

The fact of the matter is, no American, let alone a former President, should be tried before a juror who has already determined guilt or innocence and who also serves as a judge. I want to be abundantly clear, though, on one point. President Trump's words and actions leading up to the attack were reckless and wrong, but as we all know, the constitutional standard for impeachment isn't recklessness.

Treason, bribery, or other high crimes and misdemeanors—those are the offenses that the Constitution allows Congress to impeach and remove a President from office for violating or from committing, which brings us to one of the biggest concerns I have. Donald Trump is no longer President of the United States. He is a private citizen. Our Democratic colleagues moved so fast that they could impeach the President while he was in office but failed to transmit the Articles to the Senate until he became a private citizen.

Legal experts have debated not only the constitutionality of trying a former President but also the wisdom of doing so, and I share concerns on both those fronts. I think this ill-timed impeachment trial sets a dangerous precedent for future former Presidents.

As politicized as impeachment has become, it could become a reoccurring political exercise that would be toxic for our democracy. Prominent Democrats have warned about the dangers of using impeachment as a political weapon against an opposing party.

During the impeachment inquiry of President Clinton, Senator LEAHY himself counseled:

A partisan impeachment cannot command the respect of the American people. It is no more valid than a stolen election.

I agree with him. The problem with one party using impeachment to exact political retribution on an opposing party's President at the end of his term or even after that President has left office seems quite obvious to me. It is political retribution.

Depending on which party controls Congress and which occupies the White House, this could turn into a regular blemish on our democracy. Rather than focusing together on our future and a new administration, seeking common ground and unity, as President Biden has called for, such a precedent of trying a former President could create an endless feedback loop of re-creation.

I think this is a dangerous and destructive path, and I would implore my colleagues on both sides to consider the long-term implications of this precedent. As Justice Story explained, the Framers saw the Senate as a tribunal, in his words, "removed from popular power and passions . . . and from the more dangerous influence of mere party spirit," and was guided by "a deep responsibility to future times."

So, as before, I don't take my role as a juror lightly, and I will reserve final judgment until both the House im-

peachment managers and President Trump's defense team have had the opportunity to present their cases. But I do think, indeed, I fear, we are skating on very thin ice and are in danger of inflicting great harm to our country by this rushed, unfair, and partisan proceeding. May God help us.

Mrs. BLACKBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ISSUES FACING AMERICA

Mrs. BLACKBURN. Madam President, when President Biden addressed the Nation on Inauguration Day, he promised unity and bipartisanship. It was a big part of his inaugural address, and so far the Democrats here in Washington are not living up to that promise. Their message, and we saw this last week, is not unity; it is submit and conform.

On his very first day in office, President Biden rubberstamped 17 separate Executive orders. Since then, he has approved so many changes that a lot of Tennesseans can barely keep track of the orders and memos and directives that are flying out of the Oval Office.

It is safe to say the only benchmark they have to work with is the number of lost jobs we will see as a result of all of this paper-and-pen governance and paperwork. Jobs gone—stroke of a pen.

The American people are very unsettled by this. I am hearing it from Democrats, Independents, Republicans, Libertarians.

Last week, I came to the floor, and I spoke in detail about how this lack of clarity about the future has made many Tennesseans fearful of the impending changes to our national security policy. They are very unsettled.

So many of our veterans in Tennessee have talked with me about this. They don't like all this soft talk when it comes to talking about China and Russia and Iran and North Korea. They are worried about what comes next. The domestic policy mandates have done nothing at all to give reassurances or calm spirits.

Last week, the Senate Democrats put forth a budget proposal that treats struggling communities like hypotheticals that could work with theoretical changes, all created for a graduate-level economics exam. They are not dealing with real problems and real life.

For about 15 hours, we debated and voted on a fraction of the almost 900 amendments filed in an attempt to do some damage control to that budget resolution. But when Friday morning came and went, all the Democrats had to offer was a glaringly partisan resolution that blatantly contradicted President Biden's stated commitment to unity and bipartisanship.

And, you know what, in a perfect world, the solutions the Democrats have come up with just might work. But we do not live in a perfect world; we live in a fallen world.

