may raise privileged resolutions on war powers. The Senate has plenty of serious work to do for our country. So while the Speaker continues her irresponsible games, we will continue doing the people’s business.

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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Paul J. Ray, of Tennessee, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

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. 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 Democratic leader is recognized.

IRAN

Mr. SCHUMER. Madam President, yesterday the Senate received a classi-

fied briefing for all Senators from the Trump administration on the recent military operation that killed Iranian General Soleimani. Nearly the entire Senate attended, but only 15 Senators were able to ask questions before the administration decided they had to go. As many as 82 Senators were left hanging in the balance without a chance to answer their questions. It was a sight like none I have ever seen in my time in the Senate.

This is a crucial issue: war and peace. These were five of the leading people involved in the decision making, past, present and future. If they couldn’t stay to answer questions in a classified briefing, that is the ultimate disrespect to the Senate.

I have to tell you, it was not just Democrats who were upset and not just on the Republican side. Senator PAUL and Senator LEE were upset. Four or five Senators came over to me, in that room, when I made the request that they come back, and said: Please count me in on that.

As Secretary Pompeo was practically running out the door, I asked the White House representative if they would come back and finish the briefing. Pompeo said no, on his behalf, but the White House representative assured me the group would be back in short order.

I said: Within a week.

In the room, in the SCIF, he said they will definitely come back.

This morning, the White House told me they would explore coming back. They are already backing off, as usual. This is imperative. We are asking, in as polite a way as we can right now, Democrats and Republicans, that these five leaders—the head of DNI, the head of the CIA, the head of the Joint Chiefs, Secretary of Defense, and the Secretary of State—come before us within a week and answer the questions of the 82 Senators who were on the list and wanted to ask questions but couldn’t.

The scene at yesterday’s briefing was unacceptable, as Members of both sides of the aisle have attested. Eighty-two Senators—chairs, ranking members, appropriators, authorized—were snubbed by this administration on a matter of war and peace. They must return.

Again, this administration’s thwarting of the exquisite balance the Founding Fathers put in place between the Congress and Presidency is something that would make the Founding Fathers turn over in their graves and strikes at the core of what America is all about.

Why is it important we have this briefing? Because the danger of war is still very real. There seems to be a sense that Iran’s missile strikes on U.S. installations in Iraq, which resulted in no U.S. or coalition casualties, was a signal that our hostilities between our two countries are deescalating. If that is true, it would certainly be a good thing, but we all know Iran has many different ways of causing trouble in the Middle East. Over

the last decade, Iranian proxies have exported terror, fomented civil strife throughout the region. We know they may seek to strike the United States in many new ways, like through cyber attacks. Undoubtedly, there is still a danger Iran will retaliate for the death of General Soleimani in other ways, not only in the next days, where it is possible they could, but in the next weeks and months.

In a speech yesterday, the Iran Supreme Leader said the Iranian missile strike was just “one slap.” “Such military actions,” he continued, “are not enough as far as the importance of retaliation is concerned.” We have good reason to worry that Iran will do more, particularly, given the fact that they are a regime that has many hard-liners who hate the United States and will try to do us as much damage as they can. For other reasons as well, the risk of confrontation with Iran has grown more acute, some of it because of President Trump’s actions.

At the President’s order, we now have at least 15,000 additional U.S. forces in the Middle East—more forces than we had at the beginning of last summer—15,000 more. The Iranian public, which only weeks ago was protesting its own political leaders, has rallied behind the regime and is directing its entire ire at the United States. Iran has also announced that it will no longer abide by any restraints on its nuclear program that were imposed by the JCPOA, signaling its possible intent to pursue a nuclear weapon.

For all these reasons—that clearly Iran is still a great danger and the risk of war still looms—we need Senator KAINE’s War Powers Resolution more than ever.

The President has made several erratic and impulsive decisions when it comes to foreign policy that have made Americans less safe, put even more American forces in harm’s way. More American troops are now headed to the Middle East. We are not reducing our troop load; we are increasing it.

Iran is no longer constrained by limits on its nuclear program. We find ourselves even more isolated from allies and partners around the world who are shaken by the recklessness and inconsistency of the administration’s foreign policy. The Trump administration cannot even complete a congressional briefing. Congress, unequivocally, must hold the President accountable and assert our authority over matters of war and peace. That is what Senator KAINE’s resolution would do.

We will have a debate on the floor in the Senate. I urge my colleagues to support the Kaine resolution. There are many different ways we can make sure we don’t go into a war recklessly and without check.

