

## NOT VOTING—7

Alexander	Klobuchar	Warren
Booker	Perdue	
Cardin	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:12 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

## EXECUTIVE CALENDAR—Continued

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

The senior assistant legislative clerk read the nomination of Matthew H. Solomson, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

The PRESIDING OFFICER. The Senator from Texas.

## IMPEACHMENT

Mr. CORNYN. Madam President, before Congress adjourned for the holidays, our colleagues in the House of Representatives carried out their sole priority for 2019, which was to impeach President Trump. That was their No. 1 objective in 2019. While it is no secret that this is something they have been dreaming of since the day President Trump was inaugurated on January 20, 2017, it certainly took our colleagues in the House on a roller coaster ride and the country as well. I liken it, really, not to a roller coaster ride, but to a three-ring circus. It did not reflect particularly well on their body or on the seriousness of the process.

From March of last year, here is an important quote to remember. Speaker PELOSI cast a lot of doubt that an impeachment vote would even happen. This is from March 2019. She said:

Impeachment is so divisive to the country that unless there's something so compelling and overwhelming and bipartisan, I don't think we should go down that path, because it divides the country. And he's just not worth it.

That is what Speaker PELOSI said in March of 2019.

As we have seen, it was only a matter of time before the radical Members of her caucus forced Speaker PELOSI's hand and sent the House down a partisan impeachment rabbit hole. That is where they ended up. House Democrats dove head first into—as something our majority leader has said here in the Senate—the most rushed, least fair, and least thorough impeachment inquiry in American history. We have

only been through this three times before in American history. This is an extraordinary undertaking under our Constitution, to seek to impeach and remove a President less than a year before the upcoming election over something that does not even allege any crime but rather a disagreement with the way the President has conducted foreign policy, which is his role under our Constitution.

For as long as Democrats have been dreaming about this moment, you would think they would be well prepared for a thorough investigation and a presentation of their case to the Senate. Well, as it turns out, that is not even close. They moved through closed door depositions, public hearings, and a vote at an alarming pace, all to ensure that they could wrap up the process by the end of the year. Before the clock struck midnight, they managed to get it done.

Despite Speaker PELOSI's insistence less than a year ago that impeachment should be a bipartisan process, the House passed Articles of Impeachment with votes from just one party, which is the definition of partisan, not bipartisan.

In spite of the partisanship that has ensnared this process in the House of Representatives, we in the Senate have vowed to follow the framework set by the only modern precedent for an impeachment trial in the Senate, and that is of President Bill Clinton. In 1999, all 100 Senators, including both the current majority and minority leaders, voted in support of a pretrial resolution that laid the foundation for the trial ahead—this was in fairness to all concerned—so that the Senate could know how this would proceed and what they would be called upon to do.

Back in 1999, all 100 Senators decided to begin with opening arguments, to move to Senators' questions, and then to vote on a motion to dismiss. This would provide an opportunity to hear the case presented by the parties before the decision was made whether to hear from additional witnesses. I might add that I believe the House heard from 17 different witnesses.

All of the testimony certainly could be presented by the impeachment managers in the Senate. Sometimes, I hear people talking about whether we are going to have any witnesses or not. Well, of course, but witnesses come in different shapes, sizes, and form. There could be a live witness. There could be a witness's sworn testimony presented in a hearing or at a deposition outside of the Chamber and excerpts are read into evidence in the impeachment trial. This is not a question of whether we are going to have any witnesses or no witnesses. This is going to be a question of whether we are going to allow the impeachment managers from the House and the President's lawyers to try their own case. In an ordinary civil or criminal case, you don't have the jury trying the case for the prosecution or the defense or for the plain-

tiff or the defendant. The role of the jury is to sit and listen and then to decide after the evidence is presented.

Well, when the time came to vote on the motion to dismiss, during the Clinton trial, every single one of our Democratic colleagues who were here in 1999 voted to dismiss the charges—every single one. That was the Clinton trial in 1999. Then, when Members voted on whether or not to hear additional witnesses, every single one of our Democratic colleague who were here in 1999 voted no—no additional witnesses. Everyone voted no. That includes our friend the minority leader, Senator SCHUMER, who said on the Senate floor yesterday that everyone who is opposed to additional witnesses is participating in a coverup. Talk about a change of heart. You know that is the danger here in the Senate. If you have been here long enough, you can find yourself on the opposite side of almost any question that could come up. Certainly, Senator SCHUMER has found himself, first, saying in President Clinton's case no additional witnesses and, now, in the case of President Trump, he has changed the standard and says, if you don't vote for additional witnesses, you are somehow engaged in a coverup.

Well, I think people are smart enough to understand what that represents. It represents not only a change of heart, but it represents hypocrisy and a double standard.

When President Clinton was on trial, Democrats had zero interest in hearing from additional witnesses beyond that presented by the impeachment managers and the President's lawyers or spending more time on the trial. The way they saw it, all the information had been presented, and so they voted to throw the charges out. Now, I am not faulting them for that, per se. All 100 members agreed to the process that gave them the opportunity to make that vote, and they had every right to do so. Now that a Republican President is on trial, instead of a Democrat, our Democratic colleagues say the same process is not good enough. In other words, what was good enough for President Clinton is not good enough, in their opinion, for President Trump.

Instead of following the exact same framework used in the Clinton impeachment trial, they want to set the rules for the entire trial before we have even had a chance to hear the opening arguments. Here, again, I realize we have a lot of type-A personalities here—people who like to take charge—but that is not the role of the Senate during an impeachment trial. We are here to listen to the case presented by the impeachment managers from the House and the President's own lawyers, not to try to take over the process. In fact, the hardest thing a Senator is going to have to do during this impeachment trial is to sit and be quiet and let the parties present their case.

Well, our Democratic colleagues are even going so far as requesting specific

witness lists even before NANCY PELOSI has sent the Articles of Impeachment over. They obviously are having buyer's remorse about voting out Articles of Impeachment now and essentially admitting that the evidence is so flimsy that it needs to be bolstered by additional witnesses here in the Senate. Well, I am sure it comes as no surprise that Senate Republicans are not on board with this partisan approach to impeachment.

As you can imagine, NANCY PELOSI isn't happy that the power to make this decision is in the Senate's hands. One thing I have learned here in the Senate and in the Congress is that the Senate and the House are pretty jealous about the prerogatives of their body to be able to make decisions for themselves. The last thing the House ordinarily wants to do is have the Senate tell them what to do. Certainly, the opposite is true. The last thing the Senate wants to do is to have the House try to direct how the impeachment trial is conducted here in the Senate. Well, that is not the way it works, and that is not going to happen.

The Speaker has pulled the emergency brake on this rushed impeachment process and is refusing to send the Articles of Impeachment over here to the Senate because she doesn't think the framework used in the Clinton trial is good enough. She is now trying to use her role as Speaker of the House—admittedly, a very powerful position in our Congress—to try to make the rules of the Senate. She wants to set the parameters for what the Senate's trial will look like, which is not in her job description. I know it is a terrible revelation, but it is beyond her authority, beyond her power, and it ain't going to happen.

The way I see it, this dogged determination to interfere in the Senate process isn't because the framework we are planning to use is unfair or partisan. Obviously, all the Democrats who were here during the Clinton trial agreed to a similar process then, and now they want to change the rules for President Trump.

Speaker PELOSI also wants the Senate to do the work that Members of her caucus were either too rushed or too lazy to do for themselves. Ordinarily, if the charges are going to be brought, let's say, in a criminal case, there would be an indictment, and then the case would be presented. It would rise or fall based on the presentation of the prosecutors.

Well, here, I think the analogy is apt that it is the responsibility of the House to prove the Articles of Impeachment that they have charged. It is their responsibility, not ours. We are supposed to be the jury.

Speaker PELOSI knows, as we do, that the House did not do a good job in investigating the facts, and she thinks the Senate should mop up after the House created the mess that they did. That is not going to happen.

The House had ample opportunity and time to look at all the facts. The

problem the House has is that the facts they have discovered and alleged simply don't represent a high crime and misdemeanor, much less bribery or treason, which are the constitutional standards for an impeachment. What they have is a disagreement on the manner in which foreign policy was conducted with a President whom they hate. That is the reason they have impeached President Trump. It is not because of any bribery, treason, or high crimes and misdemeanors. As a matter of fact, they don't even charge a crime. What they do is charge obstruction of Congress.

Here is what happened. ADAM SCHIFF, the chairman of the Intelligence Committee, issued subpoenas to certain witnesses. The White House said: Hey, wait a minute. We believe we have a valid claim of executive privilege. Ordinarily, that would then go to a court, and the court would say yes or no or cut the baby in half.

But when the witnesses said we need to go to court for direction, ADAM SCHIFF dropped them like a hot potato and didn't even bother to call the witnesses or go to court to pursue the testimony he said was important. Now, that is on him. That is not on President Trump. To claim that their own mismanagement of the impeachment inquiry is grounds to impeach the President for obstruction of Congress would be laughable if it weren't so serious.

At their own volition, they rushed through the impeachment inquiry with reckless abandon, and it is not the Senate's job to reopen and redo their inglorious investigation.

The Senate's role, as I said, is to take the evidence compiled by the House and presented by the impeachment managers and conduct a trial based on the evidence that they present, not to somehow initiate a new investigation before we have even heard from the impeachment managers from the House, or to somehow say: Well, we are going to essentially become the impeachment managers ourselves, a role that the Constitution gives to the House and not to the Senate.

The Senate's role is to listen and to decide, not to try to hijack the process and to try to do something for the House that they have been unable to do themselves. Once the Speaker transmits the Articles of Impeachment to the Senate, the House's role as a body is done, and they speak and act through the impeachment managers, who will be presenting the case on behalf of the House.

When the Speaker decides to send the Articles of Impeachment to the Senate, we will be prepared to do our job. And unlike the House, we will do so in a serious and deliberative fashion and perform our constitutional duties under the Constitution and the rules of the Senate with regard to impeachment trials.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### FOREIGN POLICY

Mr. MENENDEZ. Madam President, for over 3 years now, everyday Americans, Members of this body, our diplomatic corps, and our allies and adversaries alike have wondered whether there is any sort of coherent strategy guiding the national security and foreign policy of President Donald Trump. If the events of recent days are any indication, the answer is a resounding no.

The Trump administration has no vision for how we might build a world that is more stable, peaceful, and prosperous for future generations. To be sure, the administration has some serious reports outlining global challenges and nicely drafted statements proclaiming their "America First" strategy. In practice, the President's erratic leadership and failure to invest in the very institutions we need to promote American national security have sowed chaos and increasingly left America alone. Our Nation has faced great challenges before. Yet, having served nearly three decades in Congress, I cannot recall a time when so many of them were of our own making and as predictable as they were avoidable.

Simply put, President Trump's foreign policy, like President Trump himself, is completely shortsighted, self-interested, and transactional.

The President's abandonment of our core values has already eroded America's standing abroad. Near the end of the last administration, the Gallup organization found that 48 percent of respondents in more than 100 countries worldwide had confidence in the United States. Today, it has gone from 48 percent to—it hovers around 31 percent. Furthermore, more people around the world likely trust—according to the poll—China or Russia rather than the United States.

I know that national security is not a popularity contest, but the erosion of America's standing in the world matters because it makes it less safe for Americans. It undermines our diplomacy. It hinders economic opportunity. It undercuts our ability to promote our values, betraying our centuries-long vision of our Nation as a city on a hill.

Our Nation was founded on noble ideals. It is those ideals more than our unrivaled economic strength and more than our unparalleled military might that have rallied the world to our side—from the defeat of fascism in Europe, to the rise of international institutions and security partnerships, and to the fall of the Berlin Wall and beyond.

President Trump has squandered this precious resource of our values—our "soft power"—through actions that betray our ideals, abandon our allies, and appease our enemies. Far from America First, this administration is leaving America isolated, corrupted, and behind. We see it again and again—from Ukraine, to Syria, to Iran and beyond.