

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 “Dagnet,” “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.

I heard the Democratic leader's suggestion that the reason the House had to sit on this is because if they sent this over to the Senate, somehow the Senate would dismiss this earlier, immediately, or something along those lines. I have no idea where that comes from. That has never been the intention here for Republicans in the Senate. Republicans in the Senate know full well that we have a job to do under the Constitution in which we hear the case, hear the arguments, ask questions, and consider the possibility of additional evidence being presented. We have said all along that is how we intend to treat this. But we want to make sure it is a fair process—a process that isn't rushed, a process that isn't partisan, as it was in the House of Representatives.

We have gone so far as to suggest that the precedent to be used be the Clinton precedent—in other words, the precedent that was used during President Clinton's impeachment process back in 1999. At that time, there were 100 votes in the Senate—Republican and Democrat—supporting that particular process, which, as I pointed out, allows for both sides to make their arguments. The managers in the House of Representatives come over and make their case, and the President and his team have an opportunity to respond to that, and then there is an opportunity for Senators to propound questions. It seems to me, at least, that is a fair process.

So far, we haven't seen the articles; nor have we seen any cooperation from the Senate Democrats about a process that would do all the things I just mentioned. So the Democratic leader's suggestion that they needed to wait all this time because they have to somehow ensure that Republicans were not going to dismiss this is a false argument.

I would argue that the House of Representatives sitting on this and stalling it undermines the very point they made about why it was so important that they do this. If they rush it, if they do not hear some of the witnesses, if they do not subpoena some of the witnesses—some of the very people they want the Senate to subpoena and hear from—are people they could have subpoenaed and heard from.

They have now evidently concluded that—while at one time “We just have to get this through because this President is such a clear and present danger to the country. We have to do this fast and do it with a sense of urgency,” now, all of a sudden, the brakes have been put on and for no apparent reason other than, I would argue, they see political advantage in doing that.

But the fact is, the Senate will hear this at some point if we receive the articles, and we will employ a process—a fair process—that allows both sides to make their arguments and to be heard. Then we will allow the Senate to do its will, and whatever 51 votes in the Senate decide is ultimately how this will be disposed of.

I can tell you, contrary to the assertions of the Democrats, I believe people across this country are very weary and tired—frankly, in some ways exhausted—from having this thing just drag on. There are so many important issues we need to deal with.

We have a trade agreement that is teed up and ready to go—I hope we can vote on it here in the Senate—that has real relevance to the American people. There are farmers and ranchers in my State of South Dakota and across this country who desperately need to expand and open markets. We have depressed ag prices and low commodity prices in both grains and livestock, and we need to create opportunities for these farmers to get back on their feet and to restore profitability.

Instead of doing that, we are waiting for the Articles of Impeachment to come here. Assuming that they do, we will spend who knows how long on processing that at a time when there are so many pressing needs the American people care deeply about, not to mention the fact that in November of this year, we will have a Presidential election and congressional elections, where the people of this country can weigh in. They can have their voices heard.

That is how we ought to decide the differences we have in this country. If you have a difference with the President of the United States, you will have an opportunity to go vote in November of this year. If you decide you don't like him and you want to vote him out of office, you can do that. That is where the people believe this ought to be decided, not through a long, drawn-out, protracted process here in Washington, DC, where a bunch of Members of Congress, who should be working on important issues like energy, healthcare, economy, jobs and wages, and things like that, are bogged down with this impeachment process.

I believe the American people are weary. I think they know that starting in about 3 weeks in Iowa, they are going to start voting. We have a Presidential election that is underway, and it seems to me that people who have views they want to express can make their voices heard in the election, rather than having a long, drawn-out impeachment process, which, as I said earlier, the House of Representatives initiated in such a hurried way that they came up with some pretty weak tea-type Articles of Impeachment in a rush to try to get it over here. Now they are stalling it and not delivering it.

The Senate is not going to act, obviously, until the House acts and sends over those articles. When they do, we will ensure that, unlike the way they conducted themselves in the House of Representatives, it is a fair process that gives the President of the United States, who has been attacked through this process, a chance to respond and defend himself.

#### TRACED ACT

Madam President, it is safe to say that pretty much every American has been subjected to annoying and illegal robocalls. Who hasn't picked up the phone to discover it is an automated message telling you that you have won a trip to the Bahamas, which you can secure by passing along your credit card information, or asking for important banking information so your account won't be closed?

These calls are a major nuisance, and too often they are more than a nuisance. Every day, vulnerable Americans fall prey to ever more sophisticated scammers and have money or their identities stolen. Individuals who fall prey to scammers can spend months or years struggling to get their lives back.

I have been working on the issue of robocalls for several years now, first as chairman of the Senate Commerce Committee and now as chairman of the Commerce Subcommittee on Communications, Technology, Innovation, and the Internet.

I worked with Senator MARKEY to lobby the Federal Communications Commission to create a single, comprehensive database of reassigned telephone numbers so that legal callers could avoid contacting people who hadn't signed up for messages.

I have spent a lot of time examining ways to discourage illegal robocalling. While Commerce Committee chairman, I held a hearing with notorious mass robocaller Adrian Abramovich. His testimony made clear that current penalties for illegal robocallers were not sufficient. Illegal robocallers have been building the cost of fines into their activities, and so far, there has been no effective mechanism for criminal prosecution.

Based upon Abramovich's testimony and testimony from Federal enforcers, I developed the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, or what we call the TRACED Act, along with Senator MARKEY. At the end of December, the President signed our bill into law. The TRACED Act provides tools to discourage illegal robocalls, protect consumers, and crack down on offenders.

As I mentioned earlier, criminal prosecution of illegal robocallers can be difficult. Scammers are frequently based abroad and can quickly shut down shop before authorities can get to them. I believe we need to make sure there is a credible threat of criminal prosecution and prison for those who use robocalls to prey upon the elderly and other vulnerable Americans. To that end, the TRACED Act convenes a working group with representatives from the Department of Justice, the Federal Communications Commission, the Consumer Financial Protection Bureau, State attorneys general, and others to identify ways to criminally prosecute illegal robocalling.

In the meantime, it expands the window in which the Federal Communications Commission can pursue