Senator SANDERS today is introducing legislation, of which I am a cosponsor, that will hold back funding for such a war. We Democrats will continue to pursue ways to assert our constitutional authority and make sure

that before the administration takes any actions—because so many of their actions tend to be reckless and impulsive—they have to get the OK of Congress.

IMPEACHMENT

Madam President, on impeachment, I have to respond to Leader MCCONNELL’s hyperbolic accusations that the Speaker is trying to dictate terms of the Senate trial. I know the Republican leader must be upset he cannot exert total control over this process, but Speaker PELOSI has done just the right thing. I can understand why Leader MCCONNELL is so frustrated. If the Speaker had sent the Articles of Impeachment over to the Senate immediately after they passed, Senate Republicans could have moved to dismiss the articles. There was a lot of talk about that a while ago. There wouldn’t have been a fair or even a cursory trial, and they might have even tried to dismiss the whole articles before Christmas. Instead, over the past few weeks, not only have they been prevented from doing that, there have been several crucial disclosures of evidence that appear to further incriminate the President, each disclosure bolstering the arguments we Democrats have made for a trial that features the relevant witnesses and documents. That has been Speaker PELOSI’s focus from the very beginning and has been my focus from the very beginning: getting a fair trial that considers the facts and only the facts. As I have said repeatedly on this Senate floor, as Joe Friday said in “Dragnet,” “Just the facts, ma’am.”

The Speaker and I are in complete agreement on that point, and because the Republican leader has been unable to bring up the articles and dismiss them or stampede through a trial over the Christmas period, the focus of the country has been on witnesses and documents.

Leader MCCONNELL will do everything he can to divert attention from that focus on witnesses and documents. He knows his Senators are under huge pressure not to just truncate a trial and have no evidence; that it will play very badly in America and back home in their States. He is a very clever fellow, so he doesn’t just say no. He says: Let’s delay this for a while and see what happens.

I have little doubt most people who follow this—most Republicans probably quietly—have little doubt that Leader MCCONNELL has no interest in witnesses and documents, no interest in a fair trial. When we say “fair trial,” we mean facts; we mean witnesses; we mean documents.

When the impeachment trial begins in the Senate, the issue will return to witnesses and documents. It has been out there all along but will come back even stronger. That question will not be decided, fortunately, just by Leader MCCONNELL. Every Senator will have to vote on that question. Those votes at the beginning of the trial will not be

the last votes on witnesses and documents. Make no mistake, we will continue to revisit the issue because it is so important to our constitutional prerogative to hold a fair impeachment trial.

The American people believe, overwhelmingly, and regardless of partisan affiliation, that the Senate should conduct a fair trial. A fair trial means that we get to hear the evidence, the facts, the truth. Every Presidential impeachment trial in history has featured witnesses and documents. The trial of the President should be no different.

The Leader has accused the Speaker of making up her own rules.

Mr. Leader, you are making up your own rules. Every trial has had witnesses. Will you support this trial having witnesses or are you making up your own rules to serve the President’s purpose of covering up?

The argument in favor of witnesses is so strong and has such common sense behind it that my Republican colleagues cannot even argue against it on the merits. They can only say: We should punt the question. Maybe we will decide on that later, after both sides finish making their cases.

As already explained over and over again, but it is worth repeating, that position makes no sense from a trial perspective. Have both sides finish their presentations and then vote on whether there should be evidence? The presentation should be based on evidence, on witnesses, on documents. It should not be an afterthought.

I say to my Republican colleagues, this strategy of voting on witnesses later lives on borrowed time. To repeat, once the trial begins, there will—there will be a vote about the question of witnesses and documents, and the spotlight will be on four Republican Senators, who at any point could join Democrats and form a majority in favor of witnesses and documents. Four Republicans could stand up and do the right thing. Four Republicans could make a difference between a fair trial and a coverup. Four Republicans could do what the Founding Fathers wanted us to do: hold a fair trial with all the facts.

All Leader MCCONNELL can do right now is try to divert attention, call names—he is good at that—and delay the inevitable, but he can only delay it. Every single one of us in this Senate will have to take a stand. How do my Republican friends want the American people, their constituents, and history to remember them? We shall see.

I yield the floor.

THE PRESIDING OFFICER. The majority whip.

Mr. THUNE. Madam President, I think it is safe to say that most Republicans here in the Senate expect that at some point we will be receiving Articles of Impeachment from the House of Representatives, at which time we will conduct the Senate’s business. We will give the President a fair opportunity to be heard—something that was lacking in the House of Representatives.