This country is not created in the image of the Democratic Party. To anyone who has ever managed a small business budget, what my colleagues on the other side of the aisle are trying to do just does not make good common sense.

One of the top issues I hear about from people back home in Tennessee is this proposal they have for a \$15-an-hour minimum wage. I feel I should remind my colleagues that resistance to this mandate doesn't come from a place of stinginess or classist hatred but from a place of absolute confidence that it will destroy small businesses, even with the phase-in period.

I have not heard from a single business owner who will be able to pay the wage and employ the same number of people—not one. They will have to let staff go.

A report by the Congressional Budget Office released just today echoes and confirms their concerns. By 2025, the Democrats' proposal will cut jobs for 1.4 million workers, at a time when workers are struggling to get back to work. So much for job creation, and we all know the best economic stimulus is a job.

Just 6 weeks ago, Congress passed a \$900 billion COVID relief package. Very little of that money has been spent. Yet Democrats and the White House continue to demand trillions—that is right, trillions—in overbroad spending that targets no specific problem and has no actual bipartisan support. If that is not bad enough, billions of dollars from last year's bipartisan relief packages, all five of them, also remain unobligated.

So we are at \$3.6 trillion in spending, and they are wanting another \$1.9 trillion, with little idea of the effect that remaining unobligated funding will have on the economy. But still, the data shows that what has been spent already has made a difference and will continue to do so.

Relief should be timely. It should be targeted. It should be temporary. Those that need the help should get the help, but we do not need overbroad spending.

The Congressional Budget Office released another report just over a week ago showing that if we leave the laws governing how we tax and spend alone—leave them alone on the books, in force—the GDP will continue to rise and the economy will get back to its prepandemic health without, without Congress authorizing one more penny in relief spending.

So the American people want to know why, why are the Democrats claiming that the only solution to our present crisis is to spend as much as possible, as quickly as possible, without considering which sectors of the economy actually need the help, which families need help, which individuals need help.

What we do know is what we saw in 2009 and 2010 and 2011 and 2012 and 2013 and 2014 and 2015, which is that, if you

get in here and overspend without targeting, without direction, you slow the recovery. We know that. We watched it. We lived through it.

They are going to need a better answer than “because we say so,” “because this is what we are going to do,” because the people understand that the Federal deficit was historically large even before the pandemic. They know how debt works and that a big deficit means more of that Federal debt.

They also know that who holds that debt matters and that we are beholden, right now, to China, to OPEC, for trillions of dollars in that debt.

Scale that down for a minute. When that same thing happens to one of these small businesses, when they max their credit line, if they fall behind in their payroll, they can't plan for the future, they can't plan for emergencies, and they can't invest in their own success.

The same concepts apply to the Federal budget. You cannot tax and spend your way to prosperity. You have to have economic growth.

So I ask my colleagues: Why are you making decisions that are going to slow the recovery and slow the economic growth?

The Democrats' approach to planning for the future might sound good in theory, it might sound good in hypotheticals, but real-life economics is not. Future pandemics are not. The need to innovate and stay competitive in the warfighting domain is not. Those are real-life issues.

The Democrats have been so aggressive this past couple of weeks, and President Biden, in taking out the eraser and trying to erase 4 years of productive policy that benefited millions of Americans, and the people are starting to wonder what else they are going to throw away in favor of a very autocratic, authoritarian, empty vision for our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I ask unanimous consent that I be able to finish my remarks before the vote.

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

NOMINATION OF DENIS RICHARD MCDONOUGH

Mr. VAN HOLLEN. Madam President, I rise to support the nomination of Denis McDonough to be Secretary of the Department of Veterans Affairs. Mr. McDonough brings to this position a wealth of experience as a national security professional and White House Chief of Staff. He knows how to solve problems, break down bureaucratic silos, and deliver results.

As the VA Secretary, Mr. McDonough will face a host of new challenges brought on by COVID-19. I appreciate his commitment to addressing these issues head-on, including the need to lead an aggressive effort to vaccinate veterans and their healthcare providers, ensure that claims are processed in a timely man-

ner, and review the proposed rule on VA home loans exiting COVID-19 forbearance.

In addition to the immediate challenges posed by the COVID-19 pandemic, I know that one of Mr. McDonough's priorities is to tackle the structural needs of the VA. I am also pleased that Mr. McDonough has already promised to defend the VA healthcare system against efforts at privatization. Additionally, I am grateful for Mr. McDonough's assurances that he will act assertively to create a culture of zero tolerance toward sexual harassment and assault in the Department. This is of particular importance after a VA inspector general's report found that his predecessor engaged in active measures to discredit a congressional staffer who reported that she was sexually assaulted at a VA medical center. We must ensure that our women veterans are treated with dignity and respect at all VA facilities.

I also want to applaud Mr. McDonough's pledge to make ending veteran homelessness a national priority. My home State of Maryland has been a national leader in this effort. Montgomery County, MD, effectively ended veteran homelessness in 2015, and the Veterans Village in Perryville is creating a model for using VASH vouchers to build supportive communities that house and provide services to homeless veterans. The State is also moving forward with an aggressive effort to build a second veterans home in Sykesville. This is a moral imperative, and Maryland has been leading the way. I trust that we will have the same level of urgency from the VA under Secretary McDonough, and I look forward to continuing the partnership on these efforts.

The Department of Veterans Affairs provides crucial services, care, and peace of mind for our Nation's 18 million veterans. The VA has more to do to make sure that the care that it provides is worthy of those who served our Nation. I believe that Mr. McDonough's experience has prepared him well to continue that effort, and I support his nomination.

Mr. TESTER. Madam President, I rise today in support of Denis McDonough. Denis is President Biden's choice to lead the Department of Veterans Affairs.

Though there is a great political divide in our Nation, I believe that veterans across the country and Members on both sides of the aisle are united by a very basic expectation: that the next VA Secretary be an individual of honesty, integrity, and vision. This individual must listen to veterans and put their well-being above all else.

Denis McDonough has demonstrated that he is, unequivocally, the man for this job. And to be clear, this is not an easy job. But Denis is used to making tough calls. He has shown an exemplary commitment to public service and a strong willingness to do right by those who have worn the uniform and sacrificed on behalf of our liberties.

As White House Chief of Staff, he quickly earned a reputation for getting the job done, working across Federal Agencies, and finding common ground. For the last 20 years, he has played a key role in many decisions surrounding sending our military men and women to war and knows that taking care of these folks when they return home is a cost of war and a shared responsibility.

Veterans need someone like Denis fighting in their corner, but the truth is there is simply too much at stake.

With more than 400,000 Americans dying from COVID-19 in less than a year, the VA Secretary's top responsibility will be ensuring that the Department has everything it needs—from vaccines to personal protective equipment, to additional healthcare and supportive services—to care for veterans and to protect the VA's employees.

He will be held accountable when it comes to swiftly implementing a number of historic reforms, from the John Scott Hannon Veterans Mental Health Care Improvement Act, a bill that is out-of-box thinking to help our veterans in the mental health challenges and suicides that have resulted, to the Deborah Sampson Act, an act to help the largest or the fastest growing group of veterans, our women veterans, have access to care, to the expansion of presumptive coverage for thousands of additional Vietnam veterans exposed to Agent Orange and overdue coverage for our Vietnam veterans—not to mention a myriad of other critical priorities that have been in the works for years and need serious attention, such as the Caregivers Program and the electronic health record modernization effort.

But Denis is fully prepared to take on these responsibilities. He is ready to build the trust of our Nation's servicemembers, veterans, and their families, and treat them with the respect that they have earned.

Now more than ever, veterans need a strong leader who will prioritize delivering timely and quality healthcare and benefits over making political points. I am confident that, as VA Secretary, Denis will be squarely focused on serving these needs.

I ask my colleagues to join me today in confirming him to this role, where I have no doubt that he will be successful. Our Nation's veterans are counting on us.

Now, unfortunately, my friend and colleague, the ranking member of the Senate Veterans' Affairs Committee, JERRY MORAN, couldn't make it back in time for this nomination due to bad weather and flight delays. But he was planning on voting to advance this nomination today because he believes Denis McDonough is someone who shares his commitment to taking care of our veterans.

With that, I yield.

VOTE ON MCDONOUGH NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the McDonough nomination?