

when the time comes, Leader McCONNELL will say that we have heard enough, that the trial shouldn't drag on any longer, that the Senate doesn't need witnesses and documents, and that we should, just as he once said "vote and move on."

Before Senate Republicans are so quick to reject the Democratic proposal for a limited list of relevant witnesses and documents, I want them to consider that our proposal would save the Senate time. We want to confront the issue now, not be forced to extend the trial later. We want both the House managers and the White House defense counsel to have time to incorporate the testimony of witnesses into their presentations. That is the proper way to proceed. That is what happens at trials—collect all the evidence at the beginning, not at the end.

All we are asking is for the President's own men, his appointees, to come forward and tell their side of the story. The American people want a fair trial in the Senate. The American people know that a trial without witnesses and documents is not a real trial; it is a sham trial. And the American people will be able to tell the difference between a fair hearing of the facts and a coverup.

#### IRAN

Madam President, on Iran, the Senate will soon consider Senator KAINE's War Powers Resolution, which would prevent further hostilities with Iran without congressional approval. It is a crucial vote that will correctly assert this body's constitutional authority over matters of war and peace, and it is certainly timely.

The past few weeks have highlighted the President's impulsive, erratic, and often reckless foreign policy, the consequences of which have made Americans less safe and unnecessarily put our Armed Forces in harm's way. From North Korea, to Syria, to Russia, it is impossible to say the world is a safer place today than when President Trump took office, and it is very possible to say that President Trump, by his impulsive, erratic, and ego-driven actions, has made things worse.

With respect to Iran, the President's recent actions have increased the risk of further hostilities in the Middle East. The President campaigned on getting the United States out of "endless wars" in the Middle East, but the President has deployed thousands more U.S. troops in the Middle East with hardly an explanation to Congress or to the American people.

I have long been concerned that the President's chaotic, impulsive decisionmaking might stumble us into war. With Iran, like with many other places around the globe, the President's policy has brought us closer to the kind of endless war the President promised we would avoid.

It is past time for Congress to place a check on this President. On matters of war and peace, congressional oversight and congressional prerogatives

are not optional. I urge my colleagues on both sides to vote in favor of the Kaine resolution.

Senator SANDERS also has a bill that would deny funding for a war with Iran, of which I am a proud cosponsor. The Senate should consider that legislation as well. As the situation with Iran continues to evolve, the administration must come back and brief Congress on all major developments, troop deployments, and long-term strategy in the region.

#### CHINA

Madam President, finally, on China, tomorrow the United States will complete a signing ceremony for the so-called phase one trade agreement with China. After 18 months of negotiations, the phase one deal is remarkable for how little it achieves at an enormous price.

President Trump has agreed to scale back some tariffs on Chinese goods in exchange for temporary assurances that China will increase its purchase of U.S. exports over the next few years, particularly in agriculture.

For all the effort and turmoil over the past few years, the deal President Trump will sign tomorrow hardly seems to advance the United States past square one. It fails to address the deep structural inequalities in the trade relationship between China and the United States.

For the past decade, China has stolen American intellectual property through forced technology transfers of our companies and through outright cyber theft. The President's phase one deal doesn't even address this issue. China has routinely subsidized its most important domestic industries. Not just labor-intensive industries but even industries like Huawei are subsidized to gain unfair advantage over American companies. China has dumped goods illegally into our markets. It has manipulated its currency to keep prices low. The President's phase one deal doesn't address any of these issues.

Not only does this deal fail to make any meaningful progress toward ending China's most flagrant abuses, what it does achieve on the agricultural side may well be a day late and a dollar short. China has already made long-term contracts with other producers of soybeans and other goods in places like Argentina and Brazil. American farmers have already lost billions over the last 2 years, watched their markets disappear, and too many American farms have gone bankrupt in the time that it took President Trump to reach this deal.

I have publicly praised the President when he is tough on China, at some political cost. I have said he has had better instincts on China than previous administrations. Few politicians have been talking about securing real reforms to China's economic policies longer than I have. But I fear that with an election around the corner, the President is taking the easy way out—

settling for a weak deal that will cost American businesses, American farmers, and American workers for years and years to come.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

#### IRAN

Mr. THUNE. Madam President, this week we expect to vote on a War Powers Resolution related to operations in Iran. I am pleased that the President's demonstration of strength has restored our position of credible deterrence. Some have challenged that the President's action was escalatory, but the reality is that Iran had become increasingly bold. The United States responded in self-defense, and, as the President has said, it appears that Iran is standing down.

Hopefully Iran's tragic error in shooting down a civilian passenger plane has served as a sobering check on the regime's activities. We have seen thousands of Iranians rallying in the streets in recent days protesting the bringing down of the passenger plane and calling for change. I hope the people of Iran are able to organize and demonstrate in safety and that their hopes and prayers for change are answered.

