

even going so far as to trust Vladimir Putin, the leader of Russia, over our own intelligence sources, making it impossible to trust anything he says when it comes to matters as grave as war.

Some have even had the audacity to argue that the 2001 authorization for use of military force in Iraq is somehow a permission slip for the invasion of Iran. That is preposterous. I cannot imagine anyone here who took that vote 18 years ago thought that he was authorizing for future Presidents 18 years later to invade another country in the Middle East. I certainly didn't. The Constitution is clear. Article I, section 8 says the power to declare war is an explicit power of Congress, as it should be. One should never send our sons and daughters into war without having the knowledge and consent of the American people. Our Founding Fathers were wise in making sure this awesome power did not rest with a King or a Queen or anyone pretending to be but with the people of the United States and their elected Representatives.

I have made this same argument and much of the same speech in the past regardless of whether the occupant of the White House was a Democrat or a Republican. This Congress, already afraid to stand up to many of President Trump's worst instincts, must not do so in a march to another war in the Middle East. As such, I urge my colleagues here to do our job and reaffirm the Senate's constitutional role in matters of war.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Texas.

#### IMPEACHMENT

Mr. CORNYN. Mr. President, on January 20, 2017, at 12:19 p.m., the Washington Post ran a story with this headline: "The campaign to impeach President Trump has begun." Donald Trump had been President for only 19 minutes when that headline ran.

As we have since learned, it has been made abundantly clear that many of our Democratic colleagues simply don't recognize the President as having been legitimately elected, and they have been doing everything they can to remove him from office since he was first elected in 2016.

This has now taken a new form, that of impeachment—an impeachment that occurred 27 days ago when the House voted for two Articles of Impeachment. Their impeachment inquiry lasted 12 weeks, but it became clear that Speaker PELOSI and Chairman SCHIFF and Chairman NADLER were in a big hurry to get those Articles of Impeachment voted out of the House before the holidays. In the end, only the Democrats voted for these partisan Articles of Impeachment. Then the Speaker and the Democrats in the House declared victory.

That is when the breakneck pace of the impeachment process came to a

screeching halt. It appears Speaker PELOSI got cold feet when she realized the President would be afforded a fair trial in the Senate. That was not good enough for her. When we offered President Trump the same terms that President Clinton received during his trial, that wasn't good enough for Speaker PELOSI, for she wanted guarantees from the Senate. The Speaker of the House flatly refused to send the Articles of Impeachment to the Senate in order for her to somehow gain leverage over Senate trial procedures—a responsibility that falls far outside her job description. She was seeking assurances from the majority leader that he would redo the House's shoddy investigative work—something that is not part of our job description under the Constitution.

After weeks of holding the articles hostage with nothing to show for it, the Speaker has, apparently, finally caved. In holding the articles, she managed to accomplish something all too uncommon these days: she brought together Republicans and Democrats from both Chambers. Unfortunately, for the Speaker, this bipartisan, bicameral chorus of voices stood in firm opposition to her decision to withhold the articles.

Last week, she finally announced that she would be sending over the articles this week, and it now looks like a vote is scheduled for Wednesday, tomorrow, where impeachment managers will be identified, and the process of sending it to the Senate will begin in earnest. In a letter to her House colleagues on Friday, Speaker PELOSI indicated she would be sending the articles this week, and it looks like we are rapidly closing on the start of that trial.

As the majority leader has made clear from the beginning, this should be a far cry from the partisan impeachment process we saw in the House. We simply don't want to repeat the circuslike, partisan rush to impeachment that we saw in the House. Our responsibilities as Senators is to sit as a court—literally, as a jury—to consider the case that is being presented by the impeachment managers in the House as well as the President's lawyers.

Despite the Speaker's insistence, we, the Senate—the jury—are not going to be handpicking the witnesses before the trial begins. In no courtroom in America does the jury decide how the case before them will be tried. That is decided by the parties to the lawsuit, whether it is the prosecution in the case of a criminal case and the defense lawyer or the plaintiff and defense counsel in a civil case. The jury's job is to sit and listen and to weigh the evidence and to reach a verdict.

The Senate will—instead of the process Speaker PELOSI is advocating for—follow the only modern precedent we have, and that is the Clinton impeachment trial. If it was good enough for President Clinton, it is good enough for President Trump. We are going to fol-

low that precedent and provide for some order and fairness in the process and, again, not repeat the circus we saw in the House.

Just as we did in 1999, in the Clinton impeachment, we will begin with opening arguments. The impeachment managers, Speaker PELOSI's lawyers, will come over and present their case and argue their case. Then we will turn to the President's lawyers who will have a chance to respond. They can refer to some of the testimony of the 17 witnesses who testified during the House impeachment inquiry. They could offer additional evidence for the Senate to consider.

This is not a question of witnesses or no witnesses. That is a blatant misrepresentation by those who are trying to somehow work the public's understanding of exactly how this will proceed. As in the Clinton impeachment trial, all 100 Senators will have an opportunity to hear the case from both sides before making a decision whether we, the jury, want to have additional witnesses presented. That is what happened in the Clinton case, and that is what should happen with President Trump.

We will have an opportunity to ask written questions, which will be transmitted to the Chief Justice, who will then put those questions to the lawyers representing the impeachment managers and the President. Then we will be able to get information from them based on those questions.

The more I thought about it—ordinarily, in a trial you would have disputed facts, and then you would have the law applied to the facts as found by the jury, but the more and more I have heard about this impeachment inquiry, the more and more I am inclined to believe that the facts are not disputed. If the facts are not really disputed, why would you need additional witnesses?

There are people with opinions, there are people who draw inferences, and there are people who draw their own conclusions, but in the end, that is our job, not the witnesses' job. The witnesses' job is to provide the facts, should they be disputed, and it is our job then to decide whether this meets the constitutional standard of treason, bribery, or high crimes and misdemeanors.

What I find so amazing about these impeachment articles is neither one of them claim that President Trump committed a crime. Unlike the Clinton impeachment, where he was charged with perjury—with lying under oath—President Trump is not charged with any crime.

In the first Article of Impeachment, basically, what we have is a disagreement in the way in which the President handled aid voted by Congress that would then be given to the Government of the Ukraine. That is what this impeachment is about. This is not about high crimes and misdemeanors.

This is about political differences. This is about stylistic differences. This

is where diplomats and others disagree with the way the President handled himself. Well, fair enough, you are entitled to your opinion, but that doesn't make impeachment the appropriate remedy.

Here we are 11 months more or less until the next general election. I, for one, think it is dangerous to have 535 Members of Congress essentially be asked to convict and remove a President 11 months before the next general election; in other words, to substitute our views with those of the voters, the American people. I think that is very dangerous. If it succeeds here, I guarantee this will not be the last time.

Unfortunately, the House has normalized this concept of impeachment essentially for political differences. That is a dangerous concept, and it would be a dangerous precedent if we were to accept it.

This is the third time in American history—the history of our entire country—where this process will go forward in the Senate. We need to be very careful, very sober, very serious, and very deliberate in how we conduct ourselves and how we conduct this trial.

Unfortunately, Speaker PELOSI has violated her own admonition when, in March of 2019, she said that impeachment is too divisive, and it is just not worth it unless it is bipartisan, unless it is compelling. Well, this impeachment is neither bipartisan nor compelling. Speaker PELOSI apparently got stampeded by the more radical members of her caucus into this position, which now she is trying to find some face-saving way out. That is what this is about.

In the end, we know the politics, unfortunately, will continue in the Senate. We know that under the present circumstances, it is highly unlikely that 67 Senators, based on the record we know now, would vote to convict and remove the President. So what is all this posturing and grandstanding about with regard to witnesses or no witnesses—which I said earlier is a false choice. There will be witnesses, and there will be evidence. We are going to let the parties present it, and we are going to listen and make a decision.

This is about the Democratic leader trying to put incumbent Senators who are on the ballot in 2020 in a tough position. That is what this is all about.

In the end, this is not about President Trump. This is about who is going to maintain the majority in the Senate—whether Republicans will or whether the Democratic leader will accomplish his life's dream and become the next majority leader. That is what this is about.

Well, unfortunately, the Speaker's senseless delay tactics have robbed us all of the valuable time that we could have spent conducting this trial and moving on to more constructive business. We are waiting for the Speaker to deliver the articles, but in the meantime we are not sitting around twiddling our thumbs.

#### UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. President, last week, the Senate Finance Committee overwhelmingly passed the U.S.-Mexico-Canada trade agreement, which will replace NAFTA and guide our trade with Mexico and Canada into the future. This is a big deal for Texas and a big deal for the country. About 13 million jobs depend on trade between Mexico, Canada, and the United States.

We waited a long time for the opportunity to take up the USMCA. The heads of all three countries initially signed the deal back in November of 2019, and for over a year this is another example of the House foot-dragging.

At several points, we were left wondering whether the Speaker would intentionally blow up the trade deal over their own political motivations, but fortunately that didn't happen. We had a long delay, but we are finally to the point where the Senate can take up and pass the USMCA now that the House acted just before Christmas. This week, several Senate committees will review various portions of the agreement, and I hope we can actually get this trade agreement approved before we go to the impeachment trial. We will have the War Powers Resolution, which is privileged, and so that will come first, but hopefully there will be an opportunity to pass the USMCA before we go to this impeachment trial.

I have heard from countless of my constituents whose livelihoods depend on strong international trade, particularly with our southern neighbor, and they are eager to see this USMCA put to bed. It is frustrating that this process has already been prolonged and uncertainty has prevailed and kept farmers, ranchers, and manufacturers waiting for months on end, not knowing what ultimately would happen with the USMCA.

So I am ready for the Speaker to deliver her promise and finally transmit the Articles of Impeachment to the Senate so we can conduct that sober, deliberate trial according to the Constitution and then move on from these partisan games and get back to the work we were sent here to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that I be allowed to finish my remarks before the vote is called. I don't anticipate I will take very long.

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

#### NOMINATION OF PETER GAYNOR

Mr. REED. Mr. President, I rise to support the nomination of Peter T. Gaynor to be the Administrator of the Federal Emergency Management Agency, FEMA.

I have known and worked with Pete Gaynor for over a decade. Before taking over as FEMA Deputy Administrator in 2018 and becoming the Acting Administrator in 2019, Pete was the

emergency management director for the city of Providence and then the State of Rhode Island.

As a U.S. marine, he was on duty near the Pentagon on September 11, 2001, and helped direct important aspects of the response and recovery efforts in the days and weeks that followed. Later, he went on to serve in U.S. operations in Iraq before returning home to Rhode Island.

As EMA, emergency management agency director in Rhode Island, Pete led the response to federally declared disasters in our State and worked to successfully earn national emergency management accreditation for both the Providence and Rhode Island emergency management agencies. I know he will tap this full experience to serve the American people as FEMA Administrator, and FEMA needs solid leadership.

Indeed, as the flagship Federal Agency for disaster preparedness and response, FEMA faces extraordinary challenges, confronting the very real effects of climate-related disasters, reforming the National Flood Insurance Program, administering critical grant programs, and helping ready the Nation for possible chemical, biological, and radiological attacks.

Make no mistake, I have deep concerns about many aspects of the administration's approach to disaster recovery. Puerto Rico is a case in point. Now it is facing new challenges. As ranking member of the Transportation-HUD Appropriations Subcommittee, I have been dismayed by the Department of Housing and Urban Development's slow-walking of billions of dollars of disaster recovery assistance for Puerto Rico.

As the lead Agency for disaster response and recovery, FEMA must set the standard for professionalism and compassion for people and communities going through the worst experience of their lives. It is my expectation and my confidence that Peter Gaynor will work to make sure it happens.

I urge my colleagues to join me in voting to confirm him.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask for the yeas and nays on the pending nomination of Peter Gaynor to be the Administrator of the Federal Emergency Management Agency.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The question is, Will the Senate advise and consent to the Gaynor nomination?

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY), the Senator from North Dakota (Mr. CRAMER),