Soleimani's death provides an opportunity for Iran to rethink its direction, to move away from brutally oppressing its citizens and fomenting violence throughout the Middle East. We should encourage such rethinking by continuing to make it clear through the sanctions the President has imposed and other measures that we will not accept Iranian aggression against Americans or our allies.

#### IMPEACHMENT

Madam President, on an issue closer to home, at the end of last week, Speaker PELOSI announced that she was finally ready to send over the Articles of Impeachment—the next step in a saga that began 3 years ago. That is right, on January 20, 2017—Inauguration Day—the Washington Post ran an article entitled "The campaign to impeach President Trump has begun."

It is important that we not forget this. We need to remember how we got here. Democrats would like to think that this impeachment was the result of a high-minded, impartial, thoughtful procession. It wasn't. It was the result of a 3-year-long partisan crusade to damage or remove this President.

It is fair to say that the actual impeachment process was the most rushed, most biased, and least impartial impeachment process in history. For evidence, look no further than the Democrats' behavior in the wake of the impeachment vote.

Democrats rushed the Articles of Impeachment through the House because, we were told, it was urgent that the President be removed from office. One Democrat even said that the House was acting hastily because there was "a crime spree in progress." And then what did Democrats do? Instead of

sending the Articles of Impeachment over to the Senate so the Senate could conduct a trial, Speaker PELOSI and the House Democratic caucus sat on the articles for close to a month.

The delay was so flagrantly unjustified that even Senate Democrats started to express their impatience with the House. "If it's serious and urgent, send them over." That is a quote from the highest ranking Democrat on the Senate Judiciary Committee. She went on to say: "If it isn't, don't send it over." A fair point. But House Democrats never really believed in the seriousness and urgency of the articles. If they had, they would have sent them over to the Senate immediately.

Of course, while Senate Democrats have gotten impatient with the House, Senate Democrats have also demonstrated a healthy dose of partisanship around the impeachment.

Senate Republicans have proposed modeling the rules for the first phase of this impeachment trial on the rules that governed the Clinton impeachment trial—rules that were agreed to unanimously by Democrats and Republicans at the time—but Senate Democrats are having none of it. These rules were eminently fair and, as I said, were supported by every single Democrat before President Clinton's impeachment trial. These rules gave both sides—the House impeachment managers and the President and his team—an opportunity to make their case, and they gave Senators an opportunity to question both sides and only then make a determination as to whether additional information or witnesses were needed. These rules were good enough for Democrats and Republicans back then; they ought to be good enough for Democrats and Republicans today.

I am glad Speaker PELOSI is finally sending over the articles so we can move forward with this process and then get back to doing the work the American people sent us here to do, but I am saddened by the damage Democrats have done to the institution and the processes of government.

The overturning of an election—the overturning of the American people's choice—is a very serious thing. It is a remedy to be wielded only with careful deliberation, in the most serious circumstances.

The Democrats have spent the past 3 years treating impeachment not as a remedy of last resort but as a way of overturning an election where they didn't like the outcome. That is not what impeachment was intended to be. By hijacking the impeachment process for political purposes, Democrats have made it clear that they believe election outcomes don't matter and that they believe it should be the Democratic Party, not the democratic process, that decides elections. And that is profoundly disturbing.

This fall, the American people will have a chance to render their verdict on the Trump Presidency. In fact, Presidential primary voting begins in just a

few short weeks. It is a great pity that Democrats have sought to preempt the next Presidential election with a partisan impeachment process in Washington, DC.

I hope we can move beyond this impeachment and the hyper-partisanship the Democrats have engaged in over the past 3 years. This institution should be in the business of governing, not endlessly trying to overturn an election. I hope in the future we can keep impeachment as a serious remedy for the most serious of crimes, not as a political weapon to be used whenever a partisan majority in Congress despises the occupant in the White House.

We will do our constitutional duty in the Senate over the next few weeks, and after that, I look forward to getting back to the business of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, the Senate as it is currently meeting is in the normal course of business, but in just a few days, this Senate Chamber will change. It will no longer be the Senate considering resolutions and legislation; it will be a Senate considering an impeachment proceeding. It will be a piece of history for those who watch. This will be only the third time in the history of the United States of America that the Senate will be convening for an impeachment proceeding relative to the President of the United States. It is a matter of the most serious constitutional gravity, and I hope all of us as Members of the Senate will consider it and approach it that way.

Under the Constitution, we have a unique role as Members of the Senate. We are the jurors; we are the jury. There are 100 Senators who will decide whether the Articles of Impeachment should be voted on and whether the impeachment of the President of the United States should proceed.

We are also in a unique role under the Constitution in that we aren't just jurors sitting silently in the jury box. We are also judges in one respect. We set up the procedure, the way the trial moves forward.

Before I was elected to Congress, I used to practice trial law, and jurors had the ultimate word in terms of the fate of my clients, but the jurors didn't decide the procedure of the trial. That was decided by a judge. When it comes to an impeachment proceeding under the Constitution, the actual process or the procedure of the impeachment trial is decided by the jurors, the Senators. It is very unusual, but it was a decision made by our Founding Fathers to put this ultimate test of impeachment in the hands of the Senators.

Why pick the Senate? It could have gone to the Supreme Court or some other tribunal. Alexander Hamilton said that there were two reasons they wanted to bring the impeachment trial to the floor of the Senate. He said that the Senators, by their nature and polit-

ical composition, would be "independent and dignified"—his words, "independent and dignified." I hope he is right.

I was here 20 years ago during the Clinton impeachment trial, and I can remember very well how the temperament and mood and environment on the floor of the Senate changed when the impeachment proceedings began. There was the arrival of the Chief Justice of the Supreme Court in his judicial role to sit where the current Presiding Officer of the Senate is sitting and to preside over the trial. Instantly, when you walked into the Chamber and saw the Chief Justice, you knew this was different. This was a new challenge. This was being treated differently by the Constitution.

Then, of course, each of us, having been sworn in to be Senators representing the States that sent us, take a separate oath when it comes to our responsibilities under impeachment. That oath is fairly routine, but it includes one phrase that stands out when I read it. We swear that we will impart "impartial justice" as impeachment jurors—impartial justice. We hold up our hands and swear. We sign the book on the desk at the front of the Senate, as a matter of history, that we have made this oath for impartial justice. That is why I have been troubled, as we lead up to this impeachment proceeding, when I hear some of the statements and speeches that have been made on the floor of the Senate.

The Republican leader from Kentucky said very openly several weeks ago that he was going to work with the President's defense team to prepare for how he would handle the impeachment proceedings in the Senate. I understand there are some elements of this that just make sense that there would be conversation with the managers of the impeachment as to the procedure to be followed. But what we have heard, even today, on the floor of the Senate is more than just cooperation in setting up the workings of the impeachment proceeding. What we have heard from the Republican majority leader is nothing short of an opening statement at a trial. He has come to the floor even today to question, challenge, diminish, even ridicule the entire impeachment proceeding. To me, that steps over a line—a line where we were sworn to show impartial justice in this proceeding. When the Senator from Kentucky comes to the floor and says, for example, that this is a hurried process, he raises the question as to whether the impeachment proceedings in the House were appropriate. He is correct when he says that the previous impeachments have had lengthy investigations leading up to them. In fact, one I recall before I was elected to Congress involving President Nixon went on for months on questions of the Watergate scandal, which was at the heart of the proposed Nixon impeachment. There were special prosecutors and investigators and people who worked

constantly for month after month after month before the Articles of Impeachment were being prepared. You may recall that President Nixon resigned before the actual impeachment proceeding.

But, then again, there was the Ken Starr investigation under President Clinton. It, too, went on for months with sworn testimony and depositions and videotaped proceedings of witnesses that led up to the impeachment.

This is different. The case is being brought to us by the House of Representatives for the impeachment of President Trump. It is true that in comparison it had a shorter investigative process, shorter than the two I just referenced. But it is also true that the second count of the Articles of Impeachment raises the question as to whether the President cooperated in providing witnesses and evidence that led to the Articles of Impeachment in the House, and that is one of the counts of impeachment against him—that he didn't participate and cooperate.

For the Senator from Kentucky to stand here and say that it should have been a lengthier proceeding in the House—there should have been more witnesses; there should have been more evidence—is to ignore the obvious. One of the counts of impeachment raises the question as to whether the President appropriately denied any cooperation with the House impeachment proceeding.

Secondly, the Senator from Kentucky comes to the floor and consistently says that the suggestion that we should allow witnesses and evidence to be considered is evidence of the weakness of the case coming out of the House of Representatives. Well, there aren't an exact number of parallels between ordinary civil and criminal litigation and impeachment proceedings, but in the world of law and trials, there is usually an opening pleading or proceeding through a grand jury that leads to charges against an individual. I have been through that many times on the civil side—rarely, but once in a while, on the criminal side. The trial itself takes that initial pleading, that initial statement of a case, and elaborates on it, opens up, brings in evidence and witnesses on both sides.

When we talk about witnesses and evidence coming before the Senate on any impeachment proceeding with President Trump, it isn't just on one side of the case. What we are suggesting is there should be witnesses from both sides. Let the President bring those who he believes can speak most convincingly to his innocence. Let the House managers supporting impeachment take the opposite position and find those witnesses who they think tell the story from their side of the case. That is the nature of a trial. The American people have seen it over and over again in their personal lives and in what they have witnessed on television and other places. Both sides

put on their best evidence, and, ultimately, the jury decides the truth of the matter. That is all the Democrats are asking for here.

We are asking that the impeachment proceeding witnesses be allowed on both sides, evidence be allowed on both sides, and, ultimately, as Senator SCHUMER said earlier, we get to the truth of the matter; we make our decision in the Senate; and the American people get to witness this democratic process.

Senator MCCONNELL has said in many different places that he resists this idea of witnesses and evidence, but I hope he will reconsider. I hope at least four Republican Senators will reconsider—if they are in Senator MCCONNELL's position—and opt, instead, for the historic precedent of witnesses and evidence at a trial.

The Senate will change this week. If you are witnessing it through C-SPAN or in the audience in the Galleries, you will notice it. First, the Senators will be on the floor of the Senate, which is rare, and second, with the Chief Justice presiding, there is a much different air in the proceedings and business of the Senate.

The final point I want to make is that I am troubled by the continued suggestion that the prospect of an impeachment trial is holding the Senate hostage, that we cannot consider serious legislation because of the possibility of an impeachment trial. It is true that once the trial starts, we devote ourselves to it. But that hasn't happened.

So how do the leaders of the Senate on the Republican side explain the year 2019? It was a unique year in the history of the Senate. It was unique for what we failed to do. During the course of the entire year, the Senate considered 22 amendments total. There were 22 amendments on the floor of the Senate. Six were offered by the junior Senator from Kentucky, all of which, I believe, failed. But there were 22 amendments in a year. I can tell you that it is not unusual if you look at the history of the Senate for us to consider 22 amendments in the course of a week, sometimes in the course of a day. But in the entire year, there were only 22 amendments. Why? Because Senator MCCONNELL, who has the power under the Senate rules, decided there would be no business before the Senate but for the filling of judicial vacancies and other Executive appointments. That was it. A handful of other pieces of legislation were considered—the Defense authorization bill and, finally, a massive spending bill—but never with amendments. So to suggest that the impeachment trial has something to do with the inactivity in the Senate is to ignore the obvious.

Last year, before there were any Articles of Impeachment, Senator MCCONNELL, under his leadership, called for virtually nothing to be debated and considered on the floor of the Senate. I have said this before, and I stand by it.

This is a Senate Chamber, but too many days, in too many respects, it is a storage facility. We are storing the desks of the Senate, once occupied by Senators who came here to work. They offered bills, offered amendments, had real debates and votes. We look at these desks and say: Boy, it must have been a great day in the Senate when you actually did that.

For the Republicans to blame the impeachment process for the inactivity of last year defies common sense. For that reason, I hope that when the impeachment trial ends, Senator MCCONNELL of Kentucky, the Republican majority leader, will consider at least 1 of the more than 200 bills that the Democratic House of Representatives has sent us to consider—bills relating to healthcare, bills relating to the price of prescription drugs, bills relating to student loans, bills relating to immigration. They are all sitting somewhere in a file cabinet and a computer somewhere in Senator MCCONNELL's office. Maybe we can be the Senate after the impeachment trial. It is in the hands of Senator MCCONNELL to make that decision.

#### WAR POWERS RESOLUTION

Madam President, let me speak to an issue that has been raised this morning, which is timely and critically important. The President tweeted last week to the country: "All is well." As we were teetering on the verge of war with Iran, he tweeted: "All is well."

But now details have come to light, and it is clear that all is not well. U.S. servicemembers of Ain Al-Asad Air Base in Iraq faced a sustained hour and a half of Iranian retaliatory attacks last week—a barrage described by one of the most senior commanders on the base as "designed and organized to inflict as many casualties as possible." Contrary to the tweet by our President that all is well, reports from witnesses suggest that despite heroic planning, we were, in fact, very fortunate—if not lucky—that none of our U.S. personnel were killed.

This gets me to the issue that needs to be brought before the Senate, one that goes to the heart of this Senate's critical, often neglected, constitutional responsibility. It is not whether Iranian General Soleimani was an enemy with American blood on his hands—that is a fact—but it is too simplistic to stop there. We have known that fact for a long time. Previous Presidents of both political parties have known General Soleimani's background—it is not in dispute—but it is a distraction to stop with that conversation.

The real question is whether President Trump, when he made the decision to target General Soleimani, considered the possibility that it would quickly escalate into a much larger confrontation with Iran, which is the possibility of a war—a distinct possibility and one never authorized by Congress.

Based on the administration's briefing last week, which I sat